

**AGENDA
CITY COUNCIL MEETING
April 17, 2012**

5:30 Call to Order

1. Approval of Minutes – April 3, 2012

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. Presentation of Dividend Check from Employers Mutual Company – Cap Peterson, Northeast Nebraska Insurance Agency

4. Proclamation — Arbor Day (April 27, 2012)

5. Presentation by Wayne State College Professor Leslie Rawlings on New Map of Historic Downtown Wayne that Points out Historic Buildings

Background: Dr. Rawlings and some of her students have photographed historic buildings in the downtown Wayne area and linked them to an aerial photo. They are providing the searchable photo to link to our City of Wayne website for public access. She will demonstrate how the map and photos can be accessed on our website.

6. Action on Change Order No. 1 for the Benscoter Addition – Phase 1 Paving and Utility Improvement Project in the Amount of \$34,489.33

Background: This Change Order was tabled at the last Council meeting at my request. The Change Order covers additional quantities installed and an increased pricing allowance. The work was done by a subcontractor. The work is complete and has been inspected and approved by the project engineer. The additional quantity is primarily 500 Linear Feet of sewer line and manholes that were installed. The additional cost allowance is primarily \$7.45/Linear Feet requested by the contractor over the bid cost of \$15/Linear Foot and approved by the project engineer because of the City's request to delay construction for a year and then meet a deadline requirement.

The project engineer approved the detail of the additional cost/Linear Foot through actual cost submittals as follows: \$1.45/LF materials, \$1.20/LF fuel, \$.30/LF aggregate, \$1.50/LF labor. The project engineer approved an additional \$3/LF for costs incurred by the delay requested by the City and the short notice completion

date requested by the City when the original contractor had committed to other work during the delay.

Recommendation: The recommendation of the project engineer and the City Administrator is to approve the Change Order as presented.

7. [Action on Certificate of Payment No. 2 for the Benscoter Addition – Phase 1 Utility Project in the Amount of \\$43,224.02 to Benscoter Plumbing & Construction](#)

Recommendation: The recommendation of the project engineer and City Administrator is to approve the Certificate of Payment as presented.

8. [Action on “Request for Proposals for Operation Agreement” for Leasing of the Transfer Station and Directing the City Clerk to Begin the Bid Process](#)

Background: A two-year operation agreement to run the transfer station was approved in 2010 after public solicitation for proposals. That agreement expires in August.

Recommendation: The recommendation of the City Administrator is to bid the attached agreement out again for a 3-year term.

9. [Action on Recommendation of the LB840 Sales Tax Advisory Committee on a Request by the City of Wayne for a Grant in the Amount of \\$300,000 to Create a Permanent New Home Construction Revolving Loan Fund](#)

Background: The LB840 committee approved \$160,000 of the City’s \$300,000 funding request for housing at their meeting last night and changed the City’s request from a grant to a 12-year interest free loan. The reason for reducing the amount was (1) because the City is getting close to 50% of the total amount of sales tax revenues that the voters approved and the City is only 3 years into the 15-year period and they didn't want to put more dollars into this than may be needed at this time, and (2) several business opportunities are anticipated to come forward that will likely require LB840 funding in the near future.

The change to a loan from the City’s grant request was to simply provide a clear path of ownership and use of the funds if the City ends the construction loan program. They are aware that the Council has final approval and can change this or request additional housing funds as this program succeeds.

10. [Resolution 2012-32: Approving Reserve Contract with Western Area Power Administration \(WAPA\)](#)

Background: Wayne signed our current Firm Power Agreement on May 13, 1997. It expires December 31, 2020. One of WAPA's other firm customers, while preparing their Integrated Resource Plan, asked WAPA about the future of their contracts after December 31, 2020, which is also the end of Wayne’s contract. This attached standard agreement will supposedly commit WAPA to extend the firm power contract on to 2050. Will this affect our Contract Rate of Delivery? No.

Recommendation: The recommendation of Gene Hansen, Superintendent of Electric Production, is to sign this Power Marketing Agreement.

11. [Resolution 2012-33: To Apply for Assistance from the Nebraska Emergency Management Agency – Hazard Mitigation Grant Program for the Purpose of Purchasing and Replacing the Emergency Sirens](#)

Background: Changes in the Nebraska statewide communication system will render our sirens obsolete within two years. Our existing system is nearly 30 years old and cannot be adapted. While it is still reliable, parts are becoming unavailable, and its useful life is nearing the end. Marlen and Nick Kemnitz, Wayne County Emergency Coordinator, have prepared this grant application for purchase and installation of a new civil defense siren system.

Recommendation: The recommendation of Marlen Chinn, Interim Police Chief, is to approve the application for 75% cost share to replace our existing civil defense sirens.

12. [Action to Hire Ranson Roman to Undertake Appraisal on Commercial Property](#)

Recommendation: If Council is interested in pursuing this location as an alternate to the current operations yard site, we are required to have a professional appraisal.

13. [Annual Review of City Administrator](#)

Background: The City Administrator's annual contract ends May 30th. The Mayor will request councilmember action on his annual review, after discussion, at the May 15th Council meeting

14. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

April 3, 2012

The Wayne City Council met in regular session at City Hall on Tuesday, April 3, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jon Haase, Dale Alexander, Doug Sturm, Kathy Berry, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Jim Van Delden and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 22, 2012, 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 Alexander, whereas the Clerk has prepared copies of the Minutes of the meeting of March 6, 2012, 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: AMERITAS, RE, 1806.98; APPEARA, SE, 150.58; ARNIE'S FORD, SE, 1946.88; BANK FIRST, FE, 140.00; CITY EMPLOYEE, RE, 40.68; BLACK HILLS ENERGY, SE, 711.90; BOMGAARS, SU, 13.58; CITY EMPLOYEE, RE, 48.11; BW PLUS GRAND ISLAND INN, SE, 659.94; CARROT-TOP INDUSTRIES, SU, 592.52; CITY EMPLOYEE, RE, 7589.40; CENTURLINK, SE, 309.27; CITY OF WAYNE, PY, 57776.54; CITY OF WAYNE, RE, 182.08; CITY OF WAYNE, RE, 35.00; COMMUNITY HEALTH, RE, 3.00; CUMING CO. COURT, RE, 300.00; DCL AMERICA, SE, 29873.30; DUTTON-LAINSON, SU, 874.54; EAKES OFFICE PLUS, SE, 247.20; ECHO GROUP, SU, 114.38; ELECTRIC FIXTURE, SU, 14.90; ELLIS PLUMBING & HEATING, SE, 170.01; ENGINEERED CONTROLS, SE,

450.00; FIRST CONCORD GROUP, SE, 3414.88; FLOOR MAINTENANCE, SU, 326.92; GERHOLD CONCRETE, SU, 875.38; H.K. SCHOLZ COMPANY, SE, 18739.23; CITY EMPLOYEE, RE, 22.56; HYDRAULIC EQUIPMENT, SE, 974.03; ICMA, SE, 5318.67; IRS, TX, 19175.08; JANWAY COMPANY, SU, 174.00; JEO CONSULTING GROUP, SE, 14484.65; JOANNE BAIER, RE, 500.00; LAW ENFORCEMENT SERVICES, SE, 945.00; MAEDC, FE, 125.00; MCGUIRE & NORBY, SE, 1419.00; MILO MEYER CONSTRUCTION, SE, 1500.00; CITY EMPLOYEE, RE, 195.77; NCO PORTFOLIO MANAGEMENT, RE, 444.68; NE DEPT OF REVENUE, TX, 3087.82; NE NEB INS AGENCY, SE, 58224.50; NEXIC, SE, 426.00; NICHOLAS KEMNITZ, SE, 120.00; N.E.NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 3325.00; OPTIMUM DATA, SU, 595.00; OTTE CONSTRUCTION, SU, 100.00; OVERHEAD DOOR COMPANY, SU, 2450.50; CITY EMPLOYEE, RE, 632.94; PROVIDENCE MEDICAL CENTER, SE, 360.00; R.S. STOVER, SE, 35436.20; SIMPLEXGRINNELL, SU, 465.20; STATE NATIONAL BANK, RE, 101.56; UNITED WAY, RE, 10.00; VIAERO, SE, 164.98; VOSS LIGHTING, SU, 92.70; WAED, SU, 23.00; WAYNE COUNTY COURT, RE, 150.00; WELLS FARGO FINANCIAL, FE, 17008.20; ADVANCED CONSULTING, SE, 8000.00; AMERICAN BROADBAND, SE, 1985.58; AS CENTRAL SERVICES, SE, 448.00; CITY EMPLOYEE, RE, 1227.08; CITY EMPLOYEE, RE, 36.63; BOMGAARS, SU, 989.59; CARHART LUMBER COMPANY, SU, 597.55; CITY OF WAYNE, RE, 100.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DUTTON-LAINSON, SU, 10665.98; EASYPERMIT POSTAGE, SU, 1883.80; FLOOR MAINTENANCE, SU, 32.85; GILL HAULING, SE, 155.00; CITY EMPLOYEE, RE, 27.70; IPMA, SE, 233.50; INTERSTATE BATTERY SYSTEM, SU, 319.90; JASON CAROLLO, SE, 35.00; JEO CONSULTING GROUP, SE, 2494.00; JUDITH A. JANSSEN, SE, 1350.00; KELLY MEYER, SU, 66.50; LOFGREN, LAUREN, RE, 450.74; MSC INDUSTRIAL, SE, 252.16; MUNICIPAL SERVICE, SE, 3054.29; NATIONAL LEAGUE OF CITIES, FE, 1117.00; CITY EMPLOYEE, RE, 84.89; NE CODE OFFICIAL ASSOC, FE, 200.00; NE ENVIRONMENTAL PRODUCTS, SU, 407.34; NE LAW ENFORCEMENT, SE, 30.00; NE PUBLIC HEALTH, SU, 898.00; NE SAFETY COUNCIL, SE, 11.45; OLSSON ASSOCIATES, SE, 6262.28; PAC N SAVE, SU, 104.50; PIEPER & MILLER, SE, 3923.72; PLUNKETT'S PEST CONTROL, SE, 41.60; QUALITY FOODS, SU, 11.59; QUILL, SU, 97.50; STADIUM SPORTING GOODS, SU, 160.00; STANLEY SECURITY SOLUTION, SU, 105.24; STATE NATIONAL BANK, SE, 56.24; STEFFEN, SU, 322.34; SWAN ENGINEERING, SU, 328.04; THE CORNHUSKER HOTEL, SE, 1346.45; US BANK, SU, 4194.98; VERIZON, SE, 152.71; WAED, RE, 6383.33; WAYNE HERALD, SU, 46.00; WESCO, SU, 888.21; CITY EMPLOYEE, RE, 140.00; ZACH OIL, SU, 5159.68

Councilmember Sturm made a motion and Councilmember Brodersen 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.

A request was made by Sharp Construction, Inc., for Council consideration to allowing him to erect or place a business sign on his building located at 208 Logan Street. The sign would hang over the sidewalk by approximately 4' and would be at least 10' above the sidewalk. It's a 4' x 3' sign.

Joel Hansen, Zoning Administrator, advised the Council that Section 18-341 of the Wayne Municipal Code states that it is unlawful for any person to erect or place any business sign or awning in, on or over any sidewalk, street, or public property in the city without obtaining a permit from the Council.

Nick Hochstein was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sturm, approving the request of Sharp Construction, Inc., to erect a sign at his building located at 208 Logan Street. Mayor Chamberlain stated the motion, and the result of roll call being all yeas, the Mayor declared the motion carried.

Councilmember Haase made a motion and Councilmember Alexander seconded 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 hearings relative to the levy of special assessments in:

- Street Improvement District No. 2010-01
- Street (Sidewalk) Improvement District No. 2010-02
- Street (Sidewalk) Improvement District No. 2010-03
- Street (Sidewalk) Improvement District No. 2010-04

and declared the public hearings open.

Administrator Johnson reviewed the assessment process for the Council. The cost was set at \$25 per linear foot which is the same cost that was assessed on the sidewalks on Main Street a couple of years ago.

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

Renee Jacobsen, owner of the property at 118 E. Second Street, was present. She questioned the \$25 per linear foot and the portion of that cost that was paid for by the grants that were obtained for handicapped/ADA ramps, etc. She asked for a breakdown per lot or building showing what was attributable to each property. The majority of her property is ramps.

City Clerk McGuire had not received any written objections to these assessments.

The assessments will be spread out over a period of 10 years at 4.25% interest.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within:

- Street Improvement District No. 2010-01
- Street (Sidewalk) Improvement District No. 2010-02
- Street (Sidewalk) Improvement District No. 2010-03
- Street (Sidewalk) Improvement District No. 2010-04

the Mayor declared the hearings closed.

Councilmember Sturm introduced Resolution 2012-24 and moved for its approval conditioned upon information being provided to the property owners as requested; Councilmember Alexander seconded.

RESOLUTION NO. 2012-24

A RESOLUTION MAKING ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NO. 2010-01.

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

Councilmember Alexander introduced Resolution 2012-25 and moved for its approval conditioned upon information being provided to the property owners as requested; Councilmember Sturm seconded.

RESOLUTION NO. 2012-25

A RESOLUTION MAKING ASSESSMENTS IN STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-02.

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

Councilmember Sturm introduced Resolution 2012-26 and moved for its approval conditioned upon information being provided to the property owners as requested; Councilmember Alexander seconded.

RESOLUTION NO. 2012-26

A RESOLUTION MAKING ASSESSMENTS IN STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-03.

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

Councilmember Alexander introduced Resolution 2012-27 and moved for its approval conditioned upon information being provided to the property owners as requested; Councilmember Haase.

RESOLUTION NO. 2012-27

A RESOLUTION MAKING ASSESSMENTS IN STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-04.

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

Councilmember Haase made a motion, which was 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.

Four bids were received on the Western Ridge Paving – Phase II, Wayne, Nebraska – 2012 Project. Advanced Consulting Engineering Services, the engineer on the project, has reviewed the same and is recommending that the project be awarded to the low bidder, Luxa Construction, Co. of Blair, NE, in the amount of \$142,664.67. The engineer’s estimate was \$165,000.

Councilmember Sturm introduced Resolution 2012-28, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-28

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “WESTERN RIDGE PAVING - PHASE II, WAYNE, NEBRASKA – 2012 PROJECT.”

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

Mayor Chamberlain stated agenda item numbers 12 and 13 are tabled until a later council meeting.

Advanced Consulting Engineering Services submitted Change Order No. 1 on behalf of Penro Construction Co. regarding the Water and Sewer Improvement Project 2011 (Western Ridge III Addition). This is for the addition of water and sewer services for Glen's Body Shop and the sewer service east of Glen's. It also includes additional work for boring under the driveway at Glen's to save on removing the replacement costs and limiting any disruption to the business. Service lines were extended to the property line. The change order was an increase in the amount of \$5,890.00.

Garry Poutre, Superintendent of Public Works & Utilities, was present to answer any questions.

Councilmember Sturm made a motion and seconded by Councilmember Haase approving Change Order No. 1 for the Wayne Water and Sewer Project (Western Ridge III Addition) in the amount of \$5,890.00. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Advanced Consulting Engineering Services submitted Change Order No. 2 on behalf of Penro Construction Co. regarding the Water and Sewer Improvement Project 2011 (Pheasant Run Road/Bomgaars Project). This is an adjustment to bring proposed quantities in line with final quantities. The change order is a decrease in the amount of \$267.44.

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen approving Change Order No. 2 for the Wayne Water and Sewer Project in the

amount of -\$267.44. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A pay request (final) has been received from Penro Construction Co., Inc., for the Water and Sewer Improvement – 2011, Wayne, NE, Project in the amount of \$36,940.91. The engineer on the project has approved the same.

Councilmember Haase made a motion, which was seconded by Councilmember Sturm approving Contractor’s Application for Payment No. 2 (Final) for the Water and Sewer Improvements – 2011 Wayne, NE, Project in the amount of \$36,940.91 to Penro Construction Co., Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Brian and Amy Bowers submitted a request for “Agricultural Deferment” of all special assessments from the Pheasant Run Road Paving District.

Nebraska State Statutes state that if land is being used primarily for agricultural purposes, the property owners are eligible to request that the assessments be deferred until such time as the ag use would cease to exist. This is part of the negotiated settlement with the Bowers for a temporary construction easement on their property. If the Bowers do not grant this easement to the City, the City would need to build a \$70,000, 12-15 foot retaining wall on the west side of Pheasant Run Road. The County Commissioners have approved this request.

Joel Hansen, Street Superintendent, was present to answer questions, and requested that if Council approves this assessment deferral request, that it be conditioned upon the Bowers signing the temporary construction easement.

Councilmember Alexander made a motion, which was seconded by Councilmember Frevert approving the agricultural deferment request of Brian and Amy Bowers of all special assessments from the Pheasant Run Road paving District, contingent upon Brian and Amy Bowers signing the necessary temporary construction easement for the project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution is a required legal action that allows a city to advance funds to complete a project and then reimburse itself from assessments to the property owners in the district after the project is completed.

Under the current tax code, if a City advances monies from another fund without having a reimbursement resolution in place within sixty days of said advancement, then it is impossible to refund that borrowed fund using tax exempt bond proceeds. This will allow the City to roll the project into a bond issue, if it so desires.

Councilmember Sturm introduced Resolution 2012-29 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-29

A RESOLUTION APPROVING REIMBURSEMENT OF FUNDS TEMPORARILY ADVANCED TO PAY FOR THE PHEASANT RUN ROAD AND THE WESTERN RIDGE PROJECTS.

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

The Trail Signage Project is complete. The State must do a final inspection on the project before the final payment can be made to Tri-City Sign Company. It is thought the final inspection should take place between now and the next Council meeting.

Councilmember Frevert made a motion, which was seconded by Councilmember Sturm approving final payment in the amount of \$5,355, pending final inspection and approval from the Game & Parks Commission to Tri-City Sign Company for the trail signage project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place regarding the proposed ordinance to increase the salary for the Mayor and Council. This is a continuation of the discussion that took place at the last Council meeting.

Councilmember Frevert preferred not increasing the pay at this time. However, if he had to choose, he would do one or the other, but not a combination of both. Mayor Chamberlain stated the only increase would be that of the Council President. The Mayor and Council wages would stay the same. The other change would be compensating people for the additional meetings they attend, other than the ones that take place before a Council meeting.

After discussion, the following suggested changes were made:

Mayor

\$190 per regular Council meeting (24) = annual salary of ~~\$4,560~~ \$4,500

Council President

\$160 per regular Council meeting (24) = annual salary of \$3,840

Councilmember

\$125 per regular Council meeting (24) = annual salary of \$3,000

For special sessions (e.g. ~~Retreat~~, League of Nebraska Municipality Conferences, etc.) (1 per ~~event~~ year):

Mayor - ~~\$190~~ \$100

Council President - ~~\$160~~ \$100

Councilmember - ~~\$125~~ \$100

For all conferences, meetings, legislative visits lasting greater than 4 hours (travel included for non-local) - ~~\$100~~ \$75 per event (not including days of Council meetings).

For all conferences, meetings, legislative visits lasting greater than 2 hours, but less than 4 hours (travel included for non-local) - ~~\$50~~ \$25 per event (not including days of Council meetings).

For all conferences, meetings, legislative visits lasting ~~less than 2 hours~~ greater than 1 hour but less than 4 hours (travel included for non-local) - \$25 per event (not including days of Council meetings).

Councilmember Sturm introduced Ordinance 2012-9, and moved for approval thereof, as amended above; Councilmember Brodersen seconded.

ORDINANCE NO. 2012-9

AN ORDINANCE ESTABLISHING ANNUAL SALARY FOR MAYOR AND CITY COUNCIL MEMBERS, REPEALING CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Nays (Frevert, Haase, Alexander, and Berry), and two Yeas (Sturm and Brodersen), Mayor Chamberlain declared the motion failed.

The following Resolution pertains to “housing construction loan incentives” that came out of the Council Retreat. The proposed incentives are as follows:

1. Lots can be selected within the city limits by the buyer or builder.
2. Incentives for fifteen homes will be approved on a first-come, first-serve basis.
3. Builder/buyer will sign an agreement with the City for incentives for approved incentives.
4. Builder/buyer participation in the “Energy Star Program” is required with every house receiving incentives.
5. Eligible home buyers must have an annual household income of no more than 150% median income for Wayne County.

6. Builder will be eligible for a \$20,000 construction loan per speculative housing unit and \$30,000 per housing unit being built by an owner of a lot, at 0% interest until date of sale or four (4) years, whichever comes first, from LB840 funds or other funds provided by the City with payback from the homebuyer at the time of permanent financing.
7. Proceeds from the incentive loan repayments will be deposited into a City revolving loan fund to be re-loaned for future housing construction incentives.
8. Construction loan would be secured by a Deed of Trust on the property and subordinate to commercial or private construction financing.
9. Applications for housing incentive construction loans must be submitted to the Wayne City Council for their approval.
10. Approval of front elevation design of each house receiving a construction loan incentive will be required by the City Council or a designated representative with approval of the building permit.
11. Houses must be ready for occupancy permit within 24 months of date of execution of an incentive agreement.
12. Suggested penalties for not completing house within the required 24 months are:
 - a. If primary construction loan is not secured within 6 months of approval of the incentive, the City incentive loan will become void.
 - b. If the house is not ready for occupancy within 24 months, the builder is not eligible for future city incentives.
 - c. If the house does not have an occupancy permit within 24 months, the loan is in default and due immediately at 5% interest from the date of loan approval.
13. Request for LB840 funds – will need to borrow funds from the Electric Fund to establish the first round of loans.

If this is approved, an application will be submitted to the LB840 Sales Tax Advisory Committee for monies to use as a revolving loan fund for this program.

All applications will come before Council for approval.

Councilmember Haase introduced Resolution 2012-30 and moved for its approval and adding “two construction seasons” to paragraph 11; Councilmember Alexander seconded.

RESOLUTION NO. 2012-30

A RESOLUTION ESTABLISHING HOUSING CONSTRUCTION LOAN INCENTIVES FOR BUILDERS.

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

The following Resolution would approve the Council goals that were established at their retreat in January.

BJ Woehler spoke concerning the goal – Enforcement of Property Maintenance Code. He asked that Council take a more personable approach with this matter. In addition he asked that the City look at their own buildings first.

Councilmember Frevert introduced Resolution No. 2012-31 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-31

A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.

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

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

Chair Haase called the meeting of the Community Development Agency to order. Those in attendance were: Members Brian Frevert, Dale Alexander Ken Chamberlain, Doug Sturm, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City

Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Jim Van Delden and Kaki Ley.

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

The next item on the CDA agenda was to approve the minutes of the February 21, 2012, meeting.

Member Alexander made a motion and Member Frevert seconded approving the minutes of the February 21, 2012, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

It was noted that no action needed to be taken on item c – Action to Rescind CDA Resolution 2009-9 dated December 15, 2009, which authorized the issuance of tax increment revenue bond (Northeast Nebraska Investors, LLC, Project).

The next item on the agenda was to consider and take action on CDA Resolution 2012-2 authorizing the issuance of tax increment revenue bond (Northeast Nebraska Investors, LLC Project). Northeast Nebraska Investors, LLC, is ready to process the TIF Bond, and the same is now being reissued.

Member Frevert introduced CDA Resolution No. 2012-2 and moved for its approval; Member Alexander seconded.

CDA RESOLUTION NO. 2012-2

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE ACTING AS THE GOVERNING BODY OF THE COMMUNITY DEVELOPMENT AGENCY OF SAID CITY; AUTHORIZING THE ISSUANCE OF A TAX INCREMENT REVENUE BOND; PROVIDING FOR THE TERMS AND PROVISIONS OF SAID BOND; PLEDGING REVENUES OF THE AGENCY PURSUANT TO THE COMMUNITY DEVELOPMENT LAW; AUTHORIZING THE SALE OF SAID BOND; PROVIDING FOR A GRANT;

PROVIDING FOR A REDEVELOPMENT CONTRACT AND PROVIDING FOR THIS RESOLUTION TO TAKE EFFECT.

Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Chair Haase abstaining due to a conflict of interest, the Chair declared the motion carried.

The next item on the agenda was to discuss and establish prices on the remaining lots in the Western Ridge Subdivision. After discussion, the CDA agreed to reduce the lot price of Lot 14 from \$12,000 to 6,500. The price of Lot 1, which is a very small lot, would be reduced to zero if it is attached to Lot 2. The total price of those two lots would then be \$9,000.

Before action was taken on this matter, it was recommended that the following agenda item, which was a proposal by Kelby Herman to purchase Lots 1 and 2 for \$2,500 each be discussed. Mr. Herman proposes to construct a duplex and have the same completed within six months after executing the 6-month option window on said lots. He is also requesting the City to rebate the building permit cost back to him to be used as a credit for future lot purchases in Western Ridge II. In addition, he is requesting that the City allow the owner of Western Ridge I to utilize the sewer stub located near Outlot A or provide a stub at the expense of the City when the City enforces the discontinued use of the septic system located on Western Ridge I.

BJ Woehler suggested that the CDA also sell Mr. Herman Tax Lot A, which is just south of Lot 1, to get that on the tax rolls.

While the rebate might be a good incentive, Member Chamberlain thought a timeline needed to be placed on it for him to use. Member Brodersen thought if the rebate is allowed for Mr. Herman, it should be allowed for others.

Member Alexander suggested giving Mr. Herman the option of purchasing Lots 1, 2 and Outlot A for \$9,000.

Joel Hansen, Building Inspector, advised the Council that the issue with Outlot A is that the as-builts did not show a sewer stub on Outlot A for Mr. Herman to attach to. The contractor states that it is there, but he cannot verify that by looking in the manhole. This is the reason for Mr. Herman's request for the City to provide a sewer stub at the expense of the City if there is not one near Outlot A.

It was noted that the City will not see any property taxes from this development for another 12 years.

Member Chamberlain made a motion and Member Frevert seconded to approve the lot prices on the remaining lots in Western Ridge Subdivision as proposed, with the exception of Lot 14 being reduced from \$12,000 to \$9,000.

Further discussion took place regarding the proposed price of Lot 14.

Member Chamberlain amended his motion and Member Frevert seconded the amendment to approve the lot prices on the remaining lots in Western Ridge Subdivision as proposed, with the exception of Lot 14 being left at \$6,500. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Sturm made a motion and Member Chamberlain seconded approving the proposal of Kelby Herman, as presented, to purchase and develop Lots 1 and 2, Western Ridge Subdivision, providing he is agreeable to taking Outlot A at no cost. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Brodersen who voted Nay, the Chair declared the motion carried.

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

Councilmember Haase made a motion, which was 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 7:15 p.m.

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CLAIMS LISTING APRIL 17, 2012

AMAZON.COM, LLC	CD/DVD'S	1,090.43
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,744.36
APPEARA	LINEN & MAT SERVICE	155.47
BAKER & TAYLOR BOOKS	BOOKS	634.56
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	140.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	16.86
BENSCOTER PLUMBING	WATER LINE MAINTENANCE	1,000.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	65.35
C & D PUBLISHING	BOOK	150.00
CAPSTONE PRESS, INC	BOOKS	239.87
CHARTWELLS	SENIOR CITIZEN MEALS	5,772.30
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUNDS	600.00
CITY OF WAYNE	PARKING TICKET OVERPAYMENT	15.00
CITY OF WAYNE	PAYROLL	58,307.12
CITY OF WAYNE	UTILITY REFUNDS	759.13
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
COPY WRITE PUBLISHING	SUPPLIES AND SHIPPING CHARGES	470.24
COUNTRY NURSERY INC	GIFT CERTIFICATE-GREEN EXPO	100.00
DAKOTA BUSINESS SYSTEMS	COPIER EQUIPMENT LEASE	205.00
DAVE'S UNIFORM CLEANING	POLICE UNIFORM CLEANING	60.00
DEMCO INC	ENVELOPES/TITLE STRIPS/COPY PAPER	155.26
DOESCHER APPLIANCE	SR CENTER DISHWASHER REPAIR	80.00
EARL LUNDAHL	WELL SITE RENTAL	350.00
EMPLOYERS MUTUAL CASUALTY	WORK COMP	88.47
FLOOR MAINTENANCE	JANITORIAL CLEANER	65.55
FORT DEARBORN LIFE	LIFE & DISABILITY INSURANCE	1,478.23
FREDRICKSON OIL CO	ALIGNMENT	35.00
GALE GROUP	BOOK	62.62
GERHOLD CONCRETE CO INC.	CONCRETE	387.50
GREAT PLAINS ONE-CALL	DIGGERS HOTLINE	49.49
CITY EMPLOYEE	VISION REIMBURSEMENT	58.40
HARDING & SHULTZ P.C.	ATTORNEY FEES	499.82
HELENA CHEMICAL CO.	WEED KILLER	311.50
HIRERIGHT SOLUTIONS INC	COLLECTION FEE	53.15
HOBBY LOBBY STORES, INC	ART SUPPLIES	78.96
HOLIDAY INN ""MIDTOWN""	LODGING-J HANSEN	210.00
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,254.90
IIMC	MEMBERSHIP DUES-B MCGUIRE	135.00
INGRAM BOOK COMPANY	BOOKS	737.04
IRS	FEDERAL WITHHOLDING	19,200.16
JANWAY COMPANY	BOOKMARKS	174.00
JOHN'S WELDING AND TOOL	CYLINDAR FILL/WELD WIRE	138.80
KAREN MECSEJI	ENERGY INCENTIVE	500.00
KTCH AM/FM RADIO	RADIO ADS	525.00
LERNER PUBLISHING GROUP	BOOKS	473.87

LUMBERMEN'S BRICK & SUPPLY	STRAW BLANKET-S WINDOM DRAIN	518.64
MATTHEWS CO	GAUGE ROLLERS	176.88
MCGRATH NORTH	ATTORNEY FEES	81.00
MES-MIDAM	GLOVES	236.00
MIDLAND COMPUTER	EMAIL LICENSES & MAINTENANCE	2,309.19
MIDSTATES ERECTORS INC	COOLING TOWER	29,522.00
MIDWEST LABORATORIES, INC	BOD TESTING	961.55
N.E. NEB ECONOMIC DEV DIS	COOLING TOWER	202.50
CITY EMPLOYEE	HEALTH REIMBURSEMENT	12.64
NCO PORTFOLIO MANAGEMENT	PAYROLL DEDUCTION	47.79
NE DEPT OF REVENUE	STATE WITHHOLDING	3,062.24
NEBRASKA U.C. FUND	UNEMPLOYMENT	1,344.79
NMPP ENERGY	MEMBERSHIP DUES	2,256.30
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	12,180.28
ORIENTAL TRADING CO INC	READING SUPPLIES	40.99
PAC N SAVE	FD APPRECIATION DINNER SUPPLIES	329.96
PAMIDA STORE # 165	BATTERIES/COFFEE/ACTIVITY TABLES ETC	260.93
PENRO CONSTRUCTION CO INC	PHEASANT RUN WATER/SEWER IMPR	36,940.91
PEPSI-COLA	CAC POP	398.15
PRO CRANE SERVICE, LLC	COOLING TOWER-LABOR & MILEAGE	1,615.50
QUILL CORPORATION	OFFICE SUPPLIES	23.47
RANDOM HOUSE	CD'S	1,228.75
SPARKLING KLEAN	JANITORIAL SUPPLIES	1,647.00
STATE NATIONAL BANK	SERIES 2010 BAN'S INTEREST	5,162.50
THE CORNHUSKER HOTEL	LODGING-HEGGEMEYER/JORGENSEN	178.00
W.T. COX SUBSCRIPTIONS	BOOK	15.97
WATERLINK, INC	WATER TREATMENT SERVICE	1,053.42
WATTIER TRUE VALUE	Z TURN MOWER	3,250.00
WAYNE COUNTY CLERK	FILING FEES	6.00
WAYNE HERALD	ADS AND NOTICES	2,017.97
WAYNE KORTH	HANK OVERIN SUPPLIES	1,827.24
WAYNE VETERINARY CLINIC	DOG AND CAT IMPOUNDS	84.00
WESCO DISTRIBUTION INC	TRIPLEX/CABINETS	2,140.65
WESTERN AREA POWER ADMIN	ELECTRICITY	32,208.48
ZACH HEATING & COOLING	REPAIR CONDENSATE TRAP	74.00
ZEE MEDICAL SERVICE CO	FIRST AID SUPPLIES	59.96

CITY OF WAYNE
OFFICE OF THE MAYOR

Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Wayne has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I, Ken Chamberlain, Mayor of the City of Wayne, Nebraska, do hereby proclaim

April 27, 2012, as ARBOR DAY

in the City of Wayne, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and to support our City's urban forestry program.

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 17th day of April, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Ken Chamberlain, Mayor

ATTEST:

City Clerk

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March 27, 2012

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

RE: Bencotter Addition – Phase 1 Utility Improvements
Wayne, NE
OA Project No. 010-0065

Dear Mr. Johnson,

Please find Change Order #1 and Certificate of Payment #2 attached. Change Order #1 includes a cost adjustment to the 8" PVC sanitary sewer. The cost adjustment is due to increased material, fuel, and labor costs since the contract date of October 5, 2010. The price adjustment was determined through meetings with City staff and the contractor, as well as invoice documentation from the contractor.

Change Order #1 also includes increased 8" PVC water main footage. This water main is located along Tomar Drive. This work was initially excluded from the project because of timing concerns with the hotel construction. The delay in the hotel construction allowed this portion of water main to be included in this contract.

If you have any questions, please feel free to contact me at rhanson@oaconsulting.com or 402.494.3059.

Sincerely,

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

Rodney L. Hanson, P.E.
Olsson Associates



1707 Dakota Ave., South Sioux City, NE 68776

CHANGE ORDER NO. 1

PROJECT:	Benscoter Addition - Phase 1 Paving and Utility Improvements	DATE OF ISSUANCE:	April 3, 2012
CONTRACTOR:	Benscoter Plumbing and Construction	OA PROJECT NO.:	009-0821
CONTRACT DATE:	October 5, 2010	AMOUNT OF ORIGINAL CONTRACT:	\$98,332.26

You are directed to make the changes noted below in the subject contract:

See Attached Sheet

The changes result in the following adjustments of Contract Price and Contract Time:

Contract Price Prior to This Change Order	\$98,332.26
Net Increase / Decrease Resulting from this Change Order.....	\$34,489.33
Current Contract Price Including this Change Order	\$132,821.59

The Above Change Order Accepted:

Benscoter Plumbing and Construction
Contractor

OLSSON ASSOCIATES
Consulting Engineers

By: _____

By: Rodney L. Hanson

Date: _____

Date: _____

The Above Change Order Approved:

City of Wayne
Owner

By: _____

Date: _____

Benscoter Addition - Phase 1 Utility Improvements
 Wayne, Ne
 Benscoter Plumbing and Construction

Change Order #1
 OA Project No. 009-0821
 3/27/2012

NO.	ITEM	UNITS	PLAN QUANTITY	FINAL QUANTITY	ADD / (DEDUCT)	UNIT PRICE	TOTAL PRICE
3	8" PVC SANITARY SEWER, SDR 26	LF	1717	2219	502	\$15.00	\$7,530.00
3A	8" PVC SANITARY SEWER, SDR 26 (COST ADJ)	LF	0	2219	2219	\$7.46	\$16,531.55
4	6" PVC SANITARY SERVICE, SDR 26	LF	140	139	(1)	\$10.00	(\$10.00)
5	4" PVC SANITARY SERVICE, SDR 26	LF	560	820	260	\$4.00	\$1,040.00
7	ADDITIONAL MANHOLE DEPTH	VF	80.18	20.63	(59.55)	\$100.00	(\$5,955.00)
8	SANITARY SEWER DROP	VF	11.71	13.84	2.13	\$6.00	\$12.78
16	8" PVC WATER, C900	LF	1277	2091	814	\$10.00	\$8,140.00
18	FIRE HYDRANT ASSEMBLY	EA	3	6	3	\$2,400.00	\$7,200.00
						Total	\$34,489.33



1707 Dakota Avenue South Sioux City, NE 68776

CERTIFICATE OF PAYMENT NO. 2

Date of Issuance: April 3, 2012

Project No. 009-0821

Project: Benscoter Addition - Phase 1 Utility

Contractor: Benscoter Plumbing and Construction

DETAILED ESTIMATE		
Description	Unit Prices	Extensions
See Attached		

PLEASE REMIT PAYMENT TO: Benscoter Plumbing and Construction

Value of Work Completed: \$88,438.57

Original Contract Cost:	<u>\$98,332.26</u>
Approved Change Orders:	
No. 1	<u>\$34,489.33</u>
No.	<u>\$0.00</u>
Total Contract Cost:	<u>\$132,821.59</u>

Value of completed work	<u>\$88,438.57</u>
Less retained percentage (10 %)	<u>\$8,843.86</u>
Net amount due including this estimate	<u>\$79,594.71</u>

Less: Estimates previously approved:

No. 1	<u>\$36,370.69</u>	No. 6	<u>\$0.00</u>
No. 2	<u>\$0.00</u>	No. 7	<u>\$0.00</u>
No. 3	<u>\$0.00</u>	No. 8	<u>\$0.00</u>
No. 4	<u>\$0.00</u>	No. 9	<u>\$0.00</u>
No. 5	<u>\$0.00</u>	No.10	<u>\$0.00</u>

Total Previous Estimates: \$36,370.69

NET AMOUNT DUE THIS ESTIMATE: \$43,224.02

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

cc: Benscoter Plumbing and Construction
Project File

OLSSON ASSOCIATES

By _____

No.	Unit	Description	Plan Quantity	Unit Price \$	Contract Price \$	Quantities Completed	Stored Materials	Total Amount Completed	90% Due Contractor	10% Retainage	Amnt. Paid Prev. Est.	Total Due This Est.
		Bid Section "B" - Utility Improvements										
1	LS	MOBILIZATION	1	\$4,000.00	\$4,000.00	1		\$4,000.00	\$3,600.00	\$400.00	\$1,290.26	\$2,309.74
2	SY	REMOVE & REPLACE CONCRETE PAVEMENT	13	\$20.00	\$260.00	13		\$260.00	\$234.00	\$26.00	\$0.00	\$0.00
3	LF	8" PVC SANITARY SEWER, SDR 26	2219	\$15.00	\$33,285.00	2219		\$33,285.00	\$29,956.50	\$3,328.50	\$23,179.50	\$6,777.00
3A	LF	8" PVC SANITARY SEWER, SDR 26 (COST ADJ)	2219	\$7.45	\$16,531.55	2219		\$16,531.55	\$14,878.40	\$1,653.16	\$0.00	\$14,878.40
4	LF	6" PVC SANITARY SERVICE, SDR 26	139	\$10.00	\$1,390.00	139		\$1,390.00	\$1,251.00	\$139.00	\$1,251.00	\$0.00
5	LF	4" PVC SANITARY SERVICE, SDR 26	820	\$4.00	\$3,280.00	820		\$3,280.00	\$2,952.00	\$328.00	\$2,016.00	\$936.00
6	EA	4" DIAMETER SANITARY SEWER MANHOLE >6' DEEP	8	\$900.00	\$7,200.00	8		\$7,200.00	\$6,480.00	\$720.00	\$6,480.00	\$0.00
7	VF	ADDITIONAL MANHOLE DEPTH	20.63	\$100.00	\$2,063.00	20.63		\$2,063.00	\$1,856.70	\$206.30	\$1,856.70	\$0.00
8	VF	SANITARY SEWER DROP	13.84	\$6.00	\$83.04	13.84		\$83.04	\$74.74	\$8.30	\$63.23	\$11.50
9	LF	24" RCP ARCH STORM SEWER	0	\$0.00	\$0.00	0		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10	LF	18" RCP STORM SEWER	143	\$15.00	\$2,145.00	0		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
11	LF	15" RCP STORM SEWER	612	\$12.00	\$7,344.00	0		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
12	EA	4" DIAMETER STORM SEWER MANHOLE	1	\$500.00	\$500.00	0		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
13	EA	STORM SEWER JUNCTION BOX	1	\$700.00	\$700.00	0		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
14	EA	STORM SEWER CURB INLET	1	\$250.00	\$250.00	0		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
15	TN	RIPRAP	30	\$15.00	\$450.00	0		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
16	LF	8" PVC WATER, C900	2091	\$10.00	\$20,910.00	0	12900.8	\$12,900.80	\$11,610.72	\$1,290.08	\$0.00	\$11,610.72
17	EA	8" GATE VALVE W/ BOX	3	\$860.00	\$2,580.00	0	1814.2	\$1,814.20	\$1,632.78	\$181.42	\$0.00	\$1,632.78
18	EA	FIRE HYDRANT ASSEMBLY	6	\$2,400.00	\$14,400.00	0	4795.78	\$4,795.78	\$4,316.20	\$479.58	\$0.00	\$4,316.20
19	EA	WET CUT-IN	1	\$1,000.00	\$1,000.00	0		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20	EA	8"x8" D.I. TEE, M.J.	1	\$160.00	\$160.00	0	148	\$148.00	\$133.20	\$14.80	\$0.00	\$133.20
21	EA	8"x6" D.I. TEE, M.J.	3	\$160.00	\$480.00	0	372	\$372.00	\$334.80	\$37.20	\$0.00	\$334.80
22	EA	6"x6" D.I. TEE, M.J.	1	\$120.00	\$120.00	0		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
23	EA	8" D.I. PLUG, M.J.	1	\$58.00	\$58.00	0	58	\$58.00	\$52.20	\$5.80	\$0.00	\$52.20
24	EA	8" 90° D.I. BEND, M.J.	1	\$110.00	\$110.00	0	100.4	\$100.40	\$90.36	\$10.04	\$0.00	\$90.36
25	EA	8" 22.5° D.I. BEND, M.J.	2	\$100.00	\$200.00	0	156.8	\$156.80	\$141.12	\$15.68	\$0.00	\$141.12
26	EA	8"x6" D.I. REDUCER, M.J.	1	\$120.00	\$120.00	0		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		TOTAL Bid Section "B"			\$132,821.59		\$20,345.98	\$88,438.57	\$79,594.71	\$8,843.86	\$36,370.69	\$43,224.02

Request for Proposals for Operation Agreement of the City of Wayne Transfer Station

The City of Wayne is seeking proposals for an "Operation Agreement" of the City of Wayne Transfer Station with the following conditions:

1. The term would be three years, with an option to extend said term an additional two years by agreement of both parties. The contract may be terminated upon 90 days written notice by either party.
2. The operator would operate the transfer station under the City of Wayne NDEQ Solid Waste Permit and meet the requirements and conditions of the permit, and be responsible for the necessary permit fee.
3. The operator would be responsible to keep the transfer station site free of litter.
4. The operator would provide proof of liability insurance in the amount of \$1 million with the City named as also insured.
5. The operator will pay all utility costs of the transfer station.
6. The City will mow, repair and maintain the transfer station, transfer station equipment and the transfer station site.
7. The operator would provide staffing and management to operate the transfer station as a garbage facility and keep it open to the public for a minimum of 15 hours per week and by appointment for special dumping as determined by the operator.
8. The operator would accept garbage from city buildings, city projects, Henoween and Chicken Show events, city parks and sports facilities at no cost to the City, and in addition, the operator would accept garbage from Wayne County road litter and Wayne County Fair at no cost to the County.
9. The operator would provide containers on site to collect co-mingled recycling and metal scrap from the city and the public to be transported and sold by the operator.
10. The operator would collect tires for a fee set by the operator to cover disposal costs.
11. The operator would accept waste oil at no charge, and the waste oil will be collected by Wayne County at no cost to the operator.
12. Separate container for glass?

13. The operator would continue to provide access and space for the area Boy Scouts to operate their current paper collection program.
14. The operator would accept refrigeration appliances and charge a collection fee to be paid to the City. The Contractor will drain these and certify them Freon free for scrap for the metal scrap container.
15. The City would retain control and use of Lots 4 and 5 of Block 15 of the Original Town.
16. Private garbage route collectors may still operate in Wayne with the permit requirements that they: a) offer voluntary pay-to-throw pickup (pay by the bag instead of a flat fee per month), and b) provide a co-mingled recycling service (curbside or a drop off location).
17. The operator will pay a monthly fee to the City in the amount of \$_____ for the use of the facility.
18. Deadline for submission of a proposal to the office of City Clerk at 306 Pearl Street is 4:00 p.m., on May 9, 2012.
19. This Agreement shall commence on August 18, 2012.
20. The City of Wayne reserves the right to reject any or all proposals.
21. No person of the City of Wayne shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.

Please Call Lowell Johnson at (402) 375-1733 with questions.

**Wayne
Area**

**Economic Development
Chamber ■ Main Street**

April 13, 2012

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

RE: Sales Tax Advisory Committee – recommendation for City of Wayne (\$160,000)

Dear Lowell,

The Sales Tax Advisory Committee met on Thursday, April 12, 2012, and reviewed an application to Wayne's Economic Development Program fund.

The committee recommended approving a request by the *City of Wayne* (terms modified) for funds to set up a revolving loan fund to assist with funding construction loans for housing units being built within the corporate limits of the City of Wayne. The committee recommended a 12 year interest free loan to the City of Wayne (which could be renegotiated after that time depending on need) for \$160,000 to support loan incentives for builders to construct market-rate housing units inside of the City limits. The modification of terms by the committee from the original application reduced the amount from \$300,000 to \$160,000 and changed the grant request to a 0% loan from the fund. This modified recommendation was unanimously approved with 5 voting members present.

Using its "LB 840 Application Review" matrix, the committee scored the project with the following: *Doesn't Meet* scored 29; *Doesn't Meet/Somewhat Meets* scored 0; *Somewhat Meets* scored 7; *Somewhat Meets/Meets* scored 9; and *Meets* scored 11. This review scoring is used for deliberation. The committee does not use a raw number threshold to recommend projects to the Council.

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

Sincerely,



Wes Blecke
Executive Director

RESOLUTION NO. 2012-32

A RESOLUTION APPROVING A CONTRACT WITH THE WESTERN AREA POWER ADMINISTRATION (WAPA) TO RESERVE FIRM ELECTRIC CONTRACT RATES OF DELIVERY WITH ASSOCIATED ENERGY FOR THE CITY OF WAYNE, NEBRASKA.

WHEREAS, WAPA has proposed for the City of Wayne's consideration Contract No. 12-UGPR-742 (Reserve Contract); and

WHEREAS, this Reserve Contract will affirm the resource commitment WAPA made through the 2021 Power Marketing Initiative (2021 PMI) as published in the Federal Register notice on November 16, 2011; and

WHEREAS, WAPA is offering to Wayne a new long-term Firm Electric Service Contract prior to the termination of its existing Firm Electric Service Contract; and

WHEREAS, WAPA's intent is for this Reserve Contract to assist customer resource planning activities until such time that a new long-term Firm Electric Service Contract is executed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wayne, Nebraska, that the City finds the proposed Reserve Contract to be in its long-term best interest; that the WAPA Contract No. 12-UGPR-742, is hereby approved; the Mayor is authorized and directed to execute the contract on behalf of the City, and that the City Clerk shall provide the appropriate attestation and seal thereto.

PASSED AND APPROVED this 17th day of April, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Contract No. 12-UGPR-642
City of Wayne, Nebraska

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

Pick-Sloan Missouri Basin Program--Eastern Division

CONTRACT TO RESERVE FIRM ELECTRIC SERVICE
CONTRACT RATES OF DELIVERY WITH ASSOCIATED ENERGY
FOR THE CITY OF WAYNE, NEBRASKA

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

Pick-Sloan Missouri Basin Program--Eastern Division

CONTRACT TO RESERVE FIRM ELECTRIC SERVICE
CONTRACT RATES OF DELIVERY WITH ASSOCIATED ENERGY
FOR THE CITY OF WAYNE, NEBRASKA

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UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

Pick-Sloan Missouri Basin Program--Eastern Division

CONTRACT TO RESERVE FIRM ELECTRIC SERVICE
CONTRACT RATES OF DELIVERY WITH ASSOCIATED ENERGY
FOR THE CITY OF WAYNE, NEBRASKA

1. PREAMBLE: This Contract is made this ___ day of _____, 20___, pursuant to the Acts of Congress approved June 17, 1902 (32 Stat. 388), December 22, 1944 (58 Stat. 887), August 4, 1977 (91 Stat. 565), and Acts amendatory or supplementary to the foregoing Acts between the UNITED STATES OF AMERICA, acting by and through the Administrator, Western Area Power Administration, Department of Energy, hereinafter called Western, represented by the officer executing this Contract, a duly appointed successor, or a duly authorized representative, hereinafter called the Contracting Officer, and the CITY OF WAYNE, NEBRASKA, a municipal corporation, duly organized under and by virtue of the laws of the State of Nebraska, hereinafter called Wayne, its successors and assigns, each sometimes hereinafter individually called Party, and both sometimes hereinafter collectively called the Parties.

2. EXPLANATORY RECITALS:

2.1 Western published the Pick-Sloan Missouri Basin Program--Eastern Division (P-SMBP--ED), 2021 Power Marketing Initiative (2021 PMI) in the Federal Register

(76 FR 71015) on November 16, 2011, to provide the basis for marketing the long-term firm hydroelectric resources of the P-SMBP--ED beyond December 31, 2020, when Western's existing Firm Electric Service contracts expire.

2.2 The 2021 PMI supports extending the existing Contract Rates of Delivery (CROD) with associated energy to existing long-term firm power customers reduced by up to 1 percent for each new resource pool in 2021, 2031, and 2041.

2.3 Wayne is an existing firm power customer recognized under the 2021 PMI. As an existing firm power customer, Wayne has certain resource planning responsibilities. Western supports those resource planning activities by reserving Wayne's existing CROD under this Contract.

2.4 The purpose of this Contract is to affirm the commitment Western made through the 2021 PMI. Therefore, the Parties choose to enter into this Contract to reserve Wayne's existing CROD, until the Parties enter into a new long-term Firm Electric Service Contract for a term of January 1, 2021, through December 31, 2050.

2.5 The Parties understand the CROD reserved in this Contract may be adjusted in accordance with Wayne's existing Firm Electric Service Contract and the 2021 PMI.

2.6 The Parties recognize this Contract only reserves the CROD with associated energy and does not include terms and conditions for delivery. Those details will be included in the new Firm Electric Service Contract.

3. AGREEMENT: The Parties agree to the terms and conditions set forth herein.

4. TERM AND TERMINATION OF CONTRACT:

4.1 This Contract shall become effective on the date specified above, and shall remain in effect through midnight on December 31, 2050, subject to the provisions of Subsections 4.2 and 4.3 below;

4.2 This Contract shall automatically terminate if the Parties fail to enter into a new Firm Electric Service Contract before January 1, 2021, unless otherwise agreed to in writing by the Parties prior to January 1, 2021.

4.3 Provided further, this Contract shall automatically terminate upon the Parties entering into a new Firm Electric Service Contract before January 1, 2021, with a contract term of January 1, 2021, through December 31, 2050.

5. CONTRACT RATES OF DELIVERY TO BE RESERVED: In accordance with the 2021 PMI, Western reserves Wayne's existing CROD with associated energy as identified in Wayne's existing Firm Electric Service Contract. This existing CROD with associated energy is subject to reductions, withdrawals, restrictions, limits, penalties, termination, and any other applicable adjustments under Wayne's existing Firm Electric Service Contract and the 2021 PMI, and subject to any approved assignments. Such CROD with associated energy will be set forth in a new Firm Electric Service Contract offered by Western, with a contract term of January 1, 2021, through December 31, 2050.

IN WITNESS WHEREOF, the Parties have caused this Contract to be executed the day
and year first above written.

WESTERN AREA POWER ADMINISTRATION
By _____
Title Power Marketing Manager
Address P.O. Box 35800
Billings, MT 59107-5800

(SEAL)

CITY OF WAYNE, NEBRASKA
By _____
Title _____
Address 306 Pearl Street
Wayne, NE 68787

Attest:
By _____
Title _____

RESOLUTION NO. 2012-33

A RESOLUTION TO APPLY FOR ASSISTANCE FROM THE NEBRASKA EMERGENCY MANAGEMENT AGENCY – HAZARD MITIGATION GRANT PROGRAM FOR THE PURPOSE OF PURCHASING AND REPLACING THE EMERGENCY CIVIL DEFENSE SIRENS.

WHEREAS, the City of Wayne, Nebraska, is applying for federal assistance from the Nebraska Emergency Management Agency – Hazard Mitigation Grant Program for the purpose of purchasing and replacing the emergency civil defense sirens in Wayne; and

WHEREAS, the City Administrator of Wayne, Nebraska, is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Emergency Management Agency; and

WHEREAS, the City of Wayne, Nebraska, currently has the written commitment for the 25% local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for the project; and

WHEREAS, the grant application reflects the total cost of the project as being \$104,000, with the 25% local match from the City of Wayne, Nebraska, being \$26,000; and

WHEREAS, the City of Wayne, Nebraska, will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for 25 years; and

WHEREAS, the City of Wayne, Nebraska, will not discriminate against any person on the basis of race, color, age, religion, disability, sex or nation origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act; and

WHEREAS, the City of Wayne, Nebraska, will comply with all rules and regulations of the Nebraska Emergency Management Agency, applicable Executive Orders, and all state laws that govern the grant applicant during the performance of the project; and

WHEREAS, the City of Wayne, Nebraska, will comply with the Federal disability access and use standards where they can be reasonably applied, in accord with the American with Disability Act of 1991; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the City of Wayne applies for assistance from the Nebraska Emergency Management Agency for the purpose of purchasing and replacing the emergency civil defense sirens in Wayne.

PASSED AND APPROVED this 17th day of April, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Ransom G. Roman

REAL ESTATE
APPRAISALS
MANAGEMENT-CONSULTATION
1601 KOENIGSTEIN AVENUE
BOX 1103
NORFOLK, NEBRASKA 68702-1103
PHONE - 402-371-6797
email - rgromanappraisals@yahoo.com

April 12, 2012

Mr. Lowell Johnson
City Administrator
306 N. Pearl, PO Box 8
Wayne, NE 68701

Dear Mr. Johnson:

As per our telephone conversation, we hereby agree to provide a summary narrative appraisal report on the property located in Southern Wayne. The address and legal description of this property are to be supplied by you.

The purpose of the appraisal report is to estimate the fair market value of the property described in the report. The fair market value is defined as the highest price estimated in terms of money which a property will bring if exposed for sale in the open market, allowing a reasonable time to find a purchaser who buys with knowledge of all uses to which it is adapted and for which it is capable of being used. Frequently it is referred to as the price at which a willing buyer would buy and a willing seller would sell, neither being under abnormal pressure. It is the price expected if a reasonable time is allowed to find a purchaser and if both seller and prospective buyer are fully informed. Our fee for the appraisal report will be \$2,000.00. If this is agreeable with you, upon receipt of your authorization, we estimate that the appraisal report will be completed within 30 days.

If you have any further questions or comments please feel free to contact me.

Sincerely



Ransom G. Roman

