

**AGENDA
CITY COUNCIL MEETING
September 20, 2011**

5:30 Call to Order

1. Approval of Minutes – September 6, 2011

2. Approval of Claims

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

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

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

3. Action on Proposed Fire Fighter Job Description

Background: State law makes the volunteer fire fighters become city employees as soon as (1) they get a page to respond to any emergency and (2) when they are training or attending any official functions. This job description will function to describe the duties and requirements of the fire fighter position just as the other job descriptions serve for other city positions.

Recommendation: The recommendation of the City Administrator is to approve this job description to clarify the duties and requirements of the fire fighters.

4. Action on Application for Membership of Dean Brodersen to the Wayne Volunteer Fire Department

5. Action on Application for Membership of Chris Weddel to the Wayne Volunteer Fire Department

~~6. Action on Agreement with Bluestem, LLC, Regarding Agreement for 2MW in Wind Turbines~~

Background: Renais has partnered with a Nebraska wind company called Bluestem, LLC, to propose a new wind turbine agreement with the City of Wayne. This agreement is proposed for 20 years and does not involve a buyout or future ownership by the City of Wayne. The agreement is attached, but, as of mid-day Friday, does not have the proposed electric rates included. We are waiting till 5:00 p.m. today for their proposed electric rates to be filled in. As soon as we get the financial proposal, we will begin reviewing this over the weekend with our electric rate consultant.

Recommendation: We will have a city staff meeting on Monday morning at 10:00 a.m. to discuss our reviews and decide if we can make a recommendation to you on Tuesday night.

~~7. Resolution 2011-74: Approving Request of Baird Holm LLP for a Conflict Waiver to Represent Bluestem, LLC~~

Background: Our usual bond counsel for municipal bond funding of city projects is Baird Holm, LLP. Baird contacted us and advised that Bluestem has also contacted them about financing to install the 2MW wind turbine system here. Baird recognized a potential conflict and has recommended a single project carve-out approved through a waiver by the City Council to allow them to finance the 2MW project.

Recommendation: If you approve an agreement with Bluestem, the recommendation of the Finance Director and City Administrator is to also approve this project specific waiver.

~~8. Action on Proposal from Viryd for Turbine Installation at Wayne~~

Background: We have also received a competing proposal for a 100 kW wind turbine installation from Viryd. We are evaluating this proposal also. The size of this wind turbine installation is only 1/20th the size of the Bluestem installation.

Recommendation: We plan a city staff meeting on Monday morning at 10:00 a.m. to discuss our reviews and decide if we can make a recommendation to you on Tuesday night.

9. Ordinance 2011-17: Amending Chapter 22 Businesses, Article II Occupation Taxes, Sec. 22-32 Alcoholic Liquors to Change the Amount of Occupation Taxes for Non-Profit Organizations — Request of Layne Beza on behalf of the Wayne Vet's Club

Background: Class C liquor license holders pay a \$300 license fee, which is set by State Statute and established by the Liquor Control Commission. State Statute also allows cities to collect two times the amount of the fee as an occupation tax. We have been collecting an occupation tax of two times the license fee since at least 1983.

A request has been made to reduce the fee and occupation tax for non-profit organizations. We only have the ability to reduce the occupation tax. The survey Betty took of other municipalities to see who has a reduced occupation tax for non-profits is enclosed with this packet.

Recommendation: Staff recommendation is to reduce the occupation tax for non-profit Class C Liquor Licenses to \$150.

10. Ordinance 2011-19: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Thursday, October 6th, Friday, October 7th and Saturday, October 8th (Wayne State College Homecoming Activities)

Background: This Ordinance and the following three ordinances are requests to sell alcohol until 2:00 a.m. for certain events. The Police Department will schedule to accommodate the requests if approved. The Liquor Commission requires that City Council approval must apply to all off-sale liquor establishments in Wayne.

11. [Ordinance 2011-20: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Saturday, October 29th \(Halloween Party\)](#)
12. [Ordinance 2011-21: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Thursday, December 15th and Friday, December 16th \(Wayne State College Graduation\)](#)
13. [Ordinance 2011-22: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Tuesday, December 31st \(New Year's Eve\)](#)
14. [Ordinance 2011-23: Amending Sec. 30-6 of the Wayne Municipal Code Establishing Election Wards](#)

Background: Every ten years the City has the opportunity to redistrict its wards. Based upon the 2010 census, staff is recommending the redistricting of wards so that the average number of voters in each ward would be approximately 1,415, up from 1,395 ten years ago.

Recommendation: Approve the Ordinance and waive the required three readings.

15. [Resolution 2011-70: Amending Sections 14.60 Compensation and Overtime, Section 14-70 Call Back Time, and Section 30 General Principles of the Personnel Manual](#)

Background: These amendments to the personnel manual come as a result from a notice (wording below) received from the “Society for Human Resource Management” regarding cell phones:

“Ban Work After Hours:

Nonexempt employees should be prohibited from performing work outside of normal working hours without prior authorization. This prohibition should include a ban on the after-hours use of employer-provided cell phones and BlackBerry-type devices.

In fact, we recommend that employers not provide these devices to nonexempt employees. If the devices are provided, nonexempt employees should be instructed to accurately record the time they spend using the devices before and after working hours.”

Recommendation: Approve the Resolution by motion.

16. [Resolution 2011-71: Approving Letter Agreement for Professional Services with Olsson Associates for the Wayne South Logan Creek Channel Stabilization Design Project \(Not to Exceed \\$57,344\)](#)

Background: This agreement for professional services with Olsson Associates is for the South Logan Creek Channel Stabilization Project. They will survey, collect data, develop a proposed design and retaining wall alignment, and prepare detailed construction plans and specifications for construction of the proposed banks' stabilization features for a cost of not to exceed \$57,344.

Anthony Lawrence has been working on this project and has made a grant application to the Nebraska Environmental Trust for this "Trail Overlook Bank Stabilization Project."

Recommendation: Approve the Resolution by motion.

17. [Resolution 2011-72: Approving Letter Agreement for Professional Services with Olsson Associates for the Wayne Power Plant Cooling Tower Project](#)

Background: Olsson Associates is a new engineer on this project and will take over immediately to continue the project against a very tight timeline to meet the \$250,000 federal stimulus grant deadline.

Recommendation: The recommendation of the Power Plant Superintendent is to approve the agreement.

18. [Resolution 2011-73: Accepting Bid and Awarding Contract on the Western Ridge Third Addition Water and Sewer Improvement Project](#)

Background: Three bids were received on the water and sewer improvement project for Western Ridge Third Addition. Advanced Consulting Engineer Services, the engineer on the project, is reviewing the bids for accuracy. Barring any mathematical errors, their recommendation will be to award the bid to the low bidder, Penro Construction for \$108,702.42. The next lowest bid was \$131,858.17 submitted by Rutjens Construction, and the high bid was \$138,336 submitted by Robert Woehler & Sons Construction.

Recommendation: Approve the Resolution by motion.

19. Appointments:

Spring Dahl to the Library Board
Pat Melena to the Planning Commission (reappointment)

20. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

Wayne Municipal Airport Authority – August 8, 2011

September 6, 2011

The Wayne City Council met in regular session at City Hall on Tuesday, September 6, 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 Mike Pieper; 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 August 25, 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, which was seconded by Councilmember Ley, whereas the Clerk has prepared copies of the Minutes of the meeting of August 16, 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: 4IMPRINT, SU, 263.41; ADVANCED CONSULTING, SE, 11100.00; ATHLETIC FIELD MAINTENANCE, FE, 195.00; AMAZON, SU, 392.82; AMERICAN BROADBAND, SE, 330.00; AMERICAN BROADBAND, SE, 1312.44; AMERITAS, SE, 1438.86; APPEARA, SE, 109.22; ARNIE'S FORD-MERCURY, SE, 1728.09; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, SE, 150.00; BARNES & NOBLE, SU, 19.15; BENSCOTER PLUMBING, SE, 1425.00; BLACK HILLS ENERGY, SE, 333.78; BLACKBURN MANUFACTURING, SU, 159.63; BOMGAARS, SU, 592.83; CITY EMPLOYEE, RE, 665.60; BRIGGS, INC, SU, 107.18; BROWN SUPPLY, SU, 1956.37; CITY EMPLOYEE, RE, 466.71; CENTURYLINK, SE, 307.33; CHEM-DRY, SE, 450.00; CITY OF NORFOLK, SE, 1934.05; CITY OF

WAYNE, RE, 450.00; CITY OF WAYNE, RE, 1166.35; CITY OF WAYNE, RE, 33.96; CITY OF WAYNE, FE, 500.00; CITY OF WAYNE, PY, 62846.87; CITY OF WAYNE, RE, 360.00; CITY OF WAYNE, RE, 653.11; COLONIAL RESEARCH, SU, 119.16; COMMUNITY HEALTH, RE, 3.00; CREDIT MANAGEMENT, RE, 112.16; DAKOTA BUSINESS SYSTEMS, SE, 102.50; DE LAGE LANDEN FINANCIAL, SE, 77.00; DITCH WITCH OF OMAHA, SU, 133.46; DUTTON-LAINSON, SU, 648.99; EAKES OFFICE PLUS, SE, 31.80; EASYPERMIT POSTAGE, SU, 1669.09; ECHO GROUP, SU, 406.69; CITY EMPLOYEE, RE, 1841.18; ED M FELD EQUIPMENT, SU, 132.00; ELECTRIC FIXTURE & SUPPLY, SU, 16.16; ELLIS PLUMBING, SE, 1141.57; F & M BANK, RE, 1000000.00; FIRST CONCORD GROUP, SE, 3834.32; FIRST NATIONAL INSURANCE, RE, 272.42; FIRST SOURCE TITLE&ESCROW, SE, 75.00; FLOOR MAINTENANCE, SU, 290.50; FORT DEARBORN LIFE, SE, 1575.51; FREDRICKSON OIL, SE, 30.60; GERHOLD CONCRETE, SU, 164.00; CITY EMPLOYEE, RE, 5.47; HAUGE ASSOCIATES, RE, 167.75; HAWKINS, SU, 786.00; HD SUPPLY WATERWORKS, SU, 2460.01; HDR ENGINEERING, SE, 12323.13; HYPERION, SE, 79.13; CITY EMPLOYEE, RE, 100.46; CITY EMPLOYEE, RE, 27.24; ICMA, SE, 5655.60; IRS, TX, 18779.75; JANWAY COMPANY, SU, 209.81; CITY EMPLOYEE, RE, 262.87; KIRKHAM MICHAEL, SE, 8863.08; KRIZ-DAVIS, SU, 572.98; LANGEMEIER, WAYNE, SE, 225.00; LEAGUE OF NEBRASKA, FE, 5650.00; MCGUIRE & NORBY, SE, 6865.79; MIDSTATES ERECTORS, SE, 2302.50; N.E. NEB ECONOMIC DEV DIS, SE, 1427.45; NE DEPT OF ENVIRONMENTAL, FE, 500.00; NE DEPT OF REVENUE, TX, 2684.04; NE EXPRESSWAYS, SE, 871.56; NE LIBRARY ASSOCIATION, FE, 268.00; NE PUBLIC HEALTH, SU, 191.00; NIAGARA CONSERVATION CORP, SU, 850.33; NNPPD, SE, 3369.75; NSVFA, FE, 800.00; CITY OF WAYNE, RE, 82.83; CITY EMPLOYEE, RE, 99.64; PIEPER, MILLER & DAHL, SE, 1605.00; PITNEY BOWES, SE, 648.00; CITY EMPLOYEE, RE, 92.50; PUSH-PEDAL-PULL, SE, 1471.84; QUILL, SU, 227.67; RON'S RADIO, SU, 52.50; SIOUX CITY JOURNAL, SU, 194.99; STADIUM SPORTING GOODS, SU, 951.00; STATE NATIONAL BANK, RE, 750000.00; STATE NATIONAL BANK, RE, 300.00; SUNSHINE FILTERS, SU, 402.93; CITY EMPLOYEE, RE, 150.00; TERRACON CONSULTANTS, SE, 431.00; TYLER TECHNOLOGIES, SE, 14223.68; US BANK, SU, 1673.90; UTILITIES SECTION, FE, 2400.00; VEL'S BAKERY, SU, 37.35; VERIZON, SE, 300.59; VIAERO, SE, 139.08; VOSS LIGHTING, SU, 261.48; WAED, RE, 6383.33; WAED, FE, 278.00; WAED, RE, 5756.71; AYNE CO SHERIFF, SE, 18.50; WAYNE COUNTY COURT, RE, 400.00; WAYNE HERALD, SU, 44.00; WESCO, SU, 2117.64; WESTRUM LEAK DETECTION, SE, 2500.00; WHS CHEERLEADERS, SU, 24.00; ZACH HEATING & COOLING, SU, 4346.00; BARONE SECURITY SYSTEMS, SE, 192.00; BROWN SUPPLY, SU, 528.30; CHARTWELLS, SE, 6146.50; COPY WRITE, SE, 179.69; CITY EMPLOYEE, RE, 31.22; FIVE STAR ENTERPRISES, SU, 8.50; GERHOLD CONCRETE, SU, 38.25; GILL HAULING, SE, 133.00; JASON CAROLLO, SE, 175.00; JEO CONSULTING GROUP, SE, 34329.68; JOHN'S WELDING AND TOOL, SU, 96.94; KCP&L GREATER MISSOURI, SE, 156.52; KTCH, SE, 605.00; VERONICA JAQUA, RE, 30.00; NE PUBLIC HEALTH ENVIRON, SE, 168.00; NORTHEAST EQUIPMENT, SE, 591.49; OMAHA WORLD-HERALD, SE, 666.31; PAMIDA, SU, 118.01; PLUNKETT'S PEST CONTROL, SE, 185.12; POLLARD PUMPING, SE, 422.50;

ROBERTSON IMPLEMENT, SU, 469.12; TERRACON CONSULTANTS, SE, 431.00; WASTE CONNECTIONS, SE, 48.10; WAYNE COUNTY CLERK, SE, 101.50; WAYNE GROCERY, SU, 1.98; WAYNE HERALD, SE, 2734.51; WAYNE VETERINARY CLINIC, SE, 154.00; WAPA, SE, 32333.96; ZACH HEATING & COOLING, SU, 159.00; ZACH OIL COMPANY, SU, 6,578.69

Councilmember Sturm made a motion and Councilmember Ley seconded 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.

Phil Lorenzen of D.A. Davidson & Co., the City's bonding agent, was present to update the Council on two outstanding bond issues that are capable of refunding - General Obligation Various Bonds, Series 2006, and General Obligation Refunding Bonds, Series 2005. The first bond issue (Series 2006) has an outstanding balance of \$575,000, with an average coupon rate of 4.35%. Preliminary calculations indicate that new bonds can be issued at an interest rate of around 1.5% which would result in a savings, net of all transaction costs, of around \$57,675.

Councilmember Sturm introduced Resolution 2011-65, and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2011-65

A RESOLUTION CALLING GENERAL OBLIGATION VARIOUS BONDS, SERIES 2006, FOR REDEMPTION.

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

Mr. Lorenzen stated there is about \$80,000 in bonds outstanding on the Series 2005 bond issue. The City can cash in savings of about \$2,500 by refinancing this bond issue. Given the cash position of the City and the low interest rates earned on that cash, the City would be better advised to go ahead and call those bonds and pay the same off early from cash on hand and maximize the savings because there are no transaction costs.

Councilmember Ley introduced Resolution 2011-66, and moved for its approval, with the call date being December 15, 2011; Councilmember Sturm seconded.

RESOLUTION NO. 2011-66

A RESOLUTION CALLING GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005, FOR REDEMPTION.

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

Mr. Lorenzen stated the following Ordinance would authorize the issuance of General Obligation Refunding Bonds, Series 2011, in the principal amount of \$585,000. The expected interest rate is 1.5%. The savings, again, is estimated at \$57,675. He asked Council to pass the ordinance and authorize the issuance of bonds only if savings can be at a level of \$54,500 or more.

Councilmember Sturm introduced Ordinance No. 2011-16, and moved for approval thereof, only if there is a minimum savings of \$54,500 or more; Councilmember Alexander seconded.

ORDINANCE NO. 2011-16

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011, OF THE CITY OF WAYNE, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FIVE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$585,000) TO REFUND AND RETIRE \$575,000 GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2006; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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 Councilmember Alexander seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. 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 Councilmember Ley seconded to move for final approval of Ordinance No. 2011-16. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, representing the LB 840 Sales Tax Advisory Committee, advised the Council that they received and reviewed a request from RBDK, LLC, for \$70,000 to assist with the construction of their new dental/orthodontic clinic which will be located at the corner of 7th and Pearl Streets. The Committee recommended that this request for \$70,000 be a 20-year amortization loan, with a 10-year balloon payment, at 3% interest.

Councilmember Alexander made a motion and seconded by Councilmember Sturm approving the recommendation of the LB 840 Sales Tax Advisory Committee to approve a 3% percent low-interest loan in the amount of \$70,000, to be amortized over a

20 year period, with a balloon payment due at year 10, for RBDK, LLC, to assist with the construction of a new dental/orthodontic clinic to be located at the corner of 7th & Pearl Streets. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, representing the LB 840 Sales Tax Advisory Committee, advised the Council that they received and reviewed a request from Windom Ridge (Louis Bencoter) for \$5,000 to assist with a targeted housing study for residents 55 years and older. The Committee recommended that this request for \$5,000 be a grant, provided the study results are released to the City.

Lou Bencoter was present to answer questions. They are looking to build 10 to 12 housing units. The lending institutions are requiring this study to show them that there is a need in the community for this type of housing. Some will be single houses and some will be townhouses. If everything goes as planned, he thought they would start building houses next spring. The first ones to be built will be rentals. He stated that if he does not receive this money, it will not kill the project.

Nancy Braden, Finance Director, advised the Council that RDG Planning & Design will be doing the housing study. This firm also did the Comp Plan for the City. The benefit to the City will be the housing that will be built in the community. This is the catalyst to get other things potentially going in that area.

Councilmember Frevert thought the \$5,000 for the study should be at the risk of the developer/builder, not the City.

Councilmember Berry made a motion and seconded by Councilmember Sturm approving the recommendation of the LB 840 Sales Tax Advisory Committee to approve

a grant in the amount of \$5,000 for Windom Ridge (Louis Benscoter) to assist with a targeted housing study for residents 55 years and older, provided the results are released to the City. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Frevert and Haase who voted Nay, the Mayor declared the motion carried.

Mayor Chamberlain stated Layne Beza has requested that his agenda request to consider reducing the amount of fees and occupation taxes for the sale of alcoholic liquors by non-profit organizations be postponed or tabled until the September 20th meeting.

Councilmember Alexander made a motion and seconded by Councilmember Ley to table action on Ordinance 2011-16 until the September 20th Council meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Ken Jorgensen, owner of “The Max”, was present requesting Council to consider extending the time to sell alcohol from 1:00 a.m. to 2:00 a.m. The Legislature, approximately a year and a half ago, passed a bill which would allow the on-sale of alcohol to go until 2:00 a.m. If passed, it would be up to each bar owner to make the choice of staying open until that time. It would be voluntary, not mandatory. If passed, Mr. Jorgensen noted he would probably only be open until that time three days a week, eight months out of the year. He thought this would slow down some of the house parties that take place after the bars close.

Councilmember Alexander stated that people have talked with him about this matter. Some of their concerns are extending what is called the “Power Hour” for kids

turning 21 from one hour to two hours. People are already coming into the emergency room for alcohol poisoning or assaults. A lot of the things that come through the hospital or the legal system have a high percentage of one thing in common, and that's alcohol. The Council also needs to be concerned about the well-being of the community as well. A sentence that stuck out to him when he read the letter from Mr. Jorgensen's employees was the one asking that the Council "please consider their request for the concern of their safety, the well-being of the community..." They may have meant it in a different way, but it brought the matter of safety to his attention. He was of the opinion that the legislative intent on changing the bar time was to keep the people from leaving Omaha and going to Council Bluffs.

Mayor Chamberlain clarified that what the Council would be acting on this evening is a motion directing the City Attorney to prepare an ordinance for future consideration. The Council was not acting on an ordinance that would make this law.

Councilmember Sturm opined that maybe if the time is extended to 2:00 a.m., people wouldn't get so crazy so fast with the "Power Hour." He would hope that would slow that down. While he stated he is against extending the time, the owners of the bars are not doing anything wrong. The Legislature didn't have the guts to pass it the right way and they are dumping it in our laps.

Jeff Carstens, a community member and also representing Wayne State College, asked the Council to look at this in a more community comprehensive manner. This is a very complicated issue, but there is a little research on this matter. Research does indicate that the more frequent and the longer time period in which alcohol is served, the greater the incidences of consumption and therefore, the greater the incidences and

problems are relating to alcohol. There was another study done in communities that had college towns that found there were some increases in public intoxication, misdemeanor assaults, and calls for law enforcement services that were related to extended hours of sale. His point was that this is a complicated issue and that there are a variety of factors involved. His request was that if the Council further considers this that they put together a work team or subcommittee to take a look at what additional research might be out there within the last year.

Mike Meyer, owner of Mikey's Place, stated he thought the Liquor Commission made a law regarding the Power Hour where you can't start consuming alcohol at midnight on the day of your birthday. If this passes, he knows it's his choice on whether or not to stay open until 2:00 a.m. He had concerns about the time his employees would be leaving the bar if the hours would be extended, and in addition, he was also concerned about their safety. He had concerns about people from neighboring towns coming to Wayne for that extra hour and then driving back. He was in favor, however, of extending hours for special events, such as homecoming, graduation, Chicken Days, 4th of July and New Year's Eve.

John Nelson, representing Project Extra Mile, stated that even though this is permissible, the Council needs to determine if it is beneficial to the community. Wayne's decision will impact other surrounding communities.

Kathy Mohlfeld stated she agreed with most of the things that have been said this evening. She wanted to state that the crowd that was here during the Chicken Show may have been a different crowd than the college crowd. She would recommend that if the

Council does move forward with this that the Council take some time to look for best practices, etc.

Councilmember Van Delden stated, as a doctor, most of the time he doesn't mind getting called at 2:00 a.m. for a heart attack or someone needing stitches, however and unfortunately, he came to hate, after 30 years, the fact that some of his clients overdid things, totally in excess of what a rational person would do. He was talking about too much alcohol. He was also concerned about his "old picket fence" and his back yard. It's not the old picket fence anymore; it has some new slats in it. He doesn't like it.

Sergeant Chinn stated during the weekend of Chicken Show there was a couple of scuffles, but nothing major.

Bill Melena, owner of White Dog Pub, stated staying open until 2:00 a.m. on Chicken Days was a success. His stance on this is that if they stay open until 2:00, he is probably not going to stay open too often. On certain days, he would stay open. If it's legal and he has 50-60 people in the bar at 1:00 a.m., he is going to stay open. If the Council does not pass an ordinance extending the time, he hopes that they keep an open mind for certain special events/occasions, such as the Chicken Show, etc.

Councilmember Sturm made a motion, which was seconded by Councilmember Frevert, directing the City Attorney to prepare an ordinance extending the sale of alcohol to 2:00 a.m. Mayor Chamberlain stated the motion, and the result of roll call being all Nays, with the exception of Councilmembers Sturm, Frevert and Van Delden who voted Yea, the Mayor declared the motion failed.

A request was received from Greg VanderWeil for Council consideration to allowing them to close off the east end of 10th Street from Providence Road to Hillside

Drive (First Bank Card Center) for an electric vehicle car rally on Saturday, September 24, 2011, from 6:30 a.m. until 5:00 p.m. OPPD and NPPD will be providing the required \$1,000,000 liability insurance coverage and naming the City as an additional insured.

Councilmember Frevert made a motion and seconded by Councilmember Sturm approving the request of Greg VanderWeil to close off the east end of 10th Street from Providence Road to Hillside Drive (First Bank Card Center) for an electric vehicle car rally on September 24, 2011, from 6:30 a.m. until 5:00 p.m. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Lucas Billesbach of JEO Consulting Group was present concerning the bids received on the 2011 Lagoon Sludge Removal and Application Project. He stated three bids were received on this project, and his recommendation was to award the project to the lower bidder, DRT Biosolids, who will remove 1562.50 dry tons of sludge for \$150,000. They have the capability of pumping the sludge up to 7 miles from the lagoon. DRT is responsible for obtaining the land on which the sludge will be pumped onto. Forty percent of the sludge will be removed this year and the remainder or 60% will be removed next year. They will start in the southwest corner of the lagoon where the heaviest concentration of sludge is at.

Councilmember Ley introduced Resolution No. 2011-67 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2011-67

A RESOLUTION ACCEPTING BID AND AWARING CONTRACT ON THE
"2011 LAGOON SLUDGE REMOVAL AND APPLICATION PROJECT."

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, which was seconded by Councilmember Alexander, approving Change Order No. 3 which is a net decrease of \$12,754 for the Well House and Municipal Well 2009-1 Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Ley introduced Resolution No. 2011-68 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2011-68

A RESOLUTION ACCEPTING WORK ON THE WELL HOUSE AND MUNICIPAL WELL 2009-1 PROJECT.”

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 updated the Council on the status of the Wastewater Treatment Facility Project. The Aquarius structure is complete. They are currently conducting the clear water testing. It is their intention to take raw wastewater either Friday or Monday of next week. For a short period of time, they will be maintaining two facilities at the same time, and after approximately one week of operating that way, they will switch over and be running completing on the new Aquarius system.

Councilmember Sturm commended JEO Consulting Group on this project and their ability to keep the project on schedule.

Mr. Billesbach stated in regard to change orders, they are at around 1%, which on a project this size is very good. Usually, it is 2-3% if the project goes well.

Administrator Johnson stated a pay request has been received from Eriksen Construction Co. for the 2009-2010 Wastewater Treatment Facility Improvements, Phase

I Project in the amount of \$418,028.83. The engineer on the project has approved the same.

Councilmember Alexander made a motion, which was seconded by Councilmember Haase approving Application for Payment No. 13 for the 2009-2010 Wastewater Treatment Facility Improvements, Phase I Project, in the amount of \$418,028.83 to Eriksen Construction Co. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing on the proposed FY2011-2012 budget.

The total of the FY2011-2012 budget is \$29,651,064. The property tax proposal for the General Fund operation is \$651,961, which compares to the 2010 tax asking of \$626,275. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$733,961 or \$.409312 per \$100 of property valuation. The valuation in the community, as reported by the County Assessor for 2011 is \$179,315,556, which is up \$1,164,660 from last year. We have maintained the same levy as last year.

Councilmember Sturm noted that the tax asking has dropped continuously for several years now. City staff does an excellent job in working hard to maintain their budgets.

City Clerk McGuire had not received any communication, written or verbal, for or against this public hearing.

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

Councilmember Sturm introduced Ordinance 2011-18, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2011-18

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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 Councilmember Alexander seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. 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 Councilmember Ley seconded to move for final approval of Ordinance No. 2011-18. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not spent and are not expected to be spent for capital improvements. Cities are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase. This increases our base number we can use for our restricted fund revenues.

Councilmember Alexander made a motion and seconded by Councilmember Sturm approving the allowable 1% increase in base limitation of the restricted funds budget. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander introduced Resolution 2011-69, and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2011-69

A RESOLUTION TO ADOPT THE 2011-2012 BUDGET FOR THE CITY OF WAYNE.

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

Mayor Chamberlain declared the time was at hand for the public hearing regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.452198 per hundred dollars of property value is included. The levy equates to a tax request of \$733,961. Last year's tax levy was \$.406868 per hundred dollars of valuation; this year it is \$.049312, excluding the airport.

City Clerk McGuire had not received any communication, written or verbal, for or against this public hearing.

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

The following Resolution would approve the final property tax request of \$733,961. This Resolution does not include the airport levy.

Administrator Johnson stated in 1993, Wayne peaked with a mill levy of .719. There has been a steady decline until now - .45 mills.

Councilmember Alexander introduced Resolution 2011-70, and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-70

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY2011-2012.

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 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 7:00 p.m.

CLAIMS LISTING SEPTEMBER 20, 2011

AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,441.14
CITY EMPLOYEE	ICMA CONFERENCE EXPENSE	300.00
APPEARA	LINEN & MAT SERVICE	157.02
BAKER & TAYLOR	BOOKS	1,084.09
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	150.00
BLACK HILLS ENERGY	NATURAL GAS	2,267.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	278.22
CITY EMPLOYEE	HEALTH REIMBURSEMENT	261.92
BRIGGS, INC.	REGULATOR	10.00
CARHART LUMBER COMPANY	BATTERIES/DRILL/BITS/ADHESIVE/GLUE ETC	831.31
CITY EMPLOYEE	HEALTH REIMBURSEMENT	36.20
CITY EMPLOYEE	VISION REIMBURSEMENT	63.70
CITY OF WAYNE	BUILDING DEPOSIT REFUND	1,450.00
CITY OF WAYNE	FOOTBALL REFUND	65.00
CITY OF WAYNE	PAYROLL	53,190.00
CITY OF WAYNE	UTILITY REFUNDS	729.81
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
COPY WRITE PUBLISHING	LIBRARY PAPER	53.16
CREDIT MANAGEMENT	PAYROLL DEDUCTION	35.75
DAKOTA BUSINESS SYSTEMS	LIBRARY COPIER EQUIPMENT LEASE	102.50
DALE HANSEN	ENERGY INCENTIVE	255.60
DAVE'S UNIFORM CLEANING	POLICE UNIFORM CLEANING	69.00
DE LAGE LANDEN FINANCIAL	COPIER LEASE	394.00
DIGITAL ALLY, INC	REPAIR UNIT 19 CAMERA	260.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	45.44
DON ENDICOTT	ENERGY INCENTIVE	500.00
DUTTON-LAINSON COMPANY	CONNECTORS	63.38
ELLIS PLUMBING & HEATING	REPLACE FITTINGS ON BOILER-CAC	253.54
ERIKSEN CONSTRUCTION CO	PAYMENT ESTIMATE #13	418,028.83
CITY EMPLOYEE	VISION REIMBURSEMENT	71.00
FLOOR MAINTENANCE	LINER BAGS/NAPKINS/GLOVES	236.89
CITY EMPLOYEE	FEMA TRAINING	100.00
GEMPLER'S INC	BIRD SPIKES/PAINT MARKERS/REEL	162.55
GERHOLD CONCRETE CO INC.	CONCRETE/ROAD GRAVEL	94.19
GREAT PLAINS ONE-CALL	DIGGERS HOTLINE	115.61
GUILDCRAFT ARTS & CRAFTS	CALENDAR/CHALKBOARDS	45.23
HARDING & SHULTZ P.C.	ATTORNEY FEES	28,465.35
HAUFF MID-AMERICAN SPORTS	FIELD MARKING PAINT/FOOTBALL	141.40
HAUGE ASSOCIATES, INC.	PAYROLL DEDUCTIONS	167.75
HAWKINS, INC	HYDROFLUOSILICIC ACID	1,018.85
CITY EMPLOYEE	HEALTH REIMBURSEMENT	325.00
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,655.60
INGRAM BOOK COMPANY	BOOKS	853.37
INNOVATIVE PROTECTIVES	WORKOUT MATS	650.00
IRS	FEDERAL WITHHOLDING	16,756.30

JOANNE BAIER	ENERGY INCENTIVE	500.00
JIM SPETHMAN	SILLCOCK	43.23
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	90.92
LAYNE CHRISTENSEN CO	FINAL WELL #11	24,230.90
MAIN STREET AUTO CARE	TOWING	90.00
MARLON BRINK	ENERGY INCENTIVE	500.00
MIDSTATES ERECTORS INC	DRILLING SERVICES-COOLING TOWER	1,737.00
MIDWEST LABORATORIES, INC	BOD TESTING	73.55
MIKE MCKENZIE	ENERGY INCENTIVE	500.00
MIKE TOWNE	WIND ENERGY	250.00
NE DEPT OF REVENUE	STATE WITHHOLDING	2,538.04
NE DEPT OF ROADS	RIGHT OF WAY-BOMGAARS	1,000.00
NE PUBLIC HEALTH	NITRATE/FLUORIDE/MEMBRANE	159.00
NE STATE PATROL	BACKGROUND CHECKS	90.00
NEBR PUBLIC POWER DIST	ELECTRICITY	353,261.51
NSAWWA	REGISTRATION- J BRADY	150.00
NORTHEAST LIBRARY SYSTEM	REGISTRATION	40.00
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTION	59.24
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	12,180.28
ORIENTAL TRADING CO INC	CRAFT KITS	116.00
PAC N SAVE	CARPET CLEANER	37.98
PAMIDA STORE # 165	SANITIZER/DISH SOAP	33.72
CITY EMPLOYEE	HEALTH REIMBURSEMENT	106.23
PEPSI-COLA	CAC POP	294.90
PRESTO X COMPANY	PEST CONTROL	47.00
CITY EMPLOYEE	COMPUTER PURCHASE	979.14
CITY EMPLOYEE	HEALTH REIMBURSEMENT	166.34
QUILL CORPORATION	CERTIFICATES	5.84
CITY EMPLOYEE	HEALTH REIMBURSEMENT	567.60
ROSE EQUIPMENT INC.	TAR SEALANT	1,369.50
SHELLY FEHRINGER	ENERGY INCENTIVE	500.00
SIOUX CITY JOURNAL	SUBSCRIPTION RENEWAL	182.00
SPARKLING KLEAN	JANITORIAL SERVICE/SUPPLIES	1,290.06
STADIUM SPORTING GOODS	FOOTBALLS	40.00
STATE NATIONAL BANK	ACH FEES	51.80
STATE NATIONAL BANK	SERIES 2006 INTEREST	88,840.00
TOM'S BODY & PAINT SHOP	BUMPER REPAIR-POLICE DEPT	543.60
TURFWERKS	CLUTCH SWITCH	43.06
U.S. TOY COMPANY	PUZZLE/ALPHABET BEADS/BLOCKS	171.41
UNITED WAY	PAYROLL DEDUCTIONS	10.00
WAYNE AUTO PARTS	GASKET/PLUGS/GREASE/FILTERS/AMP ETC	661.76
WAYNE COUNTY COURT	BONDS	1,800.00
WESCO DISTRIBUTION INC	WIRE	22,328.77
WHELEN ENGINEERING CO INC	BATTERY CHARGER-SIREN 8TH/MAIN	315.15
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	53.48

FIRE FIGHTER
FIRE

CITY OF WAYNE

DEFINITION

Under the direction of the Fire Chief, responds to fire alarms and other emergency calls to protect life and property.

ESSENTIAL JOB FUNCTIONS

- Rescue operations to include patient care and transport, medical calls, motor vehicle accidents, trauma calls, handling family crisis situations professionally, operation of the Jaws of Life equipment and other related rescue operations and equipment;
- Responds to all fire alarms to provide suppression of fires;
- Recordkeeping to include filling out forms at scene of incident, hospital forms, and computer entry for future reference;
- Fire and rescue training to include emergency medical training, fire suppression techniques, physical fitness training, related classes, refresher courses and in house training;
- Assists in the daily maintenance checks of equipment, supplies, building and grounds;
- Provides public education on CPR/first aid, fire extinguishers, provides fire safety classes to grade schools;
- Assists in investigations of fires;
- Performs fire safety inspections of various business and multiple family dwellings;
- Administers hazardous materials storage regulations; and
- Performs other duties as required.

JOB STANDARDS/SKILLS

Must have a valid drivers license; must be CPR certified; must be EMT trained; must have knowledge of hazardous materials use and storage; must have a basic knowledge of Wayne's fire codes; EMT/A, EMT/I and Paramedic certification beneficial.

JOB LOCATION

Fire Station
510 Tomar Drive
Wayne, NE 68787

EQUIPMENT

Fire and Rescue vehicles and apparatus, rescue and emergency apparatus, hand tools, power tools, power saws, Jaws of Life, extrication equipment, axes, pry bars, air bags, radios, telephones, computers and other related equipment.

NON ESSENTIAL FUNCTIONS

As assigned.

PHYSICAL DEMANDS

KEY:

- N = Never
- O = Occasionally
- F = Frequently
- A = Always

	N	O	F	A
LIFTING			X	
TRANSPORTING			X	
PUSHING			X	
PULLING			X	
CLIMBING		X		
BALANCING			X	
STOOPING			X	
KNEELING			X	
CROUCHING			X	
REACHING			X	
HANDLING			X	
FINGERING			X	
FEELING			X	
TALKING			X	
HEARING			X	
NEAR ACUITY			X	
FAR ACUITY			X	
DEPTH PERCEPTION			X	
COLOR VISION			X	
FIELD OF VISION			X	
TASTING/SMELLING		X		

ENVIRONMENTAL CONDITIONS

	N	O	F	A
EXPOSURE TO WEATHER			X	
EXTREME COLD		X		
EXTREME HEAT			X	
WET AND/OR HUMID			X	
NOISE INTENSITY LEVEL			X	
VIBRATION			X	
ATMOSPHERIC CONDITIONS			X	
MOVING MECHANICAL PARTS			X	
ELECTRIC SHOCK		X		
HIGH EXPOSED PLACES		X		
RADIATION		X		
EXPLOSIVES		X		
TOXIC/CAUSTIC CHEMICALS		X		
CRT EXPOSURE		X		

POSITION:

- STANDING: 20%
- WALKING: 50%
- SITTING: 30%

CONTROLS:

- HAND-ARM: 50%
- FOOT-LEG: 50%

STRENGTH LEVEL: 150-200 pounds

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

APPLICATION FOR MEMBERSHIP

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

Name Dean Brodersen Address 414 E 5th Wayne, NE 68787
Phone Number 402-841-7043 Social Security # 508-19-5337
Employer Northeast Equipment Occupation Irrigation Tech
How long have you been employed by your present employer? 4 months
Previous Employer and Address Michaels Food Inc. Wakefield

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

Do you have any physical ailments or disabilities that could affect your performance on the department?

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

Applicant's Signature Dean Brodersen Date 7-5-11
Sponsor's Signature (if applicable) _____ Date _____

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

Applicant's Signature Dean Brodersen Date 7-5-11

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

Secretary's Signature Julia Melina Date 8/2/11

Chief's Signature Tom B... Date 8-9-11

Council approved on _____ certified by City Clerk _____

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

APPLICATION FOR MEMBERSHIP

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

Name Chaz Weddel Address 314 Lincoln St
Phone Number (402) 369-0244 Social Security # 505-21-4021

Employer Sparkling Clean Occupation Maherec
How long have you been employed by your present employer? 3 yrs
Previous Employer and Address _____

Have you previously been a member of a Fire Department? yes
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training ERSON - Hubbard Volunteer Fire Cadet Chief

Do you have any physical ailments or disabilities that could affect your performance on the department?

No

-As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? yes

- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? yes

-Have you read the Bylaws of the Department, and do you understand them? yes Do you agree to abide by them? yes

- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Chaz Weddel Date 8/2/11

Sponsor's Signature (if applicable) _____ Date _____

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

Applicant's Signature Chaz Weddel Date 9/6/11

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

Secretary's Signature Julia Melena Date 9/6/11

Chief's Signature Thomas R. Schmitz Date _____

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

.....

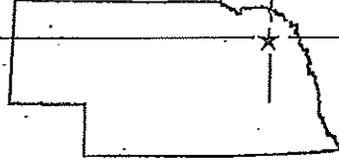
For record purposes only: Date of Birth _____ revised February 4, 2006

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: WAYNE WEST CLUB

Address: 770 MAIN ST, WAYNE, NE 68787

Telephone No.: 402-369-0655

Date of Request: 8 AUGUST 2011

Description of Requested Topic: REDUCTION OF LIQUOR LICENSE AND
OCCUPATIONAL TAX FEES AS A NON PROFIT ORGANIZATION.



**SURVEY
NON-PROFIT V. FOR PROFIT
CLASS C LIQUOR LICENSE
OCCUPATION TAX**

MUNICIPALITIES	Non-Profit Occ. Tax
Blair	\$325
Hartington	\$150
Hastings	\$100
Laurel	\$0
Schuyler	\$25
Seward	\$150
Wahoo	\$50
Wakefield	\$150

DOES NOT CHANGE OCC TAX FOR NON-PROFITS:

Beatrice
Beemer
Bellevue
Cozad
Creighton
David City
David City
Fort Calhoun
Fremont
Gothenburg
Grand Island
Kearney
Lexington
Ogallala
Omaha
Oshkosh
Papillion
Plattsmouth
Randolph
Sidney
Silver Creek
Springfield
Stromsburg
Trenton
West Point
Wisner
York

ORDINANCE NO. 2011-17

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II OCCUPATION TAXES, SECTION 22-32 ALCOHOLIC LIQUORS OF THE WAYNE MUNICIPAL CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Chapter 22, Article II, Section 22-32 of the Wayne Municipal Code is amended to read as follows:

Sec. 22-32 Alcoholic Liquors

For the purpose of raising revenue, an occupation tax is levied on the business regarding alcoholic liquors in the amount as authorized by Section 53-132(4) of the Nebraska Liquor Control Act. Said occupation taxes for liquor license holders of the City of Wayne, Nebraska, will be two times the amount of the license fees established by the Nebraska Liquor Control Commission. **Provided, however, a nonprofit corporation doing business under this section shall pay an occupation tax of \$150 for a Class C Liquor License. A nonprofit corporation shall mean and be a non-profit corporation as defined by Chapter 53 of the Revised Statutes of the State of Nebraska of 1943 as amended.** For new licenses that are applied for and received on dates other than the renewal dates, the fees will be prorated on a quarterly basis as outlined by the Nebraska Liquor Control Commission.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 3. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 13th day of September, 2005.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

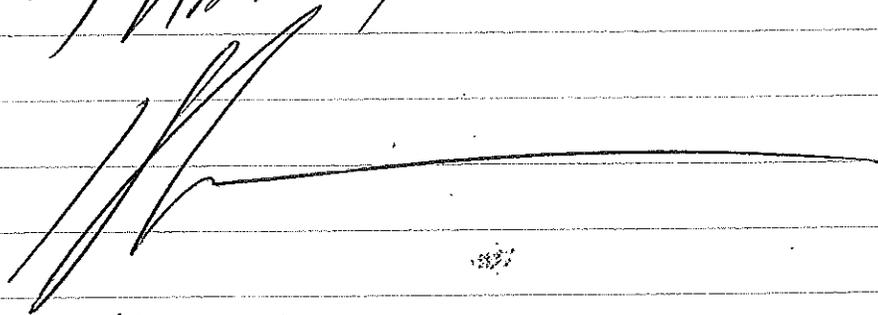
TO: The WAYNE City Council

I would like to request 7 dates that would take us to the end of 2011, for a special permit that will allow me to stay open until 2:00 AM.

The dates would include the following:

- Homecoming - October 1st, 7th + 8th
- Halloween Party - October 29th
- College graduation - December 15th + 16th
- New Year's Eve - December 31st

Thank You



Ken Johnson
The MAX
109 MAIN
WAYNE MI

ORDINANCE NO. 2011-19

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE STATE COLLEGE HOMECOMING 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 Thursday, October 6, 2011, Friday, October 7, 2011, and Saturday, October 8, 2011, in conjunction with the Wayne State College Homecoming Activities.

PASSED AND APPROVED this 20th day of September, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-20

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR IN CONJUNCTION WITH A HALLOWEEN PARTY.

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 Saturday, October 29, 2011, in conjunction with a Halloween party .

PASSED AND APPROVED this 20th day of September, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-21

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE STATE COLLEGE GRADUATION 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 Thursday, December 15, 2011, and Friday, December 16, 2011, in conjunction with the Wayne State College Graduation Activities.

PASSED AND APPROVED this 20th day of September, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-22

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR NEW YEAR'S EVE.

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 Tuesday, December 31, 2011, in conjunction with New Year's Eve.

PASSED AND APPROVED this 20th day of September, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-23

AN ORDINANCE AMENDING CHAPTER 30, ARTICLE I, SECTION 30-6 OF THE WAYNE MUNICIPAL CODE ESTABLISHING ELECTION WARDS.

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

Section 1. That Chapter 30, Article I, section 30-6 of the Municipal Code of Wayne, Nebraska, be amended to read as follows:

Election Wards. The City of Wayne, Nebraska, shall be and is hereby divided into four wards as follows:

- A. First Ward shall consist of all territory in said City East and South of a line commencing at the South boundary of the City of Wayne on S. Nebraska Street, thence North on S. Nebraska Street to Fairground Avenue, thence West on Fairground Avenue to Main Street, thence North on Main Street to E. 10th Street, thence East on E. 10th Street to the alley east of Windom Street, thence South on the alley east of Windom Street to 9th Street, thence East on 9th Street to Pine Heights Road, thence northerly on Pine Heights Road to E. 10th Street, thence East on E. 10th Street to Providence Road, thence southerly on Providence Road to Sunnyview Drive, thence easterly on Sunnyview Drive to Hillside Drive, thence South on Hillside Drive to East 7th Street, thence East on 7th Street to the city limits.
- B. Second Ward shall consist of all territory in said City North and East of a line commencing at the East boundary of the City of Wayne on 7th Street, thence West on 7th Street to Hillside Drive, thence north on Hillside Drive to Sunnyview Drive, thence westerly on Sunnyview Drive to Providence Road, thence northerly on Providence Road to E. 10th Street, thence West on E. 10th Street to Pine Heights Road, thence southerly on Pine Heights Road to E. 9th Street, thence West on E. 9th Street to the alley east of Windom Street, thence North on the alley east of Windom Street to J.G.W. Lewis Drive, thence West on J.G.W. Lewis Drive to Main Street, thence North on Main Street to city limits.
- C. Third Ward shall consist of all territory in said City North and West of a line commencing at the North boundary of the City of Wayne on Main Street, thence South on Main Street to J.G.W. Lewis Drive, thence East on J.G.W. Lewis Drive to Schreiner Drive, thence South on Schreiner Drive to E. 10th Street, thence West on E. 10th Street to Main Street, thence South on Main Street to 8th Street, thence West on 8th Street to Lincoln Street, thence South on Lincoln Street to 7th Street, thence West on 7th Street to city limits.
- D. Fourth Ward shall consist of all territory in said City South and West of a line commencing at the South boundary of the City of Wayne on S. Nebraska Street, thence North on S. Nebraska Street to Fairground Avenue, thence West on Fairground Avenue to Main Street, thence North on Main Street to 8th Street, thence West on 8th Street to Lincoln Street,

thence South on Lincoln Street to 7th Street, thence West on 7th Street to the city limits.

Section 2. That the original section 30-6 and any ordinance passed and approved prior to the passage, approval, and publication of this ordinance and in conflict herewith are hereby repealed.

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

PASSED AND APPROVED this 20th day of September, 2011.

THE CITY OF WAYNE, NEBRASKA,

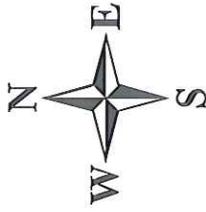
By _____
Mayor

ATTEST:

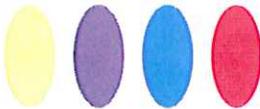
City Clerk

CITY OF WAYNE VOTING WARDS

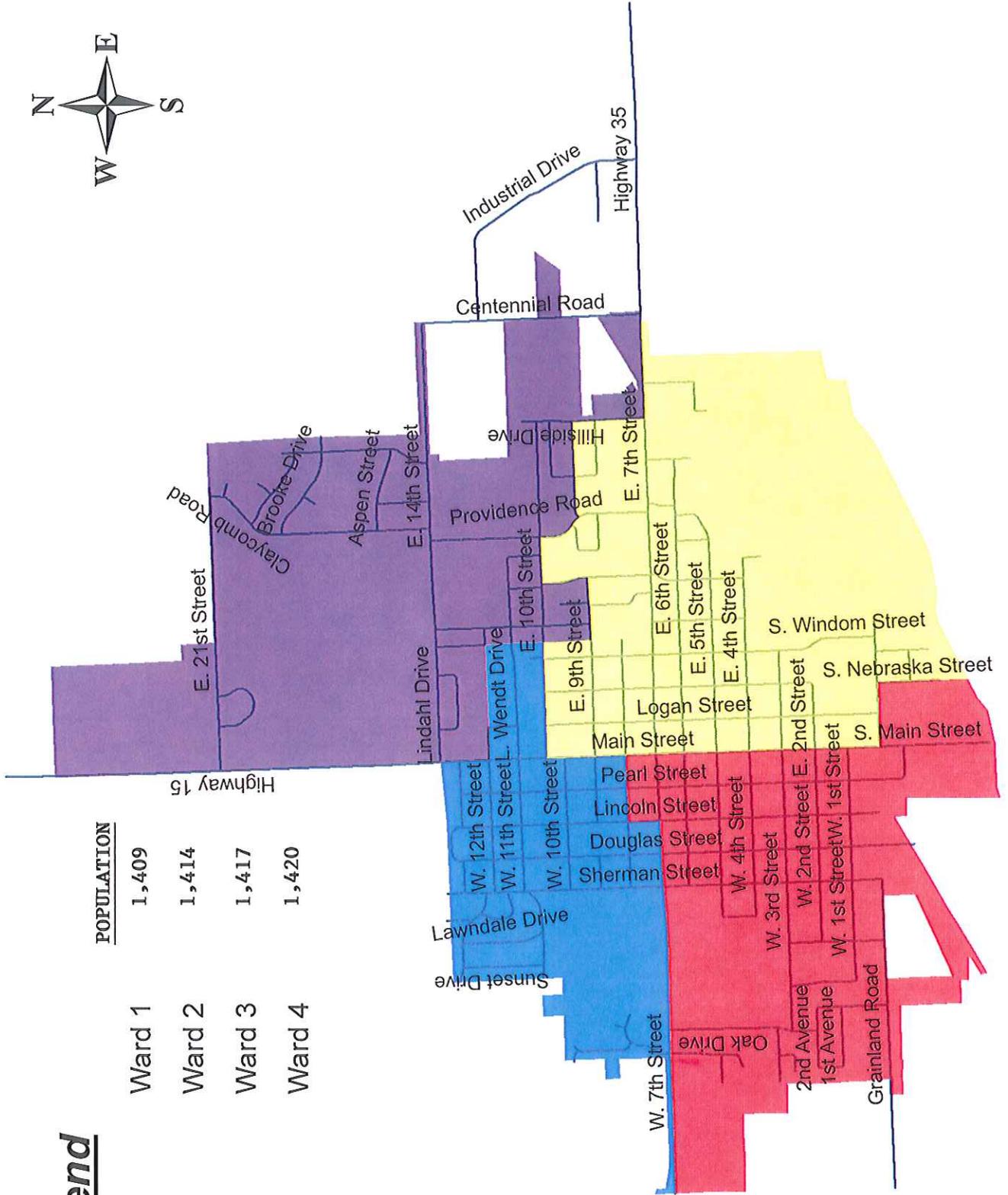
Effective 2012 Elections



Legend



	<u>POPULATION</u>
Ward 1	1,409
Ward 2	1,414
Ward 3	1,417
Ward 4	1,420



RESOLUTION NO. 2011-70

A RESOLUTION AMENDING SECTION 14.60 COMPENSATION AND OVERTIME; SECTION 14.70 CALL BACK TIME; AND SECTION 30.10 GENERAL PRINCIPLES OF THE PERSONNEL MANUAL.

WHEREAS, the City of Wayne Personnel Manual was adopted by Resolution No. 88-31 on September 13, 1988 and was last amended by Resolution No. 2010-47; and

WHEREAS, Sections 14.60, 14.70 and 30.10 of the Manual are amended as proposed on the attached Exhibit "A".

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

1. Amendments to the Personnel Manual relating to compensation and overtime, call back time, and general principles as set out in the attached Exhibit "A", are hereby approved.
2. The effective date of the amendments set out in Exhibit "A" shall be September 20, 2011.

PASSED AND APPROVED this 20th day of September, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Exhibit "A"
Amendments to Personnel Policy Manual
Resolution No. 2011-70

Sec 14.60. Compensation and Overtime.

The work cycles for the various employee groups shall be as follows:

General	7-day work cycle	40 hours
*Sworn Police (*Refer to FOP Contract)	14-day work cycle	84 hours

Employees working beyond the hours in a given cycle shall be eligible for paid overtime at time and one half. For purposes of computing overtime, the base hours shall exclude all hours used for vacation and sick leave. All periods during which employees are completely relieved from duty and which are long enough to enable them to use the time effectively for their own purposes are not hours worked. Employees required to work on a holiday, excluding the Floating Holiday, shall be paid time and one-half. The City Administrator, upon the request of the non-exempt employee, may compensate in cash, overtime worked on holidays and emergency call-out time by the employee at the rate of 1.5 times the employee's regular wage rate. Nonexempt employees are prohibited from performing city work outside of normal working hours without prior authorization by their supervisor.

Sec. 14.70 Call-Back Time

An employee eligible for overtime compensation who is called back to duty after leaving work shall always receive credit for one hour. The minimum entitlement shall be one hour credit followed by increments of credit to the nearest quarter hour.

In the event that before or after-hours job related use of city-provided computers, cell phones, or BlackBerry-type devices by non-exempt employees is required, but the employee is not called back to duty, nonexempt employees are required to accurately record the time that they spend using the devices in quarter hour increments and submit that time worked for compensation.

Sec. 30.10 GENERAL PRINCIPLES

Computers and Internet services are provided by the City of Wayne to support open communications and exchange of information and the opportunity for collaborative government-related work. The City of Wayne encourages the use of electronic communications by its departments and employees. Although access to information and information technology is essential to the missions of government agencies and their users, use of computers and Internet services is a revocable privilege. Conformance with acceptable use, as expressed in this policy statement, is required. City departments are expected to maintain and enforce this policy. Abuse of the Internet access provided by the City in violation of law or City policy will result in disciplinary action, up to and

including termination of employment. Employees may be held personally liable for any violations of this policy.

During business hours computer use, and Internet communications to and from City employees and with outside government agencies, are presumed to be work related. City computers and data stored in them are the property of the City, and may be accessed at any time by authorized City officials. The equipment, services, and technology provided to access the Internet offered by the City remain at all times property of the City. As such, the City reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through their online connections and stored in their computer systems. Employees should not expect privacy in the use of City computers.

At a minimum, users of computers and Internet services provided by the City of Wayne are expected to:

1. Make a reasonable effort to inform themselves of this acceptable use policy, and acceptable and unacceptable uses of computer equipment and the Internet in general. This burden of responsibility is on the user as to acceptable and unacceptable uses prior to use. Compliance with all applicable acceptable use restrictions is mandatory.

2. During on-duty hours City provided computers and Internet services are to be used only for City government-related activities.

3. **In the event that before or after-hours job related use of city-provided computers, cell phones, or BlackBerry-type devices by non-exempt employees is required, but the employee is not called back to duty, nonexempt employees are required to accurately record the time that they spend using the devices in quarter hour increments and submit that time worked for compensation.**

The City Library provides use of computers and Internet services to the public free of charge. Therefore, no charge will be assessed to employees who use the computers and these Internet services during off-duty hours for personal business of a legal/ethical nature.

4. Respect the legal protection provided by copyright and license of programs and data.

5. Respect the privileges of other users.

6. Respect the integrity of computing systems connected to the Internet.

7. Know and follow generally accepted etiquette of the Internet. For example, always use civil forms of communication and avoid being drawn into "flame wars."

8. Avoid uses of the network that reflect poorly on other agencies or on the City.

9. During normal requirements of the various jobs within the City, protection of programs, data and select files may be required. Encrypting and/or use of passwords may be necessary to protect sensitive data. Sensitive data to be defined as personnel records, any information used in pending legal action, draft materials, and/or any information that if released prior to appropriate action may be detrimental to any City function. All passwords and/or encrypting methods including encrypting programs in use on City of Wayne owned or leased computerized equipment must be on file with the Department Head or City Administrator. Such passwords shall be listed on forms provided by City offices. The password or encrypting information must be filed and available within three working days from the date the password or encryption is used. When changing or updating passwords, the three working days is from the date that change is made.

Evaluation of the guidelines of this acceptable use policy may require the City Administrator, Department Heads or supervisors to view any document, program or materials displayed on any City computer, terminal or monitor on request.

Users should remember that the City of Wayne's personnel rules and regulations on employee conflict of interest, legal/ethical conduct, and appropriate use of City property apply to the use of electronic communications systems supplied by the City.

RESOLUTION NO. 2011-71

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE WAYNE SOUTH LOGAN CREEK CHANNEL STABILIZATION DESIGN PROJECT.

WHEREAS, the Wayne City Council is desirous of entering into an Agreement with Olsson Associates for professional services regarding the “Wayne South Logan Creek Channel Stabilization Design Project”; and

WHEREAS, a proposal has been requested and received from Olsson Associates for said services in an amount not to exceed \$57,344.00; and

WHEREAS, staff recommendation is to accept said proposal of Olsson Associates.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Letter Agreement between the City of Wayne and Olsson Associates for the “Wayne South Logan Creek Channel Stabilization Design 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 20th day of September, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk



LETTER AGREEMENT FOR
PROFESSIONAL SERVICES

August 30, 2011

City of Wayne
Anthony Lawrence
306 Pearl Street
Wayne, NE 68787

Re: **AGREEMENT FOR PROFESSIONAL SERVICES**
Wayne South Logan Creek Channel Stabilization Design "Project"

Dear Anthony:

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: 09/19/11 Anticipated Completion Date: 06/01/12

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

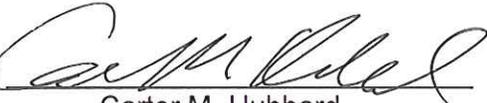
4. Client shall pay to Olsson for the performance of the Basic Services the actual time of personnel performing such Services on the basis of Salary Costs times a factor of 2.5 for services rendered by our principals and employees engaged directly on the Project plus Reimbursable Expenses, unless otherwise agreed to by both parties. Reimbursable expenses will be invoiced in accordance with the Schedule contained in the General Provisions attached to this Letter Agreement. Olsson's Basic Services will be provided on a time and expense basis not to exceed Fifty Seven Thousand Three Hundred Forty Four Dollars (\$57,344). Olsson shall submit invoices on a monthly basis, are due upon presentation and shall be considered past due if not paid within 30 calendar days of the due date.

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 5 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 
Carter M. Hubbard

By 
Don R. Day

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

G:\Admin\LETPROP\Resources\Wayne\Letter Agreement.DOC

EXHIBIT "A" to GENERAL PROVISIONS ATTACHED TO
LETTER AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN CLIENT AND OLSSON, DATED AUGUST 30, 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 August 30, 2011 between City of Wayne ("Client") and Olsson Associates ("Olsson") providing for professional services. The Basic Services of Olsson are as indicated below.

GENERAL

Survey – Olsson will collect topographic survey data for the site, including the two proposed bank stabilization sites and surrounding areas. Olsson will collect survey data to define the alignment and extents of the adjacent trail, trees, utilities (where known), and other site features. Vertically, survey data will be set to the North American Vertical Datum of 1988 (NAVD 88). Horizontally, survey data will correspond to the horizontal datum used for the City of Wayne Pedestrian Trail plans.

Data Collection and Processing - Olsson will download the survey data into AutoCAD and prepare topographic and site maps for the two stream stabilization locations. The site maps will be the basis for the proposed stream stabilization design plan set. Site maps will include location and alignment of features surveyed above. Olsson will also collect geotechnical data and other information from the past Wayne Pedestrian Trail project.

Geotechnical Investigation - Olsson will perform a detailed geotechnical investigation of the two sites, including performing soil borings at each site. Olsson will also gather geotechnical information from the Wayne Trail project. Olsson will analyze site soils and groundwater conditions to determine geotechnical stability of proposed sheet pile and segmented block walls.

Preliminary Design and Plan Preparation – Develop a proposed design and retaining wall alignment that is satisfactory to the client and that accommodates site constraints. At the storm sewer outfall, develop alignment that allows culvert to discharge in downstream direction into South Logan Creek, in order to minimize scour potential. Develop alignment for proposed plunge pool that provides for dissipation of energy of storm sewer discharges prior to entering South Logan Creek channel.

Submittal Coordination Meeting/Plan-in-Hand Review - Meet with the Client at the site to review plans, quantities, and proposed construction activities. Discuss site constraints, funding issues, schedule, permitting requirements. Meetings will be held twice: once after the submittal of the preliminary plans, and once after the submittal of the final plans and specifications. Olsson will gather feedback and comments from meeting after submittal of preliminary plans and incorporate revisions into final plans.

Plans and Specifications – Prepare detailed construction plans and specifications for construction of the proposed banks stabilization features. Plans will include typical detail drawings for installing any required channel armoring or protection measures.

Plans will also include estimates of quantities for construction activities and materials. Opinions of cost will be generated based off of these quantity estimates.

Permitting – Conduct wetland delineation according to 1987 USACE Delineation Manual and 2010 Midwest Regional Supplement and prepare delineation report. Coordinate with the U.S. Army Corps of Engineers, the agency responsible for review and/or permitting of projects that impact “waters of the United States”. Prepare Pre-Construction Notification (PCN) and supporting documentation for permitting. Provide any information necessary to expedite the Corps review of the proposed project. Any permit from the USACE will require compliance with Threatened and Endangered Species Act and the National Historic Preservation Act. U.S. Fish and Wildlife Service, Nebraska Game and Parks Commission, and the Nebraska State Historical Act will be contacted for information regarding Threatened and Endangered Species and Historical/Cultural Resources. Provide Stormwater Pollution Prevention Plan (SWPPP), detailing the appropriate sediment and erosion control measures for the proposed project. Submit required information to the Nebraska Department of Environmental Quality, the agency responsible for review and permitting of erosion and sediment control measures on projects greater than 1 acre in extent. Prepare and submit a Floodplain Development Permit to City of Wayne, the entity responsible for floodplain administration on this portion of South Logan Creek. The submittal will include no-rise certification for the proposed construction.

Future Services

We anticipate the following services will be required to complete this project. The following services are not included in this contract. Olsson will work with the Client to prepare a scope of services and fee estimate when the design of the proposed measures nears completion.

Bidding - Olsson will prepare bid tabulation documents and bid packages for the proposed construction projects. Olsson will prepare a bid advertisement and assist with the bid letting process, including tabulating bids and verifying contractor calculations. Olsson will coordinate with the City of Wayne and assist them in the bidding process, including attending the pre-bid and bid letting meetings. Olsson will review the bids to determine if they are in conformance with the plans and specifications. The City of Wayne will be responsible for advertising for bids and selection of a contractor. Olsson will perform bidding services on a time and expense basis.

Construction Services - Olsson will provide construction observation and testing services for the proposed project. Olsson will review construction activities and measures for conformance to the plans and specifications. Construction observation services provided by Olsson shall not relieve the contractor of any responsibility or liability for construction of the proposed bank stabilization measures. Contractor is still solely responsible for proper construction of the measures, proper sediment and erosion control measures, and appropriate safety measures. Olsson will perform observation and testing services on a time and expense basis.

RESOLUTION NO. 2011-72

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE WAYNE POWER PLANT COOLING TOWER PROJECT.

WHEREAS, the Wayne City Council is desirous of entering into an Agreement with Olsson Associates for professional services regarding the "Wayne Power Plant Cooling Tower Project"; and

WHEREAS, a proposal has been requested and received from Olsson Associates for said services in an amount not to exceed \$15,000.00; and

WHEREAS, staff recommendation is to accept said proposal of Olsson Associates.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Letter Agreement between the City of Wayne and Olsson Associates for the "Wayne Power Plant Cooling Tower 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 20th day of September, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk



LETTER AGREEMENT FOR
PROFESSIONAL SERVICES

September 16, 2011

Mr. Gene Hansen
Superintendent of Electric Production
306 Pearl Street
Wayne, Nebraska 68787

Re: **AGREEMENT FOR PROFESSIONAL SERVICES**
Power Plant Cooling Tower Installation, "Project"
Wayne, Nebraska

Dear Gene:

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 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 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: September 30, 2011 Anticipated Completion Date: May 1, 2012

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. Client shall pay to Olsson for the performance of the Basic Services the actual time of personnel performing such Services on the basis of Salary Costs times a factor of 2.5 for services rendered by our employees engaged directly on the Project plus Reimbursable Expenses, unless otherwise agreed to by both parties. Reimbursable expenses will be invoiced in accordance with the Schedule contained in the General Provisions attached to this Letter Agreement. Olsson's Basic Services will be provided on a time and expense basis not to exceed \$15,000.00. Olsson shall submit invoices on a monthly basis, are due upon presentation and shall be considered past due if not paid within 30 calendar days of the due date.

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 90 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 Ken Fairbairn

By Don Pfeiffer

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

G:\Admin\LETPROP\WPWaynePowerPlantCoolingTowerInstallAgree_911.DOC

EXHIBIT "A" to GENERAL PROVISIONS ATTACHED TO
LETTER AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN CLIENT AND OLSSON, DATED September 16, 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 September 16, 2011 between City of Wayne ("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 PROJECT INITIATION/ADMINISTRATION AND STRUCTURAL DESIGN

- 1.1 A project initiation meeting will be conducted with all parties involved to refine project scope, review the project site, identify specific goals, determine any survey requirements, establish schedule for completion, and establish channels of communication.
- 1.2 Design of the support structure for two new cooling towers.
- 1.3 Provide general administrative services to manage and support the design of the support structure for two cooling towers.
- 1.4 Two coordination meetings with the Contractor and Client's representative during design and construction of the support structure.

2.0 GRANT ADMINISTRATION SERVICES

- 2.1 To be determined.

3.0 CONSTRUCTION PHASE SERVICES

- 3.1 To be determined.

RESOLUTION NO. 2011-73

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "WESTERN RIDGE THIRD ADDITION WATER AND SEWER IMPROVEMENT PROJECT."

WHEREAS, three bids were received on September 14, 2011, on the "Western Ridge Third Addition Water and Sewer Improvement Project"; and

WHEREAS, the bids have been reviewed by the City's engineer on the project, Advanced Consulting Engineering Services; and

WHEREAS, Advanced Consulting Engineering Services is recommending that the contract be awarded to Penro Construction in the amount of \$108,702.42.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the "Western Ridge Third Addition Water and Sewer Improvement Project", as submitted by the following contractor, is reasonable and responsive, and the same is hereby accepted:

<u>Bidder</u>	<u>Amount</u>
Penro Construction Pender, NE	\$108,702.42

BE IT FURTHER RESOLVED, that the bid, as set forth and filed with the City Clerk in accordance with the general terms calling for the proposals for the furnishing of labor, tools, materials, and equipment required for said project in the City of Wayne, Nebraska, be and the same is hereby accepted.

BE IT FURTHER RESOLVED, that the Mayor be, and he is hereby instructed and authorized to enter into a contract on behalf of the City of Wayne, Nebraska, with the contractor for the above project, and the City Administrator is authorized to approve and execute change orders in amounts not to exceed five percent of the contract amount.

PASSED AND APPROVED this 20th day of September, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

WAYNE MUNICIPAL AIRPORT AUTHORITY

August 8, 2011

7:00 P.M.

The regular meeting of the Airport Authority of the City of Wayne was called to order at the Wayne Municipal Airport's Pilots Lounge on the above date and time by Chairman Mitchell Nissen. The following members were present: David Ley, Carl Rump, Jerome Conradt and Mitchell Nissen. Also, attending the meeting were Dawn Navrkal and Nancy Braden Treasurer.

Rump moved and Conradt 2nd to accept the minutes of July 11, 2011. Roll was called with the following results: Yeas: Nissen, Conradt, Rump and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Rump 2nd that we approve the claims of August 8, 2011. Roll was called with the following results: Yeas: Nissen, Conradt, Rump and Ley. Nays: None. The chairman declared the motion carried.

Other matters requiring the attention of the Authority were discussed and it was determined that no further formal action was needed.

There being no further business Conradt moved and Rump 2nd that the meeting be adjourned. All voting in the affirmative the meeting was adjourned.

David R. Ley
Secretary