

(Amended: 10/5/15)

**AGENDA  
CITY COUNCIL MEETING  
October 6, 2015**

1. [Approval of Minutes – September 15, 2015](#)

2. [Approval of Claims](#)

The City Council will be hearing public comments on the following agenda items: 10, 11, 15, and 16 (**as marked with an \***).

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.

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. [Proclamation — The week of October 8, 2015, as “Support Citizens with Intellectual Disabilities Week”](#)

4. **Action on a request to build a new fire ring on City owned property where the Girl Scout Cabin is currently located for an Eagle Scout Project — Zach Schank**

**Background: For Zach’s Eagle Scout project, he would like to build a fire ring, using the old city street bricks, on city-owned property where the Girl Scout Cabin is located. Zach is asking that the City donate the bricks for this project, too. The area or patio around the ring would be approximately 15’x15.’**

5. [Appointments to the Library Board: Marilyn Quance and Chris Costa](#)

6. [Appointments to the Comprehensive Plan Steering Committee:](#)

Wayne Planning Commission

Wes Blecke – Executive Director Wayne Area Economic Development

Kari Wren – Wayne Community Housing Development Corporation

Matt Ley – Main Street Business/Main Street Committee Member

Lukas Rix – Main Street Business/Wayne Area Economic Development Board Member

Corby Schweers – Hwy 35 Business/Community Redevelopment Authority Member

Jon Meyer – Hwy 35 Business/Community Redevelopment Authority Member

Adam Severson – Hwy 35 Business

Marlen Chinn – Chief of Police

James Frank – Providence Medical Center CEO

Randy Larson – Wayne County Commissioner

Dr. Marysz Rames – Wayne State College President

Scott Hammer – School Board Member

Courtney Maas – Wayne High School Teacher

Sydney McCorkindale – Wayne High School Grad/Wayne State College Student

Hazel Hernandez – Hispanic Community Representative

Colby Keiser - Wayne High School Student

Nancy Rodriguez – Hispanic Community Representative  
Alex Wieland – Volunteer – Wayne High School Teacher  
BJ Woehler – Volunteer – Local Business Owner  
Lois Shelton – Volunteer – Former Wayne Mayor  
Chad Sebade – Volunteer – Local Business Owner  
Amy Schweers - Realtor  
Rick Gathje - Volunteer - Local Business Owner

7. Action to appoint the Mayor and two Councilmembers to the Comprehensive Plan Steering Committee
8. [Resolution 2015-88: Acknowledging Nebraska Department of Roads Requirements for the Temporary Use of the State Highway System for Special Events — Christmas on Main Celebration/Annual Parade of Lights on Thursday, November 19<sup>th</sup>](#)
9. [Action on the request of Wayne Area Economic Development to prohibit parking on Main Street in the 200 block of Main Street from 5:30 p.m. until 7:30 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, November 19<sup>th</sup>](#)
10. [\\*Action on the request of Holly Torres for one-hour parking in front of her restaurant at 118 E. 2<sup>nd</sup> Street](#)
11. [\\*Ordinance 2015-42: Amending Wayne Municipal Code Section 78-134 Relating to Parking Time Limits of 15 Minutes, 30 Minutes, 1 Hour and 3 Hours \(Tabled at September 1, 2015 meeting\)](#)

**Background:** This ordinance would add 3-hour parking time limits on downtown Main Street from 1<sup>st</sup> to 3<sup>rd</sup> Streets as requested by the Revitalize Wayne Committee. Council tabled action on this ordinance until this meeting so they could visit with the Revitalize Wayne Committee regarding what research they have done on the matter, and also visit with some of the downtown business owners to get their input on this proposed change.

12. [Resolution 2015-89: Approving the Specifications for a 51' Articulated Telescopic Aerial Lift Truck and authorizing the City Clerk to advertise for bids](#)

**Background:** This would replace our 30-year old aerial unit on a 40-year old chassis. Funds are budgeted for this in the new budget.

13. [Resolution 2015-90: Approving Lease Agreement with the Nebraska Department of Roads for the use of the City's Communication Tower at 306 North Pearl Street](#)

**Background:** The Nebraska Department of Roads will place a small controller on our tower by City Hall to operate the traffic signals downtown. The fee will be \$50 per month with an annual 3% inflation increase.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, is to approve this five-year, renewable agreement.

14. [Action on Highway 35 Resolution regarding the use of remaining Federal Funds for the Expressway](#)

**Background:** Between 2000 and 2004, Senator Nelson and Congressman Bereuter secured Federal earmarked funds to establish a corridor and begin some initial work on an expressway between South Sioux City and Norfolk. About \$26 million was used by NDOR to build the west end of the expressway on the east side of Norfolk. About \$4 million remains. This resolution was approved by the Highway 35 Association to use the remainder of the funds to begin a segment of the expressway connection on the east end. NDOR is asking the cities along Highway 35 for their approval of this use.

**Recommendation:** The recommendation of the Highway 35 Association is to use the funds at South Sioux City and not have them revert back to the Feds.

15. [\\*Action on a request to purchase City Street Bricks at \\$.75 each](#)

**Background:** We have approximately 75,000 paving bricks from the Main Street repaving project. In June of 2013, Council set the sale price at \$1 per brick and available to residents within the zoning jurisdiction of Wayne, with no more than 1,000 per customer and to be used for non-commercial use. Then in July of 2013, Council accepted a one-time offer from a resident to purchase 1,000 bricks at \$.75 each. This is a similar offer.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, is to approve the request.

16. [\\*Action to consider increasing the amount of City street bricks a person can purchase from 1,000 to 2,500](#)

**Background:** Because it has been found that 1,000 bricks does not cover much of an area, and because we have a request to purchase more than 1,000 bricks, we are bringing this forward for Council action. Again, Council set the limit of 1,000 bricks back in 2013.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator is to approve the request.

17. [Action on a request for a Temporary Work Stoppage Order on the Windom Street – East 3<sup>rd</sup> to East 7<sup>th</sup> Street Project](#)

18. [Engineer's Report on the Windom Street Project expected completion date and additional costs](#)

**Background:** This is a State of Nebraska project and is being directed by them. However, the project is incurring additional costs over the contract amount. The additional work has to be done and is being approved to avoid construction delays. I have asked the engineer to brief the Council on these costs and the projected completion date at this time and not wait until the end. The concern now is that

NDOR has capped their 80% cost-share on this project and no additional monies are available. Since these new costs weren't included in the original design, they are now 100% our cost.

19. [Engineer's Progress Report on Aquatic Center completion date and any expected additional costs](#)

**Background:** This project is incurring some delays, which I believe can be remedied by the May completion date. I have asked the engineer to brief the Council on the project status and the projected completion date.

20. [Action on Application for Payment No. 1 for the "2015 Water Storage Tank Rehabilitation Project" in the amount of \\$173,850 to Champion Coatings, Inc.](#)

**Background:** This is for work completed in accordance with the contract and approved by the project engineer for payment.

21. [Action on Application for Payment No. 1 for the "2015 Wastewater Treatment Facility Improvement Project" in the amount of \\$21,870 to Eriksen Construction](#)

**Background:** This is for work completed in accordance with the contract and approved by the project engineer for payment.

22. [Action on Application for Payment No. 2 for the "2015 Wastewater Treatment Facility Improvement Project" in the amount of \\$149,175 to Eriksen Construction](#)

**Background:** This is for work completed in accordance with the contract and approved by the project engineer for payment.

23. [Action on Application for Payment No. 3 for the "2016 Wayne Aquatic Center Project" in the amount of \\$110,819.84 to Christiansen Construction Co., LLC](#)

**Background:** This is for work completed in accordance with the contract and approved by the project engineer for payment.

24. [Action on the request of the Community Redevelopment Authority for Council consideration in transferring the unallocated portion \(\\$54,930.88\) of the 1.85% dedicated to economic development from electric revenues to the Wayne Community Redevelopment Authority as well as any future overages](#)

**Background:** The City Council established this allocation of utility funds for future Wayne business development. The amount of revenue varies, because it is based on the electric fund revenues, but the annual transfer to WAED is fixed. This has created a reserve that the CRA Board has suggested be used for business incentives and site development and acquisition.

25. [Action to approve and move forward with 24-hour fitness at the Community Activity Center](#)

**Background:** This is a 2015 Council retreat goal. The estimated cost is less than \$8,000 to install one electronic card swipe door opener for 24-hour access, a folding gate to isolate the fitness room, cafeteria and restrooms from the rest of the CAC, and add four surveillance cameras.

**Recommendation:** The recommendation of the Recreation-Leisure Services Commission is to install the 24-hour fitness system, using funds from the original CAC construction.

26. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

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Mayor

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City Administrator

**MINUTES  
CITY COUNCIL MEETING  
September 15, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, September 15, 2015, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 3, 2015, 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 Sievers made a motion, which was seconded by Councilmember Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 1, 2015, 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, SE, 2201.19; APPEARA, SE, 235.35; BAKER & TAYLOR BOOKS, SU, 475.89; BARONE SECURITY SYSTEMS, SE, 138.00; BROWN PLUMBING, SE, 158.56; BROWN SUPPLY, SU, 4320.00; BSN SPORTS, SU, 41.80; CERTIFIED TESTING SERVICE, SE, 1192.50; CHARTWELLS, SE, 5916.90; CHRISTIANSEN CONSTRUCTION, SE, 123227.55; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 63883.40; CITY OF WAYNE, RE, 25.00; CITY OF WAYNE, RE, 168.00; CITY OF WAYNE, RE, 258.00; COMMUNITY HEALTH, RE, 4.00; CONNIE & JIM GRANQUIST, SE, 375.00; COPY WRITE PUBLISHING, SU, 159.90; DAVE'S DRY CLEANING, SE, 120.00; DEARBORN NATIONAL LIFE, SE, 1832.28; DUTTON-LAINSON, SU, 484.72; EAKES OFFICE PLUS, SE, 758.95; EASYPERMIT POSTAGE, SU, 1838.09; ELECTRONIC ENGINEERING, SE, 1735.00; CITY EMPLOYEE, RE, 340.99; GEORGINA CASTANEDA, SE, 37.50; GILL HAULING, SE, 170.50; GROSSENBURG IMPLEMENT, SU, 5.66; HANSEN, GENE, RE, 150.00; HEIKES AUTOMOTIVE, SU, 148.50; HOMETOWN LEASING, SE, 73.51; ICMA, SE, 6197.50; INGRAM BOOK COMPANY, SU, 66.00; IRS, TX, 23308.74; JASON CAROLLO, SE, 175.00; JOHN'S WELDING AND TOOL, SE, 99.06; KTCH, SE,

1451.70; LANCASTER CO COURT, RE, 149.00; LUTT OIL, SU, 4565.73; MARCO, SE, 126.36; CITY EMPLOYEE, RE, 129.45; NE DEPT OF REVENUE, TX, 3350.49; NOVA HEALTH EQUIPMENT, SE, 143.00; OCC BUILDERS, SE, 73196.00; PREMIER PORTABLE BUILDING, SU, 3727.50; ROBERT WOEHLE & SONS, SE, 54541.60; STADIUM SPORTING GOODS, SU, 784.00; STATE NEBRASKA BANK, SE, 82275.70; STATE NEBRASKA BANK, RE, 462.09; CITY EMPLOYEE, RE, 297.65; UNITED COMMUNICATIONS, SE, 3549.86; USA BLUE BOOK, SU, 199.10; VAN DIEST SUPPLY, SU, 960.00; WASTE CONNECTIONS, SE, 140.80; WAYNE AUTO PARTS, SU, 395.44; WAYNE COUNTY CLERK, SE, 62.00; WAYNE VETERINARY CLINIC, SE, 42.00; WISNER WEST, SU, 188.85; CITY EMPLOYEE, RE, 108.00; ZACH HEATING & COOLING, SE, 621.00; ADVANCED CONSULTING, SE, 773.80; ALEX SALMON, RE, 500.00; AMERICAN RED CROSS, RE, 19.62; AMERITAS, SE, 550.00; CITY EMPLOYEE, RE, 839.23; BONNIE BAIRD, RE, 500.00; CARROLL DISTRIBUTING, SU, 360.16; CITY OF WAYNE, RE, 109.94; CONTROL DEPOT, SU, 259.66; COUNTRY NURSERY, SE, 400.00; DOESCHER APPLIANCE, SU, 62.00; DUTTON-LAINSON, SU, 453.14; EAKES OFFICE PLUS, SE, 137.92; ECHO GROUP, SU, 154.09; CINDY VON FANGE, SE, 100.00; CITY EMPLOYEE, RE, 502.87; ED. M FELD EQUIPMENT, SU, 502.44; FAITH REGIONAL, SE, 35.00; FIVE STAR ENTERPRISES, SU, 15.50; FREDRICKSON OIL, SE, 308.50; CITY EMPLOYEE, RE, 415.00; HAWKINS, SU, 2469.38; HIRERIGHT SOLUTIONS, SE, 53.15; JACK'S UNIFORMS, SU, 568.65; JONES, LEONARD, SE, 347.00; CITY EMPLOYEE, RE, 864.99; CITY EMPLOYEE, RE, 427.46; KELLY SUPPLY, SU, 65.60; KLERITEC, SU, 149.28; KRIZ-DAVIS, SU, 1423.64; CITY EMPLOYEE, RE, 429.73; MAIN STREET AUTO CARE, SE, 200.00; MAJOR REFRIGERATION, SU, 87.95; MIDWEST LABORATORIES, SE, 326.00; MIDWEST TAPE, SU, 39.99; MUNICIPAL SERVICE, SE, 1119.20; CITY EMPLOYEE, RE, 18.73; NE SAFETY COUNCIL, SE, 9.27; NPPD, SE, 360904.93; NORTHEAST TIRE SERVICE, SE, 391.20; OVERDRIVE, SU, 280.85; PENGUIN RANDOM HOUSE, SU, 191.25; PROVIDENCE MEDICAL CENTER, SE, 61.00; REZURRECTED ROD & CUSTOM, SU, 248.05; ROBERTSON IMPLEMENT, SE, 22.75; RON'S RADIO, SU, 4667.50; SIOUX CITY WINNELSON, SU, 166.07; SIOUX SALES COMPANY, SU, 299.90; SOOLAND BOBCAT, SE, 311.54; SPARKLING KLEAN, SE, 2941.77; SHOPKO, SU, 62.36; STADIUM SPORTING GOODS, SU, 95.00; STAPLES ADVANTAGE, SU, 130.63; STATE NEBRASKA BANK, RE, 425.00; UNITED WAY, RE, 6.00; VIAERO, SE, 531.96; VOLKMAN PLUMBING & HEAT, SE, 331.00; WAYNE COUNTY COURT, RE, 150.50; WAYNE HERALD, SE, 1609.76; WESCO, SU, 438.91; WRIEDT PROPERTIES, SE, 175.00

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

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Mayor Chamberlain declared the time was at hand for the public hearing on the proposed FY 2015-2016 budget.

The total of the FY 2015-2016 budget is \$34,480,681. The property tax proposal for the General Fund operation is \$723,481, which compares to the 2014 tax asking of \$680,600. 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 \$825,981 or \$.398927 per \$100 of property valuation. The valuation in the community, as reported by the County Assessor for 2015 is \$201,911,956, which is up \$10,468,375 from last year.

Finance Director Nancy Braden stated these numbers are based on the final numbers set at the budget work session. Originally, we were going to increase the General Fund reserves by \$59,085. With the changes Council made, it took that amount up to \$77,785. The mill levy is down about .06 from last year. The City has not raised property taxes.

Ellen Imdieke, who is a member of the Library Board, spoke on behalf of the library and its budget.

Councilmember Muir wanted Council to consider increasing the Library's part-time staff wages line item in the budget by \$6,000. He had visited with the Library Director, and they are 400 hours short for the list of tasks that were broken out and the hours that are needed to keep the books on the shelves, etc.

Councilmember Karsky concurred, but wanted the amount to be \$10,000 in an effort to preserve the quality of the programs, especially the children's programs.

Finance Director Braden stated there are four ways to come up with more money:

1. Raise taxes – a \$.01 increase in taxes is about \$22,000 per year.
2. Take from other departments.
3. Come up with new revenues; or
4. Take it out of reserves.

Councilmember Giese would rather see if the library could work with the budget that has been set, rather than taking the money out of the cash reserves at this time.

Lauran Lofgren, Library Director, advised the Council that she is pulling back on some of her administrative duties/responsibilities (searching for grants, etc.), and she is also putting in enough hours to hopefully get those done to the point where the Board is feeling like they are doing what they can do to make the library stay the facility it is. They are trying very hard to keep the service levels where they have been for the last 10-15-20 years. Her primary concern is for the rest of the staff so that they do not experience burnout. Her job is to make sure things get done that need to be done, regardless of the amount of time it takes and that is what she will continue to do.

Councilmember Eischeid stated he agreed that the library is a valuable part of the community. However, when the Council saw a large increase (approximately a \$100,000 growth in five years) in one budget, they felt the need to address it. They spent a long time working with this to figure out how they could trim this budget back down. During the budget work session, they did increase the library's budget from what was originally presented. He would like to see how this goes for a year, with the shortened hours, etc., and then if there are issues after that one year, they can address it at the next budget session.

Ms. Lofgren stated that once their budget is set, then that is the budget they will work with. Their intent is to never go over. They may switch within line items, but their bottom line stays within what the Council has approved for their budget.

Councilmember Giese stated that for three years in a row the library's budget has increased over 10% each year. In addition, no other department, besides maybe the Senior Center, even comes close to a double-digit loss. He felt something will have to be done with the Senior Center within the next five years because that has had, since 2009, a 40% increase in operating losses. The library has had a 34% operating loss, and the CAC and Rec a 27% operating loss. The Council should have caught on to this the second year that it was in the

double digits. He was also of the opinion to let Ms. Lofgren work with the budget that has been set, and if it is not working, the Council can revisit it.

Ms. Braden stated that part of the increase in the library's budget was due to getting the library wages in line with comparability. In addition, Ms. Lofgren came onto the City's group health plan.

Councilmember Brodersen stated she always thinks it is a good idea to ask departments to tighten up their budgets. We have never taken away from the library. We have always given them what they have asked for. This is the first time – it forces that department to look inward to see how they can manage things differently.

Councilmember Muir agreed, but he had a hard time doing that when he had numbers in front of him that say they are short 400 hours per year, and they could use \$4,800 in the budget to help with that.

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

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

Councilmember Muir introduced Resolution 2015-84, and moved for its approval, with the change/amendment to increase the library's budget (more particularly line item 571-02) by \$4,800, which shall be taken out of the cash reserves; Councilmember Sievers seconded

#### RESOLUTION NO. 2015-84

A RESOLUTION TO ADOPT THE 2015-2016 BUDGET FOR THE CITY OF WAYNE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who voted Nay, 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 \$.450295 per hundred dollars of property value is included. The levy equates to a tax request of \$909,200. Last year's tax levy was \$.398342 per hundred dollars of valuation; this year it is \$.398927, excluding the airport.

City Clerk McGuire had not received any communication 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 \$805,480.88. This Resolution does not include the airport levy.

Councilmember Sievers introduced Resolution 2015-85, and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2015-85

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY 2015-2016.

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

Finance Director, Nancy Braden, reviewed the sales tax projects and potential projects funded by the city sales tax that were discussed at the budget work session.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, approving the capital project's city sales tax budget. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance 2015-43, and moved for its approval; Councilmember Greve seconded.

#### ORDINANCE NO. 2015-43

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 Giese made a motion and Councilmember Greve 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 Giese made a motion and Councilmember Greve seconded to move for final approval of Ordinance No. 2015-43. 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 Giese made a motion, which was seconded by Councilmember Muir, 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 Giese introduced Ordinance No. 2015-41, and moved for approval of the third and final reading thereof; Councilmember Sievers seconded.

#### ORDINANCE NO. 2015-41

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS BY AMENDING DIVISION 5. R-4 RESIDENTIAL DISTRICT, SECTION 90-293 PERMITTED ACCESSORY USES

AND STRUCTURES, AND AMENDING CHAPTER 90, ARTICLE VIII SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 90-703 ACCESSORY USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND 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.

Roger Protzman of JEO Consulting Group, Inc., was present to review Change Order No. 3 on the “2015 Water System Improvements – Water Main Relocation Project.” The same represents a net increase of \$17,689.90, which is due to the following:

- Change in quantities;
- Additional line stop to help limit the amount of town that needed to be shut down to make the connection between the improvements and the old system;
- Additional concrete removal and replacement due to water service conflicts;
- Additional valve to the project that had been deleted in a previous change order; and
- Additional water service lines due to the owner’s request and site conflicts.

The project is substantially complete. The change orders represent about a 10% increase, which is at the high end. Traditionally, when JEO does projects, they are generally in the range of a 2% increase for the overall project. Many of these changes had to do with things that were unknown to staff and them during the construction.

Administrator Johnson stated this project was done in the oldest part of town.

In addition, Mr. Protzman presented Pay Application No. 3 (Final) which represents all work completed and all change orders. They find the work completed to date to be in accordance with the plans and specifications, and therefore, recommend approval of this pay application in the amount of \$78,092.28 to Robert Woehler & Sons Construction, Inc.

Councilmember Brodersen made a motion, which was seconded by Councilmember Haase, approving Change Order No. 3 for the “2015 Water System Improvements – Water Main Relocation Project” in the amount of \$17,689.90 to Robert Woehler & Sons Construction, Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers introduced Resolution No. 2015-86 and moved for its approval;  
Councilmember Haase seconded.

RESOLUTION NO. 2015-86

A RESOLUTION ACCEPTING WORK ON THE “2015 WATER SYSTEM IMPROVEMENTS – WATER MAIN RELOCATION PROJECT” AND AUTHORIZING FINAL PAYMENT THERETO.

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

The following Resolution would officially accept the “2015 Storm Shelter Project.” Final payment was approved at the last meeting.

Councilmember Muir introduced Resolution No. 2015-87 and moved for its approval;  
Councilmember Greve seconded.

RESOLUTION NO. 2015-87

A RESOLUTION ACCEPTING WORK ON THE “2015 WAYNE STORM SHELTER PROJECT.”

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

John Zwingman of Advanced Consulting Engineering Services was present to review Change Orders 1 – 4 on the “Windom Street Storm Sewer Improvement Project.”

- Change Order No. 1 is an increase of \$1,500 to connect to existing box/drop – extend 4’;
- Change Order No. 2 is an increase of \$1,771.70 to put a crushed concrete base under the pipe;
- Change Order No. 3 is an increase of \$29,822.10 for additions and subtractions to bring final quantities into alignment with estimated quantities; and
- Change Order No. 4 is a request to extend the substantial completion date from July 17, 2015 to August 21, 2015.

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving Change Order No. 1 for the “Windom Street Storm Sewer Improvement Project” for \$1,500 to Robert Woehler & Sons Construction, Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving Change Order No. 2 for the “Windom Street Storm Sewer Improvement Project” for \$1,771.70 to Robert Woehler & Sons Construction, Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Zwingman stated that for Change Order No. 3, there was an additional 18’ of storm sewer that was added onto this project because there was large crack in the wall and base of the next sections of pipe extending to the west. They elected to repair that now rather than having to dig that area up again in the future. In addition, additional concrete was replaced at the intersection.

Councilmember Muir made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 3 for the “Windom Street Storm Sewer Improvement Project” for \$29,822.10 to Robert Woehler & Sons Construction, Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Zwingman stated the reason for the request to extend the substantial completion date is because of some of the changes they made and the wet conditions that took place during this construction season. He noted the contractor has been told that for future projects, contract extensions need to be requested at the time of the delay, not after the completion of the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Haase, approving Change Order No. 4 for the “Windom Street Storm Sewer Improvement Project” which would extend the substantial completion date from July 17, 2015, to August 21, 2015. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Zwingman then presented Contractor’s Application for Payment No. 2 on the “Windom Street Storm Sewer Improvement Project” for \$71,846.21 to Robert Woehler & Sons Construction, Inc.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving Contractor's Application for Payment No. 2 for \$71,846.21 to Robert Woehler & Sons Construction, Inc., for the "Windom Street Storm Sewer Improvement Project." Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

John Zwingman of Advanced Consulting Engineering Services was present to review Change Order No. 1 on the "Grainland Road Water & Sanitary Sewer Extension Project." This change order is a request to change the substantial completion date from October 1, 2015, to January 1, 2016. The original request from Robert Woehler & Sons Construction, Inc., was to change the date to May 1, 2016. Mr. Zwingman did not think there was any validity to extending the date to May 1, 2016, and Mr. Woehler was fine with his recommendation.

Mr. Zwingman also advised the Council he was not in favor of Mr. Woehler's contingency plan to get water and sewer to this property. They (the engineer) have a plan to get water and sewer to the property, and it needs to be done the right way.

Councilmember Eischeid asked why they are so far behind. BJ Woehler who was present responded that they probably took on one more project than they should have.

Councilmember Sievers asked what would happen if the Council does not extend this project.

Mr. Woehler stated the big kicker was the pool. He had also been in contact with the developer on this project (Kelby Herman), who told him he had nothing going on with this project. There was no utility contractor willing to bid on the pool, so Mr. Woehler bid it. Looking back, he should not have. The developer now has a house that people will be moving into by February 1, 2016.

Mr. Zwingman advised the Council that this project should normally take 4-6 weeks. There were only two bidders on this project, and the difference between the two bids was about \$20,000.

Councilmember Eischeid stated his concern is that if they agree with the recommendation to change the completion date to January 1, 2016, what happens if it is not done. He is tired of all of the change orders and excuses – he wants to see someone that can come in and get the job done in a timely fashion.

Mr. Zwingman stated the second bidder is willing to get it done. He talked to three contractors today. One of them said no way; one said probably not, but then he called him back and said if the City needs something, he would submit a bid; and the third one, which was the second bidder originally, said he would get here, but he could not promise any earlier completion date than January 1<sup>st</sup> either.

Council, today, can either accept or deny the change order. If Council would deny the change order, then they will have to deal with liquidated damages or get another bid. If Mr. Woehler would state today that the project is not going to be completed by October 1<sup>st</sup>, that can be considered as an anticipatory breach of the contract, and then the city can go out for bids.

It was noted that liquidated damages for this project are \$750 per calendar day if the project is not completed by October 1<sup>st</sup>.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers to deny the change order request from Robert Woehler & Sons Construction, Inc., on the “Grainland Road Water & Sanitary Sewer Extension Project (Southview Addition)” to extend the completion date from October 1, 2015, to May 1, 2016.

Mr. Woehler stated if Council approves this, it would force him to not accept the contract on the pool project with Christiansen Construction Company and then move his crew to this job. He noted he does not have a contract with the pool right now because they chopped up his bid. He has an agreement with them in place, but if Council denies this tonight, he is going to move his crew to Grainland Road. He stated by this action, Council is forcing his hand, and he is just letting them know what is going to happen.

Joel Hansen, Street Superintendent, stated he had two concerns with this matter:

1. How liquidated damages will be handled in this case. He was concerned as to how this might affect contractors bidding on future projects in Wayne; and
2. If Council would approve the deadline extension date, he would like to see a stipulation in the motion that the street, which will be dug up, must be poured back by November 15, 2015.

Councilmember Brodersen thought they should grant an additional 30 days (to November 1<sup>st</sup>) because of the delays to the project that the City caused them.

Councilmember Eischeid stated the underlying issue is that the contractor took on too much work.

Mr. Zwingman stated when something like this comes up, it's the contractor's responsibility to not only include what it is going to take dollar-wise to complete the project, but what is is going to take time-wise to complete it. He noted that in the future, Council could deny bids, not only on cost and time, but also on past performance with the City. Therefore, this is something that can be taken into consideration when awarding future projects.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve, Haase, Karsky and Brodersen who voted Nay, the Mayor declared the motion tied. Because of the tie vote, Mayor Chamberlain cast his vote as a Nay, and declared the motion failed.

Councilmember Brodersen then made a motion, which was seconded by Councilmember Giese, to approve a change order for the "Grainland Road Water & Sanitary Sewer Extension Project (Southview Addition)" to extend the completion date from October 1, 2015, to November 1, 2015. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Eischeid who voted Nay, the Mayor declared the motion carried.

Administrator Johnson stated that the City's special legal counsel regarding NPPD has requested that Council take action on the following: 1) Requesting NPPD to have a formal rate hearing; and 2) To approve sending the "Letter of Protest" to NPPD regarding their 2016 Wholesale Power Rate surcharge for those towns that do not sign the 20-year NPPD contract.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, requesting Nebraska Public Power District (NPPD) to have a formal rate hearing, and approving to send the “Letter of Protest” to NPPD regarding their 2016 Wholesale Power Rate surcharge for those towns that do not sign the 20-year NPPD contract. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, 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 7:25 p.m.

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CLAIMS FOR OCTOBER 6, 2015

FISCAL YEAR END 9-30-15

ALEXANDER, RANDY	CIS-TRAILER ASBESTOS INSPECTIONS	1,005.50
ALL-AMERICAN PUBLISHING	T SHIRT ADVERTISING	149.00
AMAZON.COM, LLC	BOOKS/DVD/STICKERS/LABELS/ENVELOPES	365.01
AMERICAN RED CROSS	PAYROLL DEDUCTIONS	39.24
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	4,937.29
APPEARA	LINEN & MAT SERVICE	219.54
APWA	REG-D ECHTENKAMP/S LISTON	360.00
AS CENTRAL SERVICES	TELECOMMUNICATION SERVICES	448.00
ATCO INTERNATIONAL	FOAMACIDE	57.75
BAUER UNDERGROUND	PRIMARY FEED/BRANCH CIRCUIT 21	19,621.80
BEIERMANN ELECTRIC	BORING-315 W 2ND	880.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	783.19
BLACK HILLS	GAS BILLING	283.58
BLUE DEVIL BOOSTER CLUB	SPORTS PROGRAM AD	85.00
BOMGAARS	HAMMER/AUGER/TABLE SAW/BROOM/ETC	1,835.02
CITY EMPLOYEE	HEALTH REIMBURSEMENT	273.64
BROWN PLUMBING	921 SEWER LINE REPLACEMENT	1,855.95
BROWN SUPPLY CO	GATE VALVE/CLAMP/COUPLING/ADAPTER	3,557.03
BSN SPORTS, INC	EXERCISE MAT/MEDICINE BALL/CART	1,172.02
CARHART LUMBER COMPANY	BATTERIES/BITS/TOILET REPAIRS	194.10
CARROLL DISTRIBUTING	CUTTING CONCRETE SAW	956.00
CITY EMPLOYEE	SAFETY BOOTS	150.00
CENTURYLINK	TELEPHONE CHARGES	414.01
CITY EMPLOYEE	VISION REIMBURSEMENT	182.00
CITIZENS STATE BANK	ANGEL ACRES TIF INTEREST	1,867.50
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUND	300.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	500.00
CITY OF WAYNE	DRIVEWAY DEPOSIT REFUND	500.00
CITY OF WAYNE	MEALS/MILEAGE REIMBURSEMENT	344.95
CITY OF WAYNE	PAYROLL	129,981.84
CITY OF WAYNE	UTILITY REFUNDS	402.72
CITY OF WAYNE	WAED HEALTH REIMBUSEMENTS	1,081.52
COMMUNITY HEALTH	PAYROLL DEDUCTIONS	8.00
CUMMINS CENTRAL POWER	INGERSOL PORTABLE GENERATOR REPAIR	1,514.09
DANKO EMERGENCY EQUIPMENT	FIRST AID SAFETY EQUIPMENT	955.19
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
DECO ENGINEERING PRODUCTS	BASKET STRAINER	421.74
DGR & ASSOCIATES CO	ELECTRIC SERVICE MAPPING	6,219.00
DUTTON-LAINSON COMPANY	METER SOCKETS/LUGS	321.05
EAKES OFFICE PLUS	40 CASES COPY PAPER/CHAIR	1,517.00
ECHO GROUP INC JESCO	WIRING DEVICE/EXIT LIGHTS	84.20
ED. M FELD EQUIPMENT CO	EMERGENCY SCENE LIGHT/SEAL/GASKET	1,618.55
ENVIRONMENTAL SYSTEM	ARCPAD MAINTENANCE	250.00

EXLINE INC	POWER PISTON REPAIRS	24,450.27
FASTENAL CO	WRENCH	312.43
FIRST CONCORD GROUP LLC	FLEX	2,985.30
FLOOR MAINTENANCE	DEODORIZERS/LINER BAGS/TOWELS/PLATES	283.32
GALE GROUP	BOOK	129.56
GERHOLD CONCRETE CO INC.	CONCRETE	3,694.38
HACH COMPANY	CHLORINE/CAP REPLACEMENT	176.09
HAUFF MID-AMERICAN SPORTS	FIELD MARKING PAINT	86.00
HAWKINS, INC	AZONE	501.81
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	89.94
HELENA CHEMICAL CO.	WEED PREVENTOR	59.50
HTM SALES INC	RECIRCULATION PUMP/SCADA REPAIR	1,845.00
HYDRO TECH INC.	HYDROTEST AIR PACK BOTTLES	221.00
ICMA RETIREMENT	RETIREMENT	12,503.99
IRS	FEDERAL WITHHOLDING	47,827.15
JANWAY COMPANY	MAGNET LAMINATED PAPER SHEETS	217.62
JEO CONSULTING GROUP	AQUATIC CENTER CONSTRUCTION	33,087.00
JWC ENVIRONMENTAL	FIELD SERVICE TECH	4,500.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	52.26
KATHOL TURF	GRASS SEED-3RD & SHERMAN	1,647.50
KAUP FORAGE	GRASS SEED-WALNUT ST	400.00
KAY PARK REC CORP	9 GALVANIZED TABLES	4,753.60
KELBY HERMAN	24 TREE REIMBURSEMENT	1,200.00
KELLY SUPPLY COMPANY	PRESSURE SWITCH	64.86
KEPCO ENGRAVING	NAMEPLATES	13.91
KRIZ-DAVIS COMPANY	ELECTRIC METERS/CONNECTORS/KEYS	756.51
LAUREL SUMMER RECREATION	VB TOURNAMENT	200.00
LOGAN VALLEY FOOTBALL	LOGAN VALLEY FOOTBALL LEAGUE	100.00
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	55.62
LOUIS BENSCOTER	TIF & PRINCIPAL INTEREST	5,384.29
MAIN STREET AUTO CARE	TOWING CHARGES	300.00
MUNICIPAL SUPPLY INC	METER TAIL/BOXES	1,206.51
MZRB LLC	MZRB TIF INTEREST	2,884.00
N.E. NEB ECONOMIC DEV DIS	CIS/CDBG TRAINING	1,654.25
NE DEPT OF LABOR	ELEVATOR INSPECTION	140.00
NE DEPT OF REVENUE	STATE WITHHOLDING	6,886.24
NE LIBRARY ASSOC.	STICKERS	9.60
NE PUBLIC HEALTH	POLICE SERVICES/FLUORIDE TESTING	413.00
NEBRASKA COMMUNITY FOUND.	DONATION	100.00
NEBRASKA RECYCLES	22,885 LBS OF ELECTRONIC RECYCLING	1,830.80
NEBRASKA SPORTS	TORNADO PHOTOS	300.00
N.E.NE PUBLIC POWER	WHEELING CHGS/ELECTRICITY/RATE DISPUTE	19,526.53
NOVA HEALTH EQUIPMENT CO	FLAT/INCLINE/DECLINE BENCHES/CURL MACH.	7,909.08
OLSSON ASSOCIATES	AIRPORT PUMP STATION	688.75
OTTE CONSTRUCTION COMPANY	HANK OVERIN REBUILD	41,790.00
PITNEY BOWES INC	POSTAGE METER/FOLDER LEASE	1,501.71
ROBERT WOEHLE & SONS	WINDOM STORM SEWER	149,938.49

ROSE EQUIPMENT INC.	CRACK SEALING MATERIAL	2,857.03
SKARSHAUG TESTING LAB INC	GLOVES	141.30
STADIUM SPORTING GOODS	LIGHTING EFFICIENCY/SHIRTS	323.00
STATE NEBRASKA BANK	PETTY CASH	357.37
THE MAX AGAIN	CHEESE-TOURNAMENT CONCESSIONS	13.21
TOM'S BODY & PAINT SHOP	WINDSHIELD CHIP REPAIR	30.00
TROY YOUNG	FERTILIZER-CH/LIB/SR CENTER	200.00
UNITED RENTALS	GRINDER	105.30
UNITED WAY	PAYROLL DEDUCTION	12.00
US BANK	STAMPS/POWER SUPPLY/GROUPWISE/LIGHTS	5,290.59
VAKOC BUILDER'S RESOURCE	FASCIA-EAST PARK BATHROOM	92.16
VAN DIEST SUPPLY	WEED PREVENTOR	312.00
VERIZON WIRELESS SERVICES	CELL PHONES	99.33
WATER ENVIRONMENT FED.	MEMBERSHIP-J BRADY	124.00
WAYNE COMMUNITY SCHOOLS	PARKING TICKETS	2,695.50
WAYNE COUNTY COURT	BOND	150.00
WAYNE HOSPITALITY	TIF PRINCIPAL & INTEREST	20,014.65
WESCO DISTRIBUTION INC	LED PHOTOCELLS	674.10
WEST POINT REC	6 <sup>TH</sup> GRADE VB TOURNAMENT	160.00
WINDOM RIDGE	TIF PRINCIPAL & INTEREST	4,682.95
WINSER REC	5 <sup>TH</sup> GRADE VB TOURNAMENT	150.00
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	60.88
ZACH HEATING & COOLING	AIR HANDLER/HEAT PUMP	3,469.50

CITY OF WAYNE  
OFFICE OF THE MAYOR

# Proclamation

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

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

NOW, THEREFORE, I, Ken Chamberlain, Mayor of the City of Wayne, Nebraska, do hereby proclaim the week of October 8<sup>th</sup> as:

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

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

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

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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



Economic Development  
Chamber ■ Main Street

September 2, 2015

Marlen Chinn  
City of Wayne Police Department  
306 Pearl Street  
Wayne, NE 68787

Dear Marlen,

Wayne Area Economic Development respectfully requests a parade permit for the annual Christmas on Main celebration to be held on Thursday, November 19 including the Annual Parade of Lights. Plans call for the parade to line up at 6:15 p.m. with the parade beginning at 6:30 p.m. and finishing around 7:00 p.m. We will line entries up on West 6<sup>th</sup> Street in predetermined order. The parade will proceed south on Main Street, disbursing at the Carhart Lumber/Final Touch parking lot. Parade Participants will be reminded that candy or other items should not be thrown from the vehicle. A copy of our affidavit of insurance is attached.

The committee also requests that parking not be allowed on Main Street in the 200 Block from 5:30 p.m. until 7:30 p.m. to give guests on the sidewalk a better view of the parade and encourage pedestrian shoppers downtown. A live Nativity and other activities may be set up somewhere along the 200 block of Main Street. In addition, there will be trolley rides available that evening on a route yet to be determined.

We truly appreciate the support from the City of Wayne and especially the Police Department during the holiday events. Your cooperation and assistance helps turns these events into successful marketing tools for our community and shining memories for the families who live here.

We look forward to hearing from you. If you have any questions or concerns regarding Christmas on Main, please contact me at the Economic Development office at 402-375-2240.

Sincerely,

A handwritten signature in cursive script that reads "Irene Fletcher".

Irene Fletcher  
Assistant Director

**RESOLUTION NO. 2015-88**

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

WHEREAS, the annual "Christmas on Main/Parade of Lights" celebration will be held on Main Street from West 6<sup>th</sup> Street south to Fairgrounds Avenue on Thursday, November 19, 2015, from 6:00 p.m. to approximately 7:00 p.m. or immediately after the parade, at which time the City will relinquish control of this section of Highway 15 back to the Nebraska Department of Roads; and

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

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

WHEREAS, advanced warning signs and/or barricades will be used to notify motorists of closure and detour, and traffic control officers will be placed at all major intersections to reroute traffic.

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

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

PASSED AND APPROVED this 6<sup>th</sup> day of October, 2015.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

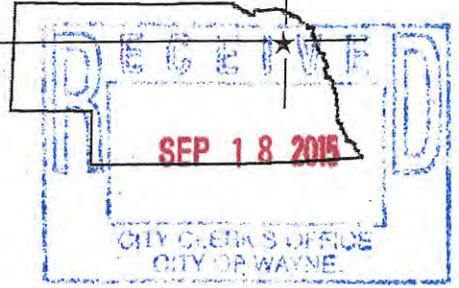
\_\_\_\_\_  
City Clerk

# City of Wayne

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

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

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: Holly Torres - Torres Family Restaurant

Address: 118 E 2nd St.  
Wayne, NE 68787

Telephone No.: 402-369-0117

Date of Request: 9-17-15

Description of Requested Topic: I am asking for 1 hour parking signs for around the restaurant. We have 4 parking spots in front of the building and we would like it to be 1 hour parking and possibly Monday through Friday the people from Mineshaft mall fill up the front of my business & we are suffering business wise because there is nowhere to park for our customers. Thank you for your consideration. We have elderly customers who complain and it's hard for them to park far away.



ORDINANCE NO. 2015-42

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78, ARTICLE III, SECTION 78-134 RELATING TO PARKING TIME LIMITS OF 15 MINUTES, 30 MINUTES, 1 HOUR, AND 3 HOURS; LOCATION; 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 78, Article III, Section 78-134 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

**78-134 Parking time limits of 15 minutes, 30 minutes, 1 hour and 3 hours; location**

- (a) No person shall, at any time, park a vehicle between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, for more than 1 hour upon the following locations:
1. The west side of Pearl Street from 140 feet 8 inches south of the centerline of West 3<sup>rd</sup> Street to 200 feet 8 inches south of the centerline of West 3<sup>rd</sup> Street.
  2. The north side of East 2<sup>nd</sup> Street from 130 feet west of the centerline of Logan Street to 173 feet west of the centerline of Logan Street.
  3. The east side of Pearl Street from 74 feet north of the centerline of West 3<sup>rd</sup> Street to 134 feet north of the centerline of West 3<sup>rd</sup> Street.
- (b) No person shall, at any time, park a vehicle between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, for more than 15 minutes upon the following locations:
1. The west side of Pearl Street from 40 feet north of the centerline of West 3<sup>rd</sup> Street to 129 feet north of the centerline of West 3<sup>rd</sup> Street.
- (c) **No person shall, at any time, park a vehicle between the hours of 9:00 a.m. and 6:00 p.m., for more than 3 hours upon the following locations:**
- 1. The east side of Main Street from the centerline of West 1<sup>st</sup> Street north to the centerline of East 3<sup>rd</sup> Street.**
  - 2. The west side of Main Street from the centerline of West 1<sup>st</sup> Street north to the centerline of West 3<sup>rd</sup> Street.**
- (d) Appropriate signs shall be placed to advise the public of these restricted parking regulations.

Section 2. The original Section and any other sections in conflict with this ordinance are hereby repealed.

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

PASSED AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2015.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**RESOLUTION NO. 2015-89**

**A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A NEW 51' ARTICULATED TELESCOPIC AERIAL LIFT TRUCK.**

WHEREAS, the Electric Line Supervisor has prepared specifications for a new aerial lift truck and related equipment; and

WHEREAS, the operation of the Electric Distribution Department requires reliable equipment and vehicles; and

WHEREAS, the Electric Distribution Department's 1986 Telelect Bucket Truck is in need of replacement, and the necessary funds have been allocated in the FY15-16 budget.

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

1. That the specifications for the 51' Articulated Telescopic Aerial Lift Truck be and the same are hereby approved.
2. That the estimate of cost of \$150,000 for the said truck be and the same is hereby approved.
3. That the advertisement for and receiving of bids on the aforesaid truck by the City Clerk in a timely manner is hereby directed.

PASSED AND APPROVED this 6<sup>th</sup> day of October, 2015.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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



81

**DURA-LIFT**  
GEORGE, VA

USDOT 677554

**EXPERIENCE, QUALITY, DEPENDABILITY AND SERVICE**

**DURA-LIFT**

**DURA-LIFT**

**DURA-LIFT**

**DURA-LIFT**



**SPECIFICATIONS**

**AND**

**PROPOSALS**

**FOR**

**51' Articulated/Telescopic Aerial Lift**

**FOR**

**THE CITY OF WAYNE, NEBRASKA**

**-----, 2015**

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**ADVERTISEMENT FOR BIDS FOR  
51' Articulated/Telescopic Aerial Lift Truck**

The City of Wayne, Nebraska, will receive sealed bids until 2 p.m., CDT, on the --<sup>th</sup> day of ----, 2015, at the office of the City Clerk, 306 Pearl Street, Wayne, Nebraska 68787, for the purchase of one (1), 51' Articulated/Telescopic Aerial Lift truck. At that time, all bids will be opened and read aloud in the Council Chambers at the Wayne City Hall.

Bid proposals shall offer new 2015-2016 standard model of an American manufacturing company, using the bid proposal forms supplied with the bids.

Specifications and bid forms must be obtained from the City Clerk's office between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. The City of Wayne has and reserves the right to reject any and all bids.

No bid may be withdrawn without the consent of the City of Wayne. The City agrees to make a selection as soon as possible after the letting based on price, guarantees, service ability, time of delivery, and any other pertinent facts and features, and to enter into a contract with the bidder who submits the best bid proposal.

Any questions concerning this request for bids should be directed to Tim Sutton, Electric Line Supervisor, at 402-375-2896.

Dated at Wayne, Nebraska, this \_\_\_\_\_ day of \_\_\_\_, 2015.

THE CITY OF WAYNE, NEBRASKA

## SPECIFICATIONS

### **GENERAL:**

The following specification is for an insulated telescopic and articulating aerial lift with 180 degree rotating 24"x42"x48"bucket. Aerial lift shall be built too the same specifications as material handling jib and winch units. The unit shall be the latest current model of standard design manufactured, complete with all standard equipment, special tools and warranties. Bidders are to supply the latest printed literature and detailed specifications on equipment the bidder purposes to furnish.

The Aerial Lift must be designed and all components selected and used according to sound engineering principles. All completed units shall comply and be tested in accordance with all applicable O.S.H.A. ANSI, FMVSS standards and regulations. The specifications listed below shall be considered minimum requirements.

Any exception must be noted on a separate sheet and be identified by section.

### **MANUFACTURER AND MODEL NUMBER:**

Indicate manufacture and model number of the aerial device quoted. \_\_\_\_\_

### **CHASSIS DATA:**

The chassis shall be a minimum 19,500 lbs. G.V.W.R., and dual rear wheels. The chassis charging system must be adequate to meet the requirements of the specified equipment.

Comply: \_\_\_\_\_

### **GENERAL DATA:**

Working Height, Minimum:	51'
Horizontal Reach max:	30'-9"
Approx. Stowed Travel Height:	11'-6"
Extension Boom Travel:	120"
Main Boom Travel:	-35° to +80°
Articulating Boom Travel:	-0° to +80°
Basket Capacity without Jib & Winch	500 lbs.
Installed Weight (Approx.):	4300 lbs.
Cab to axle minimum:	84"

Comply: \_\_\_\_\_

The completed unit shall be certified as passing A.N.S.I. A92.2 stabilization tests with the use of two sets of outriggers and successful bidder shall demonstrate these capabilities upon delivery.

Comply: \_\_\_\_\_

**MAIN BOOM:**

The main boom shall be constructed of 8" X 10" rectangular high strength steel. The section of the main boom that houses the internal cable track shall be expanded to 8" X 14" to allow the hoses and cable track to operate above minimum bend requirements. The minimum travel shall be from 35° below horizontal to 80° above horizontal. The 35° below horizontal movement of the main boom shall allow the operator to place the basket on the ground to reach the rear tailshelf, and to allow access to the compartments of the body without leaving the basket.

The upper and lower support wear pads must be of 1/4" thick UHMW polyethylene. Side support wear pads must be threaded adjustable wear pads made of nylon. Wear pads must be replaceable without disassembly of boom sections. Comply: \_\_\_\_\_

**EXTENSION BOOM:**

The inner boom shall be made from 7" x 9" fiberglass tubing. The inner wear pads must be of threaded adjustable nylon. A hydraulic cylinder shall accomplish the telescopic action of the extension boom. The use of chains or cables to extend is not acceptable. A polyethylene sleeve shall be placed over the basket end of the extension cylinder to increase the distance of dielectric integrity. The polyethylene sleeve shall be certified for 50KV. Comply: \_\_\_\_\_

**ARTICULATING ARM:**

The Articulating arm shall be made from high strength steel. The articulating arm movement shall be from -0° to +80° from horizontal. The articulating arm shall be compensating in design to maintain constant main boom angle during the elevation of the articulating arm. Comply: \_\_\_\_\_

**PEDESTAL:**

The pedestal shall be a structural shape and include the hydraulic reservoir, electrical and hydraulic components. An adequate opening shall be provided by a door or cover to allow access to the internal components. A hydraulic reservoir fill indicator shall be clearly visible and labeled to indicate the condition of the oil level. The pedestal shall be machined flat for installation of the shear ball rotation bearing. The pedestal structure must be of a single piece design and bolted directly to the lift subframe. Risers and spacers are not acceptable. Comply: \_\_\_\_\_

**TURNTABLE:**

The turntable shall be constructed of high strength structural plate. The turntable shall be designed to resist all torque loads. All pivot points for the booms and cylinders shall be line bored to allow for proper alignment.

A 17" diameter shearball rotation bearing is required. Bearing races shall be heat-treated and sealed to prevent entry of dirt and moisture and be equipped with readily accessible pressure (zerk) lubrication fittings. The rotation shall be driven by a worm gear, reduction gearbox. A means of adjustment shall be included to provide for proper gear backlash. The rotation system will be self-locking in the event of hydraulic failure. The input shaft shall be machined with an extended hexagon design to allow for manual rotation. The rotation shall be continuous in either direction. A rotation manifold shall provide 10 individual ports; 4 for hydraulic and 6 for pneumatic flow. Each port shall be separated by O-rings. The inner core of the manifold should be attached to the turntable and allow for maintenance of all hoses without removing guards for service or inspection. The outer case should be attached securely to the pedestal to prevent rotation. Please state the number of hydraulic and pneumatic ports available. Comply: \_\_\_\_\_

**SUBFRAME:**

A sub frame shall be secured to the vertical section of the vehicle frame and provide adequate strength to withstand the load of the aerial lift. Comply: \_\_\_\_\_

**BOOM SUPPORT:**

A boom support shall be provided to support the aerial lift booms in the transport position. An over-center clamping device, shall secure the booms to the support for road transport. Comply: \_\_\_\_\_

**HYDRAULICS & CONTROLS:**

The hydraulic system shall be designed as an open center hydraulic system. All hydraulic components including the 17 gallon hydraulic reservoir shall be housed with-in the aerial lift pedestal. The reservoir must be equipped with a drain plug, filler cap, air filter vent, sight level gauge, baffle system and shut-off valve at the outlet. A 10-micron return filter shall be installed as close to the reservoir as possible and must be accessible for maintenance. A pressure relief valve must be built into the system to prevent overload. The pressure relief must be set at 2250 P.S.I.

Aerial device shall be equipped with basket and turntable mounted control stations. Individual control levers at both the upper control station and the lower control station shall automatically return to neutral position when released.

The controls shall use full pressure proportional hydraulic valves. In order to prevent inadvertent actuation of the boom position controls at the basket, the use of an unlocking device shall precede the use of the control itself and shall be maintained simultaneously during the use of the controls. When either control is released, boom movement stops and oil flow is redirected to the reservoir. The basket mounted control station shall permit the operator to control all boom movement; chassis start and stop controls, and D.C. backup functions.

The turntable mounted lower control valve overrides the upper control valve. It shall be capable of maintaining override of the upper control valve while unattended.

The aerial lift shall be powered by a direct mount PTO hydraulic pump, which produces up to 7 GPM at 3000psi. The hydraulic system will also include a 12-volt D.C. backup system. The D.C. motor and pump delivers 1.4 GPM.

All hydraulic hoses shall be placed within a cable track located inside of the main boom. Hoses shall be protected against abrasion, twisting, and normal wear. Hydraulic hoses shall have a 4 to 1 safety factor from operating to burst pressure. Comply: \_\_\_\_\_

**HYDRAULIC CYLINDERS:**

The main boom double action lift cylinder shall have a minimum 5" bore. The extension boom double action cylinder shall have a minimum 2-1/2" bore. The articulating arm double action cylinder shall have a minimum 5" bore. Cylinder ends shall have spherical self-aligning rod ends. Holding valves shall be attached to each cylinder to prevent boom creep and to lock the cylinders in the event of line failure. Hydraulic cylinders shall have welded and threaded end caps for maximum safety. Piston shaft shall be highly polished chrome finish. Comply: \_\_\_\_\_

**JOYSTICK CONTROL:**

A one-hand, 4 axis joystick control with trigger activation will be used to operate the upper controls. Boom movement cannot occur if the trigger is not activated. With the booms stowed in the rest, the control handle is oriented so the operator will operate with the joystick handle in the right hand when facing away from the truck. Pulling up on the joystick handle is to raise the booms. Pushing down on the joystick is to lower the boom. Pulling the joystick back is to retract the extension boom. Pushing the joystick forward extends the extension boom. Pushing the joystick to the right or left rotates the booms. Twisting the joystick handle clockwise and counterclockwise, raises and lowers the articulating arm. Comply: \_\_\_\_\_

**UPPER CONTROL LOCKOUT:**

Upper control valve lockout handles are required for the basket-stow, basket rotation, jib and winch control. The lockout requires releasing a mechanical lock prior to the movement of the valve handle. Comply: \_\_\_\_\_

**BASKET:**

The basket shall be a 24" X 42" X 48" side mounted, square molded fiberglass, mounted to the curbside of the boom. A hydraulic rotator shall rotate the basket 180° about the end of the boom, from curbside to street side. The 180° basket rotation shall be unobstructed in the full arc when the jib boom is retracted. A control valve located at the upper controls shall control the rotation. Entry is gained by an inner/outer molded step. The basket shall be completely enclosed and shall not have any holes for drainage or otherwise. The basket shall be automatically leveled as the main boom raises. The hydraulic basket leveling shall incorporate two enclosed loop, leveling cylinders, and appropriate valving. A control valve to stow/trim the basket shall be located at the upper controls

and is optional at the lower override controls. The basket stow requires simultaneous activation with the locking valve to prevent inadvertent movement. Comply: \_\_\_\_\_

**FULL BODY HARNESS:** (Supplied with the lift)

Two full body harness shall be made of 1 3/4" type 13 nylon webbing. Shoulder straps have friction slide adjuster. The waist and chest straps use friction-style buckles for positive securement. Leg straps have tongue and buckles with grommeted holes. Two 6' decelerating lanyard with double latching hooks is provided. Comply: \_\_\_\_\_

**MISCELLANEOUS MECHANICAL FEATURES:**

All boom pivot points shall be constructed of high alloy steel (130,000 PSI yield strength minimum). All pins shall require a Nitrotech furnace treatment. The pin results in a hardness range of Rc 64 to 71 with a finish of 40- $\mu$ in. All pivot points shall be equipped with replaceable fiberglass reinforced teflon bearings. No lubrication shall be required. Comply: \_\_\_\_\_

**MANUALS:**

Each unit shall include a separate operator's manual and a separate parts/maintenance manual. There must be two sets of manuals for each unit. Comply: \_\_\_\_\_

**OPTIONS:**

**HIGH ELECTRICAL RESISTANCE COMPONENTS**

The upper operator controls shall incorporate control rods, links and handles that provide high electrical resistance components. These High Electrical Resistance Components shall be incorporated into the joystick and lockout control handles. These controls are tested initially at time of manufacture in accordance with the testing requirements of ANSI A92.2-2009. High electrical resistance controls are subject to periodic inspection requirements. The aerial lift shall be clearly marked as including High Electrical Resistance Components Comply: \_\_\_\_\_

**BASKET LINER (24" X 48")**

A basket liner shall be provided to fit inside of the fiberglass basket. The liner shall be designed to be supported by the bottom of the basket. The liner should include a lip that fits over the top of the fiberglass basket to prevent sharp objects from lodging between the basket and the liner. The basket liner shall also have a molded integral step inverted inside of the liner to assist in basket entry/exit. The basket shall be certified to 50KV minimum. Comply: \_\_\_\_\_

**VINYL BASKET COVER: (24" X 48")**

A basket cover shall be provided that completely covers the top molded lip of a standard 24" X 42" X 48" basket. The cover must be of a good quality vinyl material and shall include an elastic cord or band to keep the cover secured to the basket. A strap with latching hook shall be permanently attached to the cover to allow for securing to the boom tip, preventing accidental loss.

Comply: \_\_\_\_\_

**MAIN BOOM FIBERGLASS**

The main boom shall include a fiberglass insert to provide an insulation gap of 24" when the telescopic boom is fully retracted. The insert shall be bolted and glued to provide a secure connection. The boom shall be clearly labeled to indicate the area of insulated protection.

Comply: \_\_\_\_\_

**CHASSIS INSULATING SYSTEM**

The articulating boom shall include a fiberglass insert to provide an insulation gap of 12" at angle of incline. The insert shall be bolted and glued to provide a secure connection. The boom shall be clearly labeled to indicate the area of insulated protection.

Comply: \_\_\_\_\_

**TOOL CIRCUIT AT BASKET**

A hydraulic tool circuit shall be provided at the upper control station. Activation must disable all boom functions to prevent inadvertent movement.

Comply: \_\_\_\_\_

**TOOL CIRCUIT AT GROUND**

A hydraulic tool circuit shall be provided at a lower remote location. Activation must be by a manual valve and must divert fluid away from the aerial lift.

Comply: \_\_\_\_\_

**MID MOUNT A-FRAME OUTRIGGERS W/ SUBFRAME**

Hydraulic activated outriggers shall be attached to the frame of the chassis between the cab and the body. A subframe attached to the frame of the truck shall secure the outriggers and the aerial lift to form one integral mount. The outriggers shall have a minimum vertical travel clearance of 14". Outriggers should be capable of extending to a 13'6" spread. The outrigger legs shall consist of inner and outer telescoping structural tubing. Adjustable, polyethylene wear pads, to prevent wear and vibration during road transport shall center the inner and outer tubes. High load wear pads shall be made of brass.

The hydraulic cylinders shall be double action heavy duty welded with threaded end caps for maximum safety. The piston is to be made of aluminum with square bi-directional seals made of polyurethane material and a highly polished chrome finish shaft. Holding valves shall be attached to each cylinder to prevent creep and to lock cylinders in case of line failure.

An interlock device shall be incorporated into the design of the outriggers which prevents the booms from being operated from the stowed position until the outriggers have been deployed.

A manual diverter valve directs flow from the lift to the outriggers. Controls for each cylinder will be supplied and mounted at the rear of the chassis so the outrigger legs can be seen when in use.

Comply: \_\_\_\_\_

### **REAR MOUNT A-FRAME OUTRIGGERS**

Hydraulic activated outriggers shall be attached to the frame of the chassis at the rear of the body. The outrigger legs must not block the cargo area of the body. The outrigger legs shall consist of inner and outer telescoping structural tubing.

The hydraulic cylinders shall be double action heavy duty welded with threaded end caps for maximum safety. The piston is to be made of aluminum with square bi-directional seals made of polyurethane material and a highly polished chrome finish shaft. Holding valves shall be attached to each cylinder to prevent creep and to lock cylinders in case of line failure. Interlock switches shall be built into the outrigger legs to act with the lift interlock requirements.

A manual diverter valve directs flow from the lift to the outriggers. Controls for each cylinder will be supplied and mounted at the rear of the chassis so the outrigger legs can be seen when in use.

Comply: \_\_\_\_\_

**NOTE:** Power source provided by direct mount PTO (no Fan Belt driven) 7 gal. per minute 3000 psi. hydraulic pump.

Comply: \_\_\_\_\_

**NOTE:** Specifications are + or - 2%.

Comply: \_\_\_\_\_

**SERVICE BODY SPECIFICATIONS:**

Fiberglass Body 84" CA, dual rear wheels

Length 125", overall width 94", Floor width 54", Compartment depth 18", Compartment height 40"

Standard white gelcoat

Side pack construction molded core mat & PVC structurally reinforced fiberglass

Steel understructure

Steel parts primed and painted polyurethane (black)

3/16" Aluminum tread plate floor

1/4" smooth aluminum tail skirt

Aluminum bulk head with cab guard

Over center door checks

Full length aluminum drip rail

Stainless steel rotary latches

Stainless steel hinges

Non-skid compartment tops

Clear front rock guards

Exterior LED lighting package to meet FMVSS #108

Automotive grade bubble gasket door seals

Recessed door jambs

Stainless steel fasteners

Hot stick door, street side, 18" pack

Full length hot stick shelf, 18" pack compartmentation

Street side front compartment, hook package, 3 hook back of compartment, 2 hook each side.

Street side second compartment, 4- 18" deep adjustable shelves with 4 dividers each.

Street side horizontal compartment, open

Street side rear compartment, 4- 18" deep adjustable shelves with 4 dividers each.

Curbside front compartment, hook package 3 hook back of compartment, 2 hook each side.

Curbside second compartment, 6-4" deep 16"x15" pullout drawers.

Curbside horizontal compartment, open.

Curbside rear compartment, 4- 18" deep adjustable shelves with 4 dividers each.

All compartments shall have LED lighting installed

Boom rest reinforcement plate

**MINIMUM CHASSIS SPECIFICATIONS:**

4x4 regular cab Shift on the fly transfer case / 84" CA / 165" wheelbase

Standard white in color

6.7L diesel engine minimum

6- Speed automatic transmission with overdrive

Truck travel height not to exceed 11' 6"

Limited slip 4.44 axle ratio or 4.88

19500 lbs. GVWR

7,000 lbs. front axle / Heavy duty shock absorbers

13,500 lbs. Heavy duty rear suspension, HD shock absorbers /Heavy duty Stabilizer bar

225/70R19.5G BSW AS tires

Power takeoff prep transmission mounted

Full size spare/wheel with jack and lug wrench

HD vinyl split bench seat with console

180 amp alternator

Two (2) 12 volt D.C. power outlet in cab

Cruise control

Power window/door locks

Up fitter electronic module

3 up fitter switches

Engine block heater – 120 volt

Steering wheel tilt

Air conditioning

AM/FM stereo with digital clock

Full rubber/vinyl floor covering

Black running boards

120 volt engine block heater

40 gallon fuel tank, minimum

Front bumper with two (2) tow hooks

**Delivery and Warranty**

Vehicle shall be dropped shipped to the Aerial lift manufactures place of assembly, fully equipped in accordance with the specifications and proposal. The service shall be equivalent to that given by the dealer to the retail segment of his trade as prescribed by the manufacturer. The original Manufacturer's State of Origin, a service authorization card, and a properly executed service and warranty policy will accompany the chassis.

Vehicle will be completely checked by the vendor to ensure conformance with the manufacturer's specifications and the City of Wayne's requirements as stated herein. Any and all exceptions to this specification must be attached to the quotation requirements, in typewritten format. Noncompliance can void your quotation.

**General Information**

This specification shall be complied with in its entirety before final payment will be made.

The vehicle bid must meet or exceed the above minimum specifications.

All items specified must be factory installed, inspected, tested and calibrated, as required, except that manufacturer's policies pertaining to dealer installation of minor accessories will be honored

**RESOLUTION NO. 2015-90**

**A RESOLUTION APPROVING LEASE AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS FOR USE OF THE CITY OF WAYNE'S COMMUNICATION TOWER AT 306 NORTH PEARL STREET.**

WHEREAS, the City owns a communication tower next to City Hall at 306 Pearl Street; and

WHEREAS, the Nebraska Department of Roads (NDOR) wishes to improve its wireless communication capacity through the use of the City's communication tower; and

WHEREAS, the City Administrator has negotiated a Lease Agreement with NDOR and is recommending approval thereof.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Lease Agreement with NDOR is hereby approved, and the Mayor is hereby authorized to execute the agreement on behalf of the City.

PASSED AND APPROVED this 6<sup>th</sup> day of October, 2015.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**LEASE AGREEMENT**  
**Use of City of Wayne Tower Located at 306 North Pearl Street,**  
**in Wayne, NE**  
**for NDOR Microwave Antenna**

This Lease Agreement for space for NDOR Microwave Antenna is between the City of Wayne, hereinafter referred to as "Landlord," and State of Nebraska, Department of Roads, hereinafter referred to as "State," and collectively referred to as the "Parties."

**WITNESSETH:**

**WHEREAS**, Landlord is the owner of a communication tower located at 306 North Pearl Street, East 85 feet of Lots 4, 5, and 6 of Block 6 Original Town of Wayne, Wayne County, Nebraska, ("Premises"), and

**WHEREAS**, State wishes to improve its wireless communication capacity FCC ID #1245650 near Wayne, Nebraska through the use of Landlord's communication tower

**WHEREAS**, the Parties desire to enter into this Lease for State's use of the communication tower at 306 North Pearl Street for communication purposes, and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein, the Parties agree as follows:

**SECTION 1. LEASE OF PREMISES**

State hereby leases from Landlord at a rate of \$50.00 per month for the first year, subject to the terms and conditions herein set forth, space on the communication tower at 306 North Pearl Street and space in the equipment shelter on the site, for the purpose of accommodating State's wireless communication needs. Rent will increase at the rate of 3 percent (3%) annually through the duration of the lease. State's leased space on said communication tower shall be sufficient for the installation of a Ubiquiti AMY-9M16 Yaggi microwave antenna and one Ubiquiti Rocket M900 radio for accommodating State's wireless communications needs. State's leased space in the equipment shelter, located in the northeast corner of the basement in the City Hall building, shall be sufficient for the installation of a Ubiquiti Power Over Ethernet

converter and one lightning arrester. Landlord to provide State with a key to ensure State's full access to communication tower and equipment shelter at all times. Equipment shelter is located in the northeast corner of basement of Wayne City Hall building.

## **SECTION 2. DURATION OF LEASE**

This Lease Agreement becomes effective on the date it is fully executed by the State. The duration of the Lease shall be five (5) years with the right to renew as mutually agreeable by the State and Landlord. The Lease Agreement may be renewed, extended or amended by mutual agreement or as otherwise provided herein.

## **SECTION 3. UTILITIES**

Landlord shall provide electric power, including appropriate lines, transmission equipment, connections and appurtenances, adequate to support the equipment described in Section I above.

## **SECTION 4. MAINTENANCE AND REPAIRS**

### **a. Landlord's Maintenance and Repairs Obligations**

Landlord agrees to maintain the site in structurally sound, accessible, and functional condition throughout the term of the Lease between the Parties. Landlord shall be responsible for all necessary or appropriate maintenance and repair to the site and any other work or expense throughout the duration of the Lease.

### **b. State's Maintenance and Repairs Obligations**

State shall maintain State-owned equipment in good order to prevent damage to the site and other equipment. If State-owned equipment causes radio frequency interference to Landlord's equipment, the State will make revisions to correct interference.

## **SECTION 5. IMPROVEMENTS AND REMOVAL**

State shall pay the cost of its own installation, service, repair, replacement, or removal of any antenna, line, or appurtenance owned by State, and any changes, additions, or improvements it desires to make to the site at the approval of Landlord.

## **SECTION 6. QUIET ENJOYMENT OF THE LEASE SPACE**

The Landlord and State agree to ensure that antennas of all parties will not interfere with other antennas and agree to require adequate antenna separation between other land mobile stations. The Landlord and State warrant that no other transmitters/receivers will cause overload of equipment.

The State shall not be liable for any injuries, death or damages to any persons or property.

## **SECTION 7. RIGHT OF ENTRY**

State shall, at all reasonable times, have the unrestricted right to enter or leave the Site. State shall have the right of ingress and egress to the Site utilizing Landlord's security measures on the Premises. Landlord agrees that State shall have unrestricted access and permission to place and maintain State's antennas, transmission lines, and other necessary electrical connections to communications equipment in and on the radio tower and equipment shelter throughout the duration of the Lease. Landlord agrees that it will not give unauthorized access to State's equipment.

## **SECTION 8. RIGHT OF STATE TO REMOVE ITS EQUIPMENT**

In the event either party terminates this Lease in accordance with the provisions herein, State may remove its communications equipment and antenna system from the Site. State may elect to abandon its equipment by providing written notice to Landlord of its intention to do so. Radio equipment abandoned by State, as evidenced by State's written notice to Landlord of abandonment of equipment, shall become the property of the Landlord.

## **SECTION 9. LEGAL RELATIONSHIP**

State and Landlord are separate and independent entities. This Agreement does not create a partnership, joint venture, employment, or agency relationship between Landlord and State. Landlord's employees and other persons engaged in work or services related to this lease shall not be considered employees of the State. Each

Party is responsible for its own acts and omissions undertaken in the performance of this Agreement. Neither Party has the right or obligation to supervise or control the acts or omissions of the other Party in the performance of this Agreement. Further, Landlord agrees to keep the premises where work is being completed under this Agreement in a reasonably safe condition for persons rightfully on the premises. State and Landlord are each self-insured.

#### **SECTION 10. TERMINATION**

Landlord or State may terminate this Lease upon the occurrence of any of the following events:

- a. Landlord fails to cure non-compliance to the reasonable satisfaction of State, within thirty (30) days after receipt of notice to cure in writing from State;
- b. State abandons the Site;
- c. The Radio Tower becomes permanently unsuitable for use due to catastrophic damage resulting from, but not limited to events such as tornado, earthquake, flooding, fire, explosion, hazardous waste leakage, spills, or contamination, or other natural or man-made events or disasters;
- d. Landlord sells the Site;
- e. Notification to the other in writing of its intent to terminate a minimum of ninety (90) days prior to the proposed effective date of such termination;
- f. In the event of a breach of this Lease, Landlord or State may terminate the Lease.

#### **SECTION 11. FAIR EMPLOYMENT PRACTICES ACT**

The Landlord agrees to abide by the Nebraska Fair Employment Practices Act, as provided by Neb. Rev. Stat. 48-1101 through 48-1126, which is hereby made a part of and included in this agreement by reference.

#### **SECTION 12. NON-WAIVER**

No waiver of any agreement, condition, provision or covenant of this Lease will be valid unless such waiver is expressly set forth in writing signed by the Party to be bound by the waiver. No waiver of a breach of any agreement, condition or covenant contained in this Lease will be claimed or pleaded to excuse a subsequent breach of the same agreement, condition or covenant or any other agreement, condition or covenant.

### **SECTION 13. ENTIRE AGREEMENT**

This Lease (and all attachments thereto) constitutes the entire agreement between Landlord and State and all understandings and agreements between Landlord and State are merged into this Lease. This Lease may not be modified, amended or supplemented except by an agreement in writing signed by Landlord and State. All covenants and agreements of this Lease will extend to and be binding upon the heirs, devisees, executors, administrators, successors in interest and assigns of both Landlord and State.

### **SECTION 14. SEVERABILITY**

The unenforceability or invalidity of any provision of this Lease shall not affect the enforceability or validity of any other provision which shall remain in full force and effect and be enforceable to the fullest extent permitted by law.

### **SECTION 15. NO ADVERSE CONSTRUCTION**

Parties confirm that they and their respective counsel have reviewed, negotiated and adopted this Lease as the joint agreement and understanding of the Parties. This Lease is to be construed as a whole and any presumption that ambiguities are to be resolved against the primary drafting Party shall not apply.

### **SECTION 16. SURVIVAL OF PROVISIONS**

Whether or not otherwise expressly stated in this Lease, all covenants, terms, conditions and other provisions in this Lease shall survive the expiration or termination of this Lease as may be necessary in order to give full force and effect to this Lease or any of its provisions. Without limitation to or prejudice to the preceding sentence, all rights to payments, however limited, all causes of action, all waivers, all limitations attributable to events occurring prior to such expiration or termination, all representations, warranties, indemnifications, and provisions of this Lease that may apply after the expiration or termination of this Lease shall be deemed to survive the expiration and termination of this Lease. The provisions of this subparagraph shall survive the expiration and termination of this Lease.

### **SECTION 17. INTEREST OF STATE**

No elected official or any officer or employee of State or Landlord shall have a financial interest, direct or indirect, in this Lease.

### **SECTION 18. GOVERNING LAW**

This Lease shall be governed by the laws of the State of Nebraska.

IN WITNESS WHEREOF, the Parties hereby execute this agreement pursuant to lawful authority as of the date signed by each party. Further, the Parties, by signing this agreement, attest and affirm the truth of each and every certification and representation set out herein.

EXECUTED by Landlord this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

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

NEBRASKA DEPARTMENT OF ROADS

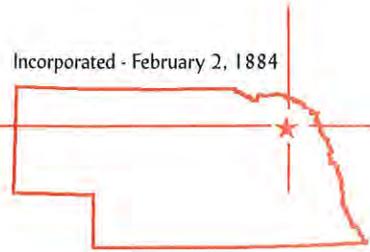
\_\_\_\_\_  
District Engineer

# City of Wayne

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

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

Incorporated - February 2, 1884



## **Resolution Regarding Use of Remaining Federal Funds for Highway 35 Expressway**

The Highway 35 Expressway Association recognizes the need for a safe and quality highway system that meets the needs of the State of Nebraska and the United States. As such in working with our Federal Congressional Deligation, we received approximately \$32,000,000 in Federal earmarks to use towards Highway 35 improvements. Approximately \$26,000,000 was spent in the City of Norfolk and Madison County. The remaining funds have been dormant and may be rescinded if not utilized. As a member of the Highway 35 Expressway Association, I support the following:

- The buy out of \$4,606,108 of Federal earmarked funds in exchange for State cash at 90% rate.
- The City of South Sioux City shall be the recipient of the exchanged amount of \$4,145,497.
- The City of South Sioux City shall apply the \$4,145,497 to the connector road in Dakota County.

The City of Wayne, Nebraska

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Ken Chamberlain, Mayor

Dated: October 6, 2015



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**Joel Hansen - Wayne Windom Street**

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**From:** "Ben Schamp" <bschamp@steve-harris-construction.com>  
**To:** "Dan Sitorius" <dsitorius@kirkham.com>  
**Date:** 10/2/2015 7:51 AM  
**Subject:** Wayne Windom Street  
**Cc:** "Joel Hansen" <jhansen@cityofwayne.org>

---

Dan,

Per our conversation at the progress meeting I would formally request a temporary work stoppage for this project at the completion of phase I. As per our discussion we do not feel that the paving portion of phase II would be complete before we would be shut down for winter weather, leaving the street closed to all traffic for the remainder of winter. Please contact me with any questions.

Thanks,

Ben Schamp  
Steve Harris Construction  
PO Box 343  
Homer Ne 68030  
[\(402\) 698-2154](tel:4026982154) - Office  
[\(402\) 698-2595](tel:4026982595) - Fax  
[\(712\) 259-0937](tel:7122590937) - Cell

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ENGINEERING ■ ARCHITECTURE ■ SURVEYING ■ PLANNING

September 24, 2015

Lowell Johnson, City Administrator  
City of Wayne  
PO Box 8  
Wayne, NE 68787



RE: Wayne, Nebraska  
2015 Water Storage Tank Rehabilitation  
JEO Project No. 140925

Dear Lowell:

Enclosed for your consideration are three (3) copies of **Application for Payment No. 1** for the above referenced project.

The Contractor is making good progress and the weather has cooperative thus far. The exterior coating system is nearly complete and the interior work is about half complete.

Pay Application No. 1 represents work completed. We find the work to date completed in accordance with the plans and specifications; therefore, we recommend approval of **Pay Application No. 1 in the amount of \$173,850 to Champion Coatings, Inc.**

Upon the City's approval, please forward one copy of the documents to the Contractor with payment, one to JEO and keep the other for your file. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Roger S. Protzman'.

Roger S. Protzman  
Senior Project Engineer

RSP:skw  
Enclosures

140925LTR092415-Pay App 1.docx

**JEO CONSULTING GROUP INC ■ JEO ARCHITECTURE INC**

803 W. Norfolk Avenue | Norfolk, Nebraska 68701-5144 | p: 402.371.6416 | f: 402.371.5109

[www.jeo.com](http://www.jeo.com)



2015 WAYNE WATER TANK REHABILITATION

APPLICATION NO.: 1  
 APPLICATION DATE: 23-Sep-15  
 PERIOD TO: 18-Sep-15  
 PROJECT NO.: 782

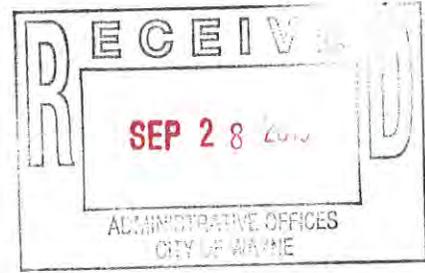
A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F Quantity To Date	G TOTAL COMPLETED AND STORED TO DATE	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF DIFF.)
			FROM PREVIOUS APPLICATIONS (D+E)	THIS PERIOD					
1	INTERIOR WET BLAST AND PRIME	\$ 70,000	\$ -	\$ 70,000		\$ 70,000	\$ 70,000	100%	
2	INTERIOR WET FINISH COAT	\$ 38,000	\$ -	\$ -		\$ -	\$ 38,000	0%	
3	INTERIOR DRY BLAST AND PRIME	\$ 20,000	\$ -	\$ 20,000		\$ 20,000	\$ 20,000	100%	
4	INTERIOR DRY FINISH COAT	\$ 12,000	\$ -	\$ -		\$ -	\$ 12,000	0%	
5	EXTERIOR POWER WASH	\$ 10,000	\$ -	\$ 10,000		\$ 10,000	\$ 10,000	100%	
6	EXTERIOR INTERMEDIATE COAT	\$ 38,000	\$ -	\$ 38,000		\$ 38,000	\$ 38,000	100%	
7	EXTERIOR TOP COAT	\$ 70,000	\$ -	\$ 45,000		\$ 45,000	\$ 70,000	0%	
<b>TOTAL</b>		<b>\$ 258,000</b>	<b>\$ -</b>	<b>\$ 183,000</b>		<b>\$ 183,000</b>	<b>\$ 258,000</b>	<b>71%</b>	

*\$ 75,000*  
*RSP 9/24/15*



September 24, 2015

Lowell Johnson, City Administrator  
City of Wayne  
PO Box 8  
Wayne, NE 68787



RE: Wayne, Nebraska  
2015 Wastewater Treatment Facility Improvements  
JEO Project No. 140876

Dear Lowell:

Enclosed for your consideration are four (4) copies of Application for Payment No. 1 and No. 2 for the above referenced project.

The Contractor is making good progress and the weather has been cooperative thus far. Application No. 1 is for bonding and we may have failed to forward this to the City last month. We recommend approval of **Pay Application No. 1 in the amount of \$21,870.00 to Eriksen Construction.**

Application No. 2 is for work completed this month on the digester tank primarily. The hole for the structure was completed and rebar for the base slab was delivered and assembled. They anticipate completing this work this month, thus they have billed ahead slightly at this point in time. However, this should be current at the time of the meeting.

Pay Application No. 2 represents work completed and we find the work to date completed in accordance with the plans and specifications; therefore, we recommend approval of **Pay Application No. 2 in the amount of \$149,175 to Eriksen Construction.** Please note the corrected amount on the form due to the Contractor's failure to account for the first application.

Upon the City's approval, please forward one copy of the documents to the Contractor with payment, one to JEO, one to NDEQ and keep the other for your file. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Roger S. Protzman'.

Roger S. Protzman  
Senior Project Engineer

RSP:skw  
Enclosures

Pc: Eriksen Construction Co., Inc.

140876LTR092415-Pay App 1&2.docx



# Progress Estimate - Lump Sum Work

# Contractor's Application

For (Contract):		2015 Wastewater Treatment Facility Improvements - Phases 3, 4, & 5		Application Number: 1				
Application Period:		Ending August 31, 2015		Application Date: 8/20/15				
Specification Section No.	A Description	B Scheduled Value (\$)	C Work Completed		E Materials Presently Stored (not in C or D)	F Total Completed and Stored to Date (C + D + E)	% (F / B)	G Balance to Finish (B - F)
			From Previous Application (C+D)	D This Period				
1	General Requirements / Mobilization	\$81,000.00						\$81,000.00
2	Bond	\$24,300.00		\$24,300.00		\$24,300.00	100.0%	
3	Concrete Reinforcement	\$55,000.00						\$55,000.00
4	Concrete Footings	\$15,000.00						\$15,000.00
5	Concrete Floor Slabs	\$11,000.00						\$11,000.00
6	Concrete Base Slab	\$40,000.00						\$40,000.00
7	Digester Walls	\$98,000.00						\$98,000.00
8	Drying Bed Footings & Walls	\$25,000.00						\$25,000.00
9	Masonry	\$55,000.00						\$55,000.00
10	Miscellaneous Metals	\$33,000.00						\$33,000.00
11	Rough Carpentry	\$6,500.00						\$6,500.00
12	FRP Panels	\$2,000.00						\$2,000.00
13	Insulation	\$1,000.00						\$1,000.00
14	Shingles	\$3,000.00						\$3,000.00
15	Flashing & Gutters	\$1,500.00						\$1,500.00
16	Joint Sealants	\$1,500.00						\$1,500.00
17	H.M. Doors/Hwd	\$4,000.00						\$4,000.00
18	Sectional Doors	\$5,000.00						\$5,000.00
19	Painting and Coatings	\$69,000.00						\$69,000.00
20	Specialties	\$1,500.00						\$1,500.00
21	Pipe Support Systems	\$8,000.00						\$8,000.00
22	Plumbing	\$5,000.00						\$5,000.00
23	HVAC	\$39,000.00						\$39,000.00
24	Electrical	\$130,000.00						\$130,000.00
25	VFD's	\$8,000.00						\$8,000.00
26	Earthwork	\$72,000.00						\$72,000.00
27	Backfill	\$41,000.00						\$41,000.00
28	Erosion Control	\$2,500.00						\$2,500.00
29	Paving & Sidewalks	\$35,000.00						\$35,000.00
30	Aggregate Surfacing	\$3,500.00						\$3,500.00
31	Seeding	\$1,500.00						\$1,500.00
32	Controls	\$54,500.00						\$54,500.00
33	Valves	\$32,000.00						\$32,000.00
34	Site Piping	\$80,000.00						\$80,000.00
35	Air Piping	\$10,500.00						\$10,500.00
36	Flanged Piping	\$79,000.00						\$79,000.00
37	Flow Meter	\$5,000.00						\$5,000.00



# Contractor's Application for Payment No. 2

<b>To (Owner):</b> City of Wayne, Nebraska	<b>From (Contractor):</b> Eriksen Construction Co., Inc.	<b>Application Period:</b> Ending September 30, 2015	<b>Application Date:</b> 9/24/2015
<b>Project:</b> 2015 Wastewater Treatment Facility Improvements - Phases 3, 4, & 5	<b>Contract:</b> 2015 Wastewater Treatment Facility Improvements - Phases 3, 4, & 5	<b>Contractor's Project No.:</b>	<b>Engineer's Project No.:</b> 140876
<b>Owner's Contract No.:</b>	<b>Contractor's Project No.:</b>	<b>Contractor's Project No.:</b>	<b>Engineer's Project No.:</b>

## Application For Payment Change Order Summary

Approved Change Orders	Number	Additions	Deductions
TOTALS			
NET CHANGE BY CHANGE ORDERS			

1. ORIGINAL CONTRACT PRICE..... \$ 1,623,000.00
2. Net change by Change Orders..... \$
3. Current Contract Price (Line 1 ± 2)..... \$ 1,623,000.00
4. TOTAL COMPLETED AND STORED TO DATE  
(Column F total on Progress Estimates)..... \$ 190,050.00
5. RETAINAGE:
  - a. 10% X \$190,050.00 Work Completed..... \$ 19,005.00
  - b. X Stored Material..... \$
  - c. Total Retainage (Line 5.a + Line 5.b)..... \$ 19,005.00
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ 171,045.00
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ 21,870
8. AMOUNT DUE THIS APPLICATION..... \$ 149,175.00 RSP
9. BALANCE TO FINISH, PLUS RETAINAGE  
(Column G total on Progress Estimates + Line 5.c above)..... \$ 1,451,955.00

RSP 9/24/15  
9149,175.00 RSP  
9/24/15

**Contractor's Certification**

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

<b>Contractor Signature</b> <i>Roger T. Olson</i>	<b>Date:</b> 9/24/2015
--	---------------------------

<b>Payment of:</b>	\$ <del>171,045.00</del> 149,175.00	<b>(Line 8 or other - attach explanation of the other amount)</b>	
<b>is recommended by:</b>	<i>Roger T. Olson</i>	<b>(Engineer)</b>	<b>9/24/15</b> (Date)
<b>Payment of:</b>	\$ 171,045.00	<b>(Line 8 or other - attach explanation of the other amount)</b>	
<b>is approved by:</b>		<b>(Owner)</b>	<b>(Date)</b>
<b>Approved by:</b>		<b>Funding or Financing Entity (if applicable)</b>	<b>(Date)</b>

# Progress Estimate - Lump Sum Work

# Contractor's Application

For (Contract):		2015 Wastewater Treatment Facility Improvements - Phases 3, 4, & 5		Application Number: 2									
Application Period:		Ending September 30, 2015		Application Date: 9/24/15									
A		B		C		D		E		F		G	
Specification Section No.	Description	Scheduled Value (\$)		From Previous Application (C+D)	This Period	Materials Presently Stored (not in C or D)	Total Completed and Stored to Date (C + D + E)	% (F / B)	Balance to Finish (B - F)				
1	General Requirements / Mobilization	\$81,000.00			\$20,250.00		\$20,250.00	25.0%	\$60,750.00				
2	Bond	\$24,300.00		\$24,300.00				100.0%					
3	Concrete Reinforcement	\$55,000.00			\$36,000.00		\$36,000.00	65.5%	\$19,000.00				
4	Concrete Footings	\$15,000.00			\$10,000.00		\$10,000.00	66.7%	\$5,000.00				
5	Concrete Floor Slabs	\$11,000.00							\$11,000.00				
6	Digester Base Slab	\$40,000.00			\$40,000.00		\$40,000.00	100.0%					
7	Digester Walls	\$98,000.00							\$98,000.00				
8	Drying Bed Footings & Walls	\$25,000.00							\$25,000.00				
9	Masonry	\$55,000.00							\$55,000.00				
10	Miscellaneous Metals	\$35,000.00							\$35,000.00				
11	Rough Carpentry	\$6,500.00							\$6,500.00				
12	FRP Panels	\$2,000.00							\$2,000.00				
13	Insulation	\$1,000.00							\$1,000.00				
14	Shingles	\$3,000.00							\$3,000.00				
15	Flashing & Gutters	\$1,500.00							\$1,500.00				
16	Joint Sealants	\$1,500.00							\$1,500.00				
17	H.M. Doors/Hwd	\$4,000.00							\$4,000.00				
18	Sectional Doors	\$5,000.00							\$5,000.00				
19	Painting and Coatings	\$69,000.00							\$69,000.00				
20	Specialties	\$1,500.00							\$1,500.00				
21	Pipe Support Systems	\$8,000.00							\$8,000.00				
22	Plumbing	\$5,000.00							\$5,000.00				
23	HVAC	\$39,000.00							\$39,000.00				
24	Electrical	\$130,000.00							\$130,000.00				
25	VFD's	\$8,000.00							\$8,000.00				
26	Earthwork	\$72,000.00							\$72,000.00				
27	Backfill	\$41,000.00			\$45,000.00		\$45,000.00	62.5%	\$41,000.00				
28	Erosion Control	\$2,500.00			\$2,500.00		\$2,500.00	100.0%					
29	Paving & Sidewalks	\$35,000.00							\$35,000.00				
30	Aggregate Surfacing	\$3,500.00							\$3,500.00				
31	Seeding	\$1,500.00							\$1,500.00				
32	Controls	\$54,500.00							\$54,500.00				
33	Valves	\$32,000.00							\$32,000.00				
34	Site Piping	\$80,000.00			\$8,000.00		\$8,000.00	10.0%	\$72,000.00				
35	Air Piping	\$10,500.00							\$10,500.00				
36	Flanged Piping	\$79,000.00			\$4,000.00		\$4,000.00	5.1%	\$75,000.00				
37	Flow Meter	\$5,000.00							\$5,000.00				



### Contractor's Application for Payment No. 3

Application Period: 8/26/15 - 9/25/15	Application Date: 9/25/2015	
To: City of Wayne 306 Pearl St., PO Box 8 (Owner): Wayne, NE 68787-0008	From: Christiansen Construction Co. LLC, (Contractor): Box 339, Pender, NE 68047	Via (Engineer): JEO Consulting Group, Inc. 11717 Burt St., Ste. 210 Omaha, NE 68154
Project: 2016 Wayne Aquatic Center Wayne, Nebraska	Contract: 2016 Wayne Aquatic Center Wayne, Nebraska	
Owner's Contract No.:	Contractor's Project No.: 15037	Engineer's Project No.: 141213

#### Application For Payment Change Order Summary

Approved Change Orders Number	Additions	Deductions	
			1. ORIGINAL CONTRACT PRICE..... \$ 2,659,000.00
			2. Net change by Change Orders..... \$
			3. Current Contract Price (Line 1 + 2)..... \$ 2,659,000.00
			4. TOTAL COMPLETED AND STORED TO DATE (Column G total on Progress Estimates)..... \$ 565,648.85
			5. RETAINAGE:
		a. 10% X \$492,107.52 Work Completed.....	\$ 49,210.75
		b. 10% X \$73,541.33 Stored Material.....	\$ 7,354.13
		c. Total Retainage (Line 5.a + Line 5.b).....	\$ 56,564.89
			6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ 509,083.97
			7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ 398,264.13
			8. AMOUNT DUE THIS APPLICATION..... \$ 110,819.84
			9. BALANCE TO FINISH, PLUS RETAINAGE (Column H total on Progress Estimates + Line 5.c above)..... \$ 2,149,916.03

**Contractor's Certification**

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

**Contractor Signature**

By: Date: 9-25-15

Payment of: \$ 110,819.84  
 (Line 8 or other - attach explanation of the other amount)

is recommended by: Dale E Baker (Engineer) Date: 9-30-2015  
 JEO Consulting Group, Inc.

Payment of: \$ \_\_\_\_\_  
 (Line 8 or other - attach explanation of the other amount)

is approved by: \_\_\_\_\_ (Owner) City of Wayne, NE \_\_\_\_\_ (Date)

Approved by: \_\_\_\_\_ Funding or Financing Entity (if applicable) \_\_\_\_\_ (Date)

**CONTINUATION PAGE**

PROJECT: 15037 2016 Wayne Aquatic Center APPLICATION #: 3  
 DATE OF APPLICATION: 09/25/2015  
 PERIOD THRU: 09/25/2015  
 PROJECT #s:

Payment Application containing Contractor's signature is attached.

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		E AMOUNT THIS PERIOD	F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H BALANCE TO COMPLETION (C-G)	I RETAINAGE (If Variable)
			AMOUNT PREVIOUS PERIODS	AMOUNT THIS PERIOD					
1	Bond & Insurance	\$40,298.00	\$40,298.00	\$0.00	\$0.00	\$0.00	\$40,298.00	\$0.00	
2	General Conditions	\$120,884.00	\$58,884.00	\$6,000.00	\$0.00	\$0.00	\$64,884.00	\$56,000.00	
3	Demobilization	\$8,560.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,560.00	
4	Submittal Exchange	\$3,395.00	\$3,395.00	\$0.00	\$0.00	\$0.00	\$3,395.00	\$0.00	
5	Site Demo, Stripping, Hauling	\$48,705.00	\$48,705.00	\$0.00	\$0.00	\$0.00	\$48,705.00	\$0.00	
6	Excavation	\$86,780.00	\$47,780.00	\$0.00	\$0.00	\$0.00	\$47,780.00	\$39,000.00	
7	Grading	\$31,282.00	\$12,282.00	\$0.00	\$0.00	\$0.00	\$12,282.00	\$19,000.00	
8	SWPPP (Erosion Control)	\$17,175.00	\$13,175.00	\$0.00	\$0.00	\$0.00	\$13,175.00	\$4,000.00	
9	Geotextile Filter Fabric	\$4,522.00	\$2,522.00	\$500.00	\$0.00	\$0.00	\$3,022.00	\$1,500.00	
10	Sub Base	\$20,627.00	\$11,433.19	\$4,193.81	\$0.00	\$0.00	\$15,627.00	\$5,000.00	
11	Aggregate Backfill	\$70,216.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$70,216.00	
12	Gran. Fill under Decks/Sidewalks	\$7,266.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,266.00	
13	Underdrains	\$5,070.00	\$4,248.86	\$0.00	\$0.00	\$0.00	\$4,248.86	\$821.14	
14	Site Utilities	\$175,589.00	\$0.00	\$7,848.00	\$23,715.36	\$0.00	\$31,563.36	\$144,025.64	
15	Fences, Gates, Rope Barrier	\$32,461.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$32,461.00	
16	Seeding	\$5,748.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,748.00	
17	Concrete Forming Pool	\$115,725.00	\$11,725.00	\$8,000.00	\$0.00	\$0.00	\$19,725.00	\$96,000.00	
18	Concrete Placing Pool	\$182,300.00	\$0.00	\$12,300.00	\$0.00	\$0.00	\$12,300.00	\$170,000.00	
19	Concrete Forming Surge & Pump	\$36,110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$36,110.00	
20	Concrete Placing Surge & Pump	\$28,236.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$28,236.00	
21	Misc. Concrete Form & Pour	\$38,571.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$38,571.00	
22	Pool Deck Form & Pour	\$65,413.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$65,413.00	
23	Pool Sidewalk Form & Pour	\$31,196.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$31,196.00	
24	FB Foundations	\$14,045.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$14,045.00	
25	Reinforcing Steel	\$71,545.00	\$54,235.00	\$4,310.00	\$0.00	\$0.00	\$58,545.00	\$13,000.00	
26	Exp. Joints, Waterstop	\$2,185.00	\$685.00	\$200.00	\$0.00	\$0.00	\$885.00	\$1,300.00	
27	Grouting Pool Walls	\$6,269.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,269.00	
28	Masonry	\$48,494.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$48,494.00	
29	Struct. Steel, Misc. Metals	\$22,030.00	\$2,500.00	\$0.00	\$0.00	\$0.00	\$2,500.00	\$19,530.00	
	<b>SUB-TOTALS</b>	\$1,340,697.00	\$311,868.05	\$43,351.81	\$23,715.36	\$378,935.22	\$961,761.78		

**CONTINUATION PAGE**

PROJECT: 15037  
 2016 Wayne Aquatic Center  
 APPLICATION #: 3  
 DATE OF APPLICATION: 09/25/2015  
 PERIOD THRU: 09/25/2015  
 PROJECT #s:

Payment Application containing Contractor's signature is attached.

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		E AMOUNT THIS PERIOD	F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H BALANCE TO COMPLETION (C-G)	I RETAINAGE (If Variable)
			AMOUNT PREVIOUS PERIODS	% COMP. (G / C)					
30	Rough Carpentry	\$19,701.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$19,701.00	0%
31	Cabinets	\$2,406.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,406.00	0%
32	Concrete Countertop	\$1,728.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,728.00	0%
33	Metal Roofing	\$40,434.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40,434.00	0%
34	Joint Sealants	\$10,588.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,588.00	0%
35	Doors, Frames, Hardware	\$2,631.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,631.00	0%
36	Colling Overhead Door	\$3,780.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,780.00	0%
37	Paints & Coatings	\$38,434.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$38,434.00	0%
38	Specialties	\$734.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$734.00	0%
39	Signage, Plaque	\$1,948.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,948.00	0%
40	Aluminum Canopy	\$20,465.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20,465.00	0%
41	Stainless Steel Gutters	\$94,111.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$94,111.00	0%
42	Main Drains, Hydro. Relief Valves	\$6,656.00	\$6,656.00	\$0.00	\$0.00	\$0.00	\$6,656.00	\$0.00	100%
43	Pumps, Strainers, VFDs, Gauges	\$83,776.00	\$0.00	\$0.00	\$0.00	\$24,000.00	\$24,000.00	\$59,776.00	29%
44	Ladders, Stanchions, Rails etc.	\$20,357.00	\$0.00	\$0.00	\$0.00	\$7,964.48	\$7,964.48	\$12,392.52	39%
45	ADA Lift	\$4,813.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,813.00	0%
46	Diving Towers & Boards	\$59,100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$59,100.00	0%
47	Pool Vacuum	\$1,781.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,781.00	0%
48	Filtration Equipment	\$42,550.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$42,550.00	0%
49	Chem. Feed/Disinfect. Equip.	\$7,008.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,008.00	0%
50	FRP Chem Storage Bldgs.	\$29,482.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$29,482.00	0%
51	Deck Trench Drains	\$10,300.00	\$0.00	\$0.00	\$0.00	\$7,849.38	\$7,849.38	\$2,450.62	76%
52	Shade Structures	\$28,192.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$28,192.00	0%
53	Pool Heaters	\$18,919.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18,919.00	0%
54	Water Slide	\$84,361.00	\$11,993.00	\$0.00	\$0.00	\$0.00	\$11,993.00	\$72,368.00	14%
55	Zero Depth Play Features	\$93,903.00	\$13,286.00	\$0.00	\$0.00	\$0.00	\$13,286.00	\$80,617.00	14%
56	Process Piping, Valves, Supports	\$389,595.00	\$92,827.16	\$6,240.00	\$6,240.00	\$10,012.11	\$109,079.27	\$280,515.73	28%
57	Plumbing (Drinking Fount.)	\$4,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,200.00	0%
58	Electrical	\$196,350.00	\$5,885.50	\$0.00	\$0.00	\$0.00	\$5,885.50	\$190,464.50	3%
	<b>TOTALS</b>	<b>\$2,659,000.00</b>	<b>\$442,515.71</b>	<b>\$49,591.81</b>	<b>\$49,591.81</b>	<b>\$73,541.33</b>	<b>\$565,648.85</b>	<b>\$2,093,351.15</b>	<b>21%</b>