RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AMENDMENT TO SARPY COUNTY
AND WENNINGHOFF SEEDING, INC. AGREEMENT FOR LEACHATE PUMPING AND
TRANSPORT FOR THE SARPY COUNTY LANDFILL

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6), the County has the power to do all acts in
relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are
exercised by the County Board; and,

WHEREAS, Sarpy County and Wenninghoff Seeding, Inc. have previously entered into an
Agreement dated November 7, 2017 for the pumping and transport of Leachate from the Sarpy County
Landfill via Resolution 2017-406; and,

WHEREAS, circumstances have occurred which make amendment to the terms of that
Agreement necessary; and,

WHEREAS, the Parties wish to make such amendment in order to preserve their working
relationship and to provide for a surcharge to cover the costs of the additional time required to transport
leachate to Council Bluffs in instances which the City of Omaha (as the original transport site) is unable
to receive such leachate; and,

WHEREAS, such amendment is in the best interests of the citizens of Sarpy County.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF
COMMISSIONERS THAT the Chairman of this Board is hereby authorized to sign the attached
Amendment to Sarpy County and Wenninghoff Seeding, Inc. Agreement for Leachate Pumping and
Transport for the Sarpy County Landfill.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a
public meeting duly held in accordance with applicable law on the ___ 30th ______ day of
January _______, 2018.

Attest
SEAL

Sarpy County Board Chairman

County Clerk
MEMO

To: Sarpy County Board of Commissioners

From: Beth Garber

Re: Leachate Pumping and Transport

In October 2017, bids were opened for leachate pumping and transport for the Landfill. The Request for Proposals was based on the transport of leachate to the City of Omaha. However, from time to time the City of Omaha is unable to receive the leachate and the awarded vendor, Wenninghoff Seeding, Inc., must transport to Council Bluffs. In reviewing this situation, the Landfill agrees that a $70 a load surcharge would be appropriate for loads transported to Council Bluffs.

It is anticipated the Council Bluffs site will be used only during long holiday weekends or when the City of Omaha shuts down deliveries to their plant, approximately 5-10 per year. Please contact me with any questions at bgarber@sarpy.com.

January 24, 2018

Beth Garber

cc: Dan Hoins
    Scott Bovick
    Brian Hanson
    Deb Houghtaling
    Art Beccard
AMENDMENT TO SARPY COUNTY AND WENNINGHOFF SEEDING, INC.
AGREEMENT FOR LEACHATE PUMPING AND TRANSPORT
FOR THE SARPY COUNTY LANDFILL

This Amendment is entered into by and between Wenninghoff Seeding Inc., hereinafter referred to as “Wenninghoff,” and the County of Sarpy, Nebraska, hereinafter referred to as “Sarpy.” Individually, Wenninghoff and Sarpy may be referred to as “Party,” and collectively they may be referred to as “Parties.”

WHEREAS, the Parties previously entered into an Agreement on November 7, 2017 for the pumping and transport of Leachate from the Sarpy County Landfill via Sarpy County Board of Commissioners Resolution 2017-406; and,

WHEREAS, circumstances have occurred, namely the need to transport the leachate to Council Bluffs in instances in which the City of Omaha is unable to receive the leachate transported, which make amendment to the terms of that Agreement necessary; and,

WHEREAS, the Parties wish to make such amendment in order to preserve their working relationship and to provide for a surcharge to cover the costs of the additional time required to transport the leachate to Council Bluffs in those instances in which the City of Omaha is unable to receive such delivery.

NOW, THEREFORE, in consideration of the mutual covenants contained in the original Agreement and stated herein, the Parties agree as follows:

1. When such circumstances arise that the City of Omaha is unable to receive delivery of leachate from Sarpy, such leachate shall be transported to Council Bluffs Iowa - Public Works Treatment Plant located at 18452 Applewood Rd, Council Bluffs, IA 51503. This Amendment effects the final location of the transport only. Council Bluffs shall bill Sarpy directly for disposal fees.

2. In consideration of the extra time required to transport the leachate to Council Bluffs, an additional load surcharge of Seventy Dollars and no cents ($70.00) shall be applied to such loads.

3. All other terms of the Agreement, not in conflict with this Amendment, shall remain in full force and effect.

The Parties do hereby agree to all terms and conditions of this Amendment. This Amendment shall be binding upon the Parties, their heirs, administrators, executors, legal and personal representatives, successors, and assigns.

[Signature Page to Follow]
EXECUTED on this 30th day of January, 2018.

WENNINGHOFF SEEDING, INC

Nick Wenninghoff
President
1-29-18
Date

SARPY COUNTY

Chairperson
Sarpy County Board of Commissioners
01/30/2018
Date

Attest:

Deb Houghtaling
Sarpy County Clerk

Approved as to form:

Deputy Sarpy County Attorney