

**AGENDA  
CITY COUNCIL MEETING  
April 5, 2011**

**5:30 Call to Order**

- 1. [Approval of Minutes – March 15, 2011](#)**
- 2. [Approval of Claims](#)**
- 3. [Proclamation — Knights of Columbus – “Support Citizens with Intellectual Disabilities Week”](#)**

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.

- 4. [Adjourn as Mayor and City Council and Reconvene as Board of Equalization](#)**
- 5. [Public Hearing: Assessments for Public Utility Water Service District No. 2009-01 \(Muhs Acres\) \(Advertised Time: 5:30 p.m.\)](#)**

**Background:** The Muhs Acres original water line was built as a private service line by the developer to serve Muhs Acres. The service line connected to city water at Well # 6 and extended west in the county road ditch. Muhs Acres is outside the city limits. Muhs residents approached the City of Wayne in 2008 to build a new water line to service Muhs Acres. The Council agreed to use city funds to pay for the first 1,200' of new water main to connect from Well #6 to the Muhs Acres District. A Utility Improvement District was created by the City to build and finance the water main inside the Muhs Acres District and to provide the legal structure to assess the costs inside the district to the property owners. The City was able to secure Federal Stimulus Funding at 2% interest, plus a 1% federal administration fee, with 25% of the Muhs Acres project costs being forgiven due to the project being an ARRA project. The City will have the usual 1% for managing and collecting the assessments and filing documents as the assessments are paid over time and as lots are sold. Finance Director recommends setting the interest rate at 4% to cover financing costs of 3% plus a 1% internal admin fee.

This public hearing is for review of the project cost assessment to the property owners. The Nebraska Statute that authorizes cities to create utility improvement districts outside the city limits also requires that the project costs be assessed on the basis of front footage since the wider the property, the more cost is created for the project. The attached assessment schedule is based on this State Statute.

Also attached with this agenda item is a letter from Dave Copple, Attorney, dated July 6, 2010, stating that in his opinion, based upon State Statute language, the District/City would not be in a position to deviate from assessing on a frontage basis without exposing the City to potential claims or liability.

In addition, after the initial assessment schedule was forwarded to the property owners, staff learned that the property owned by Monte Boyer which is a corner lot and which was initially separated into two lots and therefore had two frontages (one frontage on Highview Drive and the other on W. 21<sup>st</sup> Street) had been combined into one lot back in 2008. Therefore, that 80' of frontage on W. 21<sup>st</sup> Street had to be deleted and considered as a "side lot line", and added back into the total amount to be assessed. The Courthouse cadastral map did not reflect this change when Olsson Associates had prepared the initial assessment schedule. A memo from the County Assessor's office stating that this action had been done back in 2008 along with a map of the Boyer property showing the area affected (80') and highlighted in pink is also enclosed.

6. Resolution 2011-21: Approving Assessments in Public Utility Water Service District No. 2009-01 (Muhs Acres)

**Recommendation:** The recommendation of the project engineer and the legal advice of the city's special legal counsel for the project is to approve the assessments as presented.

7. Adjourn as Board of Equalization and Reconvene as Mayor and City Council

8. Public Hearing: Class I Liquor License Application of Primo S. Gonzalez, d/b/a "Costa Brava I-9233" (Advertised Time: 5:30 p.m.)

**Background:** This business is located in the front restaurant area of the Riley's building on South Main Street.

9. Resolution 2011-22 Approving Application for Class I Liquor License of Primo S. Gonzalez, d/b/a "Costa Brava I-9233"

10. Resolution 2011-23: Approving Specifications for the Purchase of a New Fire Truck and Authorizing City Clerk to Advertise for Bids

**Background:** The Fire Department will finalize the details of the bid specifications for a new ladder truck on Monday night, April 4<sup>th</sup>, and will ask for final Council approval before bidding out the truck. The funding for the truck purchase is in this year's budget, but the purchase won't be until next year. We will make a final staff recommendation for funding sources in the budget proposal for next year.

11. Action on a LB840 \$43,019 Performance-Based Loan to DRJ LLC/Inet Library to be used to Assist with Expansion/Start-up Expenses

**Background:** This is the second part of the incentive request and was discussed at the last Council meeting.

12. [Action on Recommendation from the LB840 Sales Tax Advisory Committee for a \\$225,000 Performance-Based Loan to Wayne Area Economic Development on behalf of “Project ABC”](#)

**Background:** Wes Blecke is working with the Nebraska Department of Economic Development and a business prospect for the WAED Opportunity Building. The name of the manufacturer is required to be kept confidential. Wayne is a finalist among several other Nebraska communities for this company relocating to Nebraska.

13. [Discussion of Possible Creation of Historic Preservation District Downtown](#)

**Background:** A “historic preservation district” intends to maintain the historic nature of an area by setting minimum standards for color ranges, styles and building materials for new construction and building façade improvements in the district. This is one of the goals set by the Council at the 2011 strategic planning retreat. A copy of the City of Ashland’s ordinance creating a downtown district is included in this packet.

14. [Resolution 2011-24: Authorizing City Administrator to Apply for Nebraska Public Transportation Act Funds](#)

**Background:** This is our annual request for State Funding assistance from the Nebraska Department of Roads for the Wayne Handi-Van Public Transportation Program.

15. [Resolution 2011-25: Approving Supplement No. 1 to Program Agreement for the Wayne Underpass Project Regarding the Federal Share payable on Eligible Project Costs](#)

**Background:** This is the change to the original funding agreement that reduces the City’s portion of the project cost from 30% to 20%. NDOR has prioritized this project to try to match the timing of the Phase II Trail, so they will be submitting more documents for Council action at a faster rate than the trail documents.

16. [Resolution 2011-26: Approving Supplemental Agreement No. 2 for Preliminary Engineering Services for the Wayne Trail Phase 2 Project](#)

**Background:** This is the NDOR document required to authorize Olsson Associates to redesign the Phase II Trail between the water tower and the CAC parking lot to include the underpass.

17. [Resolution 2011-27: Amending Schedule of Fees](#)

**Background:** Last November, we increased the CAC membership fees and this Resolution formalizes those fees. The Nebraska Unicameral has established a new pet license fee to be collected by cities and remitted to the State. This Resolution increases our local pet fees by \$1 to cover the cost of the State pet license fee.

18. [Ordinance 2011-4: Amending Wayne Municipal Code Chapter 18, Article II, Section 18-46 Building Permits; Cash Deposits \(Second Reading\)](#)

**19. Action on Certificate of Payment No. 1 for the Kardell Subdivision Sanitary Sewer Improvements – 2010 Project in the Amount of \$100,574.42**

**Background:** This project is the final sewer main connection needed to link Concord Components and Pacific Coast Feather to the City's sewer system. The payment is for work completed according to contract and approved by the project engineer. As with all payments, 10% is withheld from each payment until final payment is made.

**20. Adjourn**

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

March 15, 2011

The Wayne City Council met in regular session at City Hall on Tuesday, March 15, 2011, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Dale Alexander.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 3, 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 Haase made a motion and seconded by Councilmember Ley, whereas the Clerk has prepared copies of the Minutes of the meeting of March 1, 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:

**VARIOUS FUNDS:** ADVANCED CONSULTING ENG., SE, 135.00; ALIGNMENT TECHNOLOGIES, SE, 374.50; ALMQUIST, MALTZAHN, GALLOWAY, SE, 18300.00; AMERITAS, SE, 2231.29; APPEARA, SE, 25.56; AS CENTRAL SERVICES, SE, 448.00; BAKER & TAYLOR BOOKS, SU, 1306.85; BANK FIRST, SE, 195.00; BARONE SECURITY SYSTEMS, SE, 115.00; CITY EMPLOYEE, RE, 13.01; CHARTWELLS, SE, 5165.75; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 26.63; CITY OF WAYNE, RE, 32.19; CITY OF WAYNE, PY, 59006.36; CITY OF WAYNE, RE, 149.84; COMMUNITY HEALTH, RE, 3.00; CONNIE WEBBER, RE, 229.13; COPY WRITE, SE, 197.46; DAKOTA BUSINESS SYSTEMS, SE, 101.50; DANKO EMERGENCY EQUIPMENT,

SU, 50.80; DAVE SWANSON, SU, 200.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; DOESCHER APPLIANCE, SU, 407.00; EAKES OFFICE PLUS, SE, 59.40; EASYPERMIT POSTAGE, SU, 1168.45; ELECTRIC FIXTURE, SU, 1132.97; ELLIS PLUMBING & HEATING, SU, 588.13; ERIKSEN CONSTRUCTION, SE, 316946.21; FIRST CONCORD GROUP, SE, LLC ANNUAL COMPLIANCE/MAINTENANCE 400.00; GERHOLD CONCRETE, SU, 182.40; GILL HAULING, SE, 133.00; GODFATHER PIZZA, SU, 79.75; GREAT PLAINS ONE-CALL, SE, 5.05; CITY EMPLOYEE, RE, 209.54; CITY EMPLOYEE, RE, 111.82; HARDING & SHULTZ, SE, 22014.97; HAUGE ASSOCIATES, RE, 167.75; HAWKINS, INC, SU, 998.41; CITY EMPLOYEE, RE, 10.20; HOLIDAY INN OF KEARNEY, SE, 155.90; HR SPECIALIST, SU, 97.00; ICMA, SE, 5821.85; INGRAM BOOK COMPANY, SU, 430.17; INTERSTATE BATTERY, S, 91.95; INTERSTATE INDUSTRIAL, SE, 128.44; IRS, TX, 18928.65; J.P. COOKE COMPANY, SU, 130.54; CITY EMPLOYEE, RE, 265.01; CITY EMPLOYEE, RE, 149.04; KNIFE RIVER MIDWEST, SU, 496.23; KTCH, SE, 525.00; LAUREL ADVOCATE, SU, 26.00; LEAGUE OF NEBRASKA, SE, 3035.00; CITY EMPLOYEE, RE, 30.00; MAIN STREET AUTO, SE, 90.00; MARRIOTT HOTELS, SE, 1993.77; CITY EMPLOYEE, RE, 813.85; MICROFILM IMAGING SYSTEMS, SE, 697.68; MIDWEST DIESEL, SU, 39.92; MIDWEST LABORATORIES, SE, 234.15; MIKE TOWNE, SE, 500.00; MSC INDUSTRIAL, SU, 147.92; N.E. MUTUAL AID, RE, 25.00; NE DEPT OF REVENUE, TX, 3014.96; NE JOURNAL-LEADER, SE, 52.30; NE LIBRARY ASSOCIATION, FE, 15.00; NE PLANNING & ZONING, FE, 160.00; NE STATE PATROL, SE, 15.00; NMC, INC, SU, 19.37; NORFOLK TRUCK CENTER, SU, 6.33; NORTHEAST EQUIPMENT, SU, 178.39; NORTHEAST LIBRARY SYSTEM, FE, 20.00; N.E. NE AMERICAN RED CROSS, FE, 270.00; NUCA, SE, 1110.00; PAC N SAVE, SU, 200.98; PAMIDA, SU, 139.53; PEPSI-COLA, SU, 1039.53; PETERSON INDUSTRIAL ENGINE, SE, 4890.00; PIEPER, MILLER & DAHL, SE, 3630.00; PLUNKETT'S PEST CONTROL, SE, 41.60; PRESTO X, SE, 82.15; SIMPLEXGRINNELL, SU, 116.72; SIOUX CITY WINTRONIC, SU, 31.03; STATE NATIONAL BANK, SE, 48.79; STATE NATIONAL BANK, RE, 13820.00; STATE NATIONAL BANK, RE, 141800.00; STATE NATIONAL BANK, RE, 93.91; STATE NATIONAL BANK, SU, 421.61; DAVE'S DRY CLEANING, SE, 105.00; THE PENDER TIMES, SU, 36.45; TIM SCHAEFER, SE, 78.00; TRI AIR TESTING, SE, 434.00; UTILITIES SECTION, FE, 530.00; VOSS LIGHTING, SU, 329.35; WAYNE COMMUNITY HOUSING, RE, 2000.00; WAYNE COUNTY CLERK, SE, 99.50; WAYNE HERALD, SE, 2181.29; WAYNE STATER, SE, 36.00; WAYNE VETERINARY CLINIC, SE, 252.00; WAPA, SE, 32196.59; RON'S RADIO, SU, 62.85; ZACH OIL, SU, 5734.26; CITY OF WAYNE, RE, 555.30; AMAZON, SU, 58.94; CITY EMPLOYEE, RE, 66.33; CITY EMPLOYEE, RE, 74.47; CITY EMPLOYEE, RE, 209.42; BROWN SUPPLY, SU, 156.61; CARHART LUMBER COMPANY, SU, 1055.72; CITY OF WAYNE, RE, 500.00; CITY EMPLOYEE, RE, 28.80; DWAIN SPIEKER, RE, 100.00; FLOOR MAINTENANCE, SU, 50.75; FRED PRYOR SEMINARS, SE, 158.00; FREDRICKSON OIL, SU, 1371.85; GEMPLER'S, SU, 60.00; JOHN'S WELDING AND TOOL, SE, 62.00; KELLY SUPPLY, SU, 65.74; KRATKE'S LAWN SERVICE, SE, 190.00; KTCH, SE, 350.00; MAEDC, FE, 425.00; MERCY MEDICAL CLINIC, SE, 28.00; MIDWEST TAPE, SU, 253.91; MOONLIGHT TOWING, SE, 207.68; MSC INDUSTRIAL, SU, 135.18; NPPD, SE, 231868.08;

NNPPD, SE, 11634.98; OLSSON ASSOCIATES, SE, 3160.06; CITY EMPLOYEE, RE, 1542.51; RANDOM HOUSE, SU, 243.67; SPARKLING KLEAN, SE, 1381.73; WAYNE AUTO PARTS, SU, 1207.88; WAYNE COUNTY, SE, 49.02; WAYNE STATE COLLEGE, RE, 432.00; WESTERN IOWA TECH, FE, 100.00; CITY EMPLOYEE, RE, 126.35

Councilmember Ley made a motion and seconded by Councilmember Van Delden 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.

Tom Sievers, Fire Chief, introduced Kelsey Rewinkel and Chris Jones, and requested Council consideration to approving their membership applications to the Wayne Volunteer Fire Department. Both are Wayne State College students.

Councilmember Sturm made a motion and seconded by Councilmember Frevert approving the membership applications of Kelsey Rewinkel and Chris Jones to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, advised the Council that 4 bids were received on the 4-wheel drive cab and chassis truck. The lowest bid was submitted by Norfolk Truck Center in the amount of \$92,475. This truck will replace the 1977 truck that is used for plowing snow. This truck will also have a sloped hood for

high visibility. This bid does not include the box or snowplow for the truck; those will be purchased separately. This is a 2012 model, and the proposed delivery date is July 31, 2011. This is the second four-wheel drive truck the Public Works Department has purchased. The box and plow, which is estimated to cost around \$20,000, could be purchased in the next budget year.

Councilmember Sturm introduced Resolution No. 2011-16 and moved for its approval; Councilmember Brodersen seconded.

#### 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.

Mayor Chamberlain 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 \$316,947.21. The engineer on the project has approved the same.

Councilmember Ley made a motion, which was seconded by Councilmember Sturm approving the Application for Payment No. 7 for the Wastewater Treatment Plant Project in the amount of \$316,947.21 for Eriksen Construction Company. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Building Inspector/Planner, requested Council consideration to amending Wayne Municipal Code Sec. 18-46 Building Permits; Cash Deposits. The change he was recommending was to reword the ordinance that was passed in 2007 so that the building permit cash deposits cannot be waived. In 2007, issues were had with

contractors not contacting the building department for timely inspections. He has had two requests since he has been the building inspector to waive the deposit, which he has denied. Mr. Hansen does not want to be put in a position to pick and choose who should or should not get a waiver. The deposits are an incentive for the contractors or homeowners to call for timely inspections. One concern he has had is that some people think the deposit amounts are steep. Therefore, he is also recommending that the deposit amounts be reduced.

Councilmember Sturm introduced Ordinance 2011-4, and moved for its approval; Councilmember Ley seconded.

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.

BJ Woehler, representing Robert Woehler & Sons Construction, spoke in opposition to amending the ordinance as recommended.

Councilmember Sturm noted the deposits are returned to the contractor/homeowner upon issuance of the occupancy permit.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Frevert and Berry who voted Nay, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Joel Hansen, Building Inspector/Planner, stated the following Resolution would amend the building permit cash deposit fees as follows:

Building Permit Cash Deposit:

- a. On a project valued at ~~\$10,000~~ ~~\$5,000~~ or less ~~\$250.00~~ **\$100.00**

- 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~~

Usually, it is the homeowner that puts down the deposit and not the contractor. These amounts are still enough of an incentive to make people comply, but yet it wouldn't be quite so cumbersome on some of the homeowners that have larger projects.

Mayor Chamberlain asked if there was a reason to have a deposit greater than \$250. Mr. Hansen stated if the Council wanted to amend the amounts or go with two levels in lieu of three, he would not be opposed to that.

Councilmember Haase stated he would prefer there be no building permit cash deposit requirement.

Mayor Chamberlain advised the Council that they could change the building permit cash deposits that have been recommended by staff.

Mr. Hansen stated the deposit is an incentive for the contractors/property owners to contact his office for timely inspections, etc., and eliminates the legal battles and expenses that have occurred in the past. Before he took over as building inspector and before the deposits were put in place, he understood that there was a lot of time spent in his department dealing with some of those issues.

Councilmember Berry made a motion and seconded by Councilmember Brodersen to change the building permit cash deposits in Resolution No. 2011-17 as follows:

- a. On a project valued at \$50,000 or less \$100.00
- b. On a project valued over \$50,000 \$250.00

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

Councilmember Berry introduced Resolution No. 2011-17 and moved for its approval as amended; Councilmember Brodersen seconded.

RESOLUTION NO. 2011-17

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

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 approve an interlocal agreement with Wayne Community Schools for the use of Hank Overin Field for the high school baseball program. This is similar to the interlocal agreement we have with Wayne Community Schools for the use of the softball complex for the high school softball program.

Garry Poutre, Supt. of Public Works clarified that the City mows the softball fields and the School mows the soccer fields.

Councilmember Ley introduced Resolution No. 2011-18 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2011-18

A RESOLUTION TO SHARE FACILITIES AND EQUIPMENT BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY SCHOOLS FOR THE USE OF HANK OVERIN FIELD.

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

Joel Hansen, Certified Street Superintendent, presented the specifications for the Industrial Road from Highway 35 to Industrial Way Project. This is the street located by Pacific Coast. The City will not hire an engineer for this project. Per State requirement,

a project has to be over \$86,000 before an engineer must be hired. This project is part of the One and Six Year Street Improvement Plan.

Councilmember Ley introduced Resolution No. 2011-19 and moved for its approval; Councilmember Haase seconded.

#### 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.

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

Discussion took place again regarding the recommendation of the LB840 Sales Tax Advisory Committee to approve a \$43,019 low-interest loan to DRJ LLC/Inet Library to be used to assist with expansion and start-up expenses. This matter was tabled at the last Council meeting.

Administrator Johnson advised the Council that Dr. Jensen provided a current business plan for him to review. The business plan meets all of the necessary requirements.

Dr. Dennis Jensen was present and stated he was of the understanding that the performance-based loan would also be on the agenda. He provided some background on Inet Library. It was started back in 1992. At one time they employed 144 full-time people in Wayne that worked on the database. In 2008, he was able to buy Inet Library back from a company located in Atlanta, Georgia. They had not improved this product since 2004. In 2008, they partnered with Britannica, who is creating a new product, and they are going to use the Inet database as one of its resources. They also had another

company come forward, Goldenwest Communications, that will be a distributor for them. Gurkan Ozenci has been able to get Inet Library into Nigeria. They are asking for funds to get them from here to there and also to restart Inet Library with 20 employees (15 initially, with 10 being for research and 5 being for sales). 44,000 schools at one-time had Inet Library either on a trial basis or had purchased it. When they purchased the company back, it only had 9,328 customers across the nation.

Dr. Jensen stated his original request made to the LB840 Sales Tax Advisory Committee was for a \$43,019 performance-based loan and a \$43,019 0% interest loan. Mr. Jensen thought the LB840 Committee had some concerns regarding revenue. There are six different revenue streams; the problem is getting to those revenue streams.

Mayor Chamberlain advised the Council they can approve or deny the \$43,109 low-interest loan that has been recommended by the LB840 Sales Tax Advisory Committee, and if they so desire, they can also approve a \$43,019 performance-based loan.

Attorney Pieper recommended that if Council was going to give consideration to a performance-based loan that the same be placed on the next Council agenda.

Councilmember Berry made a motion and seconded by Councilmember Brodersen approving the recommendation of the LB840 Sales Tax Advisory Committee for a \$43,019 3% interest loan to DRJ LLC/Inet Library.

Councilmember Sturm opined he would rather approve a 0% loan for the whole amount than to give them half at a 3% loan and then the other half as a performance-based loan.

Councilmember Frevert stated because we don't have this money sitting here and we have to borrow it from our other funds, he was inclined not to go with the performance-based loan. However, he would be in favor of a low-interest loan.

Gurkan Ozenci stated the Council could require them to have 10 full-time people employed within 5 years. If they don't, then the performance-based loan could then become a regular interest bearing loan.

Mayor Chamberlain stated the performance-based loan would guarantee employees and keep the business in Wayne for a set number of years. It buys the City some guarantees.

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

Councilmember Brodersen left the meeting at 6:50 p.m.

Administrator Johnson stated that G & D Appel, LLC, d/b/a "Riley's" is requesting that the restaurant, kitchen and outdoor patio of their property be deleted from their current liquor license. Council action is needed on this item. In a couple of weeks, a liquor license application will come before you for consideration by the business renting/leasing the restaurant portion of the building.

Councilmember Sturm made a motion and seconded by Councilmember Ley approving the 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).

Joel Hansen advised the Council that the opening between the restaurant portion of the premises and the bar area leading to the convention center now has a door to separate the two businesses.

Mayor Chamberlain 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 the agreement with NDOR regarding the Wayne Trail Phase 2 Project. Essentially, this agreement supersedes the previous agreements and supplemental agreements for this project. It states that we will follow federal regulations that are now required.

Councilmember Ley introduced Resolution No. 2011-20 and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2011-20

#### A RESOLUTION APPROVING LPA AGREEMENT - STP FUNDS FOR THE WAYNE TRAIL PHASE 2 PROJECT.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Frevert who voted Nay, the Mayor declared the motion carried.

Councilmember Ley made a motion and seconded by Councilmember Van Delden 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, Ken Chamberlain,

Doug Sturm, Kaki Ley, and Kathy Berry; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Dale Alexander and 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 agenda was to consider action on the request from Lou Bencoter to release the lien on Lot 6, Western Ridge Subdivision.

Member Sturm made a motion and seconded by Member Chamberlain approving the request of Lou Bencoter to release the lien on Lot 6, Western Ridge Subdivision. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the CDA agenda was to approve the minutes of the March 1, 2011, meeting.

Member Chamberlain made a motion and seconded by Member Ley approving the minutes of the March 1, 2011, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Chamberlain made a motion and seconded by Member Sturm 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.

Councilmember Haase made a motion and seconded by Councilmember Van Delden 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 6:58 p.m.

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## CLAIMS LISTING APRIL 5, 2011

AMERICAN BROADBAND	FIBER LINE LEASE/TELEPHONE CHARGES	1,615.11
AMERICAN PUBLIC POWER	POWER PLANT DUES	981.33
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,171.32
APPEARA	TOWEL AND MAT SERVICE	152.42
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
ASSOCIATED FIRE	AUDITORIUM FIRE SYSTEM SERVICE	757.46
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	195.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	517.82
BLACKBURN MANUFACTURING	MARKING FLAGS	85.94
BLACK HILLS ENERGY	GAS BILLS	1,655.05
BOMGAARS	PIPE/BOLTS/CLIPS/BROOMS/FASTENERS	846.87
CITY EMPLOYEE	COMPUTER PURCHASE	600.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	6,798.58
BROWN SUPPLY CO	FIRE HYDRANT POLE	247.91
CARHART LUMBER COMPANY	BATTERIES/HINGES/WRENCHES/KNIFE	146.60
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUND	350.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	1,500.00
CITY OF WAYNE	CAT TRAP	20.00
CITY OF WAYNE	WAED HEALTH REIMBURSEMENT	210.54
CITY OF WAYNE	PAYROLL	57,461.24
CITY OF WAYNE	UTILITY REFUNDS	238.93
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
COVENTRY HEALTH	HEALTH INSURANCE PREMIUMS	20,168.59
D.R. HASKIN	BOOKS	20.00
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
DEMCO INC	9 CHAIRS	1,243.50
CITY EMPLOYEE	HEALTH REIMBURSEMENT	175.53
DRJ LLC/INET LIBRARY	LB 840 LOAN	43,019.00
ED M FELD EQUIPMENT INC	CAP WITH CHAIN	24.75
EGAN SUPPLY CO	BLEACH	15.25
ELDERFEST	BOOTH RENTAL-LIBRARY	25.00
FIRST CONCORD GROUP LLC	CAFETERIA PLAN FEES	3,954.70
FLOOR MAINTENANCE	TISSUE/GLASS CLEANER/TOWELS	800.31
FORT DEARBORN LIFE	DISABILITY/LIFE INS	1,728.64
CITY EMPLOYEE	VISION REIMBURSEMENT	131.94
HAUFF MID-AMERICAN SPORTS	OFFICIALS SHIRTS	63.00
HAUGE ASSOCIATES, INC.	PAYROLL DEDUCTION	167.75
HEGGEMEYER, LOWELL	HEALTH REIMBURSEMENT	29.11
HOBART SALES AND SERVICE	DISHWASHER REPAIR	578.85
HOLIDAY INN-DOWNTOWN	LODGING-BRADEN/JOHNSON/MCGUIRE	231.00
HORNADY MANUFACTURING	AMMUNITION	231.80
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,572.10
INTERSTATE BATTERY	BATTERY	91.95
IRS	FEDERAL WITHHOLDING	18,215.66
JAFF LTD	LIGHTING EFFICIENCY	200.00

CITY EMPLOYEE	HEALTH REIMBURSEMENT	490.65
CITY EMPLOYEE	VISION REIMBURSEMENT	202.50
CITY EMPLOYEE	HEALTH REIMBURSEMENT	131.87
MAEDC	MEMBERSHIP- A LAWRENCE	75.00
MAIN STREET AUTO CARE	TOWING	90.00
MAJESTIC THEATER	DTR GRANT	14,565.00
MERCY MEDICAL CLINICS	COLLECTION FEE	126.00
MICROFILM IMAGING SYSTEMS	DIGITIZE WAYNE HERALD	1,014.79
MOONLIGHT TOWING LLC	TOWING	239.63
MURPHY TRACTOR & EQUIPMEN	BULB/FUEL CONDITIONER	51.88
N.E. NEB ECONOMIC DEV DIS	ENERGY GRANT	437.50
NANA M & CARTER A PETERSO	DTR GRANT	6,345.00
NE AIR FILTER	AIR FILTERS	101.86
NE CODE OFFICIAL ASSOC	REGISTRATION- J HANSEN	75.00
NE DEPT OF HHHS	TRAINING-POOL	200.00
NE DEPT OF REVENUE	STATE WITHHOLDING	2,819.63
NE PUBLIC HEALTH	FLUORIDE/NITRATES	135.00
NE RURAL WATER	MEMBERSHIP RENEWAL	275.00
NE STATE PATROL	CRIMINAL HISTORY RECORD	15.00
NEW WORLD INN	LODGING- J BRADY	148.00
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	59.24
NORTHEAST NE PUBLIC POWER	ELECTRICITY FOR WELLS	3,331.88
NeFSMA	MEMBERSHIP RENEWAL- J HANSEN	100.00
OLSSON ASSOCIATES	RICE DATA COLLECTION	1,464.62
CITY EMPLOYEE	HEALTH REIMBURSEMENT	124.06
PEPSI-COLA	CAC POP	206.00
PITNEY BOWES INC	POSTAGE MACHINE/FOLDER LEASE	648.00
PUSH-PEDAL-PULL	3 TREADMILLS	10,888.70
QUILL CORPORATION	OFFICE SUPPLIES	891.57
QWEST	POLICE TRUCK LINES	310.58
ROBERTSON IMPLEMENT CO	ROLL BAR	547.20
RON'S RADIO	MICRO SWITCH	58.00
STATE NATIONAL BANK	LIBRARY PETTY CASH	110.21
STEFFEN	PIN KIT PIVOT	24.12
TURFWERKS	BLADES/NEARING/WASHERS	82.77
UNITED WAY	PAYROLL DEDUCTION	10.00
VEL'S BAKERY	WVF-APPRECIATION DINNER	1,402.50
VERIZON WIRELESS SERVICES	CELL PHONES	306.87
VIAERO	CELL PHONES	136.29
WAYNE AREA ECONOMIC DEVEL	AMBASSADOR DUES-L JOHNSON	70.00
WAYNE AREA ECONOMIC DEVEL	BECCA GRANT	2,500.00
WAYNE COUNTY COURT	BONDS	216.50
WAYNE HERALD	CH SUBSCRIPTION RENEWAL	44.00
WELLS FARGO FINANCIAL	GOLF & TURF EQUIPMENT	17,008.20
CITY OF WAYNE	HEALTH REIMBURSEMENT	210.54

CITY OF WAYNE  
OFFICE OF THE MAYOR

# Proclamation

WHEREAS, intellectual disabilities affects one out of every ten families in America, and over 47,000 Nebraskans have intellectual disabilities; and

WHEREAS, the quality of life is important to all members of our community, including children and adults with intellectual disabilities; and

WHEREAS, the Knights of Columbus is a charitable and fraternal organization that promotes the dignity and welfare of citizens with intellectual disabilities.

NOW, THEREFORE, I, Ken Chamberlain, Mayor of the City of Wayne, Nebraska, do hereby proclaim the week of April 8, 9, and 10<sup>th</sup> as

**“Support Citizens with Intellectual Disabilities Week”**

in our fair City, and call upon all of our citizens to support the Knights of Columbus in this most worthwhile and humanitarian effort for children and adults with intellectual disabilities and their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Ken Chamberlain, Mayor

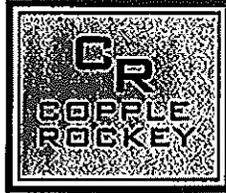
ATTEST:

\_\_\_\_\_  
City Clerk

Section	Block	Parcel/Lot	Owner	Mailing Address	City, State, ZIP	Frontage	Total Assessable Cost	Notes
26	1	1	Cornie L. Smith	2112 Highview Drive	Wayne, NE 68787	207.90	\$6,926.09	Primary residence
26	1	2	Betty McGuire	2116 Highview Drive	Wayne, NE 68787	107.50	\$3,581.31	Primary residence
26	1	3	Scott R. & Kathy A. Barg	2204 Highview Drive	Wayne, NE 68787	107.40	\$3,577.98	Primary residence
26	1	4	Mark & Laurie Ganseboom	2206 Highview Drive	Wayne, NE 68787	107.40	\$3,577.98	Primary residence
26	1	5	Lance W. & Peggy M. Webster	2214 Highview Drive	Wayne, NE 68787	107.50	\$3,581.31	Primary residence
26	1	6	Steven D. & Annette M. Rasmussen	2218 Highview Drive	Wayne, NE 68787	107.40	\$3,577.98	Primary residence
26	1	7	Tim Gene Schaefer	2308 Highview Drive	Wayne, NE 68787	107.40	\$3,577.98	Primary residence
26	1	8	Bradley & Deborah Weber	2314 Highview Drive	Wayne, NE 68787	107.50	\$3,581.31	Primary residence
26	1	9	Mark A. & Audrea S. Klassen	2400 Highview Drive	Wayne, NE 68787	60.00	\$1,998.87	Primary residence
26	1	10	Leslie C. & Lucynda J. Lage	2408 Highview Drive	Wayne, NE 68787	130.00	\$4,330.89	Primary residence
26	1	17	George Burcam & Susan Borst	802 W. 21st Street	Wayne, NE 68787	200.00	\$6,662.90	Primary residence
26	1	18	William & Susan Jammer	2300 Highview Drive	Wayne, NE 68787	107.50	\$3,581.31	Primary residence
26	1	19	Mark Heithold	2404 Highview Drive	Wayne, NE 68787	130.00	\$4,330.89	Primary residence
26	2	2	Allan M. & Lauren K. Walton	2115 Highview Drive	Wayne, NE 68787	107.40	\$3,577.98	Primary residence
26	2	3	Straightline Builders, LLC	1605 Vintage Hill Drive	Wayne, NE 68787	107.50	\$3,581.31	Primary residence
26	2	4	Keith & Mary Janvi	2209 Highview Drive	Wayne, NE 68787	214.90	\$7,159.29	Primary residence
26	2	5	Robert L. & Sharon G. Jenkins	2217 Highview Drive	Wayne, NE 68787	107.50	\$3,581.31	Primary residence
26	2	6	Bryan & Amy Naber	431 W. Burt Drive	Wayne, NE 68787	107.40	\$3,577.98	Empty Lot
26	2	7	Gary & Ilene Nichols	2309 Highview Drive	Wayne, NE 68787	214.90	\$7,159.29	Primary residence, corner lot
26	2	12	Dennis & Carolyn Linster	1212 Sherman Street	Wayne, NE 68787	200.00	\$6,662.90	Large shed
26	2	13	Monte & Sarah Boyer	2109 Highview Drive	Wayne, NE 68787	207.90	\$6,926.09	Primary residence, corner lot
1	-	27	Larry & Vicki Skekan	702 W. 21st Street	Wayne, NE 68787	400.00	\$13,325.81	12.13 acres with house
SUM						3,255.00	\$108,438.76	

Construction and Engineering estimate  
 Maximum assessable cost: \$108,438.76  
 Total assessable frontage: 3,255.00  
 Maximum assessable cost per foot of frontage: \$33.31

14680 WEST DODGE ROAD, STE. 3  
OMAHA, NEBRASKA 68154



2425 TAYLOR AVENUE • P.O. BOX 78  
NORFOLK, NEBRASKA 68701

COPPLE, ROCKEY, MCKEEVER & SCHLECHT P.C., L.L.C.

DAVID E. COPPLE  
BRADLEY A. EWALT  
MATTHEW S. MCKEEVER  
KATHLEEN KOENIG ROCKEY  
PATRICIA M. SAMUELS  
MICHELLE M. SCHLECHT

PLEASE REPLY TO  
NORFOLK ADDRESS

TELEPHONE 402.371.4300  
TOLL FREE 888.860.2425  
TELEFAX 402.371.0790  
E-MAIL [ATTYS@GREATADVOCATES.COM](mailto:ATTYS@GREATADVOCATES.COM)

July 6, 2010

**VIA ELECTRONIC MAIL**

Mayor Lois Shelton  
City Council Members  
City of Wayne  
P.O. Box 8  
Wayne, NE 68787

Re: *City of Wayne - Rural Subdivision (Muhs Acres)*  
Our File No. 608130

Dear Mayor Shelton and City Council Members:

I am in receipt of your and Betty McGuire's June 2010, emails concerning the Muhs Acres project. I called your office and left a message for you. I was able to speak with Betty McGuire on June 30, 2010, by telephone.

On May 28, 2009, our office sent correspondence citing *Neb. Rev. Stat* § 18-405 which pertained to Public Utility Districts. The portion of *Neb. Rev. Stat* § 18-405 which was quoted in the letter provides that Public Utility Districts may assess "... in proportion to the frontage of the real estate upon the main or utility service".

*Neb. Rev Stat* § 18-405 does not provide further definition or explanation of the term "in proportion to the frontage of the real estate upon the main or utility service".

As noted in my May 28, 2009, letter, our firm was unable to locate any reported cases specifically addressing the aforementioned specific statutory language.

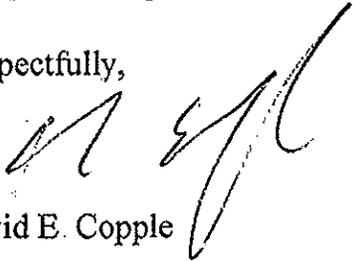
Based upon *Neb. Rev. Stat* § 18-405, as amended, our firm's opinion remains that the City of Wayne will be required to assess the cost "in proportion to the frontage of the real estate

Mayor Lois Shelton  
City Council Members  
City of Wayne  
July 6, 2010  
Page 2

upon the main or utility service". In our opinion, based upon the afore stated statutory section and quoted language, the Public Utility District/City would not be in a position to deviate from this statutory language without exposing the City of Wayne to potential claims or liability.

If any further questions arise, please contact me.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Copple', written over a horizontal line.

David E. Copple

DEC/ksr

cc: Ms. Betty McGuire via email

Dictated: 6.30.10

JOYCE REEG  
510 Pearl Street  
Wayne, NE 68787  
Phone: (402) 375-1979  
Fax: (402) 375-4137

**WAYNE COUNTY ASSESSOR**

To: CITY OF WAYNE Fax: 402-375-4712  
Attn: BETTY Date: 3/25/2011  
Re: BOYER PROPERTY Pages: 1 (including cover sheet)  
From: DAWN DUFFY

Urgent  For Review  Please Comment  Please Reply  Please Recycle

OUR RECORDS SHOW THAT WE COMBINED THE WEST 120' OF LOT 1,  
BLK 2, MUHS ACRES WITH THE EAST 80' OF LOT 1, BLK 2, MUHS ACRES  
IN JULY 2008. IT IS NOW ONE LOT WITH THE LEGAL DESCRIPTION AS  
FOLLOWS: ALL OF LOT 1, BLK 2, MUHS ACRES

**FAX**





**RESOLUTION NO. 2011-21**

**A RESOLUTION MAKING ASSESSMENTS IN PUBLIC UTILITY WATER SERVICE DISTRICT NO. 2009-01 (MUHS ACRES).**

WHEREAS, Notice has been published as provided by law concerning the levy of special assessments in Public Utility Water Service District No. 2009-01 (Muhs Acres) in the Wayne Herald Newspaper on March 24, 2011, and March 31, 2011, and a copy of said Notice has been mailed to all resident and non-resident owners of property in each of said Districts as provided by law, and

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessments in said District proposed to be levied against said lots and parcels of ground on account of the construction of the improvements hereinbefore described; and

BE IT FURTHER RESOLVED, that the special assessments are adjusted as follows:

BE IT FURTHER RESOLVED, that the said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements;

BE IT FURTHER RESOLVED, that all special assessments above provided for shall become due in fifty (50) days after the date of the passage of this Resolution and may be paid within that time without interest, but if not so paid, to bear interest thereafter at the rate of four percent (4.00%) per annum from the date of this Resolution until delinquent; such assessments shall become delinquent as follows: One tenth of the total amount shall become delinquent fifty days after such levy; one tenth in one year; one tenth in two years; one tenth in three years; one tenth in four years; one tenth in five years; one tenth in six years; one tenth in seven years; one tenth in eight years; and, one tenth in nine years.

Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. Installments may be prepaid at anytime at the option of the property owner as provided by law.

AND BE IT FURTHER RESOLVED, that a certified copy of said assessment schedules shall be filed by the City Clerk with the City Treasurer and with the County Clerk and County Treasurer of Wayne County, as provided by law.

PASSED AND APPROVED this 5<sup>th</sup> day of April, 2011.

THE CITY OF WAYNE, NEBRASKA,

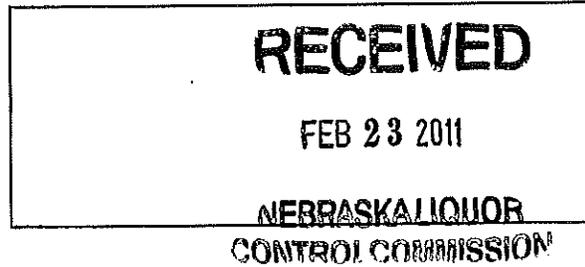
By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**APPLICATION FOR LIQUOR LICENSE  
CHECKLIST - RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.ne.gov



Applicant Name Primo Gonzalez S. **92633**

Trade Name Costa Brava Previous Trade Name Costa Brava

E-Mail Address: Brava.costa@yahoo.com

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the state.

**REQUIRED ATTACHMENTS**

Each item must be checked and included with application or marked N/A (not applicable)

1. Fingerprint cards for each person (two cards per person) must be enclosed with a check payable to the Nebraska State Patrol for processing in the amount of \$38.00 per person. All areas must be completed on cards as per brochure. To prevent the delay in issuing your license, we strongly suggest you go to any Nebraska State Patrol office or law enforcement agency listed in the enclosed fingerprint brochure.
2. Enclose application fee of \$400, check made payable to the Nebraska Liquor Control Commission.
- 3) Enclose the appropriate application forms;
  - Individual License (requires insert form 1)
  - Partnership License (requires insert form 2)
  - Corporate License (requires insert form 3a & 3c)
  - Limited Liability Company (LLC) (requires form 3b & 3c)
4. If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the individual(s), corporation or Limited Liability Company making application. Lease term must run through the license year being applied for.
5. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
6. If buying the business of a current liquor license holder:
  - a) Provide a copy of the purchase agreement from the seller (m



- b) Provide a copy of alcohol inventory being purchased (must include brand names and container size)
- c) Enclose a list of the assets being purchased (furniture, fixtures and equipment)

7. If planning to operate on current liquor license; enclose Temporary Operating Permit (T.O.P.)(form 125).

8. Enclose a list of any inventory or property owned by other parties that are on the premise.

9. For citizenship, residency and voter registration requirements see enclosed brochure.

10. Corporation or Limited Liability Company must enclose a copy of articles of incorporation; be filed with the Secretary of State's Office. This document must show barcode.

11. Submit a copy of your business plan.

**RECEIVED**

FEB 23 2011

**NEBRASKA LIQUOR CONTROL COMMISSION**

I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.

*[Handwritten Signature]*

Signature

02/16/11

Date

**RECEIPT**

DATE 2-23-11 No. 166666

FROM Costa Brava Seafood House

FOR New App

Finger prints - 3507 - \$76

CASH

CHECK # 3506 \$ 400

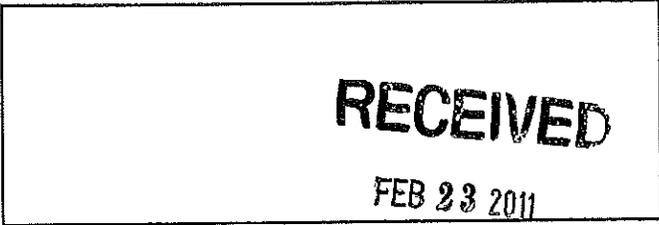
MONEY#

ORDER

Received by: [Signature]

**APPLICATION FOR LIQUOR LICENSE  
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.ne.gov/



NEBRASKA LIQUOR  
CONTROL COMMISSION

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES  
CHECK DESIRED CLASS**

**RETAIL LICENSE(S)**

Application Fee \$400 (non refundable)

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- ID BEER, WINE, DISTILLED SPIRITS ON AND OFF SALE

Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 – October 31  
All other licenses run from May 1 – April 30  
Catering license (K) expires same as underlying retail license

**CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING**

- Individual License (requires insert form 1)
- Partnership License (requires insert form 2)
- Corporate License (requires insert form 3a & 3c)
- Limited Liability Company (LLC) (requires form 3b & 3c)

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)  
Commission will call this person with any questions we may have on this application**

Name \_\_\_\_\_ Phone number: \_\_\_\_\_

Firm Name \_\_\_\_\_

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PREMISE INFORMATION

Trade Name (doing business as) Costa Brava Wayne FEB 23 2011

Street Address #1 121 S. Main street

Street Address #2 \_\_\_\_\_ NEBRASKA LIQUOR CONTROL COMMISSION

City Wayne NE County \_\_\_\_\_ Zip Code 68787

Premise Telephone number (402) 375-2508

Is this location inside the city/village corporate limits:  YES  NO

Mailing address (where you want to receive mail from the Commission)

Name Costa Brava Wayne

Street Address #1 121 S. Main street

Street Address #2 \_\_\_\_\_

City Wayne State NE Zip Code 68787

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED  
READ CAREFULLY

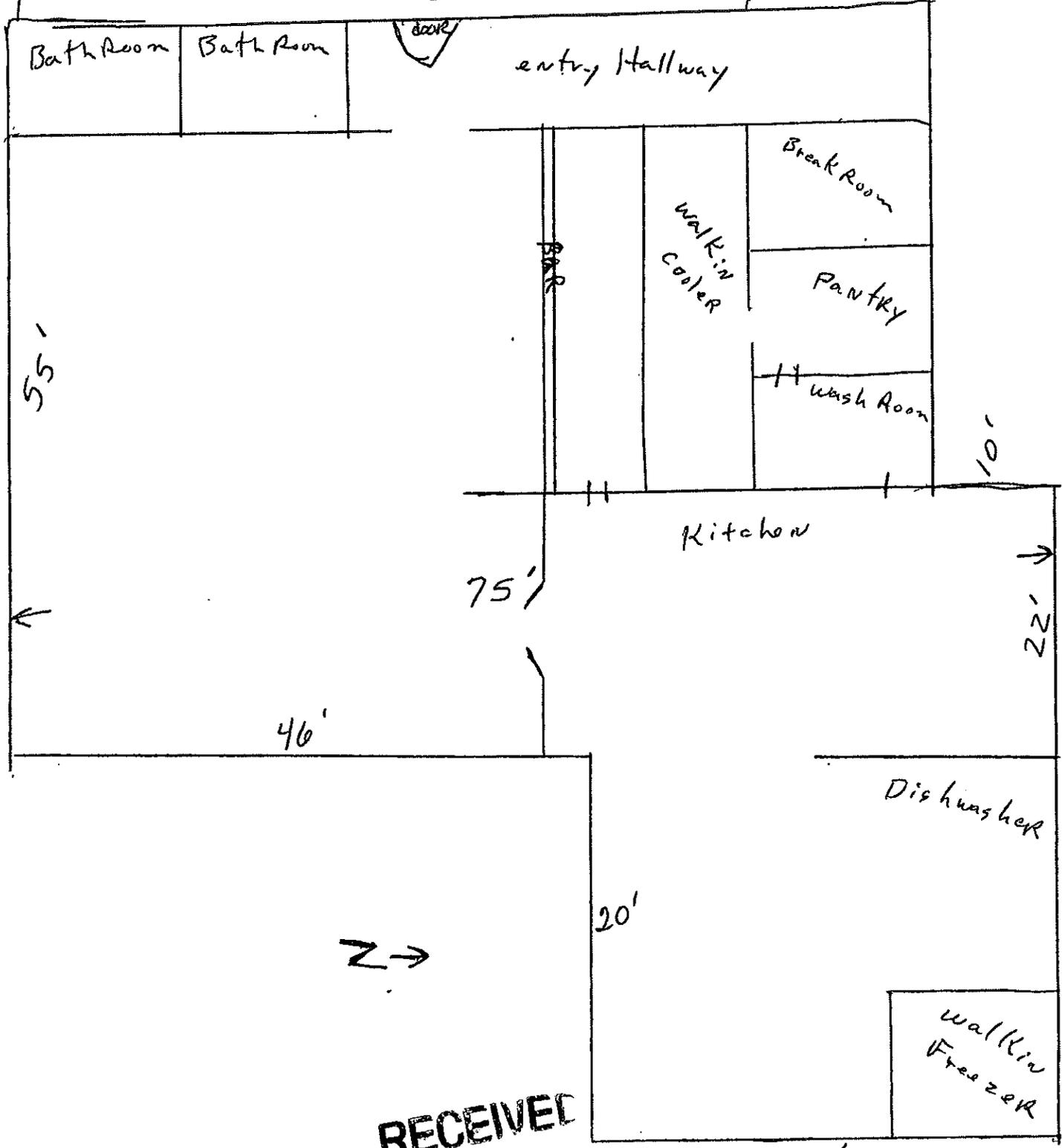
In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

\*\*For on-premise consumption liquor licenses minimum standards must be met by providing at least two restrooms

Length 176 feet  
Width 82 feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

Sidewalk Cafe  
65'



**RECEIVED**  
FEB 23 2011  
NEBRASKA LIQUOR  
CONTROL COMMISSION

**APPLICANT INFORMATION**

**1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES  NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition

RECEIVED  
FEB 23 2011  
NEBRASKA LIQUOR CONTROL COMMISSION

**2. Are you buying the business of a current retail liquor license?**

YES  NO

If yes, give name of business and liquor license number \_\_\_\_\_

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

**3. Was this premise licensed as liquor licensed business within the last two (2) years?**

YES  NO

If yes, give name and license number \_\_\_\_\_

**4. Are you filing a temporary operating permit to operate during the application process?**

YES  NO

If yes:

- a) Attach temporary operating permit (T.O.P.) (form 125)
- b) T.O.P. will only be accepted at a location that currently holds a valid liquor license.

**5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?**

YES  NO

If yes, list the lender(s) \_\_\_\_\_

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES  NO

RECEIVED

If yes, explain. (All involved persons must be disclosed on application)

FEB 23 2011

No silent partners

NEBRASKALIQUOR  
CONTROL COMMISSION

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES  NO

If yes, list such item(s) and the owner.

8. Is premise to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

YES  NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)

9. Is anyone listed on this application a law enforcement officer?

YES  NO

If yes, list the person, the law enforcement agency involved and the person's exact duties

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

Bank First. Primo and Patricia Gonzalez

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

Primo Gonzalez  
Patricia Gonzalez

Costa Brava  
4806 Howard Blvd.  
Columbus NE. 68601  
LL.# 74535

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- a) Individual, applicant only (no spouse)
- b) Partnership, all partners (no spouses)
- c) Corporation, manager only (no spouse) as listed on form 3c
- d) Limited Liability Company, manager only (no spouse) as listed on form 3c

Applicant Name	Date Trained (mm/yyyy)	Name of program where trained (name, city)
Primo Gonzalez	06/1994	Joe's Crab Shack Newport Beach Ca.

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

Lease: expiration date December 2012 RECEIVED  
FEB 23 2011  
 Deed  
 Purchase Agreement

**NEBRASKA LIQUOR CONTROL COMMISSION**

14. When do you intend to open for business? 02/25/11  
 15. What will be the main nature of business? Restaurant  
 16. What are the anticipated hours of operation? 11am TO 10 p.m.

17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
STANTON Ca.	94	2006	Same	Same	

If necessary attach a separate sheet.

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock) and spouses. Full (birth) names only, no initials.

RECEIVED

FEB 23 2011

NEBRASKA LIQUOR CONTROL COMMISSION

*[Handwritten Signature]*

Signature of Applicant

*Patricia A. Gonzalez*

Signature of Spouse

Signature of Applicant

Signature of Spouse

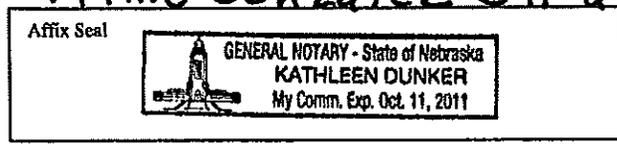
ACKNOWLEDGEMENT

State of Nebraska  
County of Platte  
2/23/2011  
date

The foregoing instrument was acknowledged before me this

by Patricia A. Gonzalez & Primo Gonzalez Sifuentes  
name of person acknowledged

*Kathleen Dunker*  
Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

APPLICATION FOR LIQUOR LICENSE  
INDIVIDUAL  
INSERT - FORM 1

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-3046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: [www.lcc.ne.gov](http://www.lcc.ne.gov)

Office Use

**RECEIVED**

FEB 23 2011

NEBRASKA LIQUOR  
CONTROL COMMISSION

Individual applicants, including spouse, are required to adhere to the following requirements

- 1) Must be a citizen of the United States
- 2) Must be a Nebraska resident (Chapter 2 - 006)
- 3) Must provide a copy of their certified birth certificate or INS papers
- 4) Must submit their fingerprints (2 cards per person)
- 5) Must sign the signature page of the Application for License form
- 6) Applicant may be required to take a training course

Name of individual applicant who will hold license

Last Name: Gonzalez

First Name: Primo MI: \_\_\_\_\_

Home Address: 3460 53RD AV. City: Columbus Zip Code: 68601

Social Security Number: 618-20-6134 Date of Birth: 09/07/58

Home Telephone Number: 562-5515

Drivers License Number: H13233242 State: NE

Are you married? (Please note if the above listed individual is separated, etc. spouse's information is still required to be listed below)

YES

NO

If yes, provide your spouse's information below

Spouses Last Name: Gonzalez

Spouses First Name: Patricia MI: \_\_\_\_\_

Social Security Number: 606-94-1951 Date of Birth: 11-19-68

Drivers License Number: H13234622 State: NE

In compliance with the ADA, this individual insert form 1 is available in other formats for person with disabilities. A ten day advance period is required in writing to produce the alternate format.

FORM 35-4182  
REVISED 05/2007

**APPLICATION FOR TEMPORARY OPERATING PERMIT ( T.O.P.)**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: [www.lcc.ne.gov](http://www.lcc.ne.gov)

Office Use

**RECEIVED**  
**FEB 23 2011**  
**NEBRASKA LIQUOR CONTROL COMMISSION**

- This application may be submitted along with a completed application for liquor license
- Agreement is effective upon issuance of a Temporary Operating Permit (T.O.P.)
- Agreement is effective up to 90 days from issuance of T.O.P., no extensions

TOP# \_\_\_\_\_

On (date) 02/18/11 seller and buyer entered into a contract for sale of the business known as COSTA BRAVA WAYNE, which contract is contingent upon buyer receiving approval for a liquor license to operate the business.

Seller and buyer agree to allow buyer to operate the business, subject to approval by the Nebraska Liquor Control Commission, (NLCC) for a period not to exceed 90 days no extensions.

The purchaser shall supply the commission with documentation (statement from the wholesaler indicating balance is zero owed) from the seller that the seller is current on all accounts with any wholesaler under section 53-123.02.

Valeri Aguil  
Signature of seller

[Signature]  
Signature of buyer

State of Nebraska  
County of Platte

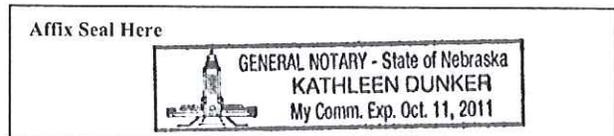
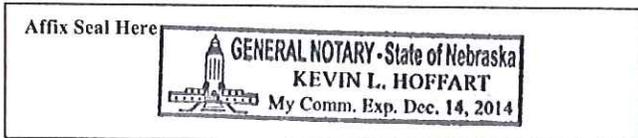
State of Nebraska  
County of Platte

The forgoing instrument was acknowledge before me this 2-22-11  
Date

The forgoing instrument was acknowledge before me this Febr. 18, 2011  
Date

Kevin L. Hoffart  
Notary Public Signature

Kathleen Dunker  
Notary Public Signature



[Signature]

# Temporary Operating Permit

Nebraska Liquor Control Commission

## 11 - 633 CLASS I

Issued: March 10, 2011 - Expires: June 08, 2011

### GONALEZ, PRIMO

DBA: COSTA BRAVA

DESCRIPTION: FIRST FLOOR OF TWO STORY BLDG APPROX 65FT X 75FT  
INCLUDING SIDEWALK CAFE APPROX 66ft x 26ft



---

Hobert B Rupe - Executive Director  
Nebraska Liquor Control Commission  
301 Centennial Mall South, 5<sup>th</sup> Floor  
Lincoln, NE 68509  
(402) 471 - 2571

\* NO EXTENSIONS OF THIS PERMIT WILL BE ALLOWED\*

**RESOLUTION NO. 2011-22**

WHEREAS, Primo S. Gonzalez, d/b/a “Costa Brava I-9233” made application to the Nebraska Liquor Control Commission for a Retail Class I Liquor License at 113 S. Main Street, Wayne, Wayne County, Nebraska; and

WHEREAS, said application has been forwarded to the City of Wayne for public hearing and recommendation by the City Council; and

WHEREAS, notice of hearing on said application was published in one issue of the Wayne Herald on March 24, 2011; and

WHEREAS, a hearing was held on April 5, 2011, and all persons desiring to present evidence for or against said application were heard.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the application of the license aforementioned be recommended for approval to the Nebraska Liquor Control Commission.

PASSED AND APPROVED this 5<sup>th</sup> day of April, 2011.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2011-23**

**A RESOLUTION APPROVING FIRE TRUCK AND EQUIPMENT SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.**

WHEREAS, the Wayne Volunteer Fire Department has prepared specifications for a new fire truck and related equipment; and

WHEREAS, a sub-committee has reviewed the specifications and have recommended their approval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, as follows:

1. That the specifications for the fire truck and related equipment be and the same are hereby approved.
2. That the estimate of cost of \$\_\_\_\_\_ for the fire truck and related equipment be and the same is hereby approved.
3. That the advertisement for and receiving of bids on the aforesaid fire truck by the City Clerk in a timely manner is hereby directed.

PASSED AND APPROVED this 5<sup>th</sup> day of April, 2011.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**Economic Development  
Chamber ■ Main Street**

March 31, 2011

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

RE: Sales Tax Advisory Committee – recommendation for Wayne Area Economic Development on behalf of *Project ABC* (\$225,000)

Dear Lowell,

The Sales Tax Advisory Committee met on Tuesday, March 29, 2011, and reviewed an application to Wayne's Economic Development Program fund.

The committee recommended approving a request by Wayne Area Economic Development on behalf of *Project ABC* for a \$225,000 performance-based loan to be used to purchase the Opportunity (speculative) Building in the Wayne Business Park. If *Project ABC* chooses Wayne in which to locate, it would start with approximately 20 FTEs and add additional jobs as its current facility is phased out of operation. In addition to the tiered forgiveness schedule of 10 years in the application and supporting information, the committee added the condition of 5 new jobs every 3 years for 9 years. The vote on the motion to recommend approving the modified request was unanimous with 5 committee members present.

Using its "LB 840 Application Review" matrix, the committee scored the project with the following: *Doesn't Meet* scored 22; *Doesn't Meet/Somewhat Meets* scored 4; *Somewhat Meets* scored 11; *Somewhat Meets/Meets* scored 3; and *Meets* scored 19. 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.

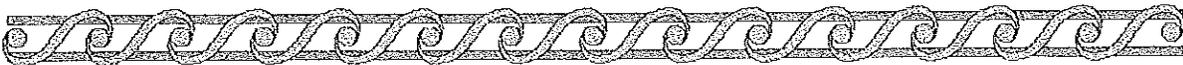
Sincerely,

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

Wes Blecke  
Executive Director



# ASHLAND HISTORIC PRESERVATION COMMITTEE



## RULES AND PROCEDURES

### *Rule 1 – Filling of Applications*

Applications for certificate of certain work on Landmarks or in Landmark Districts shall be filed at City Hall, 2304 Silver Street, Ashland, NE 68003

### *Rule 2 – Notice*

Legal notice of all matters to come before the Preservation Committee requiring such legal notice shall be given as required by law. In addition, the Preservation Committee will endeavor to give notice to agencies or organizations with interest in the Historic Preservation Committee at least 10 days before the date of the public hearing on matters that may be of interest to them and to inform the public.

The Preservation Committee will meet regularly on the 3<sup>rd</sup> Tuesday of each month, or as needed.

The Preservation Committee shall begin its' meetings in a place open to the public - generally at City Hall. Other public meetings shall be held as designated by the Preservation Committee. Public hearings will be held first on the agenda and then the Preservation Committee shall vote on those items which can be acted upon.

### ***Rule 3 – Agenda***

An agenda of the matters to come before the Preservation Committee will be prepared by the City Administrator and mailed to all Preservation Committee members and known interested parties on the Friday prior to the meeting. Items not on the agenda will not be heard by the Committee unless by 3 votes of the Committee it determines that an emergency exists and that the public interest dictates that the matter be heard.

There may be an addendum listing items that may be pending; as a result of a referral by the City Council or Planning Commission, items postponed from previous meetings, or requests by the Committee for action, but not yet on the agenda.

The matters shall be heard in the order that the items appear on the agenda

### ***Rule 4 – Nature of Testimony***

The role and function of the Preservation Committee is to advise the Planning Commission and legislative and administrative branches of government concerning historic preservation matters. Testimony before the Preservation Committee should be relative to the historic preservation aspects of the matter being heard. A written statement supporting the requested applications or in opposition to the requested applications may be submitted to the Committee at the public hearing or accompany the application when filed. The written statement need not be read to the Committee as part of the public hearing in order to be included as part of the public hearing minutes.

A copy of rules 4, 5 and 6 should be distributed to each application to appear before the Preservation Committee at the time of the filing of the application with the City of Ashland.

The Preservation Committee may ask questions of persons testifying. There shall, however, be no cross-examination or direct questioning in front of the Preservation Committee between proponents and opponents.

Material and testimony submitted should be factual.

### ***Rule 5 – Presentation of Testimony***

All those testifying shall first state their names and addresses.

The applicant or applicant's representative will be requested to present his/her testimony first. If the party appearing is a representative, the representative shall state the nature of his/her representative capacity. The applicant or representative shall present his/her case as succinctly as possible and should state:

1. Why the applicant desires the action requested.
2. Why the application is justified under the "Historic Preservation District Ordinance"
3. The applicant, or applicant's representative will be entitled to a brief rebuttal after the opponent's testimony is concluded.

Those in favor or opposed to the application shall then be called upon to present their testimony. Each individual should present his/her reasons why the application is or is not in accordance with sound planning practices. Fifteen (15) minutes for testimony is preferred as a maximum; however, no more than thirty (30) minutes should be taken by either proponents or opponents. The Chair may grant additional time in advance of the meeting for items of major significance. Speakers may request more time and the Preservation Committee may either grant or deny such requests.

It is requested that large groups concerned with an application choose one or two spokesmen to present the group's testimony.

It should be recognized, however, that the Commission is interested in only factual information and not in popularity contests.

Speakers should not present repetitious testimony. The Chair of the Preservation Committee shall reserve the right to discontinue at any time during repetitious or non-related testimony.

A sign-in sheet may be circulated in order that persons in attendance may indicate their desire to testify or merely indicate their position on an application.

### ***Rule 6 – Withdrawal or Deferral***

Any matter which has been advertised for public hearing may be withdrawn or deferred prior to preparation of the agenda on the Thursday before the Preservation Committee meeting. Once the agenda has been prepared, items may be withdrawn with approval of the Chairperson or Acting Chairperson.

If applicants request deferrals after the property has been posted, then such deferral shall be for a period of at least 60 days. The time period may be waived for good cause, shown in writing to the Chair, prior to the Preservation Committee meeting at which the applicant wishes to submit the matter.

### ***Rule 7 – Final Action***

As required by the Ashland Municipal Code, three (3) affirmative votes are required for final action on any matter. "Final Action" shall be defined to mean any vote on a main motion which results in a favorable or unfavorable disposition of an agenda matter. All subsidiary votes and procedural votes, such as amendments, addition and/or deletions; may be determined by the majority vote of the quorum present at any meeting.

A vote on final action on a matter not receiving three (3) or more votes either for or against said matter shall be deemed to have received neither approval nor disapproval and shall, without further order of the Preservation Committee, be continued from regular meeting to regular meeting and voted upon once at each such meeting until such time as it shall receive three (3) either for or against.

### ***Rule 8 – Special Meetings***

Special meetings of the Commission may be called by the Chair, or three (3) members of the Preservation Committee.

### ***Rule 9 – Suspension of Rules***

Any and all rules may be suspended by four (4) affirmative votes of the Preservation Committee.

### ***Rule 10 – Amendment of Rules***

These rules may be amended by four (4) affirmative votes of the Preservation Committee.

SECTION 5. The Secretary shall keep the minutes and records of the Committee, prepare agenda or regular and special meetings with the Chairman, provide notice of meetings to Committee members, arrange proper and legal notice of hearings, attend to correspondence of the Committee and to such other duties as are normally carried out by a Secretary.

### ARTICLE III Election of Officers

SECTION 1. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be held during the regular January meeting of each year, and the elections shall follow immediately thereafter.

SECTION 2. A candidate receiving a majority vote of the entire membership of the Committee shall be declared elected and shall serve for one year or until his/her successor shall take office.

SECTION 3. Vacancies in offices shall be filled immediately by regular election procedures.

### ARTICLE IV Meetings

SECTION 1. Meetings will be held quarterly, on the third Tuesday of the month at 7:00 p.m during the months of January, April, July, and October. Additional meetings shall be scheduled according to Section 3 of this Article, or as requested by the Ashland Planning Commission.

SECTION 2. A majority of the membership of the Committee (3 or more) shall constitute a quorum, and the number of votes necessary to transact business shall be three (3) or more. Voting shall be by roll call vote.

SECTION 3. Special meetings may be called by the Chairman. It shall be the duty of the Chairman to call such a meeting when requested to do so in writing by a majority of the members of the Committee. The notice of such meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Committee. The Secretary shall notify all members of the Committee in writing not less than five days in advance of such special meeting.

SECTION 4. All meetings of which official action is taken shall be open to the general public.

SECTION 5. Meetings may be recorded, by tape recording, at the discretion of the committee. Meetings of routine nature will generally not be taped. Meetings with potentially controversial or significant issues may be taped, as directed by the Committee Chair.

#### ARTICLE V Order of Business

The order of business at regular meetings shall be:

- (a) Roll Call
- (b) Approval of minutes of the previous meeting
- (c) Communications
- (d) Report of officers and committees
- (e) Old business
- (f) New business
- (g) Adjournment

#### ARTICLE VI Committees

Special committees may be appointed by the Chairman for purposes and terms which the Committee approves.

#### ARTICLE VII Employees

The Commission may employ such staff and/or experts as it sees fit to aid the Committee in its work. Compensation of said employees is subject to City Council approval. Appointments shall be made by a majority vote of the entire membership.

ARTICLE VIII  
Hearings

SECTION 1. In addition to those required by Law, the Committee may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

SECTION 2. Notice of such hearing shall be published in the official newspaper of the City of Ashland, or properly posted in three public locations according to City posting policy, at least ten days before the time of public hearings.

SECTION 3. The case before the Committee shall be presented in summary by the City Administrator, or designated individual, and parties in interest shall have privileges of the floor.

SECTION 4. A record shall be kept of those speaking before the Committee.

ARTICLE IX  
Amendments

These By-Laws may be amended by a two-thirds vote of the entire membership of the Historic Preservation Committee, or greater.

**RESOLUTION NO. 2011-24**

**A RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS.**

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program; and

WHEREAS, the City of Wayne desires to apply for said funds to provide public transportation in the City of Wayne with special emphasis on meeting the needs of elderly and handicapped persons.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the City Administrator is authorized to apply for the above-mentioned funds and that said funds will be used for the City of Wayne's transportation operations in the FY 2011-2012 Application for Public Transportation Assistance.

PASSED AND APPROVED this 5<sup>th</sup> day of April, 2011.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2011-25**

**A RESOLUTION APPROVING SUPPLEMENT TO PROGRAM AGREEMENT – SUPPLEMENT NO. 2 BETWEEN THE CITY OF WAYNE AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE WAYNE UNDERPASS PROJECT.**

**Whereas:** The City of Wayne, Nebraska, and the Nebraska Department of Roads (NDOR) have previously executed a Project Program Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds; and

**Whereas:** The City of Wayne, Nebraska, understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

**Whereas:** The City of Wayne, Nebraska, and NDOR wish to enter into a Supplemental Project Program Agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

**Be It Resolved:** by the City Council of the City of Wayne, Nebraska, that Ken Chamberlain, the Mayor, is hereby authorized to sign the attached Project Program Agreement BL1136, Supplemental Agreement #1 between the City of Wayne, Nebraska, and the NDOR. The City of Wayne, Nebraska, is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number ENH-90(6),

NDOR Control Number 32153,

Wayne Underpass.

PASSED AND APPROVED this 5<sup>th</sup> day of April, 2011, at Wayne, Nebraska.

The City Council of Wayne, Nebraska

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Board/Council Member \_\_\_\_\_

Moved the adoption of said resolution

Member \_\_\_\_\_ Seconded the Motion

Roll Call: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent

Resolution adopted, signed and billed as adopted

ATTEST:

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City Clerk

**SUPPLEMENT TO PROGRAM AGREEMENT  
SUPPLEMENT NO. 1**

CITY OF WAYNE  
STATE OF NEBRASKA, DEPARTMENT OF ROADS  
PROJECT NO. ENH-90(6)  
CONTROL NO. 32153  
WAYNE UNDERPASS

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of Wayne, hereinafter referred to as the "LPA", and the State of Nebraska Department of Roads, hereinafter referred to as the "State", and hereinafter referred to collectively as the "Parties".

WITNESSETH:

WHEREAS, the Parties have previously entered into a Program Agreement, BL1136, executed by the City on February 15, 2011 and executed by the State on March 2, 2011, hereinafter referred to as the "Original Agreement" providing for the construction of Project No. ENH-90(6), and

WHEREAS, it now becomes necessary to change the Federal share payable on eligible project costs, and

WHEREAS, it is the desire of the City that this project be constructed under the designation of Project No. ENH-90(6), as evidenced by the resolution of the City dated the \_\_\_\_\_ day of \_\_\_\_\_, 2011, attached and identified as Exhibit "A" and made a part of this agreement.

NOW THEREFORE, in consideration of these facts, the parties agree as follows:

SECTION 1. The Federal share payable on any portion of a STP project will be a maximum of 80 percent of the eligible costs. The total cost of the project which includes: preliminary engineering, final design, right-of-way, nonbetterment utility rehabilitation, construction, construction engineering, and LPA and State eligible expenses is currently estimated to be \$576,699.00. The LPA has earmarked and will place in its fiscal budget sufficient funds to pay all project costs not paid for by Federal funds; such costs are currently estimated to be \$115,340 (20% of \$576,699). The State agrees to use the LPA's Federal Funds for the actual eligible costs of the improvement which is estimated to be \$461,359. Both the LPA and State recognize this is a preliminary estimate and the final cost may be higher or lower.

SECTION 2. The parties agree that, except as specifically amended by this Supplemental Agreement, all terms and provisions of the Original Agreement for Project No. ENH-90(6) executed by the City on February 15, 2011 and executed by the State on March 2, 2011 shall remain in full force and effect.

IN WITNESS WHEREOF, the LPA and State hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

WITNESS:  
Betty McGuire

CITY OF WAYNE  
Ken Chamberlain

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

EXECUTED by the State on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Jim Wilkinson, P.E.

\_\_\_\_\_  
Local Projects Division Engineer

**RESOLUTION NO. 2011-26**

**A RESOLUTION APPROVING PRELIMINARY ENGINEERING SUPPLEMENTAL AGREEMENT NO. 2 BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE WAYNE TRAIL PHASE 2 PROJECT.**

**Whereas:** The City of Wayne, Nebraska, and Olsson Associates have previously executed an Engineering Services Agreement to provide for the preparation of plans and specifications for a transportation project for which the Local Public Agency (LPA) intends to obtain Federal funds; and

**Whereas:** The City of Wayne, Nebraska, as a sub-recipient of Federal-Aid funding, is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

**Whereas:** The City of Wayne, Nebraska, and Olsson Associates wish to enter into a Supplemental Engineering Services Agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

**Be It Resolved:** by the City Council of the City of Wayne, Nebraska, that Ken Chamberlain, Mayor, is hereby authorized to sign the attached Supplemental Engineering Services Agreement No. 2 between the City of Wayne, Nebraska, and Olsson Associates. The City of Wayne, Nebraska, is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number STPB-90(4),

NDOR Control Number 31777,

Wayne Trail - Phase 2.

PASSED AND APPROVED this 5<sup>th</sup> day of April, 2011, at Wayne, Nebraska.

The City Council of the City of Wayne

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Board/Council Member \_\_\_\_\_

Moved the adoption of said resolution

Member \_\_\_\_\_ Seconded the Motion

Roll Call: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent

Resolution adopted, signed and billed as adopted

ATTEST:

---

City Clerk

SUPPLEMENTAL AGREEMENT NUMBER 2

PRELIMINARY ENGINEERING SERVICES  
PROJECT NO. STPB-90(4), CONTROL NO. 31777  
CITY OF WAYNE  
OLSSON ASSOCIATES  
WAYNE TRAIL – PHASE 2

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of Wayne, hereinafter referred to as the "LPA", and the firm of Olsson Associates, hereinafter referred to as the "Consultant",

WITNESSETH:

WHEREAS, the LPA and Consultant hereto entered into an agreement executed by the LPA March 31, 2005, and by the Consultant November 16, 2004, and Supplemental Agreement #1 executed by the LPA May 5, 2009 and by the Consultant May 8, 2009, providing for the preparation of plans and specifications for the construction of Project No. STPB-90(4), and

WHEREAS, it now becomes necessary that the agreement be supplemented to provide additional survey and final design to accommodate changes in the scope of the project;

WHEREAS, it is the desire of the LPA that the project be constructed under the designation of Project No. STPB-90(4), as evidenced by the Resolution of the LPA dated the \_\_\_\_\_ day of \_\_\_\_\_, 2011, attached and identified as EXHIBIT "A" and made a part of this agreement, and

NOW THEREFORE, in consideration of this fact, the LPA and Consultant agree as follows:

SECTION 1. The LPA and Consultant agree that the Consultant will complete additional survey and final design services as identified in Exhibit "B", Scope of Services, and

SECTION 2. The LPA and Consultant agree that the Consultant will be paid a revised actual cost fee of \$53,149.55. This is an increase of \$9,992.00. This increase is outlined and attached as Exhibit "B", Personnel Hours Matrix.

SECTION 2. Except as specifically amended by this Supplemental Agreement, all terms and conditions of the agreement executed by the LPA March 31, 2005, and by the Consultant November 16, 2004, and Supplemental Agreement #1 executed by the LPA May 5, 2009 and by the Consultant May 8, 2009, shall remain in full force and effect.

STATE OF NEBRASKA            )  
  )ss.  
\_\_\_\_\_ COUNTY            )

After being duly sworn on oath, I do hereby acknowledge the foregoing certification and state that I am authorized to sign this agreement for the firm.

EXECUTED by the Consultant this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

OLSSON ASSOCIATES

\_\_\_\_\_

Name & Title

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Notary Public

EXECUTED by the City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF WAYNE

\_\_\_\_\_

Name & Title

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Notary Public

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Form of Agreement Approved for  
Federal Funding Eligibility:  
Jim Wilkinson, P.E.

\_\_\_\_\_

Local Projects Section Engineer

\_\_\_\_\_

Date

NEGOTIATED SCOPE OF SERVICES  
FOR  
WAYNE TRAIL, PHASE II – SUPPLEMENT #1

1. This schedule provides for supplemental engineering services to provide additional survey and final design to accommodate the changed conditions in the vicinity of sta. 126+00, sta. 313+50, and sta. 414+50.
  
2. During the Data Collection Phase ENGINEER shall:
  - 2.1. Provide topographic survey within the area approximately bounded by sta. 312+00 to 313+50 in order to be able to tie the trail end to existing pavement in the vicinity of the water tower.
  - 2.2. Download and process field survey to prepare site plan to be used during the design of the project.
  - 2.3. Incorporate additional field survey in the area of sta. 126+00, sta. 313+50 and 414+50 to complete the re-design as required.
  
3. During the Final Design Phase ENGINEER shall:
  - 3.1. Evaluate design in the areas of additional survey.
  - 3.2. Revise horizontal and vertical alignments in the vicinity of sta. 313+50 and sta. 414+50.
  - 3.3. Revise and update cross sections as a result of eliminating the trail from sta. 211+00 to sta. 313+50 and the realignment at sta. 414+50
  - 3.4. Recalculate earthwork quantities as a result of eliminating the trail from sta. 211+00 to sta. 313+50 and the realignment at sta. 414+50.
  - 3.5. Revise and update the Cover sheet showing sheet index, location map and summary of quantities.
  - 3.6. Revise and update the Typical Section and Details sheet.
  - 3.7. Revise and update the sign Details and Location sheet.
  - 3.8. Revise and update Retaining Wall Details sheet.
  - 3.9. Revise and update Horizontal Control Information sheets.
  - 3.10. Recalculate quantities and update construction notes.
  - 3.11. Revise and update Plan and Profile sheets as required.
  - 3.12. Revise and update erosion control sheets
  - 3.13. Revise and update Right-of-way sheets.
  - 3.14. QA/QC review

3.15. Modify and update final Opinion of Probable Construction Costs for the project as a result of the changes.

3.16. Update the final special provisions. The ENGINEER shall prepare final full-size plans and special provisions for distribution to NDOR. NDOR will reproduce the plans and other bid documents and distribute them to potential bidders.

4. During the Bidding Services Phase ENGINEER shall:

4.1. Answer bidder questions during the advertising period.

	Project Manager	Senior Engineer	Technical Manager	CAD Technician	Clerical	Senior Scientist	Project Scientist	Assistant Scientist	Survey Crew	TOTALS
1. Project Management										
A. Project Management	2.0				2.0					4.0
B. Progress Meetings (2 by phone)	4.0									4.0
C. NDOR Coordination	2.0				2.0					4.0
2. Data Collection										
A. Provide topographic survey									16.0	16.0
B. Download and process field survey									2.0	2.0
C. Incorporate field survey to complete re-design			1.0	1.0					1.0	3.0
3. Final Design										
A. Review and evaluate design	1.0		2.0							3.0
B. Revise horizontal and vertical alignments		1.0	4.0	4.0						9.0
C. Revise and update cross sections		1.0	3.0	4.0						8.0
D. Recalculate earthwork quantities			4.0							4.0
E. Revise and update the Cover sheet			1.0	1.0						2.0
F. Revise and update the Typical Section and Details sheet		1.0	1.0	2.0						4.0
G. Revise and update Retaining Wall Details sheet		1.0	2.0	4.0						7.0
H. Revise and update Horizontal Control Info. Sheets			2.0	1.0						3.0
I. Recalculate quantities and update construction notes		1.0	4.0	4.0						9.0
J. Revise and update Plan and Profile sheets		1.0	2.0	4.0						7.0
K. Revise and update Erosion Control sheets			1.0	1.0						2.0
L. Revise and update Right-of-Way sheets			1.0	1.0						2.0
M. QA/QC review	3.0		3.0							6.0
N. Modify and update final Opinion of Prob. Constr. Costs	2.0	1.0								3.0
O. Update and prepare final special provisions & plans	4.0			2.0						6.0
4. Environmental Documentation										
A. Prepare and submit DR-530 and DR-53										0.0
B. Prepare and submit revised CE Form										0.0
5. Bidding Services										
A. Respond to bidder questions during advertising period	4.0									4.0
Subtotal (Hours)	22.0	7.0	31.0	29.0	4.0	0.0	0.0	0.0	19.0	112.0
	Hours	2011 Ave. \$/Hour	Cost							
Project Manager, Aaron Bustner	22.0	\$40.50	\$891							
Senior Engineer, Jon Olsen	7.0	\$45.20	\$316							
Technical Manager, Brian Juerneman	31.0	\$31.25	\$969							
CAD Technician, Jennifer Wegner	29.0	\$23.75	\$689							
Clerical, Dea Prueger	4.0	\$18.30	\$73							
Senior Scientist, Joan Darling	0.0	\$49.90	\$0							
Project Scientist, Deanna Pulse	0.0	\$24.20	\$0							
Assistant Scientist, Jenna Muhlbach/Karl Rohren	0.0	\$17.50	\$0							
Survey Crew, Troy Pinkelman/Jorge Rosas	19.0	\$16.20	\$308							
			Direct Labor Subtotal:		\$3,246					
			Overhead @ 164.93%:		\$5,359					
			Subtotal:		\$8,599					
			Profit (13%):		1,118					
			Total Labor:				\$9,717			
Direct Costs			Amount							
Mileage			\$75							
Meals			\$0							
Lodging			\$0							
Half Size Plots			\$50							
Final Plots			\$100							
Phone			\$0							
Postage			\$25							
Copies			\$25							
GPS Usage			\$0							
Web Site Hosting Fee			\$0							
			Subtotal:		\$275					
			Total Direct Costs:				\$275			
			Total Estimated Fees:				\$9,992			



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**RESOLUTION NO. 2011-27**

**A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES**

WHEREAS, the City Council, by and through the City Code and as a matter of general policy, establish certain rates, fees and charges for purposes of raising operating revenue and covering costs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the City of Wayne, Nebraska, that the attached schedule of rates, fees and charges are hereby amended and the same shall, if not already in effect, become effective upon the passage and approval of this Resolution.

PASSED AND APPROVED this 5<sup>th</sup> day of April, 2011.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**SCHEDULE OF FEES:**

		<b>2010</b>	<b>2011</b>
<b>Utility Deposits</b>			
Electric	\$	125.00	
Water	\$	50.00	
Sewer	\$	50.00	
Reconnect Fees	\$	50.00	
Overtime Rate	\$	75.00	
<b>Bad Checks</b>	\$	30.00	
<b>Dog License</b>	\$	5.00	\$ 6.00
<b>Fingerprints</b>	\$	20.00	
<b>Vendor's Permit</b>	\$	25.00	
<b>Vehicle Storage (Per Day Outside)</b>	\$	10.00	
<b>(Per Day Inside)</b>	\$	25.00	
<b>Impounded Vehicle</b>	\$	150.00	
<b>Parking Fines:</b>			
Paid within first five days	\$	15.00	
Paid between 6-15 days	\$	30.00	
Paid after 15 days	\$	45.00	
<b>Police Reports</b>		\$5.00 up to 6 pgs	
<b>Copies</b>	\$	0.25	
Color	\$	1.00	
CAD Maps (24" wide)	\$	15.00	
CAD Maps (36" wide)	\$	25.00	
<b>Faxes (per page)</b>	\$	2.00	
International Faxes (per page)	\$	6.00	
<b>Clearing Snow and Ice (Min. 1 hr)</b>	\$	75.00	
<b>Mowing (Min. 1 hr)</b>	\$	90.00	
<b>Route Vendor</b>	\$	100.00	
<b>Water/Sewer Hook-ups</b>			
Residential	\$	250.00	
Commercial	\$	500.00	

**Well Permit Fee**

Non-Domestic - over 100 gpm 200 + Engineering Fee  
Domestic - less than 100 gpm

**Pool**

Family Ticket	\$	95.00
Pre-Season Discount	\$	85.00
Individual Ticket	\$	55.00
Pre-Season Discount	\$	50.00
Daily Admissions - Over 12	\$	4.50
Ages 6-12	\$	3.50
Age 5 and below	\$	3.00
Swimming Lessons	\$	30.00
Swimming Parties	\$	75.00

**Auditorium**

Rental	\$	225.00
State Registered	\$	100.00
Youth	\$	35.00
North Meeting Room	\$	75.00
State Registered	\$	45.00
Breakfast/Lunch Mtgs	\$	45.00
Damage Deposit	\$	150.00
With Sound System	\$	200.00

**Library/Sr Center Mtg Rm** \$ 25.00

**Senior Center Rental** \$ 150.00

Damage Deposit \$ 150.00

**Fire Hall Rental** \$ 150.00

Damage Deposit \$ 150.00

**Activity Center**

Family	\$	263.23	\$	<b>268.49</b>
Adult Married Couple	\$	203.39	\$	<b>207.46</b>
Single Adult	\$	149.56	\$	<b>152.55</b>
Senior Married Couple	\$	99.72		
Single Senior	\$	74.77		

College Year	\$	104.69		
9-months Semester	\$	86.66		
College Married Couple	\$	61.50		
High School (Grades 9-12)	\$	166.15		
Middle School (Grades 5-8)	\$	86.66	\$	88.39
<b>Elementary School (Grades K-4)</b>		69.87	\$	71.27
			\$	55.00
Punch Card (10 visits)	\$	31.95		
Punch Card (5 visits)	\$	21.30		

**CORPORATE RATES**

Family				
6 - 25 Members	\$	246.46		
26+	\$	235.28		
Adult Couple				
6 - 25 Members	\$	192.22		
26+	\$	186.63		
Adult Single				
6 - 25 Members	\$	141.18		
26+	\$	132.79		
<b>Excavation Permit</b>	\$	25.00		
Annual Fee	\$	250.00		
<b>Moving Permit</b>	\$	200.00		
<b>Razing Permits</b>				
Residential & Commercial	\$	60.00		
Accessory Structures (includes garages)	\$	20.00		

**Plan Review Fee (non-refundable)**

1. Inspections outside of normal business hours; \$35 plus \$25/hour after first hour and expenses at actual cost.
2. Reinspections fees assessed under the provisions of Sec. 305(g), \$35 plus \$25/hour after first hour and expenses at actual cost.
3. Inspections for which no fee is specifically indicated; \$35 plus \$25/hour after first hour and expenses at actual cost.
4. Additional plan review required by changes, additions, or revisions to approve plans; \$35 plus \$25/hour after first hour and expenses at actual cost.
5. Inspections for Property Maintenance Code - \$35 plus \$25/hour after first hour and expenses at actual cost.

**Sidewalk**

\$25 plus Bond

**Property Maintenance Fees**

Initial Code Complaint Inspection; \$35 plus \$25/ hour after first hour and expenses at actual cost		
Final Inspection to Verify Compliance	\$	-
Failure to Meet 1st Notice Compliance Deadline	\$	300.00
Failure to Meet 2nd Notice Compliance Deadline	\$	300.00

**Driveway/Apron Cons. Permit** \$ 35.00

**Zoning Regulation**

Amendment Text	\$	100.00
Amendment District/Map	\$	200.00

**Variance Application (Board of Adjustment)** \$ 200.00

**Conditional Use Application**

Ag and Residential Dist.	\$	200.00
All Other Districts	\$	200.00

**Subdivision**

Preliminary Plat	\$250 + \$5 /lot	
Final	\$150 + \$1.50/lot	
Variance	\$	150.00

**Lot Split/Admin. Subdivision** \$ 175.00

**Meter Testing**

Residential	\$	15.00
Non-Residential	\$	25.00

Specially Req. Bldg Inspect. \$ 30.00

**Garbage Haulers**

Class A Permit	\$	400.00
Class B Permit	\$	30.00

**Special Designated Liquor Permits**

(For Those without Catering License) \$ 40.00

**Plumber Permits**

New	\$	100.00
Renewal	\$	50.00

**Electrician Permits**

New	\$	100.00
Renewal	\$	50.00

**Pawnbroker Permit**

\$

50.00

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 April, 2011.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**Project:** Kardell Subdivision Sanitary Sewer Improvements, Wayne, Nebraska - 2010

**Contractor:** Mark Albenesius, Inc., 608 152nd Street, South Sioux City, Nebraska, 68776

DETAILED ESTIMATE		
Description	Unit Prices	Extensions
See Attached		

**PLEASE REMIT PAYMENT TO: Mark Albenesius, Inc.**

Value of Work Completed: \$111,749.35

Original Contract Cost:	<u>\$134,983.85</u>
Approved Change Orders:	
No.	<u>\$0.00</u>
Total Contract Cost:	<u>\$134,983.85</u>

Value of completed work .....	<u>\$111,749.35</u>
Less retained percentage ( 10 %) .....	<u>\$11,174.94</u>
Net amount due including this estimate .....	<u>\$100,574.42</u>

Less: Estimates previously approved:

No. 1	<u>\$0.00</u>	No. 6	<u>\$0.00</u>
No. 2	<u>\$0.00</u>	No. 7	<u>\$0.00</u>
No. 3	<u>\$0.00</u>	No. 8	<u>\$0.00</u>
No. 4	<u>\$0.00</u>	No. 9	<u>\$0.00</u>
No. 5	<u>\$0.00</u>	No.10	<u>\$0.00</u>

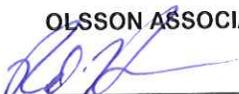
Total Previous Estimates: \$0.00

**NET AMOUNT DUE THIS ESTIMATE: \$100,574.42**

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: Mark Albenesius, Inc.  
Project File

**OLSSON ASSOCIATES**

By 

Project: Kardell Subdivision Sanitary Sewer Improvements, Wayne, Nebraska - 2010  
Wayne, Nebraska  
Project No. 008-0305  
Contractor: Mark Albenesius, Inc., 608 152nd Street, South Sioux City, Nebraska, 68776

No.	Description	Unit	Plan Quantity	Unit Price \$	Contract Price \$	Quantities Completed	Total Amount Completed	90% Due Contractor	10% Retainage	Amt. Paid Prev. Est.	Total Due This Est.
<b>BASE BID SECTION:</b>											
1	Mobilization	LS	1	\$12,961.00	\$12,961.00	0.85	\$11,016.85	\$9,915.17	\$1,101.69	\$0.00	\$9,915.17
2	Clearing and Grubbing	LS	1	\$1.00	\$1.00	1	\$1.00	\$0.90	\$0.10	\$0.00	\$0.90
3	Lift Station Earthwork	LS	1	\$12,000.00	\$12,000.00	0.75	\$9,000.00	\$8,100.00	\$900.00	\$0.00	\$8,100.00
4	Build Lift Station	LS	1	\$76,610.00	\$76,610.00	0.85	\$65,118.50	\$58,606.65	\$6,511.85	\$0.00	\$58,606.65
5	4" PVC Sanitary Force Main, DR 18	LF	1530	\$10.00	\$15,300.00	1530	\$15,300.00	\$13,770.00	\$1,530.00	\$0.00	\$13,770.00
6	4" M.J. 90° Bend	EA	2	\$87.25	\$174.50	2	\$174.50	\$157.05	\$17.45	\$0.00	\$157.05
7	4" M.J. 45° Bend	EA	3	\$82.50	\$247.50	3	\$247.50	\$222.75	\$24.75	\$0.00	\$222.75
8	4" M.J. 11.25° Bend	EA	1	\$79.00	\$79.00	1	\$79.00	\$71.10	\$7.90	\$0.00	\$71.10
9	Force Main Bedding	LF	1530	\$5.30	\$8,109.00	1330	\$7,049.00	\$6,344.10	\$704.90	\$0.00	\$6,344.10
10	18" RCP Storm Pipe, Class III	LF	32	\$44.00	\$1,408.00	32	\$1,408.00	\$1,267.20	\$140.80	\$0.00	\$1,267.20
11	Area Inlet	EA	1	\$2,355.00	\$2,355.00	1	\$2,355.00	\$2,119.50	\$235.50	\$0.00	\$2,119.50
12	Crushed Concrete Surfacing	TN	20	\$30.20	\$604.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
13	Crushed Concrete Foundation	TN	30	\$30.20	\$906.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
14	White Rock Surfacing	TN	20	\$33.00	\$660.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
15	Type "B" Seeding	AC	1.15	\$1,739.00	\$1,999.85	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
16	Silt Fence	LF	523	\$3.00	\$1,569.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL BASE BID SECTION (ITEMS 1-16)</b>								<b>\$111,749.35</b>	<b>\$100,574.42</b>	<b>\$11,174.94</b>	<b>\$100,574.42</b>