

**AGENDA
CITY COUNCIL MEETING
October 19, 2010**

5:30 Call to Order

1. [Approval of Minutes – October 5, 2010](#)

2. [Approval of Claims](#)

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the south wall of the City Council Chambers.

Anyone desiring to speak on an agenda item is invited to do so, and should limit themselves to three minutes. After being recognized by the Chair, proceed to the rostrum and state your name and address for the record.

The City Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

3. [Action on Request for Change Order From M.E. Collins Construction to Extend Contract End Date and Change in Ramp Design for the Downtown Sidewalk Project](#)

Background: In 2008, Wayne was awarded a \$250,000 grant to complete a Down Town Revitalization Project. That project has been underway and includes the \$624,000 sidewalk project, the \$150,000 building preservation and \$110,000 in ADA building accessibility improvements. The grant funds were used for building preservation and ADA accessibility, and the sidewalk costs are all paid by the building owners and the City of Wayne. The sidewalk costs are the community's match for the grant funds. The deadline for completion of the grant is March 30, 2011, and the last of the work to be done will be the sidewalks.

The sidewalk portion of this project was slow getting started while we were deciding how big an area to replace sidewalks, what businesses were interested in ADA ramps, and what enhancements to include. We were advised by Northeast Development District, who writes most of our grant applications, to meet the March 30, 2011, grant deadline if at all possible. In the past, we requested an extension for the Western Ridge Grant and were denied, but DED helped us work through that to not lose any funding. DED considers past community performance on grants when considering awarding future grant funds.

When we bid out the sidewalk project, we remembered the early snows and bad winter of 2009, so we set November 1, 2010, as the completion date to meet the grant deadline. Liquidated damages of about \$815 per day were set in the bid documents and in the construction contract. Setting a project completion date of March 30, 2011, doesn't provide reliable working time in the spring. We were aware that November 1, 2010, was a pretty short timeline, but we bid it that way to give us the best shot at meeting the grant deadline.

We received two bids on July 6th. R&W Construction bid \$649,284, and M.E. Collins had the low bid with \$624,616. The question was asked, can Collins get the work done on that tight schedule, and the answer by either JEO or Collins was that they have other crews and can bring them in if necessary. This week JEO held a sidewalk project construction progress meeting because I informed them that at this date, it appears to me that Collins won't get the sidewalk project done by November 1st. Collins agreed at the meeting they expect to have the project completed by mid December. Since no construction is occurring on 3rd Street or 2nd Street east of the highway, I asked Collins if they were planning to bring in other crews to work these areas to speed up construction. Collins said they could, however, different crews finish off concrete and curb shapes differently and this is their best crew. I asked if the other crews' quality was as good, and Collins said that would not be an issue and that this crew could stay here and finish up the construction season here. They just prefer to not bring in other crews.

My thoughts are these:

1. M.E. Collins is a high quality company who built the Phase I Trail and is doing quality work on this sidewalk project.
2. I told Collins that they must have had an idea at bid opening that one crew would not have enough work days to complete the project on time. Collins said they planned to start earlier, but got delayed a couple of weeks on a job in Iowa.
3. Collins also said they mentioned at the pre-conference that they may need more time.
4. Collins missed a couple of weeks by starting later.
5. Collins has had some weather delays, and we will give them credit for those.
6. Collins has had delays from other contractors installing water lines during construction, but have worked at other sites while waiting.
7. Collins said every bid requires the best estimate of time and labor to complete on time, but they bid a project and then later work with the city to negotiate if extra time is needed.
8. My thought is the November 1st deadline was a fixed date in June when it was bid to all contractors. If other contractors knew at the time of bidding that the weather would cooperate into December or whether we would extend that short timeline, they might have submitted a lower bid or they may have added less in their bid to cover liquidated damages.
9. Collins said if we don't approve their request for an extension past November 1st, they will consider themselves to be paying to work here after November 1st and will bring in another crew to work multiple sidewalk locations to speed up the project.
10. Collins has been doing some extra things for us to improve the quality and help the businesses, and they will need to begin charging for those extras or quit doing them if we are going to charge them liquidated damages.

Recommendation: I told Collins and JEO that my recommendation to the Council would be to not extend the deadline if Collins has equal quality crews and is choosing not to bring them here. Out of fairness to other contractors that didn't bid or bid higher because of the November 1st deadline and liquidated damages, and because we don't know that the weather will be this good through November 1st, I haven't changed my recommendation.

4. **Public Hearing:** Wayne Revolving Loan Fund Application of Wayne Hospitality Group, LLC, for \$150,000 which will be used to Purchase Tax Increment Financing Bonds for the Cobblestone Hotel Project

Background: On Wednesday of this week, the USDA informed Wayne Hospitality Group that on the USDA Guaranteed Loan application sheet, USDA moved the \$400,000 equity value of the TIF bond subsidy from the equity side of the sheet to the debt side of the sheet. That means the USDA application operating budget will show \$50,000 per year of property tax expenses and \$50,000 per year debt service for the same TIF bonds. This means the USDA loan guarantee application fails unless replacement equity is injected. Wayne Business and Industry Committee (formerly Wayne Industries) and WHG, LLC, have formulated an alternative to meet the USDA application requirements as follows:

- (1) Loan \$125,000 in revolving loan funds to Wayne Hospitality Group at 0%-3.5% interest to be used for construction costs and not TIF bonds; and
- (2) Convert the \$250,000 LB 840 0% interest loan to a grant.

If these actions are approved, the start of the project still depends on the sale of \$342,000 in remaining TIF bonds. There is currently \$250,000 available in the Wayne Revolving Loan Fund.

Recommendation: The recommendation of the Wayne Business and Industries Committee is to approve the \$125,000 loan from Wayne Revolving Loan Funds

5. [Resolution 2010-81: Approving the Wayne Revolving Loan Fund Application of Wayne Hospitality Group, LLC, for \\$125,000 to be used ~~to~~ Purchase Tax Increment Financing Bonds for construction costs for the Cobblestone Hotel Project](#)
6. [Action on Request from Wayne Hospitality Group, LLC, to convert the \\$250,000 LB840 0% Interest Loan to a Grant](#)

Background: On Wednesday of this week, the USDA informed Wayne Hospitality Group that on the USDA Guaranteed Loan application sheet, USDA moved the \$400,000 equity value of the TIF bond subsidy from the equity side of the sheet to the debt side of the sheet. That means the USDA application operating budget will show \$50,000 per year of property tax expenses and \$50,000 per year debt service for the same TIF bonds. This means the USDA loan guarantee application fails unless replacement equity is injected. Wayne Business and Industry Committee (formerly Wayne Industries) and WHG, LLC, have formulated an alternative to meet the USDA application requirements as follows:

- (1) Loan \$125,000 in revolving loan funds to Wayne Hospitality Group at 0%-3.5% interest to be used for construction costs and not TIF bonds; and
- (2) convert the \$250,000 LB 840 0% interest loan to a grant. If these actions are approved, the start of the project still depends on the sale of \$342,000 in remaining TIF bonds.

WHG, LLC, (Wayne) consists of many community people who have invested in the project to help build what they believe is a needed additional service to the

community and to WSC, and their intent is to donate back the amount of the grant to the LB 840 Economic Development Fund for other area business start-ups when the hotel project is established

7. [Ordinance 2010-28: Amending Wayne Municipal Code Section 90-424 Exceptions in the B-3 Neighborhood Commercial District to add "Vehicle Towing Service"](#)

Background: This action was considered at a public hearing and delayed until the definitions and conditions were considered and approved.

Recommendation: The recommendation of the Planning Commission is to approve this amendment to the Code.

8. [Resolution 2010-82: Directing City Clerk to Certify Mowing Costs to the Wayne County Clerk and Wayne County Treasurer to Become a Lien on Lot 7, Block 24, Original Town of Wayne \(102 Douglas Street\)](#)

9. [Resolution 2010-83: Directing City Clerk to Certify Mowing Costs to the Wayne County Clerk and Wayne County Treasurer to Become a Lien on the South 21' of Lot 26 and Part of Lot 27, McPherran's Addition \(904 Walnut Street\)](#)

10. [Resolution 2010-84: Approving Federal Transportation Funding Interlocal Agreement](#)

Background: In the past, the Nebraska Department of Roads has allocated a portion of the Federal Highway Funding they receive from Congress each year directly to 1st Class Cities for STP projects we choose on our own. With the severe highway funding shortage, NDOR is ending that guaranteed allocation to 1st Class cities, and we will now have to compete annually for street project funding from a state pool of funds set aside for cities.

Windom Street and 10th Street projects in Wayne have already been approved for STP funding, so those funds will still be in place when we get to build them. However, our other Wayne STP funds have now been taken back by NDOR and added to the pool of future funding.

Recommendation: The recommendation of Joel Hansen, Street Supt. is to approve the attached Interlocal Agreement so that Wayne is eligible for future applications to the state funding pool for local street projects

11. [Action on Contractor's Pay Estimate No. 4 \(Final\) for Gana Trucking & Excavating, Inc., in the amount of \\$2,295.07 for the "Former Kardell Landfill – Stream Restoration Project"](#)
12. [Resolution 2010-85: Accepting Work on the "Kardell Subdivision Paving, Drainage & Water Improvements – 2009 Project" and Authorizing Final Payment Thereto](#)

13. [Resolution 2010-86: Approving Plans, Specifications and Estimate of Cost for the Kardell Lift Station Project as prepared by the City's Engineer and Directing Advertisement for Bids](#)

Background: This is the sewer connection project that was delayed while we built the sewer line on Industrial Road past Pacific Coast. This will establish a Kardell Industrial Park Lift Station that will serve all lots and force pump sewage up the hill west to the sewer main that connects Vintage Hills to the City sewer system.

Recommendation: As of this date we don't have the plans in hand but Olsson will present them to us at the meeting

14. [Action to Adopt LB 840 Capital Projects Portion of the Budget](#)

Recommendation: Approval of the attached "Capital Projects" budget was implied at the budget hearing when the city operating budget was approved for FY 2010-2011, but was not referenced in the motions to approve. For clarity, we are suggesting that it be approved by specific Council action.

15. [Recess](#)

- a. [Convene as Community Development Agency](#)
- b. [Approve Minutes – September 21, 2010](#)
- c. [CDA Resolution 2010-3: Approving Western Ridge Lot Sale Incentives](#)

Background: At the February Mayor and Council Retreat, staff was asked to prepare a new set of incentives for lot development at Western Ridge. The attached Resolution includes some of the options requested.

16. [Adjourn as Community Development Agency and Reconvene as Council](#)

17. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

October 5, 2010

The Wayne City Council met in regular session at City Hall on Tuesday, October 5, 2010, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Dale Alexander, Doug Sturm, Kathy Berry and Ken Chamberlain; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 23, 2010, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Sturm made a motion and seconded by Councilmember Van Delden, whereas the Clerk has prepared copies of the Minutes of the meeting of September 21, 2010, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS:

FISCAL YEAR 2009-2010: AMERITAS, SE, 2286.36; APPEARA, SE, 98.28; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 195.00; BLACK HILLS ENERGY, SE, 85.98; CITY EMPLOYEE, RE, 182.20; BOMGAARS, SU, 806.92; CITY EMPLOYEE, RE, 68.52; BROWN SUPPLY, SU, 505.84; CITY OF WAYNE, RE, 1.39; CITY OF WAYNE, RE, 1250.00; CITY OF WAYNE, PY, 58514.19; CITY OF WAYNE, RE, 277.54; CLAUSSEN & SONS IRRIG., SU, 14.35; COMMUNITY HEALTH, RE, 4.00; DAVE SWANSON, SE, 200.00; CITY EMPLOYEE, RE, 72.96; EAKES OFFICE PLUS, SU, 174.47; EGAN SUPPLY, SU, 24.36; ELECTRONIC ENGINEERING, SE, 225.00; ELLIS PLUMBING & HEATING, SE, 157.64;

FERGUSON WATERWORKS, SE, 237.41; FIRST CONCORD GROUP, SE, 3824.78; FLOOR MAINTENANCE, SU, 116.27; FREDRICKSON OIL, SU, 3000.00; GANA TRUCKING & EXCAVATING, SE, 29316.55; CITY EMPLOYEE, RE, 155.53; HAUFF MID-AMERICAN SPORTS, SU, 133.00; HD SUPPLY WATERWORKS, SU, 1543.00; HOUCHEN BINDERY, SU, 43.15; ICMA, RE, 5533.55; IRS, TX, 19341.27; JEO CONSULTING GROUP, SE, 25344.70; JEROLD F PENREY, SU, 46.95; CITY EMPLOYEE, RE, 206.99; KELLY MEYER, SU, 260.00; KRIZ-DAVIS, SU, 256.67; MCKINNIS ROOFING, SE, 3892.75; MICROFILM IMAGING SYSTEMS, SE, 490.77; MSC INDUSTRIAL, SU, 87.47; N.E. NEB ECONOMIC DEV DIS, RE, 200.00; NE CHAPTER OF IAEL, FE, 145.00; NE DEPT OF REVENUE, TX, 2901.66; NE PUBLIC HEALTH, SU, 350.00; NMC, INC., SU, 71.32; N.E. NE AMERICAN RED CROSS, SE, 594.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 2743.00; NORTHWEST ELECTRIC, SE, 800.00; PIEPER, MILLER & DAHL, SE, 4238.00; CITY EMPLOYEE, RE, 53.48; PROVIDENCE MEDICAL CENTER, SE, 70.00; PUSH-PEDAL-PULL, SU, 38.00; QUILL, SU, 131.21; QWEST, SE, 118.98; QWEST, SE, 183.69; RIEKES EQUIPMENT, SU, 355.19; ROBERT WOehler & SONS, SE, 374.52; CITY EMPLOYEE, RE, 827.09; TIM SCHAEFER JR, SE, 107.00; SKARSHAUG TESTING LAB, SE, 161.40; STADIUM SPORTING GOODS, SU, 19.50; STEFFEN, SU, 5129.00; UNITED RENTALS, SU, 347.76; UNITED WAY, RE, 32.32; VAKOC BUILDER'S RESOURCE, SU, 7.59; VERIZON, SE, 151.73; VIAERO, SE, 135.81; CITY EMPLOYEE, RE, 125.58; WAYNE COUNTY VETS MEMORIAL, RE, 9367.09; WAYNE KIWANIS, FE, 260.00; WESCO, SU, 2606.01; ACCUFITNESS, SU, 117.75; BAKER & TAYLOR BOOKS, SU, 545.08; BIG T ENTERPRISES, SU, 371.90; BOMGAARS, SU, 2411.47; BROWN SUPPLY, SU, 868.51; CARHART LUMBER CO, SU, 612.14; CDW DIRECT, SU, 13600.00; CHARTWELLS, SE, 5350.45; COPPLE & ROCKEY, SE, 307.00; COPY WRITE, SU, 578.94; DAVE'S DRY CLEANING, SE, 114.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEMCO, SU, 122.48; DUTTON-LAINSON, SU, 180.20; EAKES OFFICE PLUS, SU, 45.14; EASYPERMIT POSTAGE, SU, 1645.91; ECHO GROUP, SU, 169.19; ELECTRONIC ENGINEERING, SE, 2500.00; ELLIS PLUMBING & HEATING, SE, 168.05; ERIKSEN CONSTRUCTION, SE, 224448.30; F & M BANK, RE, 1000000.00; FLOOR MAINTENANCE, SU, 47.91; FREDRICKSON OIL, SE, 42.20; GLEN'S AUTO BODY, SE, 116.58; GREAT PLAINS ONE-CALL, SE, 117.16; HARDING & SHULTZ, SE, 5508.84; HAWKINS, SU, 163.63; HOLIDAY INN OF KEARNEY, SE, 648.00; HUNTEL, SE, 9838.85; INGRAM BOOK COMPANY, SU, 987.80; JACK'S UNIFORMS, SU, 12.95; JOHN'S WELDING AND TOOL, SE, 155.60; JOHNSON HARDWARE, SE, 39.04; CITY EMPLOYEE, RE, 124.59; CITY EMPLOYEE, RE, 272.72; LAUREL SUMMER RECREATION, FE, 390.00; LEAGUE OF NEBRASKA, FE, 1573.00; LOVE SIGNS, SE, 75.00; LP GILL, SE, 8311.16; MICROFILM IMAGING SYSTEMS, SE, 1056.40; MIDWEST TAPE, SU, 34.99; MIDWEST TURF & IRRIGATION, SU, 37902.00; MSC INDUSTRIAL, SU, 109.92; N.E. NEB ECONOMIC DEV DIS, SE, 1521.50; NE MUNICIPAL CLERKS ASSOC, FE, 35.00; NMC, INC, SU, 231.22; NORTHEAST EQUIPMENT, SU, 1234.19; NNPPD, SE, 11634.98; PAC N SAVE, SU, 125.50; PAMIDA STORE, SU, 329.39; PROVIDENCE MEDICAL CENTER, SE, 300.00; QUILL, SU, 20.22; CITY OF WAYNE, RE, 28.88; RON'S RADIO, SE, 934.00; SHARP CONSTRUCTION, SE, 1130.00; STADIUM

SPORTING GOODS, SU, 513.50; STATE NATIONAL BANK, RE, 375.66; TERRACON CONSULTANTS, SE, 1207.75; US BANK, SU, 8007.50; WAYNE AUTO PARTS, SU, 979.36; WAYNE COUNTY CLERK, SE, 7.00; WAYNE HERALD, SE, 2813.03; WAYNE VETERINARY CLINIC, SE, 294.00; ZACH OIL, SU, 5651.81
FISCAL YEAR 2010-2011: CITY EMPLOYEE, RE, 114.43; JAMES OSSIAN, RE, 500.00; CITY EMPLOYEE, RE, 22.96; NE STATE TREASURER, RE, 553.75; NINE ONE ONE, SE, 3750.00; NE NEB INS AGENCY, SE, 61502.00; CITY EMPLOYEE, RE, 251.10; PROVIDENCE MEDICAL CENTER, SE, 10000.00; RANDY BIRD, RE, 500.00; CITY EMPLOYEE, RE, 240.96; WAYNE STATE COLLEGE, RE, 2,235.00
FISCAL YEAR 2009-2010

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm to approve the claims. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton proclaimed October as "Domestic Violence Awareness Month."

Mayor Shelton advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection. In addition, she advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Because there was not a quorum present when the membership application of Jennie Lunz was voted upon at the last meeting, the matter must be brought before Council again to approve.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving the membership application of Jennie Lunz to the Wayne Volunteer Fire Department. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Dave Tietgen of Renais Energy LLC, presented a “Letter of Intent” for a proposed wind turbine project in Wayne. In addition, Eric Thompson, Regional Manager for Nordic Wind was also present. Nordic Wind Power designs, manufactures and sells innovative two-bladed utility scale wind turbines for communities and distributive wind markets worldwide. They are recommending two, one megawatt wind turbines, which has the lowest installed cost of any similarly sized turbine on the market. Its prototypes have been operating successfully for over a decade. The two-bladed wind turbines are able to withstand the wind gusts better than the three-bladed turbines.

Clint Rogers of Renewable Energy Development, LLC, explained the Letter of Intent. If approved, this would enable them to proceed with the Power Purchase Agreement. The price per kW in the Power Purchase Agreement will be set at 6.5 cents per kW, with an anticipated inflation factor of 5% per year for a period of 20 years. Section 2 – Confidentiality of the letter of intent was stricken. If approved, they would prepare and forward the Power Purchase Agreement for action at the October 19th Council meeting. Their goal is to get this moving forward as far as they can due to the parameters with the Government for 30% grant monies which expires December 31st. The project has to be 5% complete in order to qualify for the grant.

It was noted that this matter would have to go through the hearing process with the Planning Commission and Council due to the fact that this would be a “use by exception.”

Councilmember Sturm made a motion and seconded by Councilmember Frevert approving the “Letter of Intent” with Renewable Energy Development, LLC, for a

proposed wind turbine project in Wayne. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain introduced Ordinance 2010-23, and moved for approval of the second reading thereof; Councilmember Sturm seconded.

ORDINANCE NO. 2010-23

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE. CHAPTER 86, ARTICLE III, SECTIONS 86-37 REMOVAL; 86-38 PROPERTY OWNER REMOVAL; 86-39 REQUIRED TRIMMING; 86-41 ACTS DECLARED NUISANCES; NOTICE; ABATEMENT; AND 86-43 ENFORCEMENT; TO PROVIDE FOR THE REPEAL OF CONFLICTING SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Chamberlain seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Chamberlain seconded to move for final approval of Ordinance No. 2010-23. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following three agenda items are necessary to temporarily borrow funds to pay the construction costs for Street Improvement District Nos. 2010-1 (First Street) and 2010-5 (Jaxon and Tomar Streets), and Street (Sidewalk) Improvement District Nos. 2010-2, 2010-3, and 2010-4 (Downtown Sidewalks), and Bencoter Subdivision Water Extension District 2010-1, and Sanitary Sewer Extension District 2010-1.

Nancy Braden, Finance Director, advised the Council that not being able to act on these agenda items at the last meeting worked in the City's favor because the rates have improved. The final interest rate will be 1.1% instead of 1.2% to 1.25%

Councilmember Chamberlain introduced Ordinance 2010-24, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2010-24

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2010, OF THE CITY OF WAYNE, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NINE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$935,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2010-1 AND 2010-5; STREET (SIDEWALK) IMPROVEMENT DISTRICT NOS. 2010-2, 2010-3 AND 2010-4; WATER EXTENSION DISTRICT 2010-1; AND SANITARY SEWER EXTENSION DISTRICT 2010-1 PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AND, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and Councilmember Sturm seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2010-24. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Ms. Braden stated that the call date is up on the Public Safety Tax Anticipation Refunding Bonds, Series 2005. The interest rate two weeks ago was 2.79%; the interest rate now is 2.553%, which is an additional \$5,000 savings or \$37,848.

Councilmember Sturm introduced Resolution No. 2010-74 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-74

A RESOLUTION CALLING PUBLIC SAFETY TAX ANTICIPATION REFUNDING BONDS, SERIES 2005 (LIMITED TAX BONDS) FOR REDEMPTION.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance 2010-25, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2010-25

AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY TAX ANTICIPATION REFUNDING BONDS OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF FOUR HUNDRED NINETY THOUSAND DOLLARS (\$490,000) TO REFUND AND RETIRE, TOGETHER WITH FUNDS ON HAND, \$480,000 PUBLIC SAFETY TAX ANTICIPATION REFUNDING BONDS, SERIES 2005, DATED MAY 15, 2005; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASERS; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Alexander seconded to suspend the statutory rules requiring ordinances to be read by title on three different

days. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2010-25. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton declared the time was at hand for the public hearing to amend the FY2010-11 budget.

Nancy Braden, Finance Director, stated she has amended the FY2010-11 budget to include a 1% cost of living increase adjustment to the personnel wages. If approved, this would add \$38,451 to the total budget. This amount is in reserves and would not increase property taxes.

Councilmember Frevert thought this matter had been discussed and acted upon during the budget work sessions. He was concerned about the matter being brought before Council again. He is not against raises; he just has concerns about going back and redoing the budget after it has been set.

Councilmember Sturm stated at the last meeting he thought the budget process was done somewhat backwards. Wages were discussed at the beginning of the budget process, and we thought there wasn't going to be enough money. However, at the end of the budget process, we did have money available for a cost of living increase. There will be a time when we will not be able to give the city employees a wage increase. We did that in 2003. Before the budget was adopted in September, he asked if we could ever make this amendment in the future, and the answer was yes.

Councilmember Chamberlain stated he also asked that this be brought back for council consideration even though he voted for no wage increases at the budget work session. We have the opportunity now to provide a 1% cost of living increase – we may not in the future.

Councilmember Alexander stated his understanding at the budget work sessions was that the money was there to begin with to give the raises, but the Council chose not to. He thought the Council should have approved the wage increase in the first place.

Ms. Braden stated there are times when you do have to go back and amend the budget. Budget amendments are not uncommon.

City Clerk McGuire had not received any comments, written or otherwise, concerning this public hearing.

There being no further comments, Mayor Shelton declared the public hearing closed.

The following Resolution would approve the budget amendments as offered by the Finance Director.

Councilmember Sturm introduced Resolution 2010-75, and moved for its approval (the amendment being a 1% cost of living increase for all employees); Councilmember Alexander seconded.

RESOLUTION NO. 2010-75

A RESOLUTION APPROVING AMENDMENTS TO FY2010-11 BUDGET.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Berry who voted Nay, the Mayor declared the motion carried.

Mayor Shelton declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-10 Definitions of the Wayne Municipal Code by amending "Vehicle Towing Service" and adding "Wrecked Vehicle." The applicant is the City of Wayne.

Joel Hansen, Building Inspector/Planner, stated the recommended changes to the code are as follows:

Sec. 90-10. Definitions.

Vehicle Towing Service is any person or business offering the services of a vehicle wrecker or towing service to the general public, whereby motor vehicles are towed or otherwise removed from the place where they are located, by use of a wrecker so designed for that purpose, or by a truck or other equipment so adapted to that purpose, or in the business of storing ~~towed~~ **wrecked** vehicles.

Wrecked Vehicle is any vehicle which has damaged or missing body panels and/or broken or missing glass as a result of an automobile accident, vandalism, or neglected to the extent it cannot be safely or legally operated on a city street.

The Planning Commission held a public hearing on this matter and recommended approval of these amendments with the "Finding of Fact" being staff's recommendation.

City Clerk McGuire had not received any comments for or against this public hearing.

Councilmember Chamberlain introduced Ordinance 2010-26, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2010-26

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I, IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and Councilmember Sturm seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2010-26. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code Section 90-425 Special Conditions and Conditions for Granting Exceptions, specifically subsection (8) Storage of Towed Vehicles. The Applicant is the City of Wayne.

The recommended changes to the code are as follows:

(8) Storage of towed vehicles:

- a) **Wrecked** vehicles shall only be stored ~~on-site~~ pending settlement or legal disposition of vehicles by insurance carrier and/or owner.
- b) All ~~towed and stored~~ **wrecked** vehicles shall be stored behind the front building line.
- c) No demolition of ~~towed or stored~~ **any** vehicles shall be allowed.
- d) All stored vehicles shall be owned by persons other than the towing service owner/operator and or land owner.
- e) All **wrecked** vehicles shall be stored behind a solid barrier fence of sufficient height to disallow visibility. Height of fence to be set by Planning Commission at the public hearing.
- f) **No more than six wrecked vehicles may be stored at any one time.**

- g) Use by Exception shall only be effective upon compliance to all conditions as set forth by City Council and verified by the Zoning Administrator.

These are minimum requirements. The Council can impose additional requirements as they see fit for each circumstance.

The Planning Commission held a public hearing on this matter and recommended approval of these amendments with the "Finding of Fact" being staff's recommendation and consistency with the Comprehensive Plan, including the current and future land use map.

City Clerk McGuire had not received any comments for or against this public hearing.

Councilmember Sturm introduced Ordinance 2010-27, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2010-27

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V, BY AMENDING SECTION 90-425 CONDITIONS AND CONDITIONS FOR GRANTING EXCEPTIONS IN THE B-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Chamberlain seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2010-27. Mayor Shelton stated

the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Nancy Braden, Finance Director, gave a status report on the Airport Repaving Project.

Joel Hansen, Certified Street Superintendent, gave a status report on the Downtown Sidewalk and ADA Accessibility Project.

Administrator Johnson stated the following Resolution would direct the City Clerk to file a lien against 910 Brooke Drive for the cost of work hired by the City to abate a violation of City Code after proper notice was given to the property owner.

Councilmember Sturm introduced Resolution No. 2010-76 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-76

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON LOT FIVE, BLOCK THREE, VINTAGE HILLS II ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 910 BROOKE DRIVE, WAYNE, NEBRASKA.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Certified Street Superintendent, stated the following Resolution would approve an Interlocal Agreement with Wayne County to provide them with “responsible charge” services (oversight) for Federal-Aid projects. Their Highway Superintendent was acting as the RC, however, she is no longer with them. They have requested this until such time as they have an RC on board. An RC has to be a public employee either of their own or of another public agency. The County has advised him

that at this time they do not have any federal-aid projects pending and they do not foresee any for the next two years, but they must have an RC in place in case something does arise. The County will reimburse the City for any RC services provided to them.

Councilmember Chamberlain introduced Resolution No. 2010-77 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-77

A RESOLUTION APPROVING INTERLOCAL COOPERATION AGREEMENT WITH WAYNE COUNTY TO PROVIDE RESPONSIBLE CHARGE SERVICES FOR FEDERAL-AID PROJECTS.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Resolution No. 2010-78 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-78

A RESOLUTION DESIGNATING RESPONSIBLE CHARGE FOR WAYNE COUNTY.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson is recommending that the Council reject the bids that were received to haul the stockpile of mixed fill material to Western Ridge. This will be rebid at a time when everybody knows they can drive on that mud in the silt pond.

Councilmember Alexander introduced Resolution No. 2010-79 and moved to reject the bids; Councilmember Haase seconded.

RESOLUTION NO. 2010-79

A RESOLUTION REJECTING BIDS TO HAUL THE STOCKPILE OF MIXED

FILL MATERIAL TO WESTERN RIDGE.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and seconded by Councilmember Alexander approving Change Order No. 2 (Final) submitted by Robert Woehler & Sons Construction in the amount of \$2,565 for the Muhs Acres Water Main Extension Project. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A pay request has been received from Robert Woehler & Sons Construction for the Muhs Acres Water Main Extension Project in the amount of \$20,212.24. The engineer on the project has approved the same.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving Certificate of Payment No. 6 (Final) for the Muhs Acres Water Main Extension Project in the amount of \$20,212.24 to Robert Woehler & Sons Construction. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a pay request has been received from ME Collins Contracting for the 2010 Wayne Sidewalk Replacement Project in the amount of \$126,964.71. The engineer on the project has approved the same.

Councilmember Alexander made a motion and seconded by Councilmember Van Delden approving Application for Payment No. 1 for the 2010 Wayne Sidewalk Replacement Project in the amount of \$126,964.71 for ME Collins Contracting Co., Inc.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a pay request has been received from Eriksen Construction Company for the Wastewater Treatment Plant Project in the amount of \$224,448.30. The engineer on the project has approved the same.

Councilmember Alexander made a motion and seconded by Councilmember Haase approving Application for Payment No. 2 for the Wastewater Treatment Plant Project in the amount of \$224,448.30 for Eriksen Construction Company. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated we have an opportunity to legally invest in some of the Tax Increment Financing Bonds for the Cobblestone Hotel Project, which will provide us with a higher rate of return on our investment. We have been given approval to do this by our Tax Increment Financing Attorney, Mike Bacon. This meets the prudent man rule for investing.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving to invest \$125,000 of city reserves in tax increment financing bonds for the Cobblestone Hotel Project, and authorizing the Mayor to sign the necessary documents required for the purchase of said bonds. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a request has been made by Northeast Nebraska Investors, LLC, to extend the amortization period from 10 to 15 years on the \$250,000 loan of LB 840 Economic Development Incentive Funds.

Wes Blecke, Executive Director of WAED, stated the LB 840 Committee informally met and took a vote via e-mail regarding this request, and their recommendation is to approve the extension from 10 years to 15 years. The rationale is that cash flow will be better for the corporation on the payback.

Kent Franzen advised the Council that they have tentative approval to start construction where they are at with \$595,000, if the amortization period is changed from 10 to 15 years. They may not need to raise the additional \$55,000 as originally thought.

Councilmember Sturm introduced Resolution No. 2010-80 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-80

A RESOLUTION AMENDING COUNCIL ACTION ON OCTOBER 20, 2009, REGARDING THE RECOMMENDATION OF THE LB840 SALES TAX ADVISORY COMMITTEE TO EXTEND THE PAYBACK PERIOD OF THE \$250,000 LOAN TO NORTHEAST NEBRAKSA INVESTORS, LLC, FROM FIVE YEARS TO 10 YEARS.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who abstained due to a conflict of interest, the Mayor declared the motion carried.

Nancy Braden, Finance Director, advised the Council that one of the things that the auditors have requested is that when we move funds around or do interlocal borrowing with our different funds is that we get Council approval for the same. She has transferred \$500,000 from the water fund to the sewer fund to help pay the construction costs of the wastewater treatment plant project.

Councilmember Alexander made a motion and seconded by Councilmember Sturm ratifying the transfer of \$500,000 in cash reserve funds by the Finance Director

from the Municipal Water Fund to the Municipal Wastewater Fund in accordance with the financing plan approved by the Council and the Nebraska Department of Environmental Quality Joint Nebraska Clean Water State Revolving Loan Fund. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works and Utilities, gave a status report on the Wastewater Treatment Plant Project.

Councilmember Alexander made a motion and seconded by Councilmember Haase to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:50 p.m.

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CLAIMS LISTING OCTOBER 19, 2010

| | | |
|----------------------------|---------------------------------|------------|
| AMAZON | DVD'S | 319.71 |
| AMERICAN LIBRARY ASSOC | MEMBERSHIP DUES | 180.00 |
| AMERITAS LIFE INSURANCE | POLICE RETIREMENT | 2,237.51 |
| APPEARA | LINEN & MAT SERVICE | 145.40 |
| BANK FIRST | FRATERNAL ORDER OF POLICE DUES | 195.00 |
| BARONE SECURITY SYSTEMS | PROGRAM PANEL-10 DIGIT DIALING | 142.50 |
| CITY EMPLOYEE | HEALTH REIMBURSEMENT | 165.34 |
| BIG T ENTERPRISES, INC | BATTERIES | 122.93 |
| BLUE DEVIL BOOSTER CLUB | SPORT PROGRAM AD | 85.00 |
| CITY EMPLOYEE | HEALTH REIMBURSEMENT | 137.58 |
| CINDY MILLIGAN | ENERGY INCENTIVE | 342.00 |
| CITY OF WAYNE | CAT TRAP REFUND | 20.00 |
| CITY OF WAYNE | PAYROLL | 59,405.07 |
| CITY OF WAYNE | UTILITY REFUNDS | 216.42 |
| COMMUNITY HEALTH | HEALTH CHARITIES | 4.00 |
| DAKOTA BUSINESS SYSTEMS | LIBRARY COPIER EQUIPMENT LEASE | 101.50 |
| CITY EMPLOYEE | HEALTH REIMBURSEMENT | 115.20 |
| DUTTON-LAINSON COMPANY | HPS HEAD | 232.34 |
| EDM PUBLISHERS | BUILDING PERMITS LAW BULLETIN | 98.78 |
| ELECTRIC FIXTURE & SUPPLY | OIL HEATER ELEMENT | 1,903.24 |
| ELECTRONIC ENGINEERING CO | CAR SIREN REPAIR | 28.75 |
| ELLIS PLUMBING & HEATING | AUDITORIUM STOOL REPAIR | 63.36 |
| ENGINEERED CONTROLS, INC | CAC MAINTENANCE | 450.00 |
| FIRST SOURCE TITLE&ESCROW | TITLE INSURANCE | 76.25 |
| FLOOR MAINTENANCE | GLOVES/CUPS/BOWLS/PLATES/LINERS | 316.02 |
| CITY EMPLOYEE | SAFETY BOOTS | 118.22 |
| GALE GROUP | BOOKS | 92.93 |
| GALE RESEARCH | STANDING ORDERS | 1,404.00 |
| GILL HAULING, INC | SANITATION SERVICE | 133.00 |
| GLEN'S AUTO BODY | PAINT LIB/SR STALL DOOR | 75.00 |
| HD SUPPLY WATERWORKS, LTD | INVISION WATER METERS | 2,049.36 |
| HDR ENGINEERING INC | ENGINEERING FEES-COOLING TOWER | 6,056.74 |
| CITY EMPLOYEE | HEALTH REIMBURSEMENT | 4.06 |
| HHS REGULATION & LICENSURE | VI WATER OP LICENSE- J BRADY | 31.00 |
| HIRERIGHT SOLUTIONS INC | COLLECTION FEE | 51.90 |
| ICMA RETIREMENT TRUST-457 | ICMA RETIREMENT | 5,535.91 |
| IRS | FEDERAL WITHHOLDING | 19,089.70 |
| JANIS MYERS | ENERGY INCENTIVE | 500.00 |
| JASON CAROLLO | MOWING- LIB/SR CENTER/CH | 175.00 |
| JOHN'S WELDING AND TOOL | WELL HOUSE 6 PARTS | 82.98 |
| JOHNSON, LOWELL | ENERGY INCENTIVE | 131.96 |
| KTCH AM/FM RADIO | RADIO ADS/CO-OP ENERGY ADS | 1,155.00 |
| M.E. COLLINS | 2010 SIDEWALK REPLACEMENT | 126,964.71 |
| CITY EMPLOYEE | HEALTH REIMBURSEMENT | 388.67 |
| MICROFILM IMAGING SYSTEMS | DOCUMENT SCANNING | 495.33 |

| | | |
|---------------------------|-------------------------------|------------|
| MIDWEST LABORATORIES, INC | BOD TESTING | 424.35 |
| MUNICIPAL SUPPLY | COUPLING/WIRE/REP KIT | 548.18 |
| NE CODE OFFICIAL ASSOC | FALL CONFERENCE REGISTRATION | 200.00 |
| NE DEPT OF REVENUE | STATE WITHHOLDING | 2,829.63 |
| NE LIBRARY COMMISSION | OVERDRIVE SUBSCRIPTION | 529.60 |
| NE SAFETY COUNCIL | MEMBERSHIP DUES | 365.00 |
| NE STATE PATROL | CRIMINAL HISTORY REQUEST | 120.00 |
| NEBR PUBLIC POWER DIST | ELECTRICITY | 284,176.60 |
| NIAGARA CONSERVATION CORP | LIGHT BULBS | 1,214.18 |
| NORFOLK PRINTING CO | MINUTE BOOKS | 676.00 |
| OSMOSE UTILITIES SERVICES | TEST & TREAT WOOD POLES | 5,058.67 |
| PAC N SAVE | SENIOR CENTER MEALS | 258.49 |
| CITY EMPLOYEE | HEALTH REIMBURSEMENT | 49.01 |
| PEPSI-COLA | CAC POP | 592.91 |
| PRESTO X COMPANY | PEST CONTROL | 77.20 |
| QUALITY FOODS | SENIOR CENTER MEALS | 21.01 |
| QWEST | TELEPHONE CHARGES | 1,319.08 |
| RANDOM HOUSE | AUDIO BOOKS | 171.92 |
| CITY OF WAYNE | VISION REIMBURSEMENT | 37.35 |
| RICHARD A BROWN | ENERGY INCENTIVE | 500.00 |
| ROBERT WOehler & SONS | MUHS ACRES | 20,212.24 |
| SECRETARY OF STATE | COMMISSION FEE- C JENSEN | 30.00 |
| CITY EMPLOYEE | HEALTH REIMBURSEMENT | 680.00 |
| CITY OF WAYNE | MILEAGE REIMBURSEMENT | 245.00 |
| SOCIETY FOR HUMAN MGMT | MEMBERSHIP - N BRADEN | 160.00 |
| STADIUM SPORTING GOODS | CAC APPAREL/STAFF SHIRTS | 611.50 |
| STATE NATIONAL BANK | ACH FEES | 48.30 |
| TAYLOR RACELY | MOWING | 50.00 |
| TAYMARK | READING PROGRAM SUPPLIES | 39.83 |
| TOP HEALTH | SUBSCRIPTION RENEWAL | 139.92 |
| UNITED STATES PLASTIC | POLY CAPS | 88.16 |
| WASTE CONNECTIONS | SB COMPLEX SANITATION SERVICE | 46.70 |
| WATERLINK, INC | WATER TREATMENT SERVICE | 1,053.42 |
| WAYNE AREA ECONOMIC DEVEL | OCT 10 CONTRIBUTION | 6,383.33 |
| WAYNE STATE COLLEGE | LIGHTING EFFICIENCY | 2,460.00 |
| CITY EMPLOYEE | HEALTH REIMBURSEMENT | 160.21 |
| WESCO DISTRIBUTION INC | BOX PAD/OPEN BASE/COVER | 892.00 |
| WESTERN AREA POWER ADMIN | ELECTRICITY | 25,731.62 |
| ZEE MEDICAL SERVICE CO | FIRST AID SUPPLIES | 45.64 |

RESOLUTION NO. 2010-81

A RESOLUTION CONFIRMING THE APPLICATION FOR AND APPROVING THE USE OF NOT TO EXCEED \$125,000 FROM THE WAYNE REVOLVING LOAN FUND.

WHEREAS, the City of Wayne held a public hearing on October 19, 2010, regarding the \$125,000 Wayne Revolving Loan Fund application of Wayne Hospitality Group, LLC, to be used to purchase Tax Increment Financing Bonds for the Cobblestone Hotel Project; and

WHEREAS, the only comments regarding the \$125,000 loan were received in writing from Wayne Industries, Inc., stating that the Committee did not have a recommendation, but continued to support the project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the application submittal of Wayne Hospitality Group, LLC, is hereby affirmed and the same is hereby approved; and that the Mayor, City Administrator, and City Attorney are authorized to proceed forthwith in preparation of the necessary project use documents, and are hereby authorized to enter into all necessary agreements regarding the same.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that it approves the loan from the Wayne Revolving Loan Fund in the sum not to exceed \$125,000; the use of said funds to be used to purchase Tax Increment Financing Bonds for the Cobblestone Hotel Project.

BE IT FURTHER RESOLVED by the Mayor and the City Council of the City of Wayne, Nebraska, that said application be designated WRLF No. 2010-02.

PASSED AND APPROVED this 19th day of October, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**Wayne
Area**
**Economic Development
Chamber ■ Main Street**

October 15, 2010

Lowell Johnson
City Administrator
306 Pearl Street
PO Box 8
Wayne, NE 68787

Re: Wayne Revolving Loan Fund application - \$125,000 for Wayne Hospitality Group, LLC

Dear Lowell,

The Business & Industries Committee met on Thursday, October 14, 2010, and reviewed a Wayne Revolving Loan Fund (WRLF) application for Wayne Hospitality Group, LLC, to construct a 44-room hotel in Wayne.

Wayne Hospitality Group has requested \$125,000 from the WRLF to assist with the overall financial package needed to make the \$2.8 million investment. The Committee voted to forward this WRLF application to the City Council without recommendation, only that the committee continues to support the project. This vote was taken noting several conflicts of interests. Wayne Area Economic Development (and the Business and Industry as a working group of WAED) is an investor in Wayne Hospitality Group, LLC (WHG). In addition, WAED is also an investor in Northeast Nebraska Investors, LLC (NNI). NNI owns the land that WHG will buy for the hotel. Also, some members of the Business and Industry Committee are individual investors in NNI and/or WHG.

Please convey this information to the members of the City Council so necessary steps can be taken to complete the application process. Feel free to contact me if you have any questions.

Sincerely,



Wes Blecke
Executive Director

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**Economic Development
Chamber ■ Main Street**

October 15, 2010

Lowell Johnson
City Administrator
306 Pearl Street
PO Box 8
Wayne, NE 68787

RE: Sales Tax Advisory Committee – recommendation for modification of terms for Wayne Hospitality Group, LLC (\$250,000)

Dear Lowell,

The Sales Tax Advisory Committee met on Thursday, October 14, 2010, and reviewed an application to Wayne's Economic Development Program fund.

The committee recommended approving the request to modify the previous terms by *Wayne Hospitality Group (WHG), LLC* for \$250,000 to be used to assist with obtaining bank financing for a \$2.8 million hotel. The recommended modification of terms includes granting the money to the entity instead the previously approved terms of a 0% loan paid back over 15 years. This "grant" status is needed for WHG, LLC to secure bank financing for the project. WHG, LLC has every intention to honor the Council's previous agreement to pay back the money over 15 years. However, the grant designation needs to occur for the financing package to work. The vote was 3 in favor, 1 opposition, and 2 abstentions (one noting a conflict of interest).

Using its "LB 840 Application Review" matrix, the committee scored the project with the following: *Doesn't Meet* scored 0; *Doesn't Meet/Somewhat Meets* scored 1; *Somewhat Meets* scored 2; *Somewhat Meets/Meets* scored 1; and *Meets* scored 32. This review scoring is used for deliberation. The committee does not use a raw number threshold to recommend projects to the Council.

Please convey this recommendation to the members of the City Council so necessary steps can be taken to complete the application process. Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Blecke".

Wes Blecke
Executive Director

ORDINANCE NO. 2010-28

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE V, BY AMENDING SECTION 90-424 EXCEPTIONS IN THE B-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. The Planning Commission held a public hearing on August 2, 2010, and recommended amending Section 90-424 Exceptions in the B-3 Neighborhood Commercial District, with the "Findings of Fact" being:

- Staff's recommendation; and
- It is consistent with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article V, of the Wayne Municipal Code is hereby amended as follows:

Section 90-424 Exceptions (B-3 Neighborhood Commercial District):

(17) Vehicle Towing Service

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 19th day of October, 2010.

THE CITY OF WAYNE, NEBRASKA

By _____

ATTEST:

City Clerk

RESOLUTION NO. 2010-82

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON LOT SEVEN, BLOCK TWENTY-FOUR, ORIGINAL TOWN OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 102 DOUGLAS STREET, WAYNE, NEBRASKA.

WHEREAS, the City of Wayne has incurred costs associated with the mowing of the property located at 102 Douglas Street, Wayne, Nebraska, and legally described as Lot 7, Block 24, Original Town of Wayne, Wayne County, Nebraska; and

WHEREAS, Section 34-61 of the Wayne Municipal Code requires each owner of any lot or parcel of land in the City of Wayne to cut and remove all weeds and other rank growth of vegetation on such property as close to the ground level as possible throughout the period of May 1st to October 15th of each year; and

WHEREAS, the Superintendent of Public Works & Utilities has caused to be published in the Wayne Herald the notice required under Section 34-61 specifying that said weeds and other rank growth vegetation shall be cut during the above-referenced period; and

WHEREAS, the City's Public Works Department is authorized under said Section to notify in writing the owner of any property within the City to cut any such weeds found growing on such property by United States mail, postage prepaid, addressed to such owner at his or her last known address or served personally; and

WHEREAS, on the failure, neglect or refusal of any such owner to cut or destroy such weeds located upon such property within seven days after the mailing or personal service date of such notice, the City's Public Works Department is authorized to pay for the cutting of such weeds or to order the removal by the City; and

WHEREAS, the cost of any such cutting, destroying, or removing such weeds shall be at the expense of the owner of such property; and

WHEREAS, if the costs of cutting, destroying or removing weeds and other rank growth of vegetation and costs of removing any refuse, debris, or other obstructions, to permit such cutting are unpaid for two months, pursuant to said Section 34-61, the City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the amount of such expense, and such expense shall become a lien on the property upon which the removal measures were taken as a special assessment levied on the date of such measures; and

WHEREAS, the City's Public Works Department has notified Logan Kinzie, the owner of 102 Douglas Street, Wayne, Nebraska, and legally described as Lot 7, Block 24, Original Town of Wayne, Wayne County, Nebraska, to cut, destroy, and remove any such weeds, grass or unhealthful growth located on such property by United States mail, postage prepaid, at the last known address of Logan Kinzie or served personally; and

WHEREAS, upon the failure, neglect or refusal of Logan Kinzie to cut, destroy, and remove such weeds from said property within seven days after the mailing or personal service date of such notice, the City Public Works Department did then undertake the removal of such weeds from said property, pursuant to Section 34-61 during the time period of May, 2010, through and including August, 2010; and

WHEREAS, the cost of such cutting, destroying or removal of such weeds in the total amount of \$90.00 has been sent to Logan Kinzie for payment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Wayne City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the total amount of \$90.00 in expenses incurred by the Wayne Public Works Department in removing weeds and other rank growth of vegetation from the property owned by Logan Kinzie and upon certification to the Wayne County Treasurer, such expense shall become a lien on the property described herein below, said property owned by Logan Kinzie on which the removal measures were taken, as a special assessment levied on the date of such measures. The property is described to wit:

Lot 7, Block 24, Original Town of Wayne, Wayne County, Nebraska.

BE IT FURTHER RESOLVED that pursuant to Section 34-61 of the Wayne Municipal Code, the Wayne County Treasurer shall add such expense to, and it shall become and form a part of the taxes on such property described herein and shall bear interest at the same rate as taxes.

Passed and approved this 19th day of October, 2010.

THE CITY OF WAYNE, NEBRASKA

BY _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2010-83

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE SOUTH TWENTY-ONE FEET OF LOT TWENTY-SIX AND PART OF LOT TWENTY-SEVEN, MCPHERRAN'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 904 WALNUT STREET, WAYNE, NEBRASKA.

WHEREAS, the City of Wayne has incurred costs associated with the mowing of the property located at 904 Walnut Street, Wayne, Nebraska, and legally described as the South 21' of Lot 26 and Part of Lot 27, McPherran's Addition to the City of Wayne, Wayne County, Nebraska; and

WHEREAS, Section 34-61 of the Wayne Municipal Code requires each owner of any lot or parcel of land in the City of Wayne to cut and remove all weeds and other rank growth of vegetation on such property as close to the ground level as possible throughout the period of May 1st to October 15th of each year; and

WHEREAS, the Superintendent of Public Works & Utilities has caused to be published in the Wayne Herald the notice required under Section 34-61 specifying that said weeds and other rank growth vegetation shall be cut during the above-referenced period; and

WHEREAS, the City's Public Works Department is authorized under said Section to notify in writing the owner of any property within the City to cut any such weeds found growing on such property by United States mail, postage prepaid, addressed to such owner at his or her last known address or served personally; and

WHEREAS, on the failure, neglect or refusal of any such owner to cut or destroy such weeds located upon such property within seven days after the mailing or personal service date of such notice, the City's Public Works Department is authorized to pay for the cutting of such weeds or to order the removal by the City; and

WHEREAS, the cost of any such cutting, destroying, or removing such weeds shall be at the expense of the owner of such property; and

WHEREAS, if the costs of cutting, destroying or removing weeds and other rank growth of vegetation and costs of removing any refuse, debris, or other obstructions, to permit such cutting are unpaid for two months, pursuant to said Section 34-61, the City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the amount of such expense, and such expense shall become a lien on the property upon which the removal measures were taken as a special assessment levied on the date of such measures; and

WHEREAS, the City's Public Works Department has notified Angel Gonzalas, the owner of 904 Walnut Street, Wayne, Nebraska, and legally described as the South 21' of Lot 26 and Part of Lot 27, McPherran's Addition to the City of Wayne, Wayne County, Nebraska, to cut, destroy, and remove any such weeds, grass or unhealthful growth located on such property by United States mail, postage prepaid, at the last known address of Angel Gonzalas or served personally; and

WHEREAS, upon the failure, neglect or refusal of Angel Gonzalas to cut, destroy, and remove such weeds from said property within seven days after the mailing or personal service date of such notice, the City Public Works Department did then undertake the removal of such weeds from said property, pursuant to Section 34-61 during the time period of May, 2010, through and including August, 2010; and

WHEREAS, the cost of such cutting, destroying or removal of such weeds in the total amount of \$90.00 has been sent to Angel Gonzalas for payment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Wayne City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the total amount of \$90.00 in expenses incurred by the Wayne Public Works Department in removing weeds and other rank growth of vegetation from the property owned by Angel Gonzalas and upon certification to the Wayne County Treasurer, such expense shall become a lien on the property described herein below, said property owned by Angel Gonzalas on which the removal measures were taken, as a special assessment levied on the date of such measures. The property is described to wit:

The South 21' of Lot 26 and Part of Lot 27, McPherran's Addition to the City of Wayne, Wayne County, Nebraska.

BE IT FURTHER RESOLVED that pursuant to Section 34-61 of the Wayne Municipal Code, the Wayne County Treasurer shall add such expense to, and it shall become and form a part of the taxes on such property described herein and shall bear interest at the same rate as taxes.

Passed and approved this 19th day of October, 2010.

THE CITY OF WAYNE, NEBRASKA

BY _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2010-84

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A FEDERAL TRANSPORTATION FUNDING INTERLOCAL AGREEMENT.

WHEREAS, the "Nebraska City of the First Class Federal Highway Transportation Funding Agreement" has been established to ensure that Cities of the First Class in the State of Nebraska maximize federal funding opportunities for transportation projects at the local level; and

WHEREAS, an Interlocal Agreement has been proposed by the League of Nebraska Municipalities to provide a vehicle for Cities of the First Class eligible for Federal Funding in the L200 category to coordinate and cooperate with each other in carrying out the purposes outlined in the attached agreement; and

WHEREAS, the Interlocal Agreement requires that a representative be selected by the City to represent the community on the Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the proposed Federal Transportation Funding Interlocal Agreement between Cities of the First Class is hereby accepted, and the Mayor is authorized and directed to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the Mayor shall select a representative from the elected officials and/or City Administration to represent the City on the Board

PASSED AND APPROVED this 19th day of October, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

NEBRASKA CITY OF THE FIRST CLASS FEDERAL HIGHWAY TRANSPORTATION FUNDING AGREEMENT

PURPOSE

The NEBRASKA CITY OF THE FIRST CLASS FEDERAL HIGHWAY TRANSPORTATION FUNDING AGREEMENT is hereby established to ensure that Cities of the First Class in the State of Nebraska maximize federal funding opportunities for transportation projects at the local level.

PARTIES

This Agreement (“Agreement”) is entered into by, _____ [name of City], that by the signatures on duplicate original copies of this Agreement has consented to the terms of this Agreement. Any City that has signed this Agreement and submitted a copy to the League of Nebraska Municipalities located at 1335 L Street, Lincoln, NE, is a party to this Agreement. Eligible participants shall be limited to any City of the First Class in the State of Nebraska that is eligible for federal surface transportation funding in the L200 funding category, or a substantially similar category that may go by a different title. Cities of the First Class located in a Transportation Management Area are not eligible for L200 funding at this time.

EXCECUION OF AGREEMENT PURPOSES

- Participants in this Agreement shall annually, or more often as needed, prepare a list of transportation projects eligible for L200 federal funding. This list shall then be presented to the Department of Roads for their consideration.
- The list shall include prioritization of projects to guarantee that projects are available in the proper funding years so that available L200 funds can utilized to the maximum extent possible in Cities eligible for L200 funding.
- To the maximum extent possible, the prioritization of projects shall reflect a pro-rata distribution of funding over a period of multiple years. However, in no event shall the consideration of pro-rata funding take precedence over ensuring that projects are available in the proper funding year so that available L200 funds can utilized to the maximum extent possible in Cities eligible for L200 funding.
- Upon execution of this Agreement by 15 Cites of the First Class eligible for

Federal Funding in the L200 category, those Cities shall hold a meeting to determine procedures to carry out the purposes outlined in this agreement.

- Such procedures shall include a method of determining who shall serve as the City's representative to the Interlocal Agreement.
- Such procedures can include the election of an executive committee that includes persons with expertise in determining when projects can be processed through the Department of Roads system.

The Representatives of this Agreement shall meet at least 4 times annually with the Department of Roads staff to discuss issues associated with the preparation of the priority list. One of those meetings shall be in association with the League of Nebraska Municipalities Utilities Section Annual Conference and shall include training on issues associated with L200 Funding.

EXPENSES

All participants to this Agreement shall be responsible for their own expenses related to the execution of this Agreement.

GOVERNANCE AND VOTING

The NEBRASKA CITY OF THE FIRST CLASS FEDERAL HIGHWAY TRANSPORTATION FUNDING AGREEMENT shall be governed by a Board of one representative from each participating City. On an annual basis, each participating City shall be responsible for communicating to the League of Nebraska Municipalities the name of its Representative. The representative from each City shall be entitled to one vote on matters before the Board. The Board shall adopt procedures for alternate representatives.

FUNDING AND PROPERTY OWNERSHIP

The NEBRASKA CITY OF THE FIRST CLASS FEDERAL HIGHWAY TRANSPORTATION FUNDING AGREEMENT shall not collect dues, taxes or any type of revenue from the participating Cities. The NEBRASKA CITY OF THE FIRST CLASS FEDERAL HIGHWAY TRANSPORTATION FUNDING AGREEMENT shall not own property.

TERM AND DURATION

This Agreement shall become effective as to each party on the date such party executes the Agreement and shall continue in force and remain binding until said party terminates the agreement. Termination of participation in this Agreement by a party shall not affect the continued operation of this Agreement between and among the remaining parties. This agreement shall remain effective until January 31, 2059.

TERMINATION

Any Party may at any time by written resolution or notice given to the administrator to decline to participate in the provision of mutual aid. The party shall give written notice of termination of participation in this Agreement.

NOW, THEREFORE, in consideration of the covenants and obligations contained herein, the Participating City listed here, as a Participating City duly executes this Agreement this _____ day of _____, 2010.

Name of City

Mayor

October 11, 2010

RE: Contractor's Pay Estimate No. 4 (FINAL)
Former Kardell Landfill
Stream Restoration Project
Wayne, Nebraska
KM-1001235

Mr. Lowell Johnson
City of Wayne
306 Pearl Street
Wayne, Nebraska 68787

Dear Lowell:

Transmitted herewith for your review and official approval are four copies of Contractor's Pay Estimate No. 4 (FINAL) in the amount of \$2,295.07 for Gana Trucking & Excavating, Inc., contractor for construction of the referenced project. This includes all work approved within Change Order No. 2 resulting from flood damage.

After the enclosed document has been approved and executed, please send one copy of the Contractor's Pay Estimate No. 4 (FINAL) to the contractor with payment and return one copy to us for our files.

Thanks much Lowell for your continued business and support.

Sincerely,

KIRKHAM MICHAEL



Rich L. Robinson, P.E.
Project Manager

RLR/sjt

Enclosures

Copy to: Gana Trucking & Excavating, Inc.
B. Birkel – Kirkham Michael Omaha (w/encl.)

CONTRACTOR'S PAY ESTIMATE NO. 4 (FINAL)

| | |
|--|----------------------------------|
| <i>PROJECT:</i> City of Wayne, NE Former Kardell Landfill – Stream Restoration Project | <i>DATE:</i> October 11, 2010 |
| <i>OWNER:</i> City of Wayne 306 Pearl Street P.O. Box 8 Wayne, NE 68787 Attn: Lowell Johnson | <i>ENGINEER:</i> Kirkham Michael |
| | <i>KM PROJECT NO.:</i> 1001235 |
| | <i>CONTRACT FOR:</i> Entire Work |
| | <i>CONTRACT DATE:</i> 12/3/2009 |
| <i>CONTRACTOR:</i> Gana Trucking & Excavating, Inc. 2700 W Panama Road Martell, NE 68404 | |

| | |
|---|---------------|
| Total Contract Amount plus Approved Change Orders | \$ 109,669.54 |
| Total Completed and Stored to Date | \$ 96,851.49 |
| Retained 0% | \$ 0.00 |
| Previous Estimates | \$ 94,556.42 |
| Due the Contractor This Estimate | \$ 2,295.07 |

I have reviewed this estimate and it appears to be correct.

KIRKHAM MICHAEL

By: Rich Robinson
Rich Robinson, P.E.

Date: 10-11-10

Approved: _____
(Owner)

Date: _____

Progress Estimate



2200 W. Panama Road
Martell, NE 68404
794-5000

Number: KM-0805249 Project: Kardell Landfill
Period From: 8/24/10 To: 9/28/2010

Application No.: FINAL
Date: 9/28/10

| DESCRIPTION | CONTRACT | | | QUANTITY | | | COMPLETED COST | | PERCENT COMPLETED |
|----------------------------|----------|------|------------|----------|----------|--------|-----------------|--------------------|-------------------|
| | QTY | Unit | Unit Price | Current | Previous | Todate | Current | Todate | |
| Mobilization | 1 | LS | \$4,497.00 | 0 | 1 | 1 | \$0.00 | \$4,497.00 | 100.0% |
| Clear & Grub | 1 | LS | \$1,900.19 | 0 | 1 | 1 | \$0.00 | \$1,900.19 | 100.0% |
| Excavation | 1069 | CY | \$10.53 | 0 | 1069 | 1069 | \$0.00 | \$11,256.57 | 100.0% |
| Remove 36" Tree | 2 | EA | \$434.00 | 0 | 2 | 2 | \$0.00 | \$868.00 | 100.0% |
| Rip Rap | 1010 | TN | \$35.90 | 0 | 1010 | 1010 | \$0.00 | \$36,259.00 | 100.0% |
| Silt Fence | 305 | LF | \$2.75 | 0 | 305 | 305 | \$0.00 | \$838.75 | 100.0% |
| Seeding | 0.5 | AC | \$1,250.00 | 0 | 0.5 | 0.5 | \$0.00 | \$625.00 | 100.0% |
| Clay Borrow | 616 | CY | \$11.59 | 0 | 616 | 616 | \$0.00 | \$7,139.44 | 100.0% |
| Erosion Blanket | 888 | SY | \$2.09 | 0 | 888 | 888 | \$0.00 | \$1,855.92 | 100.0% |
| CO1 & CO2 Items | | | | | | | | | |
| Mobilization | 1 | LS | \$2,970.00 | 0 | 1 | 1 | \$0.00 | \$2,970.00 | 100.0% |
| Prep Track Loader | 1 | HR | \$135.00 | 0 | 29.5 | 29.5 | \$0.00 | \$3,982.50 | 2950.0% |
| Prep Track Hoe | 1 | HR | \$155.00 | 0 | 15 | 15 | \$0.00 | \$2,325.00 | 1500.0% |
| Rip Rap | 600 | TN | \$35.90 | 0 | 588.58 | 588.58 | \$0.00 | \$21,130.02 | 98.1% |
| Silt Fence | 305 | LF | \$2.75 | 0 | 305 | 305 | \$0.00 | \$838.75 | 100.0% |
| Seeding | 1 | AC | \$1,250.00 | 0.1 | 0 | 0.1 | \$125.00 | \$125.00 | 10.0% |
| Matting | 888 | SY | \$2.09 | 115 | 0 | 115 | \$240.35 | \$240.35 | 13.0% |
| TOTAL | | | | | | | \$365.35 | \$96,851.49 | 103.1% |

(a) Gross Amount Earned \$96,851.49
 (b) Less Retainage 0% \$0.00
 (c=a-b) Net Amount Earned \$96,851.49
 (d) Less Previous PMTS ~~\$96,486.14~~ **94,556.42**
NET AMOUNT DUE ~~\$365.35~~ **3,295.07**

**Please see attached invoice.

 Jake Whitefoot

RESOLUTION NO. 2010-85

A RESOLUTION ACCEPTING WORK ON THE KARDELL SUBDIVISION, PAVING, DRAINAGE AND WATER IMPROVEMENT PROJECT, AND AUTHORIZING FINAL PAYMENT THERETO.

WHEREAS, on the 19th day of May, 2009, the City of Wayne approved Resolution No. 2009-42 awarding the contract on the Kardell Subdivision, Paving, Drainage and Water Improvement Project to Steve Harris Construction, Inc., of Homer, Nebraska; and

WHEREAS, the contract has been substantially completed according to the terms and specifications of the plans and specifications and according to the report of the project engineer, Olsson Associates.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the recommendation of acceptance by the project engineer, Olsson Associates, for the work in the Kardell Subdivision Paving, Drainage and Water Improvement Project be and the same is hereby accepted.

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that the City Administrator is authorized to make final payment to the contractor, including the retainage pursuant to the project contract.

PASSED AND APPROVED this 19th day of October, 2010.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



October 14, 2010

Lois Shelton, Mayor
City of Wayne
306 Pearl Street
Wayne, NE 68787

RE: Kardell Subdivision Paving, Drainage and Water Improvements
South Sioux City, NE
OA Project No. 007-1096

Dear Ms. Shelton:

I, Rodney L. Hanson, state that the work done on the above-referenced project, completed by Steve Harris Construction Inc., Homer, Nebraska, for the City of Wayne has been completed according to the plans and specifications and in general compliance with the terms of the contract.

I recommend that the work be accepted by the City of Wayne.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rodney L. Hanson'.

Rodney L. Hanson, P.E.
Olsson Associates



1707 Dakota Avenue South Sioux City, NE 68776

CERTIFICATE OF PAYMENT NO. 7 (FINAL)

Date of Issuance: October 19, 2010

Project No. 007-1096

Project: Kardell Subdivision Paving, Drainage & Water Improvements, Wayne, Nebraska - 2009

Contractor: Steve Harris Construction, Inc, PO Box 343, Homer, NE 68030

| DETAILED ESTIMATE | | |
|-------------------|-------------|------------|
| Description | Unit Prices | Extensions |
| See Attached | | |

PLEASE REMIT PAYMENT TO: Steve Harris Construction, Inc.

Value of Work Stored & Completed: \$509,760.67

| | |
|-------------------------|--------------|
| Original Contract Cost: | \$274,669.40 |
| Approved Change Orders: | |
| No. 1 | \$3,168.00 |
| No. 2 | \$228,199.20 |
| No. 3 | \$17,693.23 |
| No. 4 | -\$13,969.16 |
| No. | \$0.00 |
| Total Contract Cost: | \$509,760.67 |

| | |
|--|--------------|
| Value of completed work and materials stored | \$509,760.67 |
| Less retained percentage (0 %) | \$0.00 |
| Net amount due including this estimate | \$509,760.67 |

Less: Estimates previously approved:

| | | | |
|-------|--------------|-------|-------------|
| No. 1 | \$40,864.50 | No. 6 | \$24,295.72 |
| No. 2 | \$318,892.45 | No. 7 | \$0.00 |
| No. 3 | \$70,332.34 | No. 8 | \$0.00 |
| No. 4 | \$27,919.61 | No. 9 | \$0.00 |
| No. 5 | \$22,358.44 | No.10 | \$0.00 |

Total Previous Estimates: \$504,663.06

NET AMOUNT DUE THIS ESTIMATE: \$5,097.61

The undersigned hereby certifies that the work done and materials delivered have been checked as to quantity and conformance with the plans and specifications and the Contractor, in accordance with the contract, is entitled to payment as indicated above.

cc: Steve Harris Construction, Inc.
Project File

OLSSON ASSOCIATES

By _____

| No. | Unit | Description | Plan Quantity | Unit Price \$ | Contract Price \$ | Amt Material Stored | Quantities Completed | Total Amount Completed + Stored | 99% Due Contractor | 0% Retainage | Amt. Paid Prev. Est. | Total Due This Est. |
|--|------|--|------------------|------------------|----------------------|------------------------|-------------------------|------------------------------------|-----------------------|-----------------|-------------------------|------------------------|
| Bid Section "A" - Paving and Drainage | | | | | | | | | | | | |
| 1 | SY | Build 8" Concrete Pavement | 8,239 | \$34.80 | \$285,069.40 | | 7995 | \$276,627.00 | \$276,627.00 | \$0.00 | \$276,627.00 | \$2,766.27 |
| 2 | SY | Remove and Replace 8" Concrete Pavement | 79 | \$45.00 | \$3,555.00 | | 335 | \$15,075.00 | \$15,075.00 | \$0.00 | \$14,924.25 | \$150.75 |
| 3 | SY | Remove and Replace 6" Concrete Driveway | 192 | \$36.00 | \$6,912.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 3x | LF | Pacific Coast, Temp Driveway | 1 | \$4,000.00 | \$4,000.00 | | 1 | \$4,000.00 | \$4,000.00 | \$0.00 | \$3,960.00 | \$40.00 |
| 4 | LF | Build Concrete Header | 48 | \$8.00 | \$384.00 | | 48 | \$384.00 | \$384.00 | \$0.00 | \$380.16 | \$3.84 |
| 5 | TN | Gravel Surfacing | 488 | \$15.00 | \$7,320.00 | | 561 | \$8,415.00 | \$8,415.00 | \$0.00 | \$8,330.85 | \$84.15 |
| 6 | EA | Adjust Manhole to Grade | 1 | \$300.00 | \$300.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 7 | LS | Earthwork - Excavation | 1 | \$32,900.00 | \$32,900.00 | | 1 | \$32,900.00 | \$32,900.00 | \$0.00 | \$32,571.00 | \$329.00 |
| 7A | CY | Earthwork - Ditch Increase | 3950 | \$1.90 | \$7,505.00 | | 3950 | \$7,505.00 | \$7,505.00 | \$0.00 | \$7,428.95 | \$75.05 |
| 7B | LS | Rock Removal South Ditch | 1 | \$5,000.00 | \$5,000.00 | | 1 | \$5,000.00 | \$5,000.00 | \$0.00 | \$4,950.00 | \$50.00 |
| 7x | TN | Subgrade Stabilization w/ Fly Ash | 182 | \$75.00 | \$13,650.00 | | 182 | \$13,650.00 | \$13,650.00 | \$0.00 | \$13,513.50 | \$136.50 |
| Total Base Bid Section "A" | | | | | | | | | | | | |
| Bid Section "B" - Storm Sewer and Erosion Control | | | | | | | | | | | | |
| 8 | LF | Build 15" Reinforced Concrete Storm Sewer Pipe | 0 | \$20.00 | \$0.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 9 | LF | Build 18" Reinforced Concrete Storm Sewer Pipe | 658 | \$21.00 | \$13,776.00 | | 338 | \$7,098.00 | \$7,098.00 | \$0.00 | \$7,027.02 | \$70.98 |
| 10 | LF | Build 24" Reinforced Concrete Storm Sewer Pipe | 79 | \$32.00 | \$2,528.00 | | 140 | \$4,480.00 | \$4,480.00 | \$0.00 | \$4,435.20 | \$44.80 |
| 10x | LF | Build 30" Reinforced Concrete Storm Sewer Pipe | 37 | \$42.00 | \$1,554.00 | | 37 | \$1,554.00 | \$1,554.00 | \$0.00 | \$1,538.46 | \$15.54 |
| 11 | LF | Build 36" Reinforced Concrete Storm Sewer Pipe | 0 | \$52.00 | \$0.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 12 | LF | Build 24" Corrugated Metal Storm Sewer Pipe | 0 | \$25.00 | \$0.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 13 | EA | Build 36" Corrugated Metal Storm Sewer Pipe | 0 | \$39.00 | \$0.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 14 | EA | Build 24" Concrete Flared End Section | 2 | \$400.00 | \$800.00 | | 2 | \$800.00 | \$800.00 | \$0.00 | \$792.00 | \$8.00 |
| 15 | EA | Build 18" Concrete Flared End Section | 2 | \$600.00 | \$1,200.00 | | 2 | \$1,200.00 | \$1,200.00 | \$0.00 | \$1,188.00 | \$12.00 |
| 15x | EA | Build 30" Concrete Flared End Section | 1 | \$700.00 | \$700.00 | | 1 | \$700.00 | \$700.00 | \$0.00 | \$693.00 | \$7.00 |
| 16 | EA | Build 30" Concrete Flared End Section | 0 | \$800.00 | \$0.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 17 | EA | Build 24" Corrugated Metal Flared End Section | 0 | \$250.00 | \$0.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 18 | EA | Build 36" Corrugated Metal Flared End Section | 0 | \$600.00 | \$0.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 19 | EA | Build 24" Corrugated Metal Pipe Bend | 0 | \$400.00 | \$0.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 20 | EA | Build 36" Corrugated Metal Pipe Bend | 0 | \$500.00 | \$0.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 21 | EA | Build Curb Inlet | 4 | \$1,750.00 | \$7,000.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 22 | EA | Build Storm Sewer Manhole | 2 | \$2,000.00 | \$4,000.00 | | 3 | \$6,000.00 | \$6,000.00 | \$0.00 | \$5,940.00 | \$60.00 |
| 22x | VF | Additional Storm Sewer Manhole Depth | 3.3 | \$355.24 | \$1,172.29 | | 3.3 | \$1,172.29 | \$1,172.29 | \$0.00 | \$1,160.57 | \$11.72 |
| 23 | EA | Build Area Inlet | 2 | \$2,500.00 | \$5,000.00 | | 3 | \$7,500.00 | \$7,500.00 | \$0.00 | \$7,425.00 | \$75.00 |
| 24 | TN | Build Rock Rip-Rap | 30 | \$40.00 | \$1,200.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 25 | SY | Erosion Control, Type 1F | 4,718 | \$1.70 | \$8,020.60 | | 4,718 | \$8,020.60 | \$8,020.60 | \$0.00 | \$7,940.39 | \$80.21 |
| 26 | LF | Install Silt Fence | 1,503 | \$2.00 | \$3,006.00 | | 48 | \$96.00 | \$96.00 | \$0.00 | \$95.04 | \$0.96 |
| 27 | LF | Install Silt Fence, Type Cbir | 100 | \$4.00 | \$400.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 28 | EA | Install Bellies | 100 | \$15.00 | \$1,500.00 | | 100 | \$1,500.00 | \$1,500.00 | \$0.00 | \$1,485.00 | \$15.00 |
| 29 | AC | Seeding | 3.9 | \$1,900.00 | \$7,410.00 | | 3.9 | \$7,410.00 | \$7,410.00 | \$0.00 | \$7,291.50 | \$118.50 |
| Total Bid Section "B" | | | | | | | | | | | | |
| | | | | | | | | | \$45,970.89 | \$0.00 | \$45,511.18 | \$459.71 |

| No. | Unit | Description | Plan Quantity | Unit Price \$ | Contract Price \$ | Amt Material Stored | Quantities Completed | Total Amount Completed + Stored | 99% Due Contractor | 0% Retainage | Amt. Paid Prev. Est. | Total Due This Est. |
|-----|------|---|---------------|---------------|-------------------|---------------------|----------------------|---------------------------------|--------------------|--------------|----------------------|---------------------|
| | | Bid Section "C" - Water | | | | | | | | | | |
| 30B | LF | 30" PVC Water Main, C900 | 2,193 | \$11.20 | \$24,561.60 | | 2140 | \$23,968.00 | \$23,968.00 | \$0.00 | \$23,728.32 | \$239.68 |
| 31B | EA | 48" M.J. Tee | 1 | \$225.00 | \$225.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 32B | EA | 48" M.J. Tee | 4 | \$225.00 | \$900.00 | | 5 | \$1,125.00 | \$1,125.00 | \$0.00 | \$1,113.75 | \$11.25 |
| 33B | EA | 3" M.J. Sleeve | 2 | \$100.00 | \$200.00 | | 2 | \$200.00 | \$200.00 | \$0.00 | \$198.00 | \$2.00 |
| 34B | EA | 3" - 22.5" M.J. Bend | 3 | \$175.00 | \$525.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 35B | EA | 3" - 11.25" M.J. Bend | 2 | \$175.00 | \$350.00 | | 3 | \$525.00 | \$525.00 | \$0.00 | \$519.75 | \$5.25 |
| 36B | EA | 3" M.J. Gate Valve | 5 | \$1,000.00 | \$5,000.00 | | 4 | \$4,000.00 | \$4,000.00 | \$0.00 | \$3,960.00 | \$40.00 |
| 37B | LF | 37 1/2" Water Service Tubing, P.E. | 125 | \$8.00 | \$1,000.00 | | 50 | \$400.00 | \$400.00 | \$0.00 | \$396.00 | \$4.00 |
| 38B | EA | 3" Water Service Connection | 1 | \$400.00 | \$400.00 | | 1 | \$400.00 | \$400.00 | \$0.00 | \$396.00 | \$4.00 |
| 39B | EA | Hydrant Assembly (Type II) | 4 | \$2,500.00 | \$10,000.00 | | 4 | \$10,000.00 | \$10,000.00 | \$0.00 | \$9,900.00 | \$100.00 |
| 40B | EA | Remove & Relocate Hydrant & Valve (Type IV) | 1 | \$500.00 | \$500.00 | | 1 | \$500.00 | \$500.00 | \$0.00 | \$495.00 | \$5.00 |
| 41B | EA | Wet Curb-in | 2 | \$350.00 | \$700.00 | | 2 | \$700.00 | \$700.00 | \$0.00 | \$693.00 | \$7.00 |
| | | Alternate Bid | | | | | | | | | | |
| 42B | EA | 48" Live Tap w/ Gate Valve | 1 | \$2,000.00 | \$2,000.00 | | 0.71 | \$1,415.00 | \$1,415.00 | \$0.00 | \$1,400.85 | \$14.15 |
| | | Total Base Bid Section "C" | | | \$44,361.60 | | | \$43,233.00 | \$43,233.00 | \$0.00 | \$42,800.67 | \$432.33 |
| | | Bid Section "D" - Sanitary | | | | | | | | | | |
| 43B | LF | 36" SDR 35 Sanitary Sewer Main | 950 | \$27.50 | \$26,125.00 | | 1024 | \$28,160.00 | \$28,160.00 | \$0.00 | \$27,878.40 | \$281.60 |
| 44B | VF | Build 48" Sanitary Manhole | 60 | \$275.00 | \$16,500.00 | | 59 | \$16,225.00 | \$16,225.00 | \$0.00 | \$16,062.75 | \$162.25 |
| | | Total Base Bid Section "D" | | | \$42,625.00 | | | \$44,385.00 | \$44,385.00 | \$0.00 | \$43,941.15 | \$443.85 |
| | | Water, Tie In | | | | | | | | | | |
| 45B | LF | 36" PVC Water Main, C900 (Material Only) | 30 | \$5.19 | \$155.76 | | 30 | \$155.76 | \$155.76 | \$0.00 | \$154.20 | \$1.56 |
| 46B | EA | 48" M.J. Bend (Material Only) | 4 | \$185.74 | \$742.94 | | 4 | \$742.94 | \$742.94 | \$0.00 | \$735.51 | \$7.43 |
| 47B | HR | 14 Laborer Hours | 14 | \$55.00 | \$770.00 | | 14 | \$770.00 | \$770.00 | \$0.00 | \$762.90 | \$7.10 |
| 48B | HR | 30 Laborer Hours (Overtime) | 30 | \$82.50 | \$2,475.00 | | 30 | \$2,475.00 | \$2,475.00 | \$0.00 | \$2,450.25 | \$24.75 |
| 49B | HR | Excavator w/ Operator | 9 | \$16.50 | \$148.50 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 50B | HR | Excavator w/ Operator (Overtime) | 10 | \$165.00 | \$1,650.00 | | 9 | \$1,485.00 | \$1,485.00 | \$0.00 | \$1,470.15 | \$14.85 |
| 51B | HR | Loader w/ Operator | 0 | \$1,000.00 | \$0.00 | | 10 | \$1,925.00 | \$1,925.00 | \$0.00 | \$1,905.75 | \$19.25 |
| 51V | HR | Loader w/ Operator | 4 | \$110.00 | \$440.00 | | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 52B | LS | Thrust Blocks (4) | 1 | \$1,076.03 | \$1,076.03 | | 4 | \$440.00 | \$440.00 | \$0.00 | \$435.60 | \$4.40 |
| | | PCF North Rock Drive | | | | | 1 | \$1,076.03 | \$1,076.03 | \$0.00 | \$1,065.27 | \$10.76 |
| | | | | | | | | | | | \$0.00 | |
| 53B | TN | Crushed Quantize | 93 | \$19.85 | \$1,846.05 | | 93 | \$1,846.05 | \$1,846.05 | \$0.00 | \$1,827.59 | \$18.46 |
| 54B | HR | Clearsite Trucking | 7.5 | \$90.00 | \$675.00 | | 7.5 | \$675.00 | \$675.00 | \$0.00 | \$668.25 | \$6.75 |
| 55B | LS | Place PCF North Drive | 1 | \$1,025.00 | \$1,025.00 | | 1 | \$1,025.00 | \$1,025.00 | \$0.00 | \$1,014.75 | \$10.25 |
| | | Total | | | \$523,973.17 | \$0.00 | | \$509,760.67 | \$509,760.67 | \$0.00 | \$499,120.82 | \$5,097.61 |

RESOLUTION NO. 2010-86

RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, AND ESTIMATE OF COST FOR THE KARDELL LIFT STATION PROJECT AS PREPARED BY THE CITY'S ENGINEER. AND DIRECTING ADVERTISEMENT FOR BIDS.

BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska:

That the plans, specifications, and estimate of cost prepared by the City's Engineer and filed in the office of the City Clerk for the construction of improvements for the Kardell Lift Station Project of the City of Wayne, Nebraska, be and the same are hereby approved, and the City Clerk is directed to advertise for bids in the form of the notice prepared by the City's Engineer.

PASSED AND APPROVED this 19th day of October, 2010

THE CITY OF WAYNE, NEBRASKA

BY _____
Mayor

ATTEST:

City Clerk

**City of Wayne
60% of 1% City Sales Tax
CAPITAL PROJECTS BUDGET**

Last Updated **10/13/2010**

| City of wayne | Potential Projects Estimated Costs | Actual | | Approved Budget 2010-11 | Actual | | Estimated Budget 2011-12 | Estimated Budget 2012-13 | Estimated Budget 2013-14 | Estimated Budget 2014-15 | Estimated Budget 2015-16 | Estimated Budget 2016-17 | Estimated Budget 2017-18 | Estimated Budget 2018-19 | Estimated Budget 2019-20 | Estimated Budget 2020-21 | Estimated Budget 2021-22 | Estimated Budget 2022-23 | Estimated Budget 2023-24 | | |
|---|------------------------------------|---------------------|-----------------------------------|-------------------------|-----------------------------------|-------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---------------------|---------------------|
| | | Actual 2008-09 | collections & expenses to 9/30/10 | | collections & expenses to 10/1/10 | | | | | | | | | | | | | | | | |
| City Sales Tax (est. 2% growth) | | \$ 20,885.04 | 283,071.37 | \$ 269,000 | | | \$ 274,380 | \$ 279,868 | \$ 285,465 | \$ 291,174 | \$ 296,998 | \$ 302,938 | \$ 308,996 | \$ 315,176 | \$ 321,480 | \$ 327,909 | \$ 334,468 | \$ 341,157 | \$ 347,980 | \$ 4,317,874 | |
| Interest | | \$ 62.32 | 938.69 | | | | | | | | | | | | | | | | | \$ 62 | |
| Total Revenues | | \$ 20,947.36 | 284,010.06 | \$ 269,000 | \$ - | \$ - | \$ 274,380 | \$ 279,868 | \$ 285,465 | \$ 291,174 | \$ 296,998 | \$ 302,938 | \$ 308,996 | \$ 315,176 | \$ 321,480 | \$ 327,909 | \$ 334,468 | \$ 341,157 | \$ 347,980 | \$ 4,317,937 | |
| * Property Tax Reduction | | | | | | | | | | | | | | | | | | | | | |
| POTENTIAL SALES TAX PROJECTS | | | | | | | | | | | | | | | | | | | | | |
| Infrastructure Projects | | | | | | | | | | | | | | | | | | | | | |
| Sidewalk improvements (General Fund) | \$10,000 | | | | | | | | | | | | | | | | | | | \$ - | |
| 10th Street (Debt Service) | \$80,000 | | | | | | | | | | | | | | | | | | | \$ - | |
| Kardell Industrial Street (General Fund) | \$260,000 | | 150,000.00 | | | | | | | | | | | | | | | | | \$ 150,000 | |
| Windom (Debt Service) | \$118,000 | | | | | | | | | | | | | | | | | | | \$ - | |
| West 1st Street (Debt Service) | \$136,000 | | | | | | | | | | | | | | | | | | | \$ - | |
| Downtown Sidewalks (Debt Service)+Interest | \$322,000 | | | \$ 38,800 | | | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 38,800 | \$ 388,000 | |
| Airport White topping runways | \$100,000 | | | \$ 100,000 | | | | | | | | | | | | | | | | \$ 100,000 | |
| Total Infrastructure | \$1,026,000 | \$ - | 150,000.00 | \$ 138,800 | \$ - | \$ - | \$ 38,800 | \$ 638,000 | |
| Building & Facility Projects | | | | | | | | | | | | | | | | | | | | | |
| * Transfers City Tax to Sewer/WWTP-council approved | \$1,400,000 | | | \$ 75,000 | | | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 1,050,000 |
| Bressler Park Bathrooms ADA | \$22,500 | | | \$ 22,500 | | | | | | | | | | | | | | | | | \$ 22,500 |
| Victor Park Bathrooms ADA | \$22,500 | | | \$ 22,500 | | | | | | | | | | | | | | | | | \$ 22,500 |
| New Restroom East Park | \$47,000 | | | \$ 10,000 | | | | | | | | | | | | | | | | | \$ 10,000 |
| * 2200' Concrete Trail alternate Phase II | \$16,500 | | | \$ 16,500 | | | | | | | | | | | | | | | | | \$ 16,500 |
| Replacement baby pool | \$150,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Shade & seating for parents at swimming pool | \$20,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Restrooms Hank Overin Field | \$15,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Library Senior Center/Roof Rubber Roof | \$90,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Replace City Hall Roof | \$25,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| * New Swimming Pool | \$1,400,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Summer Sports Complex SW ballfield | \$4,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Total Buildings & Facilities | \$3,212,500 | \$ - | - | \$ 146,500 | \$ - | \$ - | \$ 75,000 | \$ 75,000 | \$ 1,121,500 |
| Equipment / Projects | | | | | | | | | | | | | | | | | | | | | |
| ADA lift - swimming pool | | | 4,373.00 | | | | | | | | | | | | | | | | | | \$ 4,373 |
| Police Equipment | \$18,500 | | | | | | | | | | | | | | | | | | | | \$ - |
| Police car replacement | \$35,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| * Aerial Ladder Truck | \$600,000 | | | \$ 50,000 | | | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 74,000 | \$ 716,000 | |
| * Playground Equipment | \$75,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Park mowers & Tractors | \$17,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| St. Equipment New/Replacement | \$155,700 | | | | | | | | | | | | | | | | | | | | \$ - |
| Flatbed truck/blade | \$45,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Pickups/Trucks | \$35,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Mower | \$15,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Front end loader | \$95,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Skid loader | \$30,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Tub Grinder tractor | \$15,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Tub Grinder Rebuild | \$120,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| back hoe % St Share 2000 | \$15,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Replace personnel carrier | \$65,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Replace Command Vehicle | \$40,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| City hall Phone System | \$45,000 | | | | | | | | | | | | | | | | | | | | \$ - |
| Digitize Wayne Herald | \$10,000 | | 9,441.78 | \$ 10,000 | | | \$ 10,000 | \$ 10,000 | | | | | | | | | | | | | \$ 39,442 |
| Bleacher Replacement | | | | \$ 20,000 | | | | | | | | | | | | | | | | | \$ 20,000 |
| Total Equipment / Projects | \$1,431,200 | \$ - | 13,814.78 | \$ 80,000 | \$ - | \$ - | \$ 84,000 | \$ 84,000 | \$ 74,000 | \$ 74,000 | \$ 779,815 |
| Total Expenditures | \$5,669,700 | \$ - | 163,814.78 | \$ 365,300 | \$ - | \$ - | \$ 197,800 | \$ 197,800 | \$ 187,800 | \$ 75,000 | \$ 2,539,315 |
| Remaining Funds | | \$ 20,947.36 | 141,142.64 | | | | 141,142.64 | | | | | | | | | | | | | | |

* Sales tax committee suggestions

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**COMMUNITY DEVELOPMENT AGENCY MINUTES
OF SEPTEMBER 21, 2010**

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain to recess as Council and convene as the Community Development Agency. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Chair Chamberlain called the meeting of the Community Development Agency to order. Those in attendance were: Members Jim Van Delden, Jon Haase, Lois Shelton, and Doug Sturm; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Brian Frevert, Dale Alexander, Kaki Ley and Kathy Berry.

Chair Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection.

The next item on the CDA agenda was to approve the minutes of the August 17, 2010, meeting.

Member Shelton made a motion and seconded by Member Sturm approving the minutes of the August 17, 2010, meeting. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the agenda was to take action to set a price on Lot 4, Kardell Subdivision.

Administrator Johnson stated this lot is slightly more than 10 acres, and his recommendation is to set the purchase price at \$20,000 per acre, for a total of \$200,000.

The appraised value is \$125,000. The basis for this \$20,000 per acre comes from the improvements that were made out there (e.g. paved street, water and sewer). In addition, this property contains a large amount of high quality lean clay that could be sold for a profit.

It was noted that the land for the opportunity building was set at \$12,500 per acre.

Member Sturm had some concerns about setting the price too high. However, it was noted that the purchase price could always be negotiated.

Administrator Johnson explained that the hook-up fees, in lieu of assessments, for sewer would be approximately \$25,000. The paving assessment would have been \$135,000, which then leaves about \$40,000 for the land. This does not take into account the price for the water hook-up.

Member Shelton made a motion and seconded by Member Sturm setting the purchase price for Lot 4, Kardell Subdivision, at \$200,000.

Chair Chamberlain opined he would not mind putting a more sellable price on this lot to get a business out there, and if the CDA were to do that, he would recommend putting stipulations on the purchase similar to what has been done in Western Ridge (e.g. Improvements completed within 12-24 months). This would help prevent people from purchasing the property just for the dirt and then trying to sell it.

Finance Director Nancy Braden stated the City paid for the street, water and sewer improvements. The City did not annex the property, so there is no way for the City to recoup any of those costs. This would be a way for the City to recoup some of the expenses for those improvements.

Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Sturm made a motion and seconded by Member Shelton to adjourn as the Community Development Agency and reconvene as Council. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

CDA RESOLUTION NO. 2010-3

A RESOLUTION APPROVING LOT SALE INCENTIVES FOR WESTERN RIDGE SUBDIVISION.

WHEREAS, at their meeting of August 5, 2008, the Community Development Agency developed and approved certain "terms of sale" for the lots in the Western Ridge Subdivision; and

WHEREAS, the Community Development Agency desires to approve and adopt "lot sale incentives" for the remainder of the lots in the Western Ridge Subdivision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Wayne, Nebraska, hereby approve and adopt the following "lot sale incentives" for the remainder of the lots in the Western Ridge Subdivision:

1. The period of this incentive offer will be from the time of approval to December 31, 2011;
2. The required completion date for homes to be built on the lots will be extended from the current policy of 12 months from the date of closing on the lot to a longer period that ends on the December 15th after the second construction season following the date of the sale by the CDA. The late penalty will still be \$5,000 filed as a performance lien on the lot when it is sold by the CDA to be released upon receipt of Certificate of Occupancy;
3. A \$1,500 rebate on the lot price will be made to the developer of the lot if the house has a "Certificate of Occupancy" within 12 months from the date of sale; and
4. The CDA will carry the cost of the lot at 0% interest from the date of closing until the sale of the lot and house.

PASSED AND APPROVED this 19th day of October, 2010.

THE COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF WAYNE, NEBRASKA

By _____
Chairperson

ATTEST:

Secretary

**Wayne Public Library Board of Trustees
Tuesday, September 7, 2010 / 5 p.m., Conference Room**

Minutes

The meeting was called to order at 5 PM.

Board members Betty Heier, Dennis Lipp, Joel Ankeny, Mollie Spieker and Maureen Kingston were present; Lauran Lofgren, library director, was also in attendance.

D. Lipp moved to approve last meeting's minutes as written; B. Heier seconded.

B. Heier moved to approve the financial report as presented; M. Kingston seconded.

DIRECTOR'S REPORT 92% of year

- Statistics
- | | JUL10 | AUG10 | AUG09 | % of Previous Year Total |
|------------------|-------|-------|-------|--------------------------|
| Circulation | 5466 | 4472 | 4209 | 94 |
| Patrons | 5142 | 4346 | 4404 | 89 |
| Meeting Room | 5 | 6 | 6 | 120 |
| Reference ?s | 203 | 213 | 199 | 91 |
| Computer ?s | 184 | 222 | 362 | 85 |
| Phone Calls | 437 | 416 | 473 | 92 |
| OPACS | 261 | 190 | 174 | 89 |
| CD-ROMs | 243 | 236 | 237 | 104 |
| Internet | 1068 | 1142 | 1430 | 82 |
| New Patron Cards | 34 | 57 | 40 | 83 |
| Items Added | 120 | 167 | 47 | 115 |
| Items Deleted | 45 | 51 | 10 | 104 |

| | JUL10 | AUG10 | AUG09 | % of Previous Year Total |
|------------------|-------|-------|-------|--------------------------|
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| New Patron Cards | 34 | 57 | 40 | 83 |
| Items Added | 120 | 167 | 47 | 115 |
| Items Deleted | 45 | 51 | 10 | 104 |

- Meetings attended
 - LKL attended two city council budget meetings
 - LKL attended a Friends of the Library meeting
- Staff projects and concerns
 - RMcLean and JOsnes attended the welcome back expo for WSC students
 - The library hosted a demonstration on the AWE Learning system for area librarians
 - The final adult summer reading program drew over 100 people for a dinner (sponsored by the Senior Center) and humanities program on the Dust Bowl.
 - The Northeast Library System gave Pat on the Back awards to Charlene Rasmussen and Linda Anderson for their work on landscaping.
 - Julie held two programs on the OneBook OneNebraska Teen book Unwind by Neal Shusterman. A speaker from the Organ Donor organization was followed a week later by a book discussion.
 - Several unused items were placed on the city garage sale. A total of \$118 was raised and has been deposited to the Trust and Agency account as seed money for new children's computers.

- Confirmation has been received from the Wayne County Commissioners that their contribution to Wayne County public libraries will continue next year.
- Shelving has been ordered with a tentative shipping date of October 1.
- As more and more of the microfilm is digitized, we are doing more obituary searches by computer ... it is proving to be a time saver as well as less taxing physically.
- We are considering purchasing a 1-year license for Ancestry.com – their price for our size library has been cut by 1/3, from \$1500 to \$1000 per year. I think it would be extremely popular, and since it would not be available remotely, it will increase building traffic a bit.
- RMcLean has begun cataloging the Nebraska vertical files. Having this information accessible through the computer will hopefully improve their visibility.

OLD BUSINESS

- Action on renewal of Gale Core Four request: D. Lipp moved to continue advertising the databases over the next year. If hits aren't doubled in that time, the board will again review the possibility of renewing the subscription. M. Kingston seconded the motion. The addition of Ancestry.com will be explored.
- Update on purchase of additional shelving: The shelving will ship on October 1.

NEW BUSINESS

- Policy for mobile laptop lab usage: Wording was changed to clarify "adult" as "19 or older." B. Heier moved to approve the change to the policy, M. Kingston second the motion.

The meeting adjourned at 5:37 PM.

Respectfully submitted,
Mollie Spieker

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October 7, 2010



Dear Wayne City Council,

The Wildcat Welcome-back Weekend featuring the Johnny Holm Band was a great success, and we would like to express our gratitude for your kind support. From the comments that we heard afterwards, it sounded like everyone there had a fabulous time, and we were very happy with the diverse turn out. It was a collection of all ages which is exactly what we wanted.

We can not thank you enough for allowing our event to take place down town, and we greatly appreciate the cooperation and collaboration that took place to get this whole project done. We would love to see this event turn into an annual event. Undoubtedly, it has the potential to serve as a significant community/college relation builder. Plans and ideas have already begun for next year, so we look forward to working with all of you again in the future.

Thanks again,

Joe Whitt & Cale Giese

WSC Student Senate President & Vice President