

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

**5:30 Call to Order**

**1. [Approval of Minutes – June 21, 2011](#)**

**2. [Approval of Claims](#)**

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

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

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

**3. [Ordinance 2011-5: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Friday, July 8<sup>th</sup>, and Saturday, July 9<sup>th</sup> in Conjunction with the Annual Chicken Show Activities](#)**

**Background:** This is a request for this event only. Betty has reviewed this with Sgt. Chinn and the Nebraska Liquor Commission. PD will schedule to accommodate the request if approved. The Liquor Commission requires that City Council approval must apply to all off sale liquor establishments in Wayne.

**Recommendation:** The required three readings will have to be waived for this ordinance to be in effect for the Chicken Show activities.

**4. [Action on Application for Payment No. 11 in the Amount of \\$620,853.79 to Eriksen Construction Co. for the 2009-2010 Wastewater Treatment Facility Improvements, Phase I Project](#)**

**5. [Resolution 2011-49: Acknowledging Requirements for the Temporary Use of the State Highway System for Special Events \(WSC Homecoming Parade, which includes Band Day, on Saturday, October 8, 2011\)](#)**

**Background:** This is the new standard Council action required by the Nebraska Department of Roads for every celebration event approved by the City Council that will close a State highway.

**Recommendation:** The recommendation of the Police Sergeant and City Administrator is to approve the resolution.

**6. [Resolution 2011-50: Accepting a Plan to Extend City Services and Setting a Public Hearing on the Proposed Annexation Area to the city of Wayne](#)**

**Background:** Owners of the undeveloped property north across Highway 35 from Northeast Nebraska Public Power District have proposed a subdivision development for that area. This Resolution initiates the public hearing process for the subdivision proposal to be reviewed and comments received from the public.

**Recommendation:** The recommendation of the Zoning Administrator is to set a hearing date for public comment on the subdivision proposal.

7. [Resolution 2011-51: Approving Agreement for Professional Engineering Services between the City and Olsson Associates for a Water and Sewer Extension Project](#)

8. [Action to Consider Request to Fog Streets and Alleys to Control Bugs/Mosquitoes](#)

**Background:** Our current city mosquito control program is to use a paraffin based larvicide deposited in areas of standing water to control the hatch of mosquitoes, and to spray grassy areas of city parks before city events. We have a councilmember request to also fog streets on a regular basis during peak mosquito population periods. We are checking with neighboring communities for options they use and will have that information available at the Council meeting.

9. [Appointments:](#)

**Swimming Pool Renovation/Replacement Committee:**

Jean Loberg  
Jodi Pulfer  
Jeff Carstens  
BJ Woehler  
Mandi Fernau  
Karla Jensen  
Heather Claussen  
Nana Peterson

**Library Board:** Jenny Hammer

10. [Action Setting Budget Work Sessions – Tuesday, July 26<sup>th</sup> at 5:30 and Tuesday, August 2<sup>nd</sup> after Council Meeting](#)

11. [Action on Pre-Determination Settlement Offer — Phillip Shear vs. City of Wayne](#)

12. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

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Mayor

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City Administrator

June 21, 2011

The Wayne City Council met in regular session at City Hall on Tuesday, June 21, 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, Dale Alexander, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 9, 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 Sturm made a motion and seconded by Councilmember Alexander, whereas the Clerk has prepared copies of the Minutes of the meeting of June 7, 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:** AMAZON, SU, 334.82; AMERITAS, SE, 1670.49; APPEARA, SE, 78.01; BAKER & TAYLOR BOOKS, SU, 660.94; BANK FIRST, FE, 165.00; FIREMAN, RE, 208.00; CITY EMPLOYEE, RE, 96.75; FIREMAN, RE, 208.00; BUSINESS TELECOMMUNICATION, SU, 39.44; CITY EMPLOYEE, RE, 22.48; FIREMAN, RE, 220.00; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, SE, 200.00; CITY OF WAYNE, PY, 60725.21; CITY OF WAYNE, RE, 47.49; CIVICPLUS, SE, 150.00; COMMUNITY HEALTH, RE, 3.00; FIREMAN, RE, 208.00; COVENTRY HEALTH, SE, 17124.38; DEMCO, SU, 78.10; DUTTON-LAINSON, SU, 309.28; CITY EMPLOYEE, RE, 574.56; ERIKSEN CONSTRUCTION, SE, 197550.00; GALE GROUP, SU, 110.10; GERHOLD CONCRETE, SU, 462.50; GREAT PLAINS ONE-CALL, SE, 92.92; CITY EMPLOYEE, RE, 115.56; HAUGE ASSOCIATES, RE,

167.75; CITY EMPLOYEE, RE, 128.40; HOWARD JOHNSON RIVERSIDE, SE, 1376.00; ICMA, SE, 5636.49; INGRAM BOOK, SU, 421.04; INNOVATIVE PROTECTIVES, SU, 300.00; INTERNATIONAL STONEWORKS, SU, 700.00; IRS, TX, 18747.69; CITY EMPLOYEE, RE, 67.16; FIREMAN, RE, 220.00; FIREMAN, RE, 220.00; KEPCO, SU, 6.95; KRIZ-DAVIS, SU, 15522.38; LAYNE CHRISTENSEN, SE, 29452.27; LEIGH CULL, RE, 30.00; CITY EMPLOYEE, RE, 270.91; M.E. COLLINS, SE, 70706.92; MAIN STREET AUTO CARE, SE, 30.00; MIDWEST LABORATORIES, SE, 649.05; FIREMAN, RE, 220.00; NE DEPT OF REVENUE, TX, 2811.59; NE FOREST SERVICE, SU, 295.94; NE JOURNAL LEADER, SE, 34.92; NE STATE HISTORICAL, FE, 70.00; NET-TECH, SU, 324.30; NEXIC, SE, 426.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 11634.98; NWEA, FE, 110.00; PAMIDA, SU, 17.98; FIREMAN, RE, 386.26; PEPSI-COLA, SU, 490.20; PRESTO X, SE, 82.15; PROVIDENCE MEDICAL CENTER, SE, 110.00; QUALITY FOODS, SU, 21.75; RAD, INC., SU, 66.47; RANDOM HOUSE, SU, 79.46; ROBERTSON IMPLEMENT, SU, 56.53; RON'S RADIO, SE, 630.00; SD MEYERS, SE, 2508.00; SIMPLEXGRINNELL, SU, 588.33; SPARKLING KLEAN, SU, 1801.88; STATE NATIONAL BANK, SE, 49.28; STATE NATIONAL BANK, RE, 266482.50; STEVEN BIERMANN, RE, 29.54; THE RADAR SHOP, SE, 273.00; THE WAKEFIELD REPUBLICAN, SE, 28.50; TURFWERKS, SU, 299.08; UNITED WAY, RE, 10.00; US BANK, SU, 5044.68; VAN DIEST SUPPLY, SU, 1953.60; FIREMAN, RE, 220.00; WAYNE HERALD, SE, 1208.09; WAYNE VETERINARY CLINIC, SE, 126.00; WESCO, SU, 1224.75; WAPA, SE, 27106.83; FIREMAN, RE, 376.06; ZACH OIL, SU, 6669.32; ZEE MEDICAL SERVICE, SU, 43.24; AMANDA HANK, RE, 17.03; ALTEC INDUSTRIES, SU, 71.13; APPEARA, SE, 74.65; APPLIED INDUSTRIAL TECH, SU, 135.90; AQUA-CHEM, SU, 379.92; ARCMATE MANUFACTURING, SU, 124.40; BARONE SECURITY SYSTEMS, SU, 147.00; BOMGAARS, SU, 22.35; BROWN SUPPLY, SU, 372.86; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 81.94; CITY OF WAYNE, RE, 2184.00; CITY OF WAYNE, RE, 1008.22; CLAUSSEN & SONS IRRIG., SE, 309.80; CONNECTING POINT, SE, 1518.75; DE LAGE LANDEN FINANCIAL, SE, 394.00; DGR & ASSOCIATES, SE, 237.50; DIGITAL ALLY, SU, 36.50; EASYPERMIT POSTAGE, SU, 1663.57; ELECTRIC FIXTURE & SUPPLY, SU, 162.76; ELLIS PLUMBING & HEATING, SE, 139.79; EMERITUS, RE, 100.00; FASTENAL, SU, 75.00; FIRST CONCORD GROUP, SE, 3834.32; FLOOR MAINTENANCE, SU, 712.21; FORT DEARBORN LIFE, SE, 1511.21; FREDRICKSON OIL, SE, 21.77; GERHOLD CONCRETE, SU, 440.00; HAWKINS, SU, 1018.50; CITY EMPLOYEE, RE, 50.00; HEIDI CLAUSSEN, SE, 100.00; HSBC BUSINESS SOLUTIONS, SU, 282.86; JEO CONSULTING GROUP, SE, 1389.00; JIM MITCHELL, RE, 500.00; CITY EMPLOYEE, RE, 684.96; KLEIN ELECTRIC, SU, 1818.18; KRIZ-DAVIS, SU, 3658.28; NATL PATENT ANALYTICAL, SU, 91.14; NE PUBLIC HEALTH, SE, 219.00; NPPD, SE, 238166.17; PARK N POOL CORPORATION, SU, 762.95; PITNEY BOWES, SU, 648.00; CITY EMPLOYEE, RE, 79.40; QUALITY PUMP & CONTROL, SU, 2227.86; QWEST, SE, 310.18; ROBERTSON IMPLEMENT, SU, 28.50; RON'S RADIO, SE, 61.45; SPANN AUTO, SE, 1832.70; NE ENVIRONMENTAL PRODUCTS, SU, 1067.21; TYLER TECHNOLOGIES, SE, 1727.85; UNITED RENTALS, SE, 189.53; USA BLUE BOOK,

SU, 94.53; VAN DIEST SUPPLY, SU, 171.58; VERIZON, SE, 139.45; WESCO, SU, 314.07

Councilmember Frevert made a motion and seconded by Councilmember Sturm 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 Austin Frideres and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department Cadet Program.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the membership application of Austin Frideres to the Wayne Volunteer Fire Department Cadet Program. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tom Sievers, Fire Chief, introduced Ridge Abbott and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Haase made a motion and seconded by Councilmember Ley approving the membership application of Ridge Abbott 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.

Councilmember Ley made a motion and seconded by Councilmember Sturm to adjourn as Mayor and City Council and reconvene as the Board of Equalization. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to amending the levy of special assessments in Public Utility Water Service District No. 2009-01 (Muhs Acres) and declared the public hearing open.

Administrator Johnson was requesting Council consideration to amending the special assessments previously levied by crediting \$10,000 for the double rates that have been paid by those property owners in the district since 1996. He and former Mayor Shelton verbally agreed to this; however, this information was not relayed to the engineer and thus was omitted in the calculation of the assessments to the property owners.

Mark Klassen, President of the Muhs Acres Homeowners Association, was present, and stated he has been living in Muhs Acres for 21 years. Double water rates have been paid since around 1996. He was not able to attend the meeting when the initial Board of Equalization hearing took place, and it wasn't until he received a copy of the assessments that he noticed that the \$10,000 credit had not been included, which was when he brought it to Administrator Johnson's attention. Chris Connolly was also present when discussions were taking place concerning the double water rate credit.

Administrator Johnson stated for those property owners outside the city limits who receive water, all pay the double rates and all of those water/sewer lines, with the exception of those in this district, were maintained by the City.

The issue regarding the credit for some of the double water rates paid was supposed to have been brought to the Council for consideration. The City is assuming the cost of the line from the well house to the east side of the Skokan property, which is between \$50,000 and \$60,000. However, the City also receives the 25% discount for the ARRA program and will absorb that as development costs for future development.

It was noted that water and sewer has been extended to property located outside of the city limits and assessed.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District.

City Clerk McGuire had not received any written objections to amending the assessment schedule.

There being no other persons wishing to be heard concerning the amended levy of special assessments within Public Utility Water Service District No. 2009-01 (Muhs Acres), the Mayor declared the hearing closed.

Councilmember Frevert introduced Resolution 2011-43 and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2011-43

#### A RESOLUTION AMENDING SCHEDULE OF ASSESSMENTS IN PUBLIC UTILITY WATER SERVICE DISTRICT NO. 2009-01 (MUHS ACRES).

It was noted that the double water rates for the period from 2002 through 2007 totaled \$16,652; however, double rates have been paid since 1996 through the present.

It was also noted that the life of the loan on this project is 20 years, and therefore, the term of the assessment schedule is limited to 20 years.

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

Councilmember Frevert made a motion and seconded by Councilmember Alexander to adjourn as the Board of Equalization and reconvene as Mayor and City Council. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain stated the following Resolution would adopt the City Administrator's employment contract, which includes a 1% salary increase. This is the same agreement as last year.

It was noted that the salary increase was the same as what the department heads received last year.

Councilmember Ley introduced Resolution No. 2011-44 and moved for its approval; Councilmember Berry seconded.

#### RESOLUTION NO. 2011-44

##### A RESOLUTION TO ADOPT EMPLOYMENT AGREEMENT.

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

Lucas Billesbach of JEO Consulting Group presented the "Sludge Management Plan." The Plan provides some background information and history on how Wayne has gotten to this point. According to the best available City records, no sludge has been removed from the lagoon for disposal since at least 1995. On September 13, 2010, the

EPA requested that a "Sludge Management Plan" be submitted by July 28, 2011. The Plan is to include certain requirements and be completed no later than July 1, 2013.

JEO performed some survey work, including a topographic survey of not only the lagoon floor, but also the sludge depth that is located in that lagoon. The results of that survey indicated that the largest volume of sludge is located in the southwest quadrant of the lagoon. The depth in this area ranges from 2' to nearly 3.5'. However, the mean sludge thickness across the entire lagoon is approximately 1.5', with an estimated volume of 69,720 cubic yards. That equals around 14,250,000 gallons of sludge.

This sludge is eligible for land application. It is characterized as a Class B sludge, which means it has to be land applied and is not eligible for bodily contact and cannot be used on any type of produce that would be consumed by humans. If we were able to dry the sludge, we would be looking at 790 dry tons of sludge. They estimate that only 75% of that can be removed without impacting the liner in the bottom of the lagoon. That means that about 600 dry tons of sludge would need to be moved.

There are several ways to remove the sludge, and JEO investigated three different ways. The first was the use of a belt filter press that would come in and thicken the sludge by removing the water in the lagoon. This would get the sludge to a cake-like consistency, which would reduce the amount of hauling we would need to be done. However, the cost to do that would be around \$1 to 1.5 million dollars.

The second way that the sludge could be removed was with the use of geotubes. These are actually 100-200' socks that are laid out. The sludge is pumped into those. They are then allowed to lie on the ground. The water seeps out of those and the sludge thickens within that sock, which then reduces the amount of loads that need to be hauled.

However, just the socks themselves would cost around \$250,000. There would be approximately 2700 loads that would need to be hauled. The cost on that removal would be between \$500,000 to \$1,000,000.

The third method for removing the sludge was liquid hauling. The sludge would be removed in liquid form and applied straight to the field. It can either be laid on top of the field and disked in later or it can be knifed directly into the field. The amount of land necessary for liquid removal is going to vary greatly upon what the percentage of concentration is when the sludge is removed. We would need around 2800 acres to apply this sludge at 6.5% solids. There are other haulers that would prefer to keep the water in the lagoon because it is easier to pump it. At 1% solids, we would need around 13,000 acres to apply this sludge. The cost to remove the sludge in liquid form would range from \$250,000 to \$500,000.

In regard to a schedule, the City will need to bid and contract the work to complete the disposal of the biosolids. It is recommended the City apply those in the fall of 2011 and the fall of 2012 following harvest. The City should plan to apply beginning no later than November 1, 2011 and complete disposal no later than June 1, 2013.

In addition, there is a considerable amount of recordkeeping that will need to be done. Some of that work will be performed by the contractor; however, it is their recommendation that the City does their own paperwork and keeps continuous records pursuant to the EPA requirements.

The process of finding the land is usually a requirement of the contractor. Many of the sludge haulers are accustomed to doing that. However, once the bidding would be

done and they identify that land, there is a process through NDEQ that we will have to go through to approve what they have given us.

The sludge will have a benefit to the land that it is applied on. It will contain phosphorous and nitrogen which will reduce the amount of fertilizer that will have to be applied on that land.

JEO typically prefers to stay out of any land negotiations directly with farmers. However, they would be more than happy to assist with the identification of land that would be useable or suitable. Another option is to identify it as a requirement of the contractor to find the land.

JEO's recommendation is that the City budget \$500,000 to remove the sludge from the lagoon. The plan can be changed or amended at any time. The EPA just wants to know that the sludge is going to be removed by July 1, 2013.

Councilmember Sturm introduced Resolution No. 2011-45 and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2011-45

#### A RESOLUTION APPROVING SLUDGE REMOVAL PLAN.

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

Councilmember Sturm made a motion and seconded by Councilmember Alexander 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 6:28 p.m.

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CLAIMS LISTING JULY 5, 2011

AMERICAN BROADBAND	FIBER LINE LEASE	330.00
AMERICAN BROADBAND	OVERPAYMENT ON CATV POLES	1,173.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,622.84
APPEARA	LINEN & MAT SERVICE	101.62
ARNIE'S FORD-MERCURY INC	HANDIVAN/SEAT BELT REPAIR	1,769.67
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	165.00
BAUM HYDRAULICS CORP	O-RINGS/FILTERS	26.36
BEIERMANN ELECTRIC	CAC LIGHT FIXTURES INSTALL	6,563.00
CITY EMPLOYEE	VISION REIMBURSEMENT	106.10
BLACK HILLS ENERGY	GAS BILLS	1,906.56
BLUEGRASS PLAYGROUNDS, INC	SWINGS-HENRY VICTOR PARK	3,662.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	185.22
CARHART LUMBER COMPANY	SCREWS/WATER HEATER/BATTERY/STAKES	1,138.88
CARTRIDGE WORLD	CARTRIDGE REFILL	59.99
CITY OF NORFOLK	INSPECTION FEES	642.10
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUND	150.00
CITY OF WAYNE	BUILDING DEPOSIT REFUNDS	850.00
CITY OF WAYNE	CAC OVERPAYMENT	11.47
CITY OF WAYNE	CLOTHING REIMBURSEMENT	100.00
CITY OF WAYNE	HANDIVAN OVERPAYMENT	27.00
CITY OF WAYN	LIBRARY INTERNSHIP	400.00
CITY OF WAYNE	MILEAGE REIMBURSEMENT	221.85
CITY OF WAYNE	PAYROLL	63,480.93
CITY OF WAYNE	SWIM LESSON REFUND	60.00
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
CRAIG WALLING	TREE INCENTIVE	100.00
DAKOTA BUSINESS SYSTEMS	LIBRARY COPIER LEASE	102.50
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
DUTTON-LAINSON COMPANY	ELBOW PROBE	78.92
ELLIS PLUMBING & HEATING	SR CENTER TOILET REPAIR	90.19
EXHAUST PROS	VEHICLE REPAIR-HANDIVAN	115.60
FIRST NATIONAL INSURANCE	INSURANCE	272.42
FLOOR MAINTENANCE	CLEANER/TOILET PAPER/SOAP/TOWELS	450.85
FORT DEARBORN LIFE	VFD INSURANCE	106.64
FREDRICKSON OIL CO	HANDIVAN REPAIRS	186.93
CITY EMPLOYEE	COMPUTER PURCHASE	819.37
GEMPLER'S INC	HOSE FITTINGS	190.40
GERHOLD CONCRETE CO INC.	GRID MARKERS/CONCRETE	908.00
GIS WORKSHOP	GIS DESIGN/DEVELOPMENT	36,500.00
H.K. SCHOLZ COMPANY	GENERATOR ELECTRICAL REPAIRS	48,600.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	203.48
HAUGE ASSOCIATES, INC.	PAYROLL DEDUCTION	167.75
HAWKINS, INC	BALL VALVE/POOL CHEMICALS	121.39
ICMA MEMBERSHIP RENEWALS	MEMBERSHIP RENEWAL-L JOHNSON	594.00

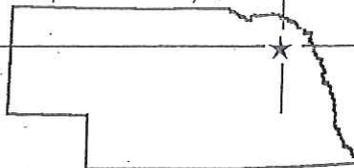
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,632.63
IRS	FEDERAL WITHHOLDING	19,179.63
JEO CONSULTING GROUP	SLUDGE/LAGOON CALCULATIONS/WWTP	21,276.76
KRIZ-DAVIS COMPANY	FUSES	797.69
LANGEMEIER, WAYNE	MOWING	100.00
LEAGUE OF NEBRASKA I	FINANCE CONFERENCE	740.00
MCGUIRE & NORBY	CIVIL SERVICE ATTORNEY FEES	10,481.10
CITY EMPLOYEE	HEALTH REIMBURSEMENT	189.49
MICROFILM IMAGING SYSTEMS	DIGITIZE WAYNE HERALD	892.81
MIKE TOWNE	WIND ENERGY	400.00
NE DEPT OF HEALTH	MUHS ACRES	148.26
NE DEPT OF REVENUE	STATE WITHHOLDING	2,853.62
NE NEB INS AGENCY INC	AUDIT BALANCE/INSURANCE	57,149.00
NORFOLK TRUCK CENTER	BOLTS	58.56
NORTHEAST NE PUBLIC POWER	ELECTRICITY	3,361.96
NORTHWEST ELECTRIC INC.	PULLING HIGH AMP REPAIRS	885.27
OLSSON ASSOCIATES	KARDELL SEWER IMPROVEMENT	343.00
PAMIDA STORE # 165	POOL-FIRST AID/JANITORIAL SUPPLIES	552.93
CITY EMPLOYEE	HEALTH REIMBURSEMENT	152.47
PIEPER, MILLER & DAHL	ATTORNEY FEES	2,199.00
PITNEY BOWES INC	POSTAGE METER INK	213.47
CITY OF WAYNE	HEALTH REIMBURSEMENT	43.03
CITY OF WAYNE	HEALTH REIMBURSEMENT	2,234.75
QUALITY 1 GRAPHICS	10 DECALS	100.00
QUILL CORPORATION	OFFICE SUPPLIES	601.74
RAMADA INN - KEARNEY	LODGING- D NAVRKAL	144.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	303.50
ROBERTSON IMPLEMENT CO	TIRE RIB	50.75
RON'S RADIO	REPLACE DEFECTIVE BULB	43.85
SARPY CO SHERIFFS OFFICE	BOND	251.00
SIOUXLAND TURF PRODUCTS	FERTILIZER	3,232.50
STADIUM SPORTING GOODS	HOME PLATE/BASES	215.00
STANLEY SECURITY SOLUTION	KEYS	121.19
STATE NATIONAL BANK	CAC PETTY CASH	100.00
STATE NATIONAL BANK	LIBRARY PETTY CASH	97.76
THE DIAMOND CENTER	ENGRAVE - DONATION FOR BENCHES	80.10
TOM ADAMSON	BOOK	8.00
TOM'S BODY & PAINT SHOP	SENIOR CENTER VAN REPAIR	26.00
VERIZON WIRELESS SERVICES	CELL PHONES	161.28
VIAREO	CELL PHONES	142.58
WATERLINK, INC	GYLCOL	135.47
WAYNE AREA ECONOMIC DEVEL	SCPB LUNCHEON	6,431.33
WAYNE AUTO PARTS	CABLE/CLEANER/GAUGE/FILTERS ETC	590.49
WAYNE COMMUNITY SCHOOLS	2 YEARBOOKS	129.00

# City of Wayne

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

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

Incorporated - February 2, 1884



## REQUEST FOR FUTURE AGENDA ITEM

If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. If you have additional documentation which would be beneficial to the topic, please attach to this form. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

*Event insurance is required for anyone wishing to use city right-of-way (e.g. block off streets for block parties, block off sidewalks and/or alleys).*

Name: White Dog Pub

Address: 102 N. Main St.

Telephone No.: (402) 375-9958

Date of Request: July 5<sup>th</sup> 2011

Description of Requested Topic: Extension of time allowed for

Serving alcohol on July 9 and 10<sup>th</sup> until 2 A.M. -  
(the Friday & Saturday nights of chicken Days)



**ORDINANCE NO. 2011-5**

**AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR CHICKEN SHOW ACTIVITIES.**

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

That the hours of sale of alcoholic liquor shall be extended to 2:00 o'clock a.m., only, on Friday, July 8, 2011, and Saturday, July 9, 2011, in conjunction with the Chicken Show Activities.

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

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

### APPLICATION FOR PAYMENT NO. 11

To: City of Wayne, Nebraska  
From: Eriksen Construction Company, Inc.  
Contract For: 2009 - 2010 Wastewater Treatment Facility Improvements, Phase I  
ENGINEER's Project No. 090621 (617S7)  
For Work accomplished through the date of: 6/24/2011

1. Original Contract Price:	\$ 5,098,770.00
2. Net change by Change Orders and Written Amendments (+ or -) (#1 - #2):	\$ 8,037.46
3. Current Contract Price (1 plus 2):	\$ 5,106,807.46
4. Total completed and stored to date:	\$ 3,958,125.54
5. Percent of Project Completed <u>78%</u>	
6. Retainage (per agreement):	
<u>10%</u> of completed Work and Stored Materials: <u>\$254,938.50</u>	
(10% of the first 50% of work completed & stored)	
Total Retainage:	\$ 254,938.50
7. Total completed and stored to date less retainage (4 minus 6):	\$ 3,703,187.04
8. Less previous Application for Payments:	\$ 3,082,333.25
<b>9. DUE THIS APPLICATION (7 MINUS 8):</b>	<b>\$ 620,853.79</b>

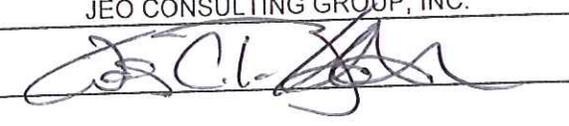
Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 10 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated: 6/29/11 \_\_\_\_\_  
By:  \_\_\_\_\_  
ERIKSEN CONSTRUCTION COMPANY, INC.

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated: 6/30/2011 \_\_\_\_\_  
By:  \_\_\_\_\_  
JEO CONSULTING GROUP, INC.

APPLICATION APPROVED BY:

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Application and Certificate for Payment, containing Contractor's signed certification is attached. In tabulations below, amounts are stated to the nearest Dollar.

Application Number: 11  
Application Date: 08/24/11  
Period From: 05/24/11  
Period To: 06/24/11  
Eng. Project No.: 61757

Use Column 1 on Contracts where variable retainage for line items may apply.

Retainage: 10%									
A No.	B Description of Work	C Scheduled Value	D Work Completed			G Total Completed and Stored to Date D+E+F	H % G/C	I C-G	J Retainage 10% (On first 50%)
			E Previous Applications	F Work In Place	G Stored Materials				
1	Bonds and Insurance	75,000.00	75,000.00	0.00	0.00	75000.00	100%	0.00	0.00
2	Mobilization	68,680.00	68,680.00	0.00	0.00	68680.00	100%	0.00	0.00
3	Site Clearing	85,360.00	85,360.00	0.00	0.00	85360.00	100%	0.00	0.00
4	Grading	25,660.00	5,000.00	0.00	0.00	5000.00	19%	20660.00	0.00
5	Excavation	50,724.00	50,724.00	0.00	0.00	50724.00	100%	0.00	0.00
6	Aquarius Tank Rock Base & Sub	39,780.00	39,780.00	0.00	0.00	39780.00	100%	0.00	0.00
7	Fill	9,780.00	9,780.00	0.00	0.00	9780.00	100%	0.00	0.00
8	Backfill	80,126.00	55,000.00	17,500.00	0.00	72500.00	90%	7626.00	0.00
9	Surcharge	19,375.00	19,375.00	0.00	0.00	19375.00	100%	0.00	0.00
10	Staging Area	34,607.00	34,607.00	0.00	0.00	34607.00	100%	0.00	0.00
11	Demolition	2,120.00	0.00	0.00	0.00	0.00	0%	2120.00	0.00
12	Rock Around Lift Station	2,163.00	0.00	0.00	0.00	0.00	0%	2163.00	0.00
13	Erosion Control	15,000.00	12,000.00	0.00	0.00	12000.00	80%	3000.00	0.00
14	Fence	40,783.00	21,000.00	0.00	0.00	21000.00	51%	19783.00	0.00
15	Seeding	5,000.00	0.00	0.00	0.00	0.00	0%	5000.00	0.00
16	Pavement	32,000.00	0.00	0.00	0.00	0.00	0%	32000.00	0.00
17	Concrete	294,000.00	287,240.00	3,000.00	0.00	290240.00	99%	3760.00	0.00
18	Rebar	196,100.00	193,050.00	2,000.00	0.00	195050.00	99%	1050.00	0.00
19	Hollow Core	2,500.00	2,500.00	0.00	0.00	2500.00	100%	0.00	0.00
20	Masonry	151,450.00	127,478.50	15,000.00	0.00	142478.50	94%	8971.50	0.00
21	Misc. Metals	65,000.00	3,550.00	0.00	0.00	3550.00	5%	61450.00	0.00
22	Handrails/Stairs/Grating	21,000.00	0.00	7,000.00	0.00	7000.00	33%	14000.00	0.00
23	Final Clarifier Demo	4,400.00	0.00	0.00	0.00	0.00	0%	4400.00	0.00
24	Flat Covers	250,000.00	10,000.00	0.00	184400.00	194400.00	78%	55600.00	0.00
25	Carpentry	28,500.00	14,250.00	7,125.00	0.00	21375.00	75%	7125.00	0.00
26	Trusses	10,500.00	10,500.00	0.00	0.00	10500.00	100%	0.00	0.00
27	Water Repellants	3,500.00	0.00	0.00	0.00	0.00	0%	3500.00	0.00
28	Insulation	1,000.00	0.00	0.00	0.00	0.00	0%	1000.00	0.00
29	Gutters	3,000.00	0.00	0.00	0.00	0.00	0%	3000.00	0.00
30	Joint Sealants	8,000.00	0.00	1,500.00	0.00	1500.00	19%	6500.00	0.00
31	Doors & Hardware	7,800.00	1,300.00	1,825.00	0.00	3125.00	40%	4675.00	0.00
32	Overhead Doors	12,000.00	0.00	0.00	0.00	0.00	0%	12000.00	0.00
33	Drywall	1,000.00	0.00	850.00	0.00	850.00	85%	150.00	0.00
34	Painting	45,000.00	0.00	4,500.00	0.00	4500.00	10%	40500.00	0.00
35	Toilet Accessories	4,700.00	0.00	0.00	0.00	0.00	0%	4700.00	0.00
36	Grit and Screw Classifier System	200,000.00	0.00	0.00	21664.79	21664.79	11%	178335.21	0.00
37	Submersible Lift Station Pumps	33,000.00	31,000.00	0.00	0.00	31000.00	94%	2000.00	0.00
38	Rotary Lobe Pumps	4,800.00	0.00	0.00	0.00	0.00	0%	4800.00	0.00
39	Scraper Clarifiers	165,000.00	500.00	0.00	135540.00	136040.00	82%	28960.00	0.00
40	Vertical Fine Screen	98,000.00	98,000.00	0.00	0.00	98000.00	100%	0.00	0.00
41	Interally Fed Drum Screen & Comp	142,500.00	0.00	0.00	63135.00	63135.00	44%	79365.00	0.00
42	Gates	14,000.00	14,000.00	0.00	0.00	14000.00	100%	0.00	0.00
43	Aquarius MSABP	1,326,600.00	1,183,161.00	50,000.00	0.00	1233161.00	93%	93439.00	0.00
44	Possitive Displacement Blower	64,050.00	60,600.00	2,175.00	0.00	62775.00	98%	1275.00	0.00
45	Casework/Counter Top	11,865.00	4,076.00	7,789.00	0.00	11865.00	100%	0.00	0.00

Continuation Sheet

Application and Certificate for Payment, containing Contractor's signed certification is attached. In tabulations below, amounts are stated to the nearest Dollar.

Use Column 1 on Contracts where variable retainage for line items may apply.

Application Number: 11  
 Application Date: 06/24/11  
 Period From: 05/24/11  
 Period To: 06/24/11  
 Eng. Project No.: 617S7

Retainage: 10%

A No.	B Description of Work	C Scheduled Value	D Work Completed			G Total Completed and Stored to Date D+E+F	H % G/C	I C-G	J Retainage 10% (On first 50%)
			Previous Applications	Work In Place	Stored Materials				
46	Hoist/Trolley/Crane	13,650.00	13,650.00	0.00	0.00	13650.00	100%	0.00	0.00
47	Valves	117,600.00	110,908.00	2,300.00	0.00	113208.00	96%	4392.00	0.00
48	Yard Piping	238,975.00	186,806.73	26,300.00	0.00	213106.73	89%	25868.27	0.00
49	Manholes	174,900.00	166,155.27	5,750.00	0.00	171905.27	98%	2994.73	0.00
50	Process Piping	98,322.00	69,240.25	10,000.00	0.00	79240.25	81%	19081.75	0.00
51	Mechanical	86,000.00	67,000.00	5,000.00	0.00	72000.00	84%	14000.00	0.00
52	Electrical	613,900.00	206,000.00	40,000.00	0.00	246000.00	40%	367900.00	0.00
53		0.00	0.00	0.00	0.00	0.00	0%	0.00	0.00
		5,098,770.00	3337271.75	209,614.00	404739.79	3951625.54	78%	1147144.46	254938.50
CHANGE ORDERS									
CO1	Change Order No. 1	3,810.83	-	3,000.00	0.00	3000.00	79%	810.83	0.00
CO2	Change Order No. 2	4,226.63	-	3,500.00	0.00	3500.00	83%	726.63	0.00
CO3	Change Order No. 3	0.00	-	0.00	0.00	0.00		0.00	0.00
		5,106,807.46	3337271.75	216114.00	404739.79	3958125.54	78%	1148681.92	254938.50



Invoice No: 41338  
 Date: 6/10/2011  
 Order No: 107444A  
 Page No: 1  
 F.O.B: Destination

**Sold To**  
 Eriksen Construction Co.  
 2546 South Hwy 30  
 PO Box 610  
 Blair, NE 68008-0610  
 USA

**Ship To**  
 Eriksen Construction Company, Inc.  
 c/o Wayne WWTP  
 205 Dearborn Street  
 Wayne, NE 68787  
 USA

<b>CUSTOMER ID</b>		<b>CUSTOMER PO</b>		<b>PAYMENT TERMS</b>		<b>FREIGHT TERMS</b>	
5038828		559-15Y		90% NET 30, 10% NTE 270 DAYS		Freight: Prepaid	
<b>SALES REP ID</b>			<b>SHIPPING METHOD</b>			<b>SHIP DATE</b>	<b>INVOICE DUE DATE</b>
165			Bestway			6/10/2011	6/10/2011
<b>QUANTITY</b>		<b>PART</b>		<b>DESCRIPTION</b>		<b>X</b>	
<b>LI#</b>	<b>ORD</b>	<b>SHF</b>	<b>BCK</b>				

2	1	1	0	SWM	SWM0018	
3	1	1	0	CONTROLLER ASSY	PC2500 CONTROLLER ASSEMBLY	
8	1	1	0	Freight	Freight Out - New Unit	
9	1	1	0	FSU	Factory Start Up	
10	1	1	0	E22-002-320	NEMA 7 LOCAL CONTROL STATION	
11	1	1	0	E22-002-321	NEMA 7 LOCAL CONTROL STATION	
12	1	1	0	SWA0026-0060-285-SS	ASSY, 60DEG ELBOW SWM SS	
13	1	1	0	SWA0024-1250-285-SS	TRANSPORT ASSY, TAPERED 1250MM SS	
14	1	1	0	SWA0025-0070-SS	DISCHARGE ASSY, OUTLET 70DG SS	
15	1	1	0	AMA1022-0052-SS	SUPPORT PEDSTL 52-53 7/8	
16	1	1	0	AMA0510-0002-SU	ASSY, BALL/SOL. 120V 316SS	

**SUB TOTAL:** \$63,135.00  
**SALES TAX:** 0.00

**TOTAL AMOUNT DUE:** \$63,135.00

PLEASE REFERENCE THIS INVOICE NUMBER ON YOUR CHECK AND REMIT TO:

File # 55921  
 Los Angeles, CA 90074-5921

PROJECT: \_\_\_\_\_

APPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

CONTRACT  NON CONTRACT

MISC. MATERIAL  DIRECT JOB

MISC. SUB  OTHER



# JWC Environmental®

290 Paularino Ave.  
Costa Mesa, CA 92626  
(949) 833-3888

Invoice No: 41337  
Date: 6/10/2011  
Order No: 107444  
Page No: 1  
F.O.B: Destination

Sold To
Eriksen Construction Co. 2546 South Hwy 30 PO Box 610 Blair, NE 68008-0610 USA

Ship To
Eriksen Construction Company, Inc. c/o Wayne WWTP 205 Dearborn Street Wayne, NE 68787 USA

CUSTOMER ID	CUSTOMER PO	PAYMENT TERMS	FREIGHT TERMS	
5038828	559-08Y	90% NET 30, 10% NTE 270 DAYS	Freight: Prepaid	
SALES REP ID		SHIPPING METHOD	SHIP DATE	INVOICE DUE DATE
165		Breck Transportation	6/10/2011	6/10/2011
QUANTITY				
LI#	ORD	SHIP	BCK	

LI#	ORD	SHIP	BCK	PART	DESCRIPTION
5	1	1	0	CONTROLLER ASSY	PC2500 CONTROLLER ASSEMBLY
12	1	1	0	E22-002-325	NEMA 7 LOCAL CONTROL STATION
13	1	1	0	E22-002-326	NEMA 7 LOCAL CONTROL STATION

SUB TOTAL: \$21,664.79  
SALES TAX: 0.00

TOTAL AMOUNT DUE: \$21,664.79

PLEASE REFERENCE THIS INVOICE NUMBER ON YOUR CHECK AND REMIT TO:

File # 55921  
Los Angeles, CA 90074-5921

PROJECT: SSA  
 APPROVED: ELB  
 DATE: 6/20/11  
 CONTRACT  NON CONTRACT   
 MISC. MATERIAL  DIRECT JOB   
 MISC. SUB  OTHER

# 2010 Wastewater Treatment Facility Improvements Wayne, Nebraska

To: Eriksen Construction Company, Inc.

FROM: Conservatek Industries, Inc.

ERIKSEN PROJECT NUMBER: 559

PAYMENT REQUEST NUMBER: 1

ORDER NUMBER: 559-04Y

DATE: June 24, 2011

**STATEMENT OF CONTRACT ACCOUNT:**

1. Original Contract Amount Including All Sales Taxes	\$ <u>180,000.00</u>
2. Total of Signed Change Orders Nos. <u>1</u> thru <u>1</u> (as per attached list noting detailed breakdown of items)	\$ <u>4,400.00</u>
3. Approved Total Contract Amount Plus Signed Change Orders & Sales Tax	\$ <u>184,400.00</u>
4. Value of Work Performed and Billed Including Sales Tax	\$ <u>          .00</u>
5. Value of Work Performed Per Current Billing (as per attached detailed breakdown including sales tax)	\$ <u>184,400.00</u>
6. Total Value of Work Performed to Date Including Sales Tax	\$ <u>184,400.00</u>
7. Amount Previously Retained at <u>10</u> %	(\$ <u>          .00</u> )
8. Amount to be Retained Per Current Billing	(\$ <u>18,440.00</u> )
9. Total Amount Retained	(\$ <u>18,440.00</u> )
10. Total Billed Less Retainage to Date	\$ <u>165,960.00</u>
11. Total Previously Billed and Certified Including Sales Tax (Deduct)	(\$ <u>          .00</u> )
12. Amount Due This Payment Request Including Sales Tax	\$ <u>165,960.00</u>

**CERTIFICATE OF THE SUBCONTRACTOR:**

I hereby certify that the work performed to date, as shown on the above, represents the actual value of accomplished under the terms of the Contract (and all authorized changes thereto) between the under signed and Eriksen Construction Company relating to the above referenced project.

I certify that all applicable State, Federal, and Local taxes have been paid on the above work performed to date and that all applicable pension, health, and welfare and apprenticeship payments have been made. I further certify that all applicable union conditions have been complied with on this project.

I also certify that payments, less applicable retention, have been made through the period and covered by previous payments received from the contractor, to; (1) all my subcontractors (sub-subcontractors) and (2) for all materials and labor used in or in connection with the performance of this Contract. I further certify I have complied with Federal, State, and Local tax laws, including Social Security Laws and Unemployment Compensation Laws and Workmen's Compensation Laws insofar as applicable to the performance of this Contract. I also waive and release any and all liens or claims on all previous payments received from Eriksen Construction Company.

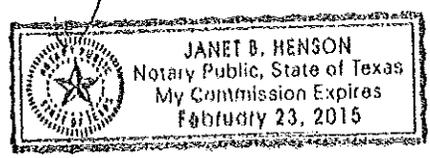
DATE: 6-24-11

CONSERVATEK INDUSTRIES INC.  
SUBCONTRACTOR

SUBSCRIBED AND SWORN BEFORE ME THIS 24th  
DAY OF June, 20 11

BY Rasendu N. Mehta

WITNESS Janet B. Henson  
Notary



# CONSERVATEK®

Conservatek Industries, Inc.

498 N Loop 336 E • PO Box 1678 • Conroe, TX 77305-1678 • (936) 539-1747

AN ISO 9001 COMPANY

Page:

1

## ORIGINAL INVOICE

Eriksen Construction Co Inc  
2546 South Hwy 30  
Blair NE 68008

INVOICE NO.: **24364**  
INVOICE DATE: 24-Jun-11  
CONTRACT NO.: 210077  
CONTRACT DATE: 12-Jul-10  
ORDER NO.: 559-04Y  
TERMS: Net 30 days

SOLD

TO Attn: Gary Bittner

### Reference:

Wayne WWTF Improvements-Phase I  
East 4th St  
Wayne NE 68787

PLEASE MAIL PAYMENT TO:

Conservatek Industries, Inc.  
P.O. Box 973645  
Dallas, TX 75397-3645

Please direct any questions regarding this Invoice to:  
ACCOUNTING DEPARTMENT (936) 539-1747

### Description

Total

Furnish material only for twenty-four (24) 13.5' X 20'  
flush-mounted formed panel flat covers (sandblasted) on  
new "Aquarius" treatment tanks

Original Contract Value \$180,000.00  
Change order #1 4,400.00  
\$184,400.00

90% - within 30 days of invoice or delivery

\$165,960.00

10% - 30 days after project is started-up and accepted  
by owner, not to exceed 120 days after delivery  
to jobsite

Total due this invoice

\$165,960.00

Original Copy

**2010 Wastewater Treatment Facility Improvements  
Wayne, Nebraska**

To: Eriksen Construction Company, Inc.

FROM: Siemens Industry, Inc. Remit Payment: Dept CH 14171 Palatine, IL 60656  
 ERIKSEN PROJECT NUMBER: 559 PAYMENT REQUEST NUMBER: 2  
 CONTRACT NUMBER: 1190/000440 DATE: June 24, 2011

STATEMENT OF CONTRACT ACCOUNT:	Description of Billing	Stored Material
1. Original Contract Amount Including All Sales Taxes		<u>\$150,600.00</u>
2. Total of Signed Change Orders No. Thru (as per attached listing noting detailed breakdown of items)		<u>\$0.00</u>
3. Approved Total Contract Amount Plus Signed Change Orders & Sales Tax		<u>\$150,600.00</u>
4. Value of Work Performed and Billed including Sales Tax	<u>\$0.00</u>	
5. Value of Work Performed Per Current Billing (Per above description including sales tax)	<u>\$135,540.00</u>	
6. Total Value of Work Performed to Date Including Sales Tax		<u>\$135,540.00</u>
7. Amount Previously Retained at	<u>\$0.00</u>	
8. Amount to be Retained Per Current Billing N/A per payment terms	<u>\$0.00</u>	
9. Total Amount Retained None - Milestone payments already factor retainage out		<u>\$0.00</u>
10. Total Billed Less Retainage to Date		<u>\$135,540.00</u>
11. Total Previously Billed and Certified Including Sales Tax (Deduct)		<u>\$22,590.00</u>
12. Amount Due This Payment Request Including Sales Tax		<u>\$112,950.00</u>

**CERTIFICATE OF THE SUBCONTRACTOR:**

I hereby certify that the work performed to date, as shown on the above, represents the actual value of accomplished under the terms of the Contract (and all authorized changes thereto) between the under signed and Eriksen Construction Company relating to the above referenced project.

I certify that all applicable State, Federal, and Local taxes have been paid on the above work performed to date and that all applicable pension, health, and welfare and apprenticeship payments have been made. I further certify that all applicable union conditions have been complied with on this project.

I also certify that payments, less applicable retention, have been made through the period and covered by previous payments received from the contractor, to; (1) all my subcontractors (sub-subcontractors) and (2) for all materials and labor used in or in connection with the performance of this Contract. Further certify I have complied with Federal, State, and Local tax laws, including Social Security Laws and Unemployment Compensation Laws and Workmen's Compensation Laws insofar as applicable to the performance of this Contract. I also waive and release any and all liens or claims on all previous payments received from Eriksen Construction Company.

DATE June 24, 2011

SUBSCRIBED AND SWORN BEFORE ME THIS 24th  
 DAY OF June 2011

Witness Sara Thom

Siemens Industry, Inc.  
 SUBCONTRACTOR  
 BY Michael J. Karls

Phone: 262-521-8351  
 email: michael.karls@siemens.com

## BILL OF SALE

This Bill of Sale is made on 06-24-11

BY Siemens Industry, Inc.

Whose address is 2607 Grandview Blvd, Suite 130., Waukesha, WI 53188 ( Seller)

TO Eriksen Construction Company

Whose address is 2546 South Hwy 30, Blair, NE 68008

The words "Buyer" and "Seller" include all Buyers and Sellers named above.

1. Transfer of Ownership. The Seller transfers ownership of the property described below to the Buyer. The Seller will be paid \$112,950.00 for making this transfer.
2. Property. The following property is sold to the Buyer (referred to as the "property"):  
Structural Steel and Drive for (2) H40ALT Circular Collectors.
3. Promises by Seller. The Seller promises that no one else has any legal rights in the property. If anyone claims to have legal rights in the property, the Seller will defend the Buyer against the claim and will pay all costs, attorney fees and damages.
4. Seller has the responsibility to deliver the stored material to the jobsite.
5. Signatures. The Seller agrees to the terms of this Bill of Sale.

DeeDee Nelson Seal)

Credit Manager (Title)

### AFFIDAVIT OR OWNERSHIP

STATE OF Wisconsin

COUNTY OF Waukesha SS:

Say(s) under oath:

The Seller is at least 18 years and the owner of the property in this Bill of Sale. The Seller is in sole possession of this property. No other persons have any legal rights or security interest to this property. There are no pending lawsuits or judgments against the Seller or other legal obligations which may be enforced against this property. No bankruptcy or insolvency proceedings have been stated by or against the Seller.

Signed and sworn to before me on this 24<sup>th</sup> day of June 2011

Notary Public Michael J. Karla  
My commission expires: 03-22-15



# CERTIFICATE OF PROPERTY INSURANCE

DATE (MM/DD/YYYY)  
06/24/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

If this certificate is being prepared for a party who has an insurable interest in the property, do not use this form. Use ACORD 27 or ACORD 28.

PRODUCER MARSH USA INC. 1186 AVENUE OF AMERICAS NEW YORK, NY 10036		CONTACT NAME: PHONE (A/C No. Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID:		FAX (A/C No.):	
100129-SWT-PROP-10/11	4997	KARLS		INSURER(S) AFFORDING COVERAGE	
INSURED SIEMENS INDUSTRY, INC. WATER TECHNOLOGIES BUSINESS UNIT 181 THORN HILL ROAD WARRENDALE, PA 15086		INSURER A : Steadfast Insurance Company		NAIC # 26387	
		INSURER B : Zurich American Insurance Company		16535	
		INSURER C :			
		INSURER D :			
		INSURER E :			
		INSURER F :			

COVERAGES      CERTIFICATE NUMBER: NYC-006191742-01      REVISION NUMBER:

LOCATION OF PREMISES / DESCRIPTION OF PROPERTY (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 DESCRIPTION OF PROPERTY: STRUCTURAL STEEL AND DRIVES FOR H40ALT COLLECTORS  
 REPLACEMENT COST VALUE: \$160,800.00  
 LOCATION OF PROPERTY: SIEMENS INDUSTRY, INC., 1828 METCALF AVENUE, THOMASVILLE, GA 31792

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE		POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	COVERED PROPERTY	LIMITS
A	X	PROPERTY	MCP5093731-07 (NY ONLY)	10/01/2010	10/01/2011	BUILDING	\$
B		CAUSES OF LOSS	MCP4475975-01 (AOS)	10/01/2010	10/01/2011	PERSONAL PROPERTY	\$ REPL COST
		Deductibles				BUSINESS INCOME	\$
		BASIC				EXTRA EXPENSE	\$
		BROAD				RENTAL VALUE	\$
		SPECIAL				BLANKET BUILDING	\$
	X	EARTHQUAKE				BLANKET PERS PROP	\$
		WIND				BLANKET BLDG & PP	\$
	X	FLCOD					\$
	X	"All Risk" Incl					\$
		INLAND MARINE	TYPE OF POLICY				\$
		CAUSES OF LOSS	POLICY NUMBER				\$
		NAMED PERILS					\$
		CRIME					\$
		TYPE OF POLICY					\$
		BOILER & MACHINERY / EQUIPMENT BREAKDOWN					\$
							\$
							\$

SPECIAL CONDITIONS / OTHER COVERAGES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 ERIKSEN CONSTRUCTION COMPANY AND CITY OF WAYNE ARE INCLUDED AS LOSS PAYEE AS THEIR INTERESTS MAY APPEAR.

<b>CERTIFICATE HOLDER</b>  ERIKSEN CONSTRUCTION COMPANY 2546 SOUTH HWY 30 BLAIR, NE 68008		<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Donna Clampitt <i>Donna Clampitt</i>	
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**RESOLUTION NO. 2011-49**

**A RESOLUTION ACCEPTING A PLAN TO EXTEND CITY SERVICES AND SETTING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AREA TO THE CITY OF WAYNE.**

WHEREAS, Section 16-177 N.R.S. 1943 (R.S. Supp. 1990) grants the authority for Cities of the First Class to annex, by ordinance, any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character and in such direction as said City may deem proper; and

WHEREAS, the owner of certain property, contiguous and adjacent to the City, has requested the annexation of the property; and

WHEREAS, the City of Wayne, Nebraska, desires to exercise said power by annexing contiguous and adjacent land as subsequently described herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wayne, Nebraska, that the City of Wayne is considering the annexation of land and a plan for extending City services to said land, as the same has been requested by the property owner; that a public hearing be held on the 19<sup>th</sup> day of July, 2011, at or about 5:30 P.M. in the Council Chambers of Wayne, Nebraska, located in the Municipal Building at 306 Pearl Street, Wayne, Nebraska, for the purpose of receiving testimony from interested persons; and that the legal description of the land proposed for annexation is as follows:

**(insert legal here)**

BE IT FURTHER RESOLVED, that the plan of the City of Wayne, Nebraska, for the extension of City services to the aforescribed land proposed for annexation is available for public inspection during regular business hours in the office of the City Clerk at 306 Pearl Street, Wayne, Nebraska.

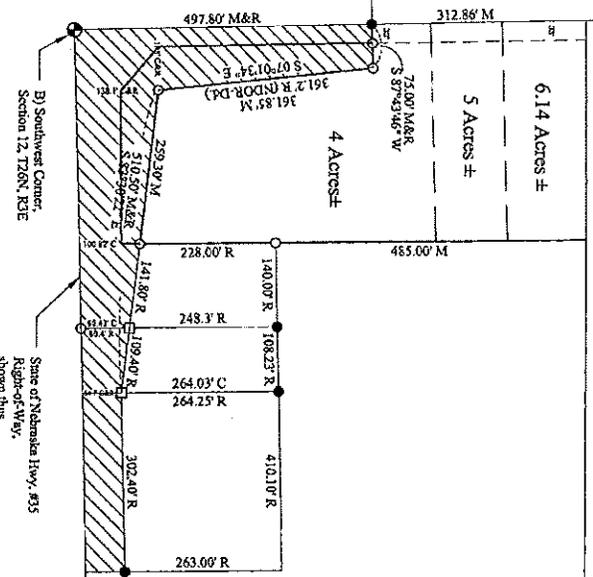
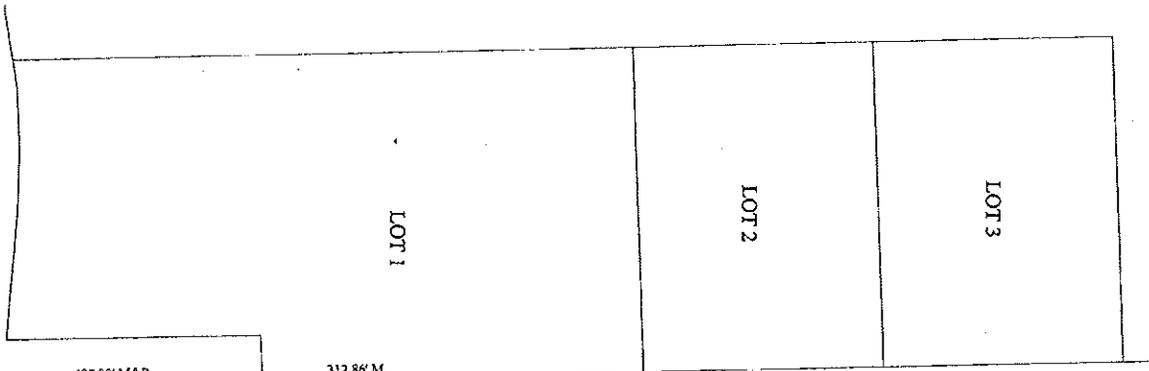
PASSED AND APPROVED this 5<sup>th</sup> day of July, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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



B) Southwest Corner,  
Section 12, T26N, R31E

State of Nebraska Hwy. #35  
Right-of-Way,  
shown thus.



OUTLOT B



Pheasant Run

Highway 35 West

7th Street

Oak Drive

Western Ridge  
First Addition

Western Ridge II  
Addition

Western Ridge  
Addition

ass

GARY

DANNEY

RIDGE  
ION

Meikardt Drive

Meikardt Avenue

Meikardt Avenue

S 85°00'00" W 100.00'

N 02°00'00" W 565.17'

N 02°07'00" W 143.30'

S 02°00'00" W 170.00'

N 02°08'00" W 464.54'

S 85°00'00" W 100.00'

# Wayne State College

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1111 Main Street • Wayne, Nebraska 68787 • [www.wsc.edu](http://www.wsc.edu) • Member of the Nebraska State College System

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May 10, 2011

City Police Department  
City of Wayne  
306 Pearl Street  
PO Box 8  
Wayne, NE 68787

To Whom It May Concern,

As Wayne State College's Circle K parade coordinator, we are requesting a parade permit for the Student Activities Board's Annual Wildcat Days (Homecoming) Parade on Saturday, October 8, 2011. We are requesting that Main Street from 1<sup>st</sup> Street to 12<sup>th</sup> Street, Wayne State College campus, be closed. Line-up preparation on 1<sup>st</sup> Street begins at 7:00am, with the parade beginning promptly at 9:30am to 11:00am or until immediately after the parade. Band Day will also be included in this year's parade events.

Wayne State Campus Security will assist the City Police Department in securing the parade route and intersections the parade will be crossing. Please contact Teresa Tiedtke in the Office of Student Activities at 402-375-7322 if you have any questions or concerns regarding these requests.

Sincerely,



Kevin Rodgers  
Wayne State College  
Circle K Parade Coordinator  
402-929-0653

**RESOLUTION NO. 2011-50**

**A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF  
ROADS REQUIREMENTS FOR THE TEMPORARY USE OF THE  
STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.**

WHEREAS, the annual Wayne State College Student Activities Board Wildcat Days (Homecoming) Parade, which will include Band Day, will be held on Main Street from 1<sup>st</sup> Street to 12<sup>th</sup> Street on Saturday, October 8, 2011, from 7:00 a.m. to approximately 11:00 a.m. or immediately after the parade, at which time the City will relinquish control of this section of Highway 15 back to the Nebraska Department of Roads; and

WHEREAS, Wayne State College and the Wayne Area Chamber of Commerce, in compliance with City of Wayne policy for events held on public right-of-way, will provide special events insurance coverage to indemnify, defend, and hold harmless the City of Wayne and the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event; and

WHEREAS, during the above time periods of these events, the City of Wayne acknowledges all duties set out in subsection (2) of LB589/N.R.S. Section 39-1359.

NOW, THEREFORE, BE IT RESOLVED, that during the above time periods of these events, the City of Wayne, Nebraska, accepts and will carry out all duties set out in subsection (2) of LB589/N.R.S. Section 39-1359.

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that if a claim is made against the State, it shall indemnify, defend, and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event.

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

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**RESOLUTION NO. 2011-51**

**A RESOLUTION APPROVING AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE HIGHWAY 35 WATER AND SEWER EXTENSION PROJECT.**

WHEREAS, the Wayne City Council is desirous of entering into an Agreement for professional services regarding the "Highway 35 Water and Sewer Extension Project"; and

WHEREAS, a proposal has been requested and received from Olsson Associates; and

WHEREAS, staff recommendation is to accept said proposal of Olsson Associates for the project at a cost of \$7,600 for Phase 1 through 2, as described in Exhibit "A" of said Agreement, with Phases 3 through 4, as described in Exhibit "A" of said Agreement, being provided on a time and expense basis.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Agreement between the City of Wayne and Olsson Associates for the "Highway 35 Water and Sewer Extension Project" be accepted as recommended, and the City Administrator and/or Mayor is authorized and directed to execute said agreement for the professional services on behalf of the City.

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

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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



LETTER AGREEMENT FOR  
PROFESSIONAL SERVICES

June 23, 2011

City of Wayne  
Attn: Lowell Johnson  
306 Pearl Street  
Wayne, NE 68787

Re: **AGREEMENT FOR PROFESSIONAL SERVICES**  
HW 35 Water and Sewer Extension "Project"  
Wayne, Nebraska

Dear Mr. Johnson

It is our understanding that the City of Wayne ("Client") requests Olsson Associates ("Olsson") to perform the following services pursuant to the terms of this Letter Agreement for Professional Services, any signed Master Agreement, Olsson's General Provisions and any exhibits attached thereto (hereinafter "the Agreement") for the Project.

1. Olsson has acquainted itself with the information provided by Client relative to the Project and based upon such information offers to provide the services described below for the Project. Client warrants that it is either the legal owner of the property to be improved by this Project or that Client is acting as the duly authorized agent of the legal owner of such property. Client acknowledges that it has reviewed the General Provisions (and any exhibits attached thereto), which are expressly made a part of and incorporated into the Agreement by this reference. In the event of any conflict or inconsistency between this Letter Agreement, any Master Agreement and/or the General Provisions regarding the services to be performed by Olsson, the requirements of this Letter Agreement shall take precedence.
2. Olsson shall provide Client all Basic Services for the Project as more specifically described in Exhibit A hereto. Should Client request work not described and included in the above Description of Basic Services, such as Additional Services, Olsson shall invoice Client for such services on the basis of Salary Costs times a factor of 2.5 for services rendered by our principals and employees engaged directly on the Project plus Reimbursable Expenses, unless otherwise agreed to by both parties. Olsson shall not commence work on Additional Services without Client's prior approval in writing.

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

### **SCHEDULE FOR OLSSON'S SERVICES**

3. Unless otherwise agreed, Olsson would expect to begin performing its services under the Agreement promptly upon your signing.

Anticipated Start Date: June 2011    Anticipated Completion Date: December 2011

Olsson will endeavor to start its services on the Anticipated Start Date and to complete its services on the Anticipated Completion Date. However, the Anticipated Start Date, the Anticipated Completion Date and any milestone dates are approximate only, and Olsson reserves the right to readjust its schedule and any or all of those dates at its sole discretion, for any reason, including, but not limited to, delays caused by Client or delays caused by third parties.

### **COMPENSATION**

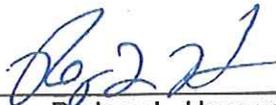
4. Compensation for Olsson's services for Phases 1 through 2, as described in Exhibit A, shall be a fixed fee of Seven Thousand Six Hundred Dollars (\$7,600.00).

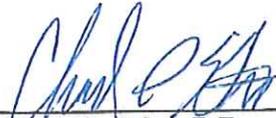
Compensation for Olsson's services for Phases 3 through 4, as described in Exhibit A, will be provided on a time and expense basis.

### **TERMS AND CONDITIONS OF SERVICE**

5. We have discussed with you the risks, rewards and benefits of the Project and our fees for services and the Agreement represents the entire understanding between Client and Olsson with respect to the Project. The Agreement may only be modified in writing signed by both parties.
6. If this proposal satisfactorily sets forth your understanding of our agreement, please sign in the space provided below (indicating Client's designated Project representative if different from the party signing). Retain a copy for your files and return an executed original to Olsson. This proposal will be open for acceptance for a period of 30 days from the date set forth above, unless changed by us in writing.
7. By signing below, you acknowledge that you have full authority to bind Client to the terms of the Agreement.

**OLSSON ASSOCIATES**

By  \_\_\_\_\_  
Rodney L. Hanson, PE

By  \_\_\_\_\_  
Chad P. Kehrt, P.E.

If you accept the preceding proposal and the Agreement,  
please sign:

City of Wayne "Client"

By \_\_\_\_\_

Title \_\_\_\_\_

Dated: \_\_\_\_\_

If different from above,

\_\_\_\_\_  
Client's Designated Project Representative

EXHIBIT "A" to GENERAL PROVISIONS ATTACHED TO  
LETTER AGREEMENT FOR PROFESSIONAL SERVICES  
BETWEEN CLIENT AND OLSSON, DATED June 23, 2011

**DESCRIPTION OF BASIC PROFESSIONAL SERVICES AND RELATED MATTERS**

This is an exhibit attached to and made a part of the General Provisions attached to the Proposed Letter Agreement for Professional Services dated June 23, 2011 between the City of Wayne, Nebraska ("Client") and Olsson Associates ("Olsson") providing for professional services. The Basic Services of Olsson are as indicated below.

**GENERAL**

Olsson shall perform for Client professional services in all phases of the Project to which this Agreement applies as hereinafter provided. These services will include serving as Client's professional representative for the Project, providing professional consultation and advice and furnishing customary services incidental thereto.

**1.0 SURVEY SERVICES**

- 1.1 Prepare a control network to match Client's network.
- 1.2 Gather topographic information. Download field data and develop a topographic map.
- 1.3 Conduct a field reconnaissance trip to review field data and map.

**2.0 DESIGN SERVICES**

- 2.1 Prepare detailed drawings and technical specifications for the proposed construction work and for all equipment and materials required under the contract. The specifications shall contain contracts, bid forms, bidding instructions, General and Supplementary Conditions to be competitively bid. It is anticipated that the project drawings shall consist of the following:
  - Cover Sheet
  - Water Plan and Profile
  - Sewer Plan and Profile
  - Details
- 2.2 Provide two (2) sets of drawings and specifications to the Client for review at 90 percent. As part of the review of each submittal, meet with staff to discuss their review comments and resolve any questions.
- 2.3 Perform an "in-house" quality control review of drawings and specifications at 90 percent completion.
- 2.4 Prepare an opinion of probable construction cost for the project work.

### **3.0 BID PHASE SERVICES**

- 3.1 Reproduce and distribute construction documents to plan rooms and bidders.
- 3.2 Answer bidders' questions regarding construction documents.
- 3.3 Conduct bid opening.
- 3.4 Review bids and prepare bid tabulation. Make recommendation to Client.

### **4.0 CONSTRUCTION PHASE SERVICES**

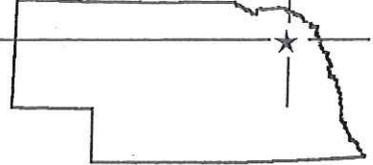
- 4.1 Construction Staking - Perform construction staking services for the Client based on the plans prepared by OA.
- 4.2 Construction Administration - Provide project administration and management during all construction activities. Conduct a pre-construction meeting. Review ongoing activities, monitor schedule and budget, prepare pay estimates, review shop drawings, and communicate with City staff.
- 4.3 Construction Observation – Provide on-site observation of construction activities. Monitor and record the construction progress. Complete field measurements and verify quantities. Prepare as constructed drawings. Perform a final inspection with City staff.
- 4.4 Materials Testing – Perform soil and concrete testing for quality control and assurance.

# City of Wayne

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

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

Incorporated - February 2, 1884



## REQUEST FOR FUTURE AGENDA ITEM

If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. If you have additional documentation which would be beneficial to the topic, please attach to this form. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

*Event insurance is required for anyone wishing to use city right-of-way (e.g. block off streets for block parties, block off sidewalks and/or alleys).*

Name: Jon Hoare

Address: 1018 1st ave

Telephone No.: 375-3861

Date of Request: 28 June 11

Description of Requested Topic: Fogger on streets  
for control of Bugs/mosquitoes

