

(*Amended: 3/14/11)

**AGENDA
CITY COUNCIL MEETING
March 15, 2011**

5:30 Call to Order

1. Approval of Minutes – March 1, 2011

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 the Application of Kelsey Rewinkel for Membership to the Wayne Volunteer Fire Department

4. Action on the Application of Chris Jones for Membership to the Wayne Volunteer Fire Department

5. Resolution 2011-16: Accepting Bid and Awarding Contract for the Purchase of a 4-Wheel Drive Cab and Chassis Truck for the Public Works Department

Background: We allocated \$90,000 in the current Street Department Budget to purchase a 4-wheel drive truck to replace the old 1977 truck we are using to plow snow with. We bid out the specifications that the Council approved in February, and the results of the bids are attached. The bids do not include the box or snowplow for this truck. Those will be purchased separately.

Recommendation: The recommendation of the Superintendent of Public Works & Utilities is to accept the low bid from Norfolk Truck Center in the amount of \$92,475.

6. Action on Application for Payment No. 7 in the Amount of \$316,946.21 to Eriksen Construction Co. for the 2009-2010 Wastewater Treatment Facility Improvements, Phase I Project

Background: This pay application is for work completed according to the contract and approved for payment by the project engineer.

7. Ordinance 2011-4: Amending Wayne Municipal Code Chapter 18, Article II, Section 18-46 Building Permits; Cash Deposits

Background: In 2007, the City Council approved a new requirement for a cash deposit to be paid by contractors or building owners with the building permit application. The cash deposit is to be held by the City of Wayne until the final inspection has taken place and the project has been approved by the City Building Inspector. Building permits list progress points that require a site inspection by the Building Inspector, such as footing inspections before the concrete is poured and rough-in inspections before plumbing and electrical installations are covered by sheetrock. When the contractor or building owner continues construction past these points without calling for an inspection, it creates extra time and work for both the contractor and the building official. The cash deposit is forfeited by the building owner or contractor if work is continued past these required inspection points without calling the Building Inspector.

In addition, the ordinance that was passed in 2007 allows deposits to be waived, provided the applicant has had no violations of the progress inspection requirements in the City during the previous twelve months. Joel, since being in this position, has had two requests to waive the deposit, which he has denied. He is requesting that the ordinance be amended so that deposits cannot be waived for the following reasons:

- 1) It creates additional paperwork load on staff to create and update a list of who is not eligible for receiving a waiver;
- 2) The public may well perceive the list as a means of "playing favorites";
- 3) If someone comes in and builds or remodels a home, it may be the only time they take out a building permit for ten or more years. This is much different than a situation where a contractor is obtaining a permit and will probably be doing so again in the near future. That property owner may well have no prior record with us, and therefore, be eligible for a waiver if the "list" existed. We have now lost our incentive to get those individuals to request progress inspections at the appropriate time. If they don't call for a final inspection in a timely manner, we then have the potential for someone to be living in a new space that may have life safety issues that we are not aware of due to a lack of inspection. There are more and more instances where people are doing some or all of the work themselves, and they are not always up to speed on the building codes like a contractor would be.

Recommendation: The deposit requirement has reduced the amount of time needed for inspections after the fact. Joel is recommending that we amend the ordinance so that deposits cannot be waived, and in addition, recommending that the deposit fees be reduced as reflected in the following Resolution.

8. [Resolution 2011-17: Amending Building Permit Cash Deposit Fees](#)
9. [Resolution 2011-18: To Share Facilities and Maintenance Equipment between the City and Wayne Community Schools \(Hank Overin Field\)](#)

Background: Jeff Zeiss prepared this agreement for us and has presented it to the School Board for their approval. The School and the City both use Employers Mutual as its insurance carrier. While EMC covers us both, they still want us to

include the usual indemnification clause in the agreement, so we have added that. This agreement is similar to the agreement we have with the School for their use of the softball fields for high school softball, in addition to WSC Rugby, the Baseball Association and the Softball Association.

Recommendation: The recommendation of the City Administrator is to approve this Agreement with the School.

10. Resolution 2011-19: Approving Specifications and Estimate of Cost for the Industrial Road Street Improvement Project and Directing the City Clerk to Advertise for Bids

Background: This street segment in the Industrial Park extends from the intersection by Pacific Coast Feather to Highway 35. The project will be a tear-out and replacement paving project. We are bidding this project out, using our own standard specifications and not hiring an engineer to design it or prepare and review the bid documents and construction inspection. The segment is about 350' of complete tear out and replacement and will be 8" thick concrete, using NDOR 27B standards for concrete mix, with 95% sub-grade compaction and no curbs. The street width will be 30' and continuously poured paving. The cost estimate is \$60,000 and would be paid using funds from the annual \$330,000 in NDOR highway allocation funds to the City of Wayne. This project was included for replacement in our 1 and 6 Year Street Improvement Plan.

Recommendation: The recommendation of the Street Superintendent is to approve the specifications and start the bidding process.

11. Action on Recommendation from LB 840 Sales Tax Advisory Committee to approve a \$43,019 Low Interest Loan to DRJ LLC/Inet Library to be used to Assist with Expansion/Start-up Expenses

12. Action on Request of G & D Appel, LLC, d/b/a "Riley's" to Delete a Portion of the Premises located at 113 S. Main Street from their Liquor License (Area being deleted is the café/restaurant, kitchen, and outdoor patio)

13. Resolution 2011-20: Approving LPA Program Agreement – STP Funds for the Wayne Trail Phase 2 Project (This agreement supercedes the previous agreements and supplemental agreements for this project.)

14. Recess

- a. Convene as Community Development Agency
- b. Approve Minutes – March 1, 2011
- c. Action on Request from Lou Bencoter for Lien Release on Lot 6, Western Ridge Subdivision

Background: This item was tabled from the last meeting until information could be obtained regarding when the real estate taxes would start to be

assessed. The County Assessor's office has advised that as of January 1, 2011, the house was complete and will be assessed the full value for tax purposes.

Attached are documents outlining some timelines on both the Harlin Brugger property on Douglas Street and the Lou Benscoter property on Brookedale Drive.

Since the majority of the current Council was not on the Council in 2005, I'm also attaching the excerpts of the minutes regarding the Harlin Brugger matter for your reference.

d. Adjourn CDA and Reconvene as Council

15. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

March 1, 2011

The Wayne City Council met in regular session at City Hall on Tuesday, March 1, 2011, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Jim Van Delden, Jon Haase, Dale Alexander, Doug Sturm, Kaki Ley, and Kathy Berry; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert and Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 17, 2011, 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 Van Delden made a motion and seconded by Councilmember Ley, whereas the Clerk has prepared copies of the Minutes of the meeting of February 15th and 21st, 2011, 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 Chamberlain 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:

CHANGES TO PREVIOUS CLAIMS LISTS – VOID: CITY EMPLOYEE – CLOTHING REIMBURSEMENT, 64.16 (2/21/11); CITY EMPLOYEE – HEALTH REIMBURSEMENT, 1772.14 (1/26/11); SHAWN STORY – INTERPRETER, 25.00 (7/14/10)

VARIOUS FUNDS: ALARM PROS, SE, 79.13; AMERITAS, SE, 2238.40; APPEARA, SE, 100.50; BANK FIRST, RE, 695.00; CITY EMPLOYEE, RE, 29.75; CITY EMPLOYEE, RE, 10.55; CITY OF WAYNE, RE, 122.40; CITY EMPLOYEE, RE, 7643.66; BLACK HILLS ENERGY, SE, 1458.00; BOMGAARS, SU, 743.70; BROWN SUPPLY, SU, 63.14; CARTRIDGE WORLD, SU, 227.99; CITY OF WAYNE, RE, 22.03; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, PY, 65229.07;

CITY OF WAYNE, RE, 43.46; COMMUNITY HEALTH, RE, 3.00; COVENTRY, SE, 20875.42; DAVID LEY, RE, 500.00; DEMCO, SU, 98.62; CITY EMPLOYEE, RE, 90.23; ECHO GROUP, SU, 219.33; EGAN SUPPLY, SU, 168.95; ELLIS PLUMBING, SE, 347.96; EMERITUS, RE, 300.00; ERIKSEN CONSTRUCTION, SE, 458019.09; FIRST CONCORD GROUP, SE, 3954.70; FLOOR MAINTENANCE, SU, 153.38; FORT DEARBORN LIFE, SE, 1706.48; FREDRICKSON OIL, SE, 104.95; GALE GROUP, SU, 160.00; GEMPLER'S, SU, 121.50; HAUFF MID-AMERICAN SPORTS, SU, 42.00; HAUGE ASSOCIATES, RE, 167.75; HEWLETT-PACKARD, SU, 180.00; HOLIDAY INN-DOWNTOWN, SE, 84.00; ICMA, RE, 5885.19; IRS, TX, 20021.55; JEO CONSULTING GROUP, SE, 15815.76; CITY EMPLOYEE, RE, 287.93; KNOEPFLER CHEVROLET, SU, 16.95; KRIZ-DAVIS, SU, 210.87; LAB SAFETY SUPPLY, SU, 128.00; CITY EMPLOYEE, RE, 93.05; MATHESON TRI-GAS, SU, 570.71; CITY EMPLOYEE, RE, 132.26; MERIT MECHANICAL, SU, 341.25; MICROFILM IMAGING SYSTEMS, SE, 537.70; MSC INDUSTRIAL, SU, 126.23; MUNICIPAL SUPPLY, SU, 336.30; CITY EMPLOYEE, RE, 456.07; NE DEPT OF HHS, FE, 120.00; NE DEPT OF REVENUE, TX, 3030.29; NE ENVIRONMENT PRODUCTS, SU, 189.86; NE ENVIRONMENT PRODUCTS, FE, 110.00; NE STATE PATROL, SE, 15.00; NMC, INC., SU, 575.95; N.E.NE AMERICAN RED CROSS, RE, 69.24; CITY EMPLOYEE, RE, 44.20; PITNEY BOWES, SU, 648.00; CITY EMPLOYEE, RE, 64.16; PUSH-PEDAL-PULL, SE, 883.00; QUILL, SU, 364.96; QWEST, SE, 371.52; RON'S RADIO, SE, 35.00; SEALS & SERVICE, SU, 313.56; STEFFEN, SU, 652.16; TOM'S BODY & PAINT SHOP, SE, 20.00; UNITED WAY, RE, 10.00; UNO, FE, 230.00; UPSTART, SU, 66.87; VERIZON, SE, 261.77; VOSS LIGHTING, SU, 687.08; WAYNE AUTO PARTS, SU, 1274.06; WAYNE COMMUNITY SCHOOLS, RE, 2100.00; WAYNE COUNTRY CLUB, RE, 5175.00; WESCO, SU, 25778.33; CITY EMPLOYEE, RE, 3545.17; AMERICAN BROADBAND, SE, 330.00; AMERICAN BROADBAND, SE, 1209.07; APPEARA, SE, 118.38; BLACK HILLS ENERGY, SE, 577.93; CITY OF WAYNE, RE, 380.00; COMPRESSION SYSTEMS, SU, 2536.04; DE LAGE LANDEN FINANCIAL, SE, 77.00; ECHO GROUP, SU, 60.21; EGAN SUPPLY, SU, 32.37; ELECTRONIC ENGINEERING, SE, 485.00; FLOOR MAINTENANCE, SU, 23.90; G-NEIL, SE, 599.90; HANSEN, TOMAS, RE, 4394.00; HDR ENGINEERING, SE, 4865.78; HEWLETT-PACKARD, SU, 1014.07; INNOVATIVE PROTECTIVES, SU, 1190.00; JEO CONSULTING GROUP, SE, 3655.00; KNIFE RIVER, SU, 371.28; KRIZ-DAVIS, SU, 161.88; KTCH, SE, 80.00; LINCOLN COMMISSION, FE, 150.00; MAIN STREET AUTO CARE, RE, 1891.00; MAJESTIC THEATER, RE, 5435.00; MATHESON TRI-GAS, SU, 76.69; CITY EMPLOYEE, RE, 2679.77; NE PUBLIC HEALTH, SE, 127.00; NNPPD, SE, 4580.64; OLSSON ASSOCIATES, SE, 4760.00; SAUNDERS COUNTY, RE, 151.50; SHAWN STORY, SE, 25.00; SKARSHAUG TESTING, SE, 321.66; STADIUM SPORTING GOODS, SE, 22.00; STANLEY SECURITY SOLUTION, SU, 461.24; SWAN'S APPAREL, RE, 2582.00; THOMPSON PUBLISHING GROUP, SE, 468.00; US BANK, SU, 6307.84; VERIZON, SE, 101.30; VIAERO, SE, 137.80; WAED, SE, 6383.33; WAYNE COUNTY COURT, RE, 300.00; WAYNE HERALD, SE, 246.00; CITY EMPLOYEE, RE, 1772.14

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

Mayor 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. In addition, he 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.

Penny Vollbracht, Senior Center Coordinator, was present requesting Council consideration to approving the Senior Center Budget that has to be submitted to the Northeast Nebraska Area Agency on Aging. The Senior Center must apply for state funding for the meal program, and Council must approve the budget to be submitted to the Northeast Nebraska Area Agency on Aging.

Councilmember Ley made a motion and seconded by Councilmember Alexander approving and authorizing the submission of the Senior Center budget to the Northeast Nebraska Area Agency on Aging. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Frevert arrived at 5:40 p.m.

Wes Blecke, Executive Director of WAED, was present and advised the Council that the LB840 Sales Tax Advisory Committee met and reviewed an application to Wayne's Economic Development Program Fund. The applicant, DRJ LLC/Inet Library, requested the sum of \$86,038. One-half of the amount was requested to be a

performance-based loan and one-half was requested to be a low-interest loan. The Committee met, and their modified recommendation was to reduce the initial \$86,308 request to \$43,019, with the same being a low interest, 10-year loan to be used to assist with expansion and start-up expenses. The reason the Committee reduced the amount requested was that the application had some strong anticipated sales for 2011. The Committee felt that if those sales came in like expected that the additional funds would not be needed. Of the 15 jobs that would be available immediately, 8 of those would be full-time and 7 would be part-time equivalent.

Gurkan Ozenci, a co-applicant and officer of the company, was present to answer questions and to request Council to reconsider their original request of \$86,038. Dr. Dennis Jensen, the other co-applicant was unable to be at the meeting. Mr. Ozenci stated they are trying to rebuild the company which previously employed 144 people. They will be trying to sell their product to other countries, and are currently working on Nigeria's school systems. The performance-based loan would tie the company to the community. The company is still conducting sales, and the people who are helping with the website are doing so voluntarily. There is not a similar company like this in Nebraska. The company will be located in the old First National Bank drive-thru at the corner of 7th and Main Streets. He noted that the company's owner at this time is Dr. Dennis Jensen. The company is currently serving some schools, and at one time, had 9,300 schools as customers. Currently, there are still around 2,000 school sites still using this product. Part of their business plan is to hire additional sales people to contact those previous customers who used to use this service.

Mr. Blecke advised the Council that \$644,000 of LB840 funds have been awarded as grants, and \$45,000 have been awarded as revolving loans. The only current loan is Godfathers.

Councilmembers Frevert and Sturm were concerned about not having the LB840 monies in hand and having to borrow from the electric fund to pay out on these requests.

Councilmember Sturm stated he would like to know a little more of the history of what happened to the company. Mr. Blecke advised the Council that he had spoken with Dr. Jensen about this, and Dr. Jensen advised him that when the company was sold off in 2002 to a company in Atlanta, they neglected this part of the company, which is why he was able to buy it back in 2008 and start working on it himself. It has been him and 8 or 9 volunteers around the world helping him to make sure the information on the system is accurate, especially in light of getting involved in the international market.

When asked if they had a business plan, Mr. Ozenci replied that they did not exactly write a business plan recently, but that Dr. Jensen had a previous business plan. If the Council wished to hold off on making a decision this evening because they did not have a business plan, he would not be opposed to that.

Councilmember Sturm opined he would not be opposed to one-half of the requested amount being a 3% loan and the other half being a 0% loan, both with a ten-year payback period.

Mayor Chamberlain stated he thought this was as good a project as any that the City has given money to from an economic standpoint.

Councilmember Sturm made a motion and seconded by Councilmember Frevert to table action on the request of DRJ LLC/Inet Library for \$86,038 of LB840

funds until the next meeting so that a business plan can be prepared and presented to the Council, with one-half of the amount being a 3% loan and the other half being 0% loan, both with a payback period of 10 years. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tom Sievers, Fire Chief, and Shawn Percy updated the Council on the status of the purchase of the aerial ladder truck for the fire department. They received information from four different companies. They will be preparing the bid documents which will take about two months. The truck will be yellow, and they are very optimistic that the bids will come in under budget.

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

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

Chair Haase 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 February 15, 2011, meeting.

Member Chamberlain made a motion and seconded by Member Alexander approving the minutes of the February 15, 2011, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Nancy Braden, Finance Director, stated the following Resolution will amend the Redevelopment Plan for Western Ridge. Previously, the process has been that when lots are sold in Western Ridge and added to the TIF, we are required to hold a public hearing to amend the redevelopment plan. This is a rolling TIF to make sure we get the full 15-year term for each lot that is sold. Attorney Bacon has suggested that the CDA approve this Amended Redevelopment Plan which includes all of the lots in Western Ridge, and then once a year, pass a Resolution that includes all of the houses or building permits that were issued during the year. The resolution would then be taken to the County Assessor's office to set the TIF schedule for those lots. This simplifies the process.

Member Chamberlain introduced CDA Resolution No. 2011-1 titled as follows and moved its passage and approval by the Agency:

CDA RESOLUTION NO. 2011-1

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN AMENDMENT FOR THE WESTERN RIDGE SINGLE-FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS.

Member Frevert seconded the motion. On roll call vote, the following Agency Members voted in favor of the motion: Frevert, Van Delden, Alexander, Chamberlain, Sturm, Ley, and Berry. The following Members were absent or did not vote: Brodersen.

The passage of CDA Resolution No. 2011-1, having been agreed upon by a majority of the Agency, the Chair declared CDA Resolution No. 2011-1 passed and, in the presence of the Agency, signed and approved CDA Resolution No. 2011-1, and the

Clerk attested to its passage by affixing her signature thereto. A true and complete copy of CDA Resolution No. 2011-1 is attached hereto as Exhibit C.

Administrator Johnson stated a request has been received from Lou Benscoter to release the lien on Lot 6 in Western Ridge. An occupancy permit has been issued. Mr. Benscoter was given two extensions on this lot to fulfill the initial requirements of the sale. The deadline for the second extension was October 16, 2010.

Staff was directed to find out if the City has lost a year's worth of taxes because the occupancy permit was not issued until January 24, 2011.

Member Chamberlain made a motion to table the request of Lou Benscoter to release the lien on Lot 6, Western Ridge, until the next meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

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

The Mayor stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a resolution approving a redevelopment plan amendment for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"). The Clerk reported that notice of the public hearing had been published in the Wayne Herald on February 10, 2011, and February 17, 2011, as indicated on **Exhibit C** attached hereto. The Clerk further reported that notice of the public hearing had been mailed by United States Certified Mail, return receipt requested,

sufficient postage affixed, to all parties required by Section 18-2115 of the Act, as indicated on **Exhibit D** attached hereto. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: None.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

Councilmember Ley then introduced Resolution No. 2011-12 and moved for its passage and approval:

RESOLUTION NO. 2011-12

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS

Councilmember Alexander seconded the motion. On roll call vote, the following Council Members voted in favor of the motion: Frevert, Van Delden, Haase, Alexander, Sturm, Ley, and Berry. The following Councilmembers were absent or did not vote: Brodersen.

The passage of Resolution No. 2011-12 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2011-12 passed and, in the presence of the Council, signed and approved Resolution No. 2011-12. The Clerk attested to the passage of Resolution No. 2011-12 by signing the same and affixing the seal of the City to Resolution No. 2011-12. A true and complete copy of Resolution No. 2011-12 is attached hereto as **Exhibit E**.

City Administrator Johnson stated the work has been completed on the Muhs Acres Water Main Extension Project. The engineer on the project, Olsson Associates,

has provided written documentation that the work has been completed according to the plans and specifications and in general compliance with the terms of the contract.

Councilmember Sturm introduced Resolution No. 2011-13 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2011-13

A RESOLUTION ACCEPTING WORK ON PUBLIC UTILITY WATER SERVICE DISTRICT NO. 2009-01 (MUHS ACRES WATER MAIN EXTENSION PROJECT).

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

Administrator Johnson stated the following Resolution would set the Board of Equalization hearing on Public Utility Water Service District No. 2009-01 (Muhs Acres Water Main Extension Project) for April 5, 2011, at or about 5:30 p.m. There are two sections of this project. The transmission line, which is from Well No. 6 to the east end of the Skokan property, will be the city's cost. The City will recover those costs from that portion of the project by way of hook-up fees, which will be on a per linear foot basis. For example, if a person would purchase property that had an 800' frontage, the cost per linear foot times the 800' would be the required hook-up fee.

Councilmember Alexander introduced Resolution No. 2011-14 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-14

A RESOLUTION ORDERING PUBLICATION AND SETTING BOARD OF EQUALIZATION HEARING ON PUBLIC UTILITY WATER SERVICE DISTRICT NO. 2009-01 (MUHS ACRES WATER MAIN EXTENSION PROJECT).

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas,

the Mayor declared the motion carried.

Nancy Braden, Finance Director, stated four proposals were received for auditing services. The audit committee reviewed the proposals, using a matrix of values that was advertised with the "Request for Qualifications" notice. The following Resolution would approve the contract with Almquist, Maltzahn, Galloway & Luth, PC, which is the City's current auditing firm, for auditing services from 2011-2015 at a cost of \$16,600 per year.

Councilmember Sturm introduced Resolution 2011-15, and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2011-15

A RESOLUTION APPROVING THE CONTRACT WITH ALMQUIST, MALTZAHM, GALLOWAY & LUTH, PC, FOR CITY AUDITING SERVICES FROM 2011 THROUGH 2015.

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

Councilmember Haase made a motion and seconded by Councilmember Ley to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:43 p.m.

CLAIMS LISTING MARCH 15, 2011

ADVANCED CONSULTING ENG.	DRAFTING FAIRWAY ESTATES	135.00
ALIGNMENT TECHNOLOGIES	BIO DISK ANALYSIS	374.50
ALMQUIST, MALTZAHN, GALLO	AUDIT STATEMENT FEES	18,300.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,231.29
APPEARA	MAT SERVICE	25.56
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BAKER & TAYLOR BOOKS	BOOKS	1,306.85
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	195.00
BARONE SECURITY SYSTEMS	SMOKE DETECTOR REPAIR	115.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	13.01
CHARTWELLS	CONGREGATE MEALS	5,165.75
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUND	150.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	500.00
CITY OF WAYNE	LOCKER RENTAL REFUND	26.63
CITY OF WAYNE	MILEAGE REIMBURSEMENT	32.19
CITY OF WAYNE	PAYROLL	59,006.36
CITY OF WAYNE	UTILITY REFUNDS	149.84
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
CONNIE WEBBER	ENERGY INCENTIVE	229.13
COPY WRITE PUBLISHING	SUPPLIES/SHIPPING CHARGES	197.46
DAKOTA BUSINESS SYSTEMS	LIBRARY COPIER EQUIPMENT LEASE	101.50
DANKO EMERGENCY EQUIPMENT	BUNKER GEAR	50.80
DAVE SWANSON	PAINT TRANSFORMER	200.00
DE LAGE LANDEN FINANCIAL	COPIER EQUIPMENT LEASE	394.00
DOESCHER APPLIANCE	WASHER -CAC	407.00
EAKES OFFICE PLUS	CAC COPY USAGE	59.40
EASYPERMIT POSTAGE	POSTAGE	1,168.45
ELECTRIC FIXTURE & SUPPLY	FOSTORIA LAMP/CAC WIRE	1,132.97
ELLIS PLUMBING & HEATING	REVERSE OSMOSIS SYSTEM	588.13
ERIKSEN CONSTRUCTION CO,	TREATMENT PLANT	316,946.21
FIRST CONCORD GROUP LLC	ANNUAL COMPLIANCE/MAINTENANCE	400.00
GERHOLD CONCRETE CO INC.	SAND/GRAVEL	182.40
GILL HAULING, INC	SANITATION SERVICE	133.00
GODFATHER PIZZA	CONCESSIONS-JAYCEE TOURNAMENT	79.75
GREAT PLAINS ONE-CALL	DIGGERS HOTLINE	5.05
CITY EMPLOYEE	HEALTH REIMBURSEMENT	209.54
CITY EMPLOYEE	HEALTH REIMBURSEMENT	111.82
HARDING & SHULTZ P.C.	ATTORNEY FEES	22,014.97
HAUGE ASSOCIATES, INC.	PAYROLL DEDUCTION	167.75
HAWKINS, INC	FLUORIDE FOR WELLS	998.41
CITY EMPLOYEE	VISION REIMBURSEMENT	10.20
HOLIDAY INN OF KEARNEY	LODGING- LOBERG/SUTTON	155.90
HR SPECIALIST	EMPLOYMENT LAW SUBSCRIPTION	97.00
ICMA RETIREMENT TRUST	ICMA RETIREMENT	5,821.85
INGRAM BOOK COMPANY	BOOKS	430.17
INTERSTATE BATTERY OF S.C.	BATTERY	91.95
INTERSTATE INDUSTRIAL	CALIBRATE BACKFLOW GAUGE	128.44
IRS	FEDERAL WITHHOLDING	18,928.65
J.P. COOKE COMPANY	CAT & DOG TAGS	130.54
CITY EMPLOYEE	HEALTH REIMBURSEMENT	265.01
CITY EMPLOYEE	MEAL REIMBURSEMENT	149.04
KNIFE RIVER MIDWEST LLC	ASPHALT	496.23

KTCH AM/FM RADIO	RADIO ADS	525.00
LAUREL ADVOCATE	LIBRARY SUBSCRIPTION	26.00
LEAGUE OF NEBRASKA	MIDWINTER CONFERENCE	3,035.00
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	30.00
MAIN STREET AUTO CARE	TOWING	90.00
MARRIOTT HOTELS	LODGING- MIDWINTER CONF	1,993.77
CITY EMPLOYEE	HEALTH REIMBURSEMENT	813.85
MICROFILM IMAGING SYSTEMS	DIGITIZER WAYNE HERALD	697.68
MIDWEST DIESEL INC	THERMOSTAT	39.92
MIDWEST LABORATORIES, INC	BOD TESTING	234.15
MIKE TOWNE	WIND ENERGY ENGINEERING SERVICES	500.00
MSC INDUSTRIAL	PRY BARS/CHECK VALVES	147.92
N.E. MUTUAL AID	MUTUAL AID DUES 2011	25.00
NE DEPT OF REVENUE	STATE WITHHOLDING	3,014.96
NE JOURNAL-LEADER	CAC ADVERTISEMENT	52.30
NE LIBRARY ASSOCIATION	REGISTRATION-MCLEAN/KRUCKENBERG	15.00
NE PLANNING & ZONING	NPZA CONFERENCE	160.00
NE STATE PATROL	CRIMINAL HISTORY RECORD	15.00
NMC, INC.	O-RINGS	19.37
NORFOLK TRUCK CENTER	ARM ASSEMBLY	6.33
NORTHEAST EQUIPMENT	HOSE/FITTINGS	178.39
NORTHEAST LIBRARY SYSTEM	REGISTRATION-J OSNES	20.00
N.E. NE AMERICAN RED	WATER SAFETY INSTRUCTOR	270.00
NUCA	REGIONAL SAFETY TRAINING	1,110.00
PAC N SAVE	VB TOURNAMENT SUPPLIES	200.98
PAMIDA STORE # 165	PROPANE TANK/COFFEE/BATTERIES ETC	139.53
PEPSI-COLA	CAC POP	1,039.53
PETERSON INDUSTRIAL ENGINE	LABOR ON V-16 COOPER ENGINE	4,890.00
PIEPER, MILLER & DAHL	ATTORNEY FEES	3,630.00
PLUNKETT'S PEST CONTROL	CAC PEST CONTROL	41.60
PRESTO X COMPANY	PEST CONTROL	82.15
SIMPLEXGRINNELL LP	PHOTO DETECTOR	116.72
SIOUX CITY WINTRONIC CO	RELAY	31.03
STATE NATIONAL BANK	ACH FEES	48.79
STATE NATIONAL BANK	SERIES 2006 INTEREST	13,820.00
STATE NATIONAL BANK	INVESTMENT	141,800.00
STATE NATIONAL BANK	LIBRARY PETTY CASH	93.91
STATE NATIONAL BANK	POSTAGE/MEALS/CDL/WASH MOPS ETC	421.61
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	105.00
THE PENDER TIMES	LIBRARY SUBSCRIPTION	36.45
TIM SCHAEFER	LASER TAG	78.00
TRI AIR TESTING	AIR ANALYSIS	434.00
UTILITIES SECTION	ELECTRIC METER SCHOOLING	530.00
VOSS LIGHTING	LIGHT BULBS	329.35
WAYNE COMMUNITY HOUSING	ENERGY INCENTIVE	2,000.00
WAYNE COUNTY CLERK	FILING FEES	99.50
WAYNE HERALD	ADS AND NOTICES	2,181.29
WAYNE STATER	CAC ADVERTISING	36.00
WAYNE VETERINARY CLINIC	DOG & CAT IMPOUNDS	252.00
WESTERN AREA POWER ADMIN	ELECTRICITY	32,196.59
RON'S RADIO	PAGER BATTERY	62.85
ZACH OIL COMPANY	GASOLINE	5,734.26
CITY OF WAYNE	HEALTH REIMBURSEMENT	555.30

WAYNE VOLUNTEER FIRE DEPARTMENT
And Rural Fire District No. 2
510 Tomar Drive, Wayne, NE 68787

APPLICATION FOR MEMBERSHIP

This form is to be completed by the Applicant and filed with the Secretary at a regular meeting of the Wayne Volunteer Fire Department.

Name Kelsey Rewinkel Address 821 Main St Wayne, NE 68787
Phone Number 402-518-0260 Social Security # 508-25-2824

Employer Super 8 Hotel Occupation Housekeeper
How long have you been employed by your present employer? March 2010 - present
Previous Employer and Address _____

Have you previously been a member of a Fire Department? No
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. _____

Do you have any physical ailments or disabilities that could affect your performance on the department?
No

- As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? yes
- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? yes
- Have you read the Bylaws of the Department, and do you understand them? yes Do you agree to abide by them? yes
- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Kelsey Rewinkel Date 2/2/11

Sponsor's Signature (if applicable) _____ Date _____

.....
I agree to a background check with information provided by the Wayne Police Department.

Applicant's Signature Kelsey Rewinkel Date 2/2/11

We, the undersigned representing the Standing Membership Committee, having investigated the background of the applicant, feel that he/she would be an asset to the Department and hereby recommend him/her for membership.

Matt Wynn Robert Wehler Julia Hillman

Secretary's Signature Thomas R Schmitts Date 3-1-11

Chief's Signature Tom Gurr Date 3-1-11

.....
Council approved on _____ certified by City Clerk _____

.....
For record purposes only: Date of Birth 11/18/89

WAYNE VOLUNTEER FIRE DEPARTMENT
And Rural Fire District No. 2
510 Tomar Drive, Wayne, NE 68787

APPLICATION FOR MEMBERSHIP

This form is to be completed by the Applicant and filed with the Secretary at a regular meeting of the Wayne Volunteer Fire Department.

Name Chris Jones Address 922 Logan St
Phone Number 712 899 7935 Social Security # 2179-19-2397

Employer First National Bank Omaha Occupation Collector
How long have you been employed by your present employer? 2 yrs
Previous Employer and Address _____

Have you previously been a member of a Fire Department? NO
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. N/A

Do you have any physical ailments or disabilities that could affect your performance on the department?
NO

- As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? YES
- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? YES
- Have you read the Bylaws of the Department, and do you understand them? YES Do you agree to abide by them? YES
- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Chris Jones Date 2-1

Sponsor's Signature (if applicable) _____ Date _____

.....
I agree to a background check with information provided by the Wayne Police Department.

Applicant's Signature Chris Jones Date 2-1

We, the undersigned representing the Standing Membership Committee, having investigated the background of the applicant, feel that he/she would be an asset to the Department and hereby recommend him/her for membership.

Matt Ulmer Robert Wochler John McClean

Secretary's Signature Thomas R. Schmitt Date 3-1-11

Chief's Signature Tom Gier Date 3-1-11

.....
Council approved on _____ certified by City Clerk _____

.....
For record purposes only: Date of Birth 07/27/90 revised February 4, 2006

CITY OF WAYNE	
2011 MEDIUM DUTY TRUCK	
Bid Opening: February 25, 2011	
BIDDER NAME	AMOUNT
Norfolk Truck Center	\$ 92,475.00
Cornhusker International	\$ 100,199.09
Peterbuilt of Norfolk (1) Air Suspension	\$ 102,775.00
Peterbuilt of Norfolk (2) Spring Suspension	\$ 102,977.00

BID PROPOSAL

TO BETTY MCGUIRE, CITY CLERK

CITY OF WAYNE, NEBRASKA

The Norfolk Truck Center Company of Norfolk, NE, state that we are a franchise dealer and distributor for the Freightliner Company, manufacturers of four wheel drive medium duty trucks. We further affirm that we have read the specifications and conditions pertaining to a four wheel drive truck for the City of Wayne, Nebraska.

Base Bid

We propose to offer to the City of Wayne Nebraska one (1) Freightliner, Model M2 106V, four wheel drive truck for the sum of \$92,475, (\$92,475), which is considered the base bid and included all the items called for in the specifications, unless otherwise noted.

Delivery Date

Proposed delivery date: July 31, 2011.

Exceptions, if any: _____

- * Cummins Engine Warranty 2 year 250,000 miles
- * Allison Transmission Warranty 3 years

BID PROPOSAL

TO BETTY MCGUIRE, CITY CLERK

CITY OF WAYNE, NEBRASKA

The CORNHUSKER INTERNATIONAL Company of Nebraska, state that we are a franchise dealer and distributor for the INTERNATIONAL TRUCKS Company, manufacturers of four wheel drive medium duty trucks. We further affirm that we have read the specifications and conditions pertaining to a four wheel drive truck for the City of Wayne, Nebraska.

Base Bid

We propose to offer to the City of Wayne Nebraska one (1) 2012 INTERNATIONAL, Model 7300SFA 4x4, four wheel drive truck for the sum of \$100,199.09, (~~\$100,199.09~~), which is considered the base bid and included all the items called for in the specifications, unless otherwise noted.

Delivery Date

Proposed delivery date: 9/1/11 Estimated, 2011.

DEPENDS ON HOW SOON ORDER IS PLACED

Exceptions, if any: NO PARTS REPAIR MANUAL - SHOP SERVICE - AVAILABLE ONLINE
FOR \$1200 PER YEAR

BID PROPOSAL

TO BETTY MCGUIRE, CITY CLERK

CITY OF WAYNE, NEBRASKA

The Peterbilt of Norfolk Company of Norfolk, NE, state that we are a franchise dealer and distributor for the Peterbilt Company, manufacturers of four wheel drive medium duty trucks. We further affirm that we have read the specifications and conditions pertaining to a four wheel drive truck for the City of Wayne, Nebraska.

Base Bid

We propose to offer to the City of Wayne Nebraska one (1) Peterbilt, Model 348, four wheel drive truck for the sum of \$102,775⁰⁰, (\$102,775⁰⁰), which is considered the base bid and included all the items called for in the specifications, unless otherwise noted.

Delivery Date

Proposed delivery date: June 10, 2011.

Exceptions, if any: Air Suspension, in place of Spring Suspension.

BID PROPOSAL

TO BETTY MCGUIRE, CITY CLERK

CITY OF WAYNE, NEBRASKA

The Peterbilt OF Norfolk Company of Norfolk, NE, state that we are a franchise dealer and distributor for the Peterbilt Company, manufacturers of four wheel drive medium duty trucks. We further affirm that we have read the specifications and conditions pertaining to a four wheel drive truck for the City of Wayne, Nebraska.

Base Bid

We propose to offer to the City of Wayne Nebraska one (1) Peterbilt, Model 348, four wheel drive truck for the sum of 102,977⁰⁰, (\$102,977⁰⁰), which is considered the base bid and included all the items called for in the specifications, unless otherwise noted.

Delivery Date

Proposed delivery date: June 10, 2011.

Exceptions, if any: Wheel Base 171" Cab TO AXLE 101.2"

RESOLUTION NO. 2011-16

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF A 4-WHEEL DRIVE CAB AND CHASSIS TRUCK FOR THE PUBLIC WORKS DEPARTMENT.

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

WHEREAS, four bids were received for a 4-wheel drive cab and chassis truck; and

WHEREAS, staff has reviewed the bids and recommends that the bid, as submitted by the following bidder/vendor, is the most responsible and best bid/price received as follows:

<u>Name and Address</u>	<u>Amount of Base Bid</u>
Norfolk Truck Center Norfolk, NE	\$92,475.00

BE IT RESOLVED that the bid, as above set forth, filed with the City Clerk in accordance with the terms of the published notice calling for the proposal of a 4-wheel drive cab and chassis truck be, and the same is hereby accepted.

BE IT FURTHER RESOLVED that documents by and between the City and the bidder/vendor necessary to order and procure the 4-wheel drive cab and chassis truck be executed within fifteen (15) days of the Notice of Award.

PASSED AND APPROVED this 15th day of March, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPLICATION FOR PAYMENT NO. 7

To: City of Wayne, Nebraska
From: Eriksen Construction Company, Inc.
Contract For: 2009 - 2010 Wastewater Treatment Facility Improvements, Phase I
ENGINEER's Project No. 090621 (617S7)
For Work accomplished through the date of: 2/25/2011

1. Original Contract Price:	\$5,098,770.00
2. Net change by Change Orders and Written Amendments (+ or -):	
3. Current Contract Price (1 plus 2):	\$ 5,098,770.00
4. Total completed and stored to date:	\$2,495,724.75
5. Percent of Project Completed	<u>49%</u>
6. Retainage (per agreement):	
<u>10%</u> of completed Work and Stored Materials:	<u>\$249,572.48</u>
(10% of the first 50% of work completed & stored)	
Total Retainage:	\$ 249,572.48
7. Total completed and stored to date less retainage (4 minus 6):	\$ 2,246,152.28
8. Less previous Application for Payments:	\$ 1,929,206.07
9. DUE THIS APPLICATION (7 MINUS 8):	\$ 316,946.21

Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 6 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated: 2/24/11 _____
By: ERIKSEN CONSTRUCTION COMPANY, INC.
Anthony

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated: 2/24/11 _____
By: JEO CONSULTING GROUP, INC.
Roger S. Prokman

APPLICATION APPROVED BY:

By: _____
Title: _____ Date: _____

ATTEST:

By: _____ Title: _____

ORDINANCE NO. 2011-4

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 18, ARTICLE II BUILDING CODE, SECTION 18-46 BUILDING PERMITS; CASH DEPOSITS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Chapter 18, Article II Building Code, Section 18-46 Building Permits; Cash Deposits of the Municipal Code of Wayne, Nebraska, shall be amended as follows:

Sec. 18-46. Building Permits; Cash Deposits

- (a) Cash deposits shall be required with the submittal of each building permit application. The cash deposits shall be set by the Council, and a schedule of the same is on file and available in the City Clerk's Office.
- (b) The cash deposit shall be forfeited to the City if the contractor fails to call the Building Official to request the required inspections as noted on the building permit card. Upon forfeiture of the building permit cash deposit, a new cash deposit of the same amount shall be required before construction can continue.
- (c) The building permit cash deposit **shall not** ~~may~~ be waived. ~~provided the applicant has had no violations of the progress inspection requirements in the City during the previous twelve months.~~
- (d) The cash deposit shall be returned to the owner or contractor as stated on the building permit application within two business days after issuance of the Certificate of Occupancy.

Section 2. Any other ordinance or section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION 20011-17

A RESOLUTION AMENDING DEPOSIT FEES FOR BUILDING PERMITS AND A PENALTY FOR OBTAINING NO BUILDING PERMIT.

WHEREAS, Administration is recommending that there be established a cash deposit on building permits which shall be returned within two business days upon completion of the final inspection and approval of the Occupancy Permit; and

WHEREAS, Administration is also recommending that there be established a penalty for those who do not obtain a building permit prior to the start of the project.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the following cash deposits are hereby required with the submittal of each building permit application and the same shall become effective on **January 1, 2008**:

1. Building Permit Cash Deposit:
 - a. On a project valued at ~~\$10,000~~ ~~\$5,000~~ or less ~~\$100.00~~ ~~\$250.00~~
 - b. On a project valued at ~~\$10,001~~ ~~5,001~~ - \$100,000 ~~\$250.00~~ ~~\$500.00~~
 - c. On a project valued over \$100,000 ~~\$500.00~~ ~~\$1,000.00~~
2. The cash deposit shall be forfeited to the City if the contractor fails to call the Building Official to request the required inspections as noted on the building permit card.
3. Upon forfeiture of the building permit cash deposit, a new cash deposit of the same amount shall be required before construction can continue.
4. The building permit cash deposit ~~shall not~~ ~~may~~ be waived. ~~provided the applicant has had no violations of the progress inspection requirements in the City during the previous twelve months.~~
5. The cash deposit shall be returned to the owner or contractor as stated on the building permit application within two business days after issuance of the Certificate of Occupancy.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2011-18

A RESOLUTION TO SHARE FACILITIES AND EQUIPMENT BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY SCHOOLS.

THIS AGREEMENT is made and entered into by and between the governmental entities which on its effective date are, or become, signatories hereto:

WITNESSETH THAT:

WHEREAS, it is recognized responsibility of general purpose political subdivisions to provide and maintain a certain basic level of public services for their residents, including the areas of health, recreation and leisure; and

WHEREAS, it is recognized that the provision of said basic services are sometimes best accomplished jointly because of certain hardships which might be experienced if undertaken singularly; and

WHEREAS, Sections 13-804 through 13-814, Reissue Revised Statutes of Nebraska, 1943, authorized the joint exercise of powers, privileges and authority by agreement of two or more public agencies of any power common to them; and

WHEREAS, these governmental entities now recognize the need to provide for the development of joint community use of existing softball fields and equipment owned by the City and the School; and

WHEREAS, these governmental entities do agree that the solution to this problem lies in cooperative action; and

WHEREAS, it is the desire of the parties hereto signed to participate in the joint use of these facilities.

NOW, THEREFORE, BE IT RESOLVED, that each political subdivision hereto signed does agree to the following:

1. Use of Hank Overin Field and associated parking and restroom facilities. That the City of Wayne will grant the Wayne Public School use of these facilities for practices and games during the school's spring baseball season and as scheduling permits for camps and clinics during the summer season. The School and City will prepare, mow and maintain the City baseball facility and restrooms during their seasonal use and will be responsible for garbage disposal. The City will provide for repairs to buildings, lighting and fixed improvements at the Hank Overin Field, make available all utilities and will charge for electricity only.
2. Use of School Mowing Equipment. That the School will have the use of the City tractor mower to mow the baseball field and other city owned areas around Hank Overin Field. The

cost of fuel for mowing City owned areas will be that of the City, and the cost of repairs for tractor and mower will be shared equally by the City and the School.

3. Agreement Duration. That this Agreement shall be effective until such time either the School or the City gives written notice by December 1st to terminate the agreement for the following year.
4. Governmental Units Obligations. That each signatory to this Agreement recognizes that successful completion of this project may require the implementation of certain individual obligations and does hereby agree to undertaking those obligations.
5. Withdrawal From Agreement. Each party to this Agreement may cease to be a party hereto and may withdraw from the Agreement providing that a written notice demonstrating its intent to withdraw is adopted by its governing board and presented to the other party to this agreement by December 1st of the year before each School spring baseball season.
6. Indemnification. To the maximum extent permitted by law, each party agrees to indemnify and defend the other party against, and to hold it harmless from, all claims, suits, liabilities, expenses and/or damages (including reasonable attorney's fees and court costs) for damage to property, injury to persons (including death) and any other claims, suits or liabilities resulting from the negligence or willful misconduct of such party or any of its employees or agents; provided however, the indemnification under this Section 5.2 shall not apply if such claims, suits, liabilities, expenses and/or damages are the direct result of the negligence or willful misconduct of the party entitled to indemnification hereunder. In no event shall either party be liable for any punitive, consequential, incidental, or special damages or lost profits incurred or alleged to have been incurred.
7. Agreement Amendments. This Agreement may be amended at any time by the written agreement of all parties to it.

Executed by those political subdivisions upon the respective dates set forth following the executory signature attached to this Agreement.

AND BE IT FURTHER RESOLVED, that the City of Wayne does declare itself to be a participant in joint use of the Wayne Baseball (Hank Overin Field) facilities and equipment.

Passed and approved this 15th day of March, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

AND BE IT FURTHER RESOLVED, that the Wayne Public School does declare itself to be a participant in joint use of the Wayne Baseball (Hank Overin Field) facilities and equipment.

Passed and approved this _____ day of _____, 2011.

WAYNE PUBLIC SCHOOLS

By _____
Board Chair

ATTEST:

RESOLUTION NO. 2011-19

A RESOLUTION APPROVING SPECIFICATIONS AND ESTIMATE OF COST FOR THE INDUSTRIAL ROAD STREET IMPROVEMENT PROJECT AND DIRECTING THE CITY CLERK TO ADVERTISE FOR BIDS.

That the specifications and estimate of cost prepared by city staff and filed in the office of the City Clerk for the construction of improvements for the Industrial Road Street Improvement Project of the City of Wayne, Nebraska, be and the same are hereby approved, and the City Clerk is directed to advertise for bids.

PASSED AND APPROVED this 15th day of March, 2011

THE CITY OF WAYNE, NEBRASKA

BY _____
Mayor

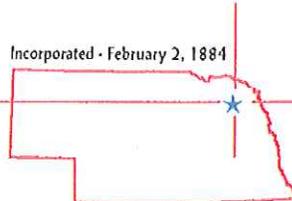
ATTEST:

City Clerk

City of Wayne

306 Pearl • P.O. Box 8
Wayne, Nebraska 68787

(402) 375-1733
Fax (402) 375-1619



The City of Wayne is requesting proposals for the following work:

Project Location: Industrial Road from Highway 35 to Industrial Way

Description of work:

- 1) Remove existing pavement (30' wide by 300') and two storm drains along with connecting pipe under roadway. Contractor is responsible for disposal of existing materials with City of Wayne to retain salvage rights to iron grates and frames. The City may also salvage the existing storm pipe if they so choose.
- 2) Contractor will prepare existing subgrade to a depth of 8" with 4" of asphalt millings placed on top that will be provided by the City. The subgrade shall be compacted to 95% of Standard Proctor Density with contractor responsible for providing test results from two locations chosen by the City from a certified testing laboratory.
- 3) New paving must be 8" minimum thickness and poured as an integral 30' wide unit meeting the Nebraska Minimum Design Standards. Concrete mix shall be 47B with minimum strength of 3500 psi. Contractor is responsible for two test cores taken during the paving and providing the results from a certified testing laboratory to the City. Paving will be designed without curb and gutter and grades will be set jointly by City and Contractor during a pre-construction meeting on site.
- 4) Ends of paving will include 1" of expansion material and contractor will be responsible for sawing joints every 20' along the length and every 10' across the width. Contractor will properly seal all joints.
- 5) Contractor will grade shoulders of road as specified during the pre-construction meeting after completion of the paving.
- 6) Work must be substantially completed by September 30, 2011.

Terms:

- 1) Invoices will be due on the 2nd and 4th Tuesdays of the month. City will retain 10% of the billed amount until final completion of the project.
- 2) Contractor will warranty the work for 12 months from date of final completion of the project.
- 3) Sealed bids are due to the City Clerk, 306 Pearl Street, Wayne, Nebraska 68787 by 2:00 P.M. on April 8, 2011.

No person of the City of Wayne shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.



Home of Wayne State College



Equal Housing Opportunity

Brugger

- 09/14/2004 Lot Purchased
- 08/08/2005 Building Permit
- 09/22/2005 Temporary Utility
- 10/25/2005 Brugger requested 6 month extension - tabled
- 11/08/2005 Brugger granted 180 days and levied \$1,500 assessment for taxes
- 12/13/2005 Brugger wanted to make sure county and school received tax funds too
- 12/06/2006 Occupancy Permit
- tax year 2007 Will be Full taxes
- Total time 27 months

Tax Statement

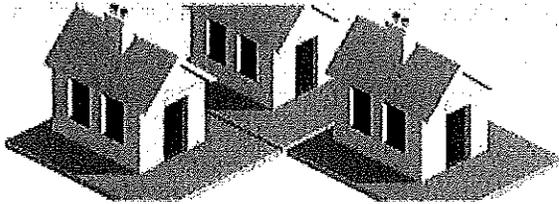
Served by Webserver # 1

Search 

Wayne County

Step 4 of 8

Perm ID	Name	Legal
000301600	BRUGGER, HARLIN J & CAROL M 85271 568TH AVE WINSIDE, NE 68790	LOTS 7-8-9 BLK 8 COLLEGE HILL FIRST ADDITION 1211 DOUGLAS



Tax Statement Information Found for this Property

Levy Graph 

Value Graph 

Tax Graph 

Assessor Data 

Year	Statement	Value	Tax	Exemption	Net Tax	Balance Due
2010	<u>003106</u>	\$ 200,155	\$ 4,312.22	- \$ 157.94	\$ 4,154.28	\$ 4,154.28
2009	<u>003118</u>	\$ 169,375	\$ 3,601.68	- \$ 139.26	\$ 3,462.42	\$ 0.00
2008	<u>003109</u>	\$ 169,375	\$ 3,548.32	- \$ 145.88	\$ 3,402.44	\$ 0.00
2007	<u>003106</u>	\$ 169,745	\$ 3,749.72	- \$ 141.26	\$ 3,608.46	\$ 0.00
2006	<u>002913</u>	\$ 37,415	\$ 841.28	\$ 0.00	\$ 841.28	\$ 0.00
2005	<u>002897</u>	\$ 12,415	\$ 275.40	\$ 0.00	\$ 275.40	\$ 0.00
2000	<u>004083</u>	\$ 0	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Benscoter

04/15/2009 Lot Purchased
03/24/2010 Building Permit
04/06/2010 Temporary Utility
05/03/2010 Benscoter requested a 3 month extension - granted
08/17/2010 Benscoter requested a 3 month extension - granted
01/24/2011 Occupancy Permit
tax year 2011 Will be Full taxes
Total time 20 months

Tax Statement

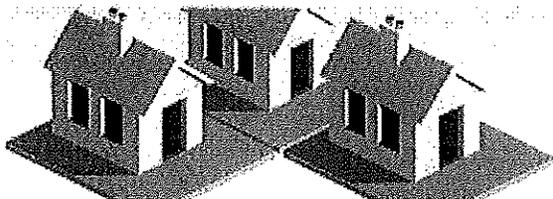
Served by Webserver # 1

Search 

Wayne County

Step 4 of 8

Perm ID	Name	Legal
000489422	BENSCOTER, BETTY R SECURITY NATL BANK OF SIOUX CITY ATTN: LINDA KING 601 PIERCE ST SIOUX CITY IA 51101	LOT 6 WESTERN RIDGE II ADDN 806 BROOKEDALE DR



**Click on any statement number
you wish to pay or view.**

Levy Graph 

Value Graph 

Tax Graph 

Assessor Data 

Year	Statement	Value	Tax	Exemption	Net Tax	Balance Due
2010	004253	\$ 10,940	\$ 235.71	- \$ 8.63	\$ 227.08	\$ 227.08
2010	005759	\$ 0	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
2009	004265	\$ 10,940	\$ 232.63	- \$ 8.99	\$ 223.64	\$ 0.00

**EXCERPT OF COUNCIL MINUTES OF
OCTOBER 25, 2005**

Harlin Brugger was present requesting Council consideration to giving him a 196 day extension to complete construction of the house on the property he purchased from the City located at 12th and Douglas Streets. In addition, Mr. Brugger stated that Douglas Street has an 80' frontage right-of-way, so from the curb to the front of the property (house) that is being built is 57 ½ feet. Mr. Brugger has had numerous people question why he put the house so far back from the curb to which he responded that it's per the building code. He questioned why he wouldn't be able to line his house up with the rest of the houses on the street. He wanted to recommend to the Council that when anyone builds in an old existing area, if it takes a waiver, etc., that individuals be allowed to put there building/house so it lines up with existing buildings in the area. It looks silly to have a house sitting 16' farther back than those in the same block. Another issue he wanted to talk about was that the building code says that the last 27.5 feet of his driveway has to be six inches deep, rather than four inches deep. He wanted to know the reasoning for that.

In response to Mayor Shelton's inquiry as to why the terrace has to be six inches rather than four inches, Mr. Ellyson stated that was the standard that we tried adopting about two years ago, but it never flew.

Mr. Brugger stated this is what Mr. Ellyson told him; however, Mr. Ellyson stated that he did not tell Mr. Brugger that it had to be six inches.

Councilmember Lutt stated that if Mr. Brugger hasn't done it yet, and our Code doesn't require it, then he should just put in four inches.

Mr. Brugger then requested Council for a 196 day extension to complete the construction of the house.

Councilmember Sturm stated that when Mr. Brugger was given the one year time frame, he agreed to that. It took him a long time to get started. He asked what the hold up was? Mr. Brugger stated he had a lot of other jobs to do, and right now, they are harvesting. He stated they actually started on the house the last Saturday in July.

The project is to be completed by December 14th.

Councilmember Wiseman stated that when Council, in good faith, made the deal to offer the property at a substantial discount, which Mr. Brugger understood at the time, the reason for discounting the purchase price was so it would be constructed within one year and drawing taxes. Mr. Brugger did not start the project until almost six months after the normal building season. Now at this late date, he is coming back asking Council for an extra six months. From Council's standpoint, we would be losing six months of property taxes by doing that which is defeating the purpose.

Mr. Brugger stated he thought what was already there would be drawing taxes. It's not going to be taxed on a bare piece of property.

Councilmember Frevert stated that Council just approved a \$500 sale on the other lot, and this was sold to Mr. Brugger for \$3,000. He thought that would offset some of the lost taxes. Councilmember Wiseman stated he understood that, however, he is talking about the deal that Council made which Mr. Brugger agreed to and was his option to start construction in time to complete his end of the deal. For his own personal reasons, he didn't start it until halfway through the construction season. Now, he can't complete his end of the deal. It wasn't unusual climate variations, or something that Council imposed

that caused a hardship or the delay. If there had been a flood, hurricane or some other reason that was beyond our control and his control, it would be easier to allow the extension. But, Mr. Brugger took on extra work which was his choice, which delayed this project. Six months here or there isn't a super big deal, but it kind of gets down to the principal of the thing.

It was noted that the houses on 10th Street were completed within their one year time frame.

Councilmember Sturm questioned whether or not property is taxed by the assessor in January? Councilmember Buryanek stated that they come in and assess, but he doesn't think the assessment goes up until the next year. Councilmember Buryanek stated when he put his addition on, they came in and assessed it in December, but they wouldn't see any increase in tax until the next year.

Councilmember Ley stated that even though it's going to be longer than he agreed to, it's going to be a nice, larger home that is going to draw more taxes than a smaller home. He also paid a fair amount for the lot, and she is in favor of extending the time period.

Councilmember Ley made a motion and seconded by Councilmember Frevert approving the request of Mr. Brugger to extend the time frame to complete the house at 12th and Douglas Streets by 196 days.

Councilmember Lutt stated that Council always talks about being fair. There were four houses built on 10th Street, and those contractors knew they had to have them built within a year. Council doesn't know whether they did or not, but they may have had to hire extra help to get those houses done within that time frame. If they had to hire

extra help to get those houses done, and we come back and give Mr. Brugger an extension, they could say we could have saved money and asked for an extension. We could have used our own general labor and finished them whenever we wanted to instead of hiring extra help to get them done. If we give Mr. Brugger an extension, do we give an extension to Sharp Construction on the property they are now purchasing?

Councilmember Frevert stated to be fair, then Council should set the price of all of the lots the same or of a comparable value and not put them out for bids.

Mayor Shelton suggested that if Council wishes to impose some sort of penalty, they could ask Mr. Brugger to pay what would be the property taxes on that house for the year that they are losing. Councilmember Wiseman stated that would be in keeping with the deal that they struck. The assessor would need to be contacted to determine the same.

Councilmember Ley withdrew her motion and Councilmember Frevert withdrew his second.

Councilmember Ley made a motion and seconded by Councilmember Frevert to table action on the extension request of Harlen Brugger until the next meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

**EXCERPT OF COUNCIL MINUTES OF
NOVEMBER 8, 2005**

Councilmember Reeg opined that if Council grants Harlin Brugger an extension to complete construction of the house on the property located at 12th and Douglas Streets, the City should charge him the taxes he would pay for a completed house.

Councilmember Wiseman stated he thought a \$600 fee would be about what the City was going to lose on the 180-day extension.

Administrator Johnson stated that he and Attorney Pieper visited about levying the \$5,000 fine and taking the lot back or levying one year of property taxes or a half year of property tax or just giving Mr. Brugger the six-month extension and not doing anything.

Attorney Pieper stated whatever Council does now will affect what is done in the future. If Mr. Brugger is agreeable to pay a half a year's property tax to get an extra six months, Council can consider that.

Administrator Johnson stated \$2,400 would probably be the full year's property tax on a house that Mr. Brugger is building with that amount of square feet.

Councilmember Wiseman recommended levying \$1,500. Councilmember Sturm was opposed to that amount. Councilmember Frevert stated that was more than a half a year's taxes.

Councilmember Ley stated she did not think \$1,500 was out of line since this is going to be a 2,000 sq. ft. house.

Councilmember Wiseman made a motion and seconded by Councilmember Reeg allowing Harlin Brugger a 180-day extension to complete the house on the property

located at 12th and Douglas Streets and assess him a \$1,500 levy which shall be due and payable on or before December 14, 2005, which is the original due date of the contract. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sturm and Frevert who voted Nay, the Mayor declared the motion carried.

**EXCERPT OF COUNCIL MINUTES OF
DECEMBER 13, 2005**

Harlin and Carol Brugger were present to address Council regarding the \$1,500 penalty that was assessed to them for failing to have a house constructed on the city owned property that was sold to them a year ago. Mr. Brugger thanked the Councilmembers who supported giving him the extension on the building project. Mr. Brugger requested that Council share the \$1,500 penalty with the County and the School District since this was the amount that Council determined would be the lost real estate taxes since the house was not completed before the one year time limit.

Councilmember Buryanek stated that the City would get approximately 25%, the County would get approximately 25%, and the School would get approximately 50%. Mayor Shelton stated the intent was that the City would collect the taxes that would have been owed on the property – the complete taxes, not just the City's portion.

Mr. Brugger then questioned why he was being charged the commercial electric rate in lieu of the residential electric rate on the house he is building? Administrator Johnson stated when contractors build a house, that is their commercial line of work, so the same is billed at the commercial rate until the house has an occupancy permit, which at that time, the same is switched to the residential rate. This is a commercial project until it is built. It is not illegal to charge a commercial rate in a residential zone because that is where contractors do their work. This is a commercial activity.