

AGENDA
CITY COUNCIL MEETING
October 16, 2018

1. [Call the Meeting to Order](#)
2. [Pledge of Allegiance](#)

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 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. [Approval of Minutes – October 2, 2018](#)
4. [Approval of Claims](#)
5. [Action on the Request of Lukas Rix, d/b/a Rustic Treasures, to spray paint a path from the back of Rustic Treasures \(alley\) to the side door of the Mineshaft Mall](#)
6. [Resolution 2018-57: 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 15th](#)

Background: This is an annual request.

7. [Action on the request of Wayne Area Economic Development to prohibit parking on Main Street in the 200 block from 5:30 p.m. until 8:00 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, November 15th](#)

Background: This is an annual request.

8. [Ordinance 2018-26: Rezoning the area known as Southview III Addition, more specifically located in the NW1/4SE1/4 of 13-26N-R3, East of the 6th P.M., Wayne County, Nebraska, containing 1.43 acres more or less, from A-1 Agricultural to R-2 Residential \(Third and Final Reading\)](#)
9. [Ordinance 2018-27: Amending Wayne Municipal Code Title IX General Regulations, Chapter 91 Streets, Sidewalks and other Public Places, by adding a section referring to Parks – Campground Rules \(Second Reading\)](#)

10. [Ordinance 2018-28: Amending Wayne Municipal Code Title VII Traffic Code, Appendix Traffic and Vehicles, Parking, Section 78-137 Prohibited Terrace Parking](#)

Background: This will clean up and clarify some of the language in this section of the code, and include some language to bring it more in line with zoning for safety purposes by limiting what can be parked on the terrace. It also better defines terrace parking to make sure people do not think we are referring to parking that is on the street itself.

11. [Ordinance 2018-29: Amending Wayne Municipal Code Title IX General Regulations, Chapter 91 Streets, Sidewalks and other Public Places, Section 91.026 Kept Clean](#)

Background: This will clean up and clarify some of the language in this section of the code, and address the issue of piling snow on the brick pavers.

12. [Action on Pay Application No. 6 in the amount of \\$53,762.00 to OCC Builders, LLC, for the "Wayne Golf & Country Club Clubhouse Improvement Project"](#)

Background: This is for work done and approved by the Project Architect.

13. [Action to set sale price on City-Owned Railroad Right-of-Way property \(11.37 Acres per the County Assessor\)](#)

Background: The City owns some old railroad right-of-way northeast of the airport (11.37 acres). We discussed selling this at the last retreat, but never placed an asking price on this property. Staff recommends setting a price for the entire 11.37 acres and then notifying the public of our intent.

14. [Adjourn](#)

**MINUTES
CITY COUNCIL MEETING
October 2, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, October 2, 2018, at 5:30 o'clock P.M.

Mayor Jill Brodersen called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Terri Buck, Jason Karsky, Matt Eischeid and Nick Muir; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 20, 2018, 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.

Mayor Brodersen 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, she 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.

Councilmember Haase made a motion, which was seconded by Councilmember Sievers, to approve the minutes of the meeting of September 18, 2018, and to waive the reading of said minutes. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMAZON.COM, SU, 1790.80; AMERITAS, SE, 94.10; AMERITAS, SE, 72.00; AMERITAS, SE, 2316.32; AMERITAS, SE, 60.16; APPEARA, SE, 43.73; ARCADIAN MARKSMANSHIP CLUB, FE, 100.00; BARONE SECURITY SYSTEMS, SE, 137.50; BORDER STATES INDUSTRIES, INC, SU, 599.20; BOUND TO STAY BOUND BOOKS, SU, 17.01; BUGS BOWS, SU, 805.00; CARHART LUMBER CO, SU, 435.58; CENTURYLINK, SE, 419.25; CITY EMPLOYEE, RE, 175.75; CITY EMPLOYEE, RE, 82.45; CITY EMPLOYEE, RE, 221.35; CITY EMPLOYEE, RE, 249.90; CITY EMPLOYEE, RE, 32.09; CITY

EMPLOYEE, RE, 513.86; CITY EMPLOYEE, RE, 62.30; CITY EMPLOYEE, RE, 373.47; CITY EMPLOYEE, RE, 74.89; CITY OF WAYNE, RE, 2265.55; DANKO EMERGENCY EQUIPMENT, SU, 1336.00; DATASHIELD CORPORATION, SE, 5624.30; DEMCO, SU, 346.24; DGR & ASSOCIATES, SE, 612.00; DISCOUNT PLAYGROUND SUPPLY, SU, 4233.37; ECHO GROUP, SU, 224.78; ELLIOTT, MARY, RE, 100.00; FLOOR MAINTENANCE, SU, 495.31; FREDRICKSON OIL, SU, 448.00; GERHOLD CONCRETE, SU, 1316.26; GROSSENBURG IMPLEMENT, SU, 74.51; HAMMER, KEVIN, RE, 100.00; HAUFF MID-AMERICAN SPORTS, SU, 207.02; HAWKINS, SU, 1059.30; HILAND DAIRY, SE, 70.19; HOLIDAY INN OF KEARNEY, SE, 92.95; HORIZON CONSTRUCTION, RE, 300.00; HYTREK LAWN, SE, 100.00; ICMA, SE, 9625.33; IRS, TX, 2888.76; IRS, TX, 8938.92; IRS, TX, 12351.62; JACK'S UNIFORMS, SU, 790.00; KARIAN PETERSON POWERLINE CONTRACTING, SE, 54101.92; KARIAN PETERSON POWER LINE CONTRACTING, SE, 82274.13; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KAY CONTRACTING, SE, 480.00; MARCO TECHNOLOGIES, SE, 175.82; MICHAEL TODD & CO, SU, 2123.91; MUNICIPAL SUPPLY, SU, 15961.71; NE DEPT OF REVENUE, TX, 3673.87; NORFOLK GM AUTO CENTER, SE, 3778.70; NORFOLK SPORTING GOODS, SU, 45.75; NORTHEAST NE INS AGENCY, SE, 114.00; NORTHEAST POWER, SE, 13417.72; OCC BUILDERS, RE, 250.00; O'REILLY AUTOMOTIVE STORES, SU, 8.99; ORIENTAL TRADING CO, SU, 50.91; PAULSON, DALE, RE, 500.00; PLUNKETT'S PEST CONTROL, SE, 88.58; QUALITY 1 GRAPHIC, SE, 125.00; REZURRECTED ROD & KUSTOM, RE, 250.00; ROBERTSON IMPLEMENT, SU, 28.11; SALTZMAN, MATT, RE, 100.00; SELECT APPLIANCE, SU, 499.00; SIEVERS, SHARLENE, RE, 50.00; SOOLAND BOBCAT, SE, 692.80; STAPLES, SU, 471.41; THE RADAR SHOP, SE, 258.00; THOMPSON LOCK & KEY SERVICE, SE, 60.00; THRASHER, RE, 100.00; TINT SPECIALTIES, RE, 100.00; TYLER TECHNOLOGIES, SE, 5880.30; WAYNE COMMUNITY SCHOOLS, SE, 40.00; WISNER WEST, SU, 322.69; ZIMCO SUPPLY, SU, 780.00; APPEARA, SE, 54.00; APWA, FE, 360.00; ARC-HEALTH & SAFETY, SU, 28.00; BATTERY SOLUTIONS, SU, 109.95; BLACK HILLS ENERGY, SE, 270.84; BOMGAARS, SU, 215.42; BROWN, SANDY, RE, 74.98; CARROLL DISTRIBUTING, SU, 221.08; CITY EMPLOYEE, RE, 69.95; CITY OF WAYNE, PY, 72270.43; CORE & MAIN, SU, 6511.69; DANKO EMERGENCY EQUIPMENT, SU, 30.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEMCO, SU, 88.54; DHHS, FE, 115.00; DOLLAR GENERAL, RE, 270.00; DORING, BRENT, RE, 200.00; DUTTON-LAINSON, SU, 176.56; ED M. FELD EQUIPMENTM, SU, 830.00; ENVIRONMENTAL ANALYSIS SOUTH, SE, 470.00; FASTENAL, SU, 9.02; FIRST CONCORD GROUP, SE, 2688.86; FLOOR MAINTENANCE, SU, 101.85; FREDRICKSON OIL, SU, 590.70; GERHOLD CONCRETE, SU, 342.50; GILL HAULING, SE, 2940.51; GROSSENBURG IMPLEMENT, SU, 245.64; HELENA AGRI-ENTERPRISES, SU, 80.00; INDUSTRIAL CHEM LABS & SERVICES, SU, 163.52; JANWAY COMPANY, SU, 505.88; JOHNSON CONTROLS, SU, 480.00; LAWSON PRODUCTS, SU, 23.77; LAYNE CHRISTENSEN, SE, 2636.28; N.E. NE AREA ON AGING, SE, 238.00; NEBRASKA CHILDREN'S HOME, RE, 200.00; NORTHEAST POWER, SE, 5968.00; OVERHEAD DOOR, SE, 229.75; PLUNKETT'S PEST CONTROL, SE, 93.60; SIEVERS, SHARLENE, RE, 200.00; SKARSHAUG TESTING LAB, SE, 292.34; STADIUM SPORTING GOODS, SE, 270.75; STATE NEBRASKA BANK-PETTY CASH, RE, 347.71; STATE NEBRASKA BANK-PETTY CASH, RE, 97.24; STATE TREASURER OF NE, RE, 818.43; TEMME, NATE, RE, 200.00; THOMPSON LOCK & KEY SERVICE, SE, 60.00; VANHORN, NICK, RE, 200.00; VIAERO, SE, 116.30; WAYNE COMMUNITY SCHOOLS, RE, 2292.25; WAPA, SE, 14676.09; ZEE MEDICAL SERVICE, SU, 56.39

FISCAL YR 18-19

DEARBORN NATIONAL LIFE, SE, 110.08; GILL HAULING, SE, 237.50; HILAND DAIRY, SE, 93.96; HOMETOWN LEASING, SE, 409.53; LEACH, BAILEY, RE, 7.00; MILLER LAW, SE, 5259.73; NE CODE OFFICIAL ASSOCIATION, FE, 300.00; NE NOTARY ASSOC, SE,

288.74; NORTHEAST NE INS AGENCY, SE, 77535.00; PROGRESSIVE PROPERTIES, RE, 250.00; PROGRESSIVE PROPERTIES, RE, 250.00; PROVIDENCE MEDICAL CENTER, SE, 57120.00; TYLER TECHNOLOGIES, SE, 2629.41; UNITED HEALTHCARE, SE, 38522.04; WAED, SE, 7871.00; WAYNE KIWANIS, FE, 141.00; WAYNE STATE COLLEGE, SE, 250000.00

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

Randy Hellbusch with the Nebraska Rural Water Association (NRWA), undertook a water and sewer rate analysis for the City. He uses a two-year average for expenses and revenue. He noted that the water fund transfers \$150,000 to the sewer fund. If it were not for that, the water rates would be sufficient. He also noted that the proposed rates include the assumption of a new transmission line and well.

Administrator Blecke also advised the Council that the sewer fund also receives \$75,000 from sales tax revenues. Therefore, the sewer fund is being subsidized \$225,000.

From his analysis, the following is what he recommended for water rate increases:

1. In 2019, the residential service charge would increase from \$16 to \$20, with the price per thousand gallons going from \$1.60 to \$1.75;
2. In 2020, the residential service charge would go from \$20 to \$21.50, with the price per thousand gallons going from \$1.75 to \$1.85; and
3. In 2021, the residential service charge would go from \$21.50 to \$23, with the price per thousand gallons going from \$1.85 to \$1.95.

The average water rates for cities of 2,000 to 5,000 in population is \$20.07 per month service charge, plus \$2.12 per thousand gallons.

NRWA tries to make sure the commodity charge is enough to cover labor, parts, electricity, and chemicals, with any debt service or costs being covered by the monthly service charge.

Mr. Hellbusch then reviewed the proposed sewer rates. He researched rates for systems with recent sewer improvements, and the average monthly service charge is \$27.45 - Wayne's is \$8; but the average cost per thousand gallons is \$3.61 and Wayne's is \$6.35.

From his analysis, the following is what he recommended for sewer rate increases:

1. In 2019, the residential service charge would increase from \$8 to \$10 per month, with the price per thousand gallons going from \$6.35 to \$7.62;
2. In 2020, the residential service charge would go from \$10 to \$12 per month, with the price per thousand gallons remaining at \$7.62; and
3. In 2021, the residential service charge would go from \$12 to \$14 per month, with the price per thousand gallons again remaining the same at \$7.62.

Residents, with sewer, would see about a \$5.00 increase per month the first year, and then \$7 and \$9 per month the following two years. Water would increase about \$10 to \$11 over the three-year period. It was noted that water rates were last raised in October 2015; sewer in April 2016.

Council consensus was to increase both the water and sewer rates as recommended by the Nebraska Rural Water Association, with the rates being effective January 1st of each year, and then being reviewed annually. Staff would prepare the necessary resolutions for future Council consideration/action.

Councilmember Sievers introduced Ordinance No. 2018-26 and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2018-26

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF PROPERTY OR AREA KNOWN AS SOUTHVIEW III ADDITION LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP TWENTY-SIX NORTH, RANGE THREE, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, FROM A-1 AGRICULTURAL DISTRICT TO R-2 RESIDENTIAL DISTRICT.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Attorney Miller stated that the following language was reworded in Subsection D)(1) of Ordinance 2018-23, as requested at the last meeting:

D) (1) Fences separating residential land uses shall not exceed six feet in height; **however, the City Council may, by granting a waiver, authorize the construction of a fence higher than six feet, but not exceeding eight feet in height, if the Council finds the public welfare is preserved, if the applicant provides proof of a documented disability, with verification that an**

enclosure exceeding six feet in height is necessary for the protection of the individual. Under no circumstances shall the fence exceed eight feet in height.

Joel Hansen, Street & Planning Director, recommended the following change (highlighted in blue) and Attorney Miller had no objection to this amendment:

D) (1) Fences separating residential land uses shall not exceed six feet in height; **however, the City Council may, by granting a waiver, authorize the construction of a fence higher than six feet, but not exceeding eight feet in height, if the Council finds the public welfare is preserved.” if the applicant provides proof of an individual with a documented disability living on the premises, with verification that an enclosure exceeding six feet in height is necessary for the protection of the individual. Under no circumstances shall the fence exceed eight feet in height.**

Councilmember Giese introduced Ordinance No. 2018-23, and moved for approval of the third and final reading thereof as amended and recommended by City Attorney Miller and Joel Hansen, Street & Planning Director; Councilmember Sievers seconded.

ORDINANCE NO. 2018-23

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING, SPECIFICALLY SECTION 152.131 FENCES AND SCREENS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Eischeid who voted Nay, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2018-24 and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2018-24

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY ADDING SECTION 91.085 PARKS – OPEN HOURS; SECTION 91.086 PARKS – OVERNIGHT CAMPING DEFINED; SECTION 91.087 PARKS – FIRES; ~~SECTION 91.088 PARKS ANIMALS;~~ SECTION 91.088 ~~9~~ PARKS – CAMPING, TIME LIMIT; SECTION 91.089 ~~90~~ PARKS – VIOLATION, PENALTY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Karsky stated in the debate about the park closings and the utilization of police discretion, specifically at Bressler and Sunnyview Parks, it was noted that this could lead to trouble in the city in the form of some sort of discrimination if a person or group was questioned or cited for violating the ordinance. It was stated by Councilmember Giese - I think we could open ourselves up to discrimination complaints or something. All it takes is someone feeling like they are being picked on for their identity and all of a sudden it can end up way, way worse. This is a valid point in the discussion, yet when it came to the sports complex, rugby field and Hank Overin and violating the ordinance for individuals who were there during closing time in the a.m. and p.m. for sports-related activities, the use of police discretion is apparently not an issue, like it appears to be an issue with Bressler and Sunnyview Parks. The phrase police state was even used during this ongoing discussion to describe the direction the City would be going if all of our parks had a closing time. In regard to the sports complex, a Councilmember at the last meeting asked if a waiver could be granted so some could avoid violating the ordinance. So, have we not through this process determined that a certain type of individual or group is worthy of violating the ordinance and now police should look the other way? Is not a predetermined notion about the worthiness of one group of our citizens, apparently ball players and parents equal good people and others equal who knows what, also potentially discriminatory? The idea that somehow the use of police discretion at Bressler and Sunnyview is of concern, yet one can use it at the sports complex, rugby field, and Hank Overin, is flawed or as told is different somehow, I disagree. Discrimination takes many forms, including benefiting one person or group over another based on perceived worthiness. Both Councilmember Sievers and I have voiced concern about the parks in our wards and the inability of the police to effectively pursue questionable behavior. Just six years ago while home with a sick child, I witnessed a state patrol investigator bring to Bressler park a handcuffed inmate in an orange striped jumpsuit with a back hoe and commence to digging by the swings for evidence buried there. Things do happen at our parks. In fact, I just found out that there was a reported sexual

assault within the last 4 months at Sunnyview Park. It appears the sports complex has not faced any cases as significant as the ones just mentioned, yet we will regulate the park times there and leave our other parks open. The Police Chief indicated that nothing good happens after midnight. I would suspect this statement is based on his professional opinion and on the expertise of his officers. I trust their perception. This ordinance has taken many twists and turns from its original form. I know I am not going to probably win this battle, but I'm going to give it the old college try. It is peculiar to me that my symbolic no vote is in variance to my true feelings about the sports complex, the rugby field and Hank Overin. I agree that the sports complex, rugby field and Hank Overin should have closing hours and should be regulated, but I think all of the public parks should be treated the same. I do not doubt that all of you here support our law enforcement. They walk the path each day that is more complicated than the public can probably comprehend, and I appreciate them for that. However, when it comes to public safety, I am going to give our guys and gals in uniform the benefit of the doubt to use their discretion in a professional manner as they were trained to do. I trust them. If I vote against the ordinance today, it is symbolic of the fact that I believe that we need to treat all parks in a similar manner and give our officers the ability to pursue their mission to protect and preserve.

Councilmember Giese wanted to amend his motion and make the following changes to the proposed ordinance (the same is highlighted in red); Councilmember Haase amended his second:

The following city parks shall be open from 5:00 a.m. until 11:00 p.m. daily, with said hours of operation to be posted at the entrance to the park and/or shelter. It shall be unlawful for any person to be present in the following parks, except during such hours, or except upon the authority of the City Council, **or by the Mayor if time for a regularly scheduled Council meeting is not timely**, as granted by this ordinance:

Councilmember Eischeid agreed with Councilmember Karsky. He has spoken with Chief Chinn and there are more issues at the old swimming pool park with the addition of the new court rehab. That is why he will vote nay on this amendment.

Councilmember Giese stated that if hard data is presented showing issues with the other parks, those can be addressed at that time.

Police Chief Chinn stated that there have been four complaints over the past three weeks at the old swimming pool park. They had a disturbance call up there, which resulted in two young men, one with a baseball bat and one that came back with a shotgun, all starting from yelling and screaming with the group in the park, but it was before 11 p.m. In regard to the other three complaints, the officers were not dispatched because the kids were not doing anything illegal or wrong.

Mayor Brodersen stated this ordinance is a start for closing the two parks. If we want to add the swimming pool park at a later date, that can be done.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve, Sievers, Karsky and Eischeid who voted Nay, the Mayor declared the same to be a tie vote. Because of the tie vote, Mayor Brodersen then cast her vote, which was in the affirmative, and declared the third and final reading of Ordinance No. 2018-24 approved, as amended.

The following ordinance would establish campground rules and regulations.

Councilmember Sievers introduced Ordinance No. 2018-27, and moved for approval thereof; Councilmember Buck seconded.

ORDINANCE NO. 2018-27

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY ADDING A SECTION PARKS – CAMPGROUND RULES AND REGULATIONS; AND RENUMBERING THE FOLLOWING SECTION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Joel Hansen, Street & Planning Director, recommended removing the language: Checkout time is 11:00 a.m. He felt it would cause confusion and would be difficult to enforce.

Councilmember Sievers reintroduced Ordinance No. 2018-27, and moved for approval thereof, and amending the same by deleting the sentence “Check-out time is 11:00 a.m.,” Councilmember Buck seconded the amendment.

ORDINANCE NO. 2018-27

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY ADDING A SECTION PARKS – CAMPGROUND RULES AND REGULATIONS; AND RENUMBERING THE FOLLOWING SECTION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Joel Hansen, Street & Planning Director, presented Change Order No. 1 on the “2nd Street Storm Sewer Improvement Project” which is an increase of \$19,616.00 to Robert Woehler & Sons Construction Company, Inc. Said change order represents changes in quantities, as well as some things that were not caught or discovered before the project started. On the request for increase in days, weather has played a part in that request as well as a water line break and a gas line break.

Chris Woehler, representing Woehler & Sons Construction Company, Inc., was present to answer questions.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving Change Order No. 1, which is an increase of \$19,616.00 to Robert Woehler & Sons Construction Company, Inc., and an increase of 10+ days for the “2nd Street Storm Sewer Improvement Project.” Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Advanced Consulting Engineering Services presented Contractor's Application for Payment No. 3 on the "2nd Street Storm Sewer Improvement Project" for \$216,679.49 to Robert Woehler & Sons Construction Company, Inc.

Councilmember Sievers made a motion, which was seconded by Councilmember Buck, approving Contractor's Application for Payment No. 3 for \$216,679.49 to Robert Woehler & Sons Construction Company, Inc., for the "2nd Street Storm Sewer Improvement Project." Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Street & Planning Director, stated he received three bids for a John Deere 4066M Compact Utility Tractor. He is recommending that the contract be awarded to the low bidder, Grossenburg Implement, for \$22,200.

Councilmember Sievers introduced Resolution 2018-56, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2018-56

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF A JOHN DEERE 4066M COMPACT UTILITY TRACTOR.

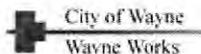
Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

DGR Engineering presented Pay Estimate No. 4 for the "Electric Meter Cutover West Inner and East Inner Conversion Electric Distribution Project" for \$39,350.49 to Klein Electric, Inc. They have found the work to date completed in accordance with the plans and specifications, and recommend approval of the same.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving Pay Estimate No. 4 for \$39,350.49 to Klein Electric, Inc., for the "Electric Meter Cutover West Inner and East Inner Conversion Electric Distribution Project." Mayor

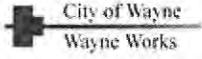
Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:48 p.m.



Vendor	Payable Description	Payment Total
FISCAL YEAR 17-18		
ACE REFRIGERATION CO	50% DOWN - COUNTRY CLUB BOTTLE COOLER	5,402.50
ARLT, NICK	SB COMPLEX FIELD PREP	140.00
BOMGAARS	STEP STOOL/FILTERS/VALVES/SEALANT/CLOTHING	2,214.36
BORDER STATES INDUSTRIES, INC	CONDUIT	169.47
CERTIFIED TESTING SERVICES INC	2ND STREET STORM SEWER	2,919.50
COPY WRITE PUBLISHING	COLOR PAPER/BATTERIES	183.45
COPY WRITE PUBLISHING	OFFICE SUPPLIES/SHIPPING CHARGES	481.93
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	69.00
DE NORA WATER TECHNOLOGIES, INC.	HARNESS	538.24
EASYPERMIT POSTAGE	POSTAGE	1,958.61
ED M. FELD EQUIPMENT CO INC	SWIVEL FITTING	131.95
EMPLOYERS MUTUAL CASUALTY CO	WORK COMP	538.54
EUSE, ALEX	FOOTBALL REF	75.00
FAITH REGIONAL PHYSICIAN SERV.	RANDOM TESTING	30.00
FREDRICKSON OIL CO	TIRES	211.80
GILL HAULING, INC	GIRL SCOUT HOUSE DEMOLITION	200.00
HEIKES AUTOMOTIVE LLC	TOWING	251.45
INDUSTRIAL CHEM LABS & SERVICES INC	LIFT STATION DEGREASER	1,166.21
INGRAM LIBRARY SERVICES	BOOKS	1,320.56
KALLHOFF, KYLE	FOOTBALL REF	195.00
KLEIN ELECTRIC	WEST/EAST INNER CONVERSION	39,350.49
KTCH AM/FM RADIO	ELECTRONIC RECYCLING ADS	507.00
LUTT OIL	GASOLINE	5,913.75
MARCO INC	COPIER LEASE	126.36
MATHESON-LINWELD	OXYGEN RENTAL	42.60
MATTESON, JOSEPH	FOOTBALL REF	225.00
NE LIBRARY COM	CAT EXPRESS 2018	1,143.00
NEXTERA ENERGY	WIND ENERGY	15,251.53
NORFOLK DAILY NEWS	POLICE OFFICER ADS	266.00
ONE CALL CONCEPTS, INC	DIGGERS HOTLINE	58.29
PAC N SAVE	DISTILLED WATER/DETERGENT	17.42
PAC N SAVE	SENIOR CENTER NOON MEAL SUPPLIES	865.87
PENGUIN RANDOM HOUSE LLC	CD'S	414.75
QUALITY FOOD CENTER	COFFEE/ICE/STORAGE BAGS	17.63
ROBERT WOehler & SONS	2ND STREET STORM SEWER	216,679.49
ROTH, TRENT	FOOTBALL REF	105.00
S & S WILLERS, INC.	CONCRETE GRAVEL	1,276.30
SHOPKO	CARPET SHAMPOOER/CLEANER	149.98
SKARSHAUG TESTING LAB INC	GLOVES	1.00

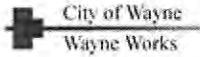
Vendor	Payable Description	Payment Total
TEI LANDMARK AUDIO	CD'S	277.53
TITAN MACHINERY	SHAFT/BAND BELT	690.22
TYLER TECHNOLOGIES	AR X MIGRATION	62.50
US BANK	LODGING/MEALS/TV'S/SOFTWARE/PROGRAM SUPPLIES	20,273.11
US FOODSERVICE, INC.	SENIOR CENTER NOON MEAL SUPPLIES	1,348.97
VAKOC CONSTRUCT	TREATED LUMBER	15.17
VAN DIEST SUPPLY	WEED CONTROL	170.80
WAYNE AUTO PARTS	FILTERS/HOSE CLAMPS/STARTER/ROTOR/BRAKE PADS	906.72
WAYNE COUNTY CLERK	FILING FEES	88.00
WAYNE HERALD	1/2 PG INFORMATION GUIDE	595.00
WAYNE HERALD	ELECTRONIC RECYCLING	272.00
WAYNE HERALD	CAC ADS	836.00
WAYNE HERALD	ADS AND NOTICES	2,372.24
WAYNE VETERINARY CLINIC	DOG/CAT IMPOUND	128.00
WISNER WEST	FD-GASOLINE	191.93
ZAMZOW, RILEY	SB COMPLEX FIELD PREP	140.00
ZARATE, STEVEN	FOOTBALL REF	30.00
	Grand Total:	329,007.22



Council Approval Listing

Payment Date Range: 10/09/2018 - 10/09/2018

Vendor	Payable Description	Payment Total
FISCAL YEAR 17-18		
ARNIE'S FORD INC	POLICE UTILITY VEHICLE	31,121.00
CITY OF WAYNE	UTILITY REFUND	164.97
COMMUNITY REDEVELOPMENT AUTHORITY	ECON DEVELOPMENT FUNDS	31,031.00
HAWKINS, INC	CARBOY SCALE	2,021.42
KTCH AM/FM RADIO	ENERGY WISE ADS	594.00
MIDWEST LABORATORIES, INC	WASTE WATER ANALYSIS	297.50
NE SALT & GRAIN CO	ICE CONTROL SALT	1,887.73
QUALITY FOOD CENTER	SENIOR CENTER NOON MEAL SUPPLIES	122.70
SAFE TRANSPORTATION TRAINING SPECIALIST	DOME CLAMPS/CANVAS CASE	1,262.60
ST OF NE-CHARITABLE GAMING DIVISION	KENO LOTTERY TAX	978.00
TYLER TECHNOLOGIES	INSITE FEES	2,100.00
WAYNE HERALD	SENIOR CENTER 1/2 PG INFO GUIDE	595.00
	Grand Total:	72,175.92



Council Approval Listing

Payment Date Range: 10/09/2018 - 10/10/2018

Vendor	Payable Description	Payment Total
FISCAL YEAR 18-19		
AMERICAN BROADBAND NE COMM	TELEPHONE CHARGES	2,506.88
APPEARA	LINEN & MAT SERVICE	101.84
BORDER STATES INDUSTRIES, INC	METER SOCKETS	191.70
CITY EMPLOYEE	VISION REIMBURSEMENT	163.22
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	406.58
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	135.15
CITY EMPLOYEE	VISION REIMBURSEMENT	236.35
CITY EMPLOYEE	SAFETY BOOT REIMBURSEMENT	150.00
CITY OF NORFOLK	SNARE MATCH 18-19	1,500.00
CITY OF WAYNE	PAYROLL	73,848.64
CITY OF WAYNE	UTILITY REFUNDS	394.71
CITY OF WAYNE	WAED VISION REIMBURSEMENT	409.00
DEARBORN NATIONAL LIFE	LIFE/DISABILITY	2,434.92
EUSE, ALEX	FOOTBALL REF	15.00
FLETCHER, IRENE	VISION REIMBURSEMENT	409.00
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	373.74
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	40.27
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	9,629.67
KALLHOFF, KYLE	FOOTBALL REF	15.00
KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE	PAYROLL DEDUCTION	243.00
MATTESON, JOSEPH	FOOTBALL REF	45.00
NE DEPT OF ENVIRONMENTAL QUALITY	WASTE WATER OP RENEWAL-D ECHTENKAMP	150.00
PITNEY BOWES INC	FOLDER LEASE	253.85
ROTH, TRENT	FOOTBALL REF	30.00
STADIUM SPORTING GOODS	SHIRTS/EMBROIDERY	116.00
STAPLES, INC	OFFICE SUPPLIES	40.73
TITAN MACHINERY	BLADE/SPINDLE/SEAL/WASHER	625.67
VERIZON WIRELESS SERVICES LLC	CELL PHONES	317.08
WASTE CONNECTIONS	SB COMPLEX SANITATION	128.14
Grand Total:		94,911.14



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Economic Development
Chamber • Main Street

September 28, 2018

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 15 including the 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 6th Street and Pearl Street, first come, first in line. The parade will proceed south on Main Street, disbursing at the Carhart Lumber 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 will be provided by Northeast Nebraska Insurance Agency.

The committee requests that parking not be allowed on Main Street in the 200 Block from 5:30 p.m. until 8:00 p.m. to give guests on the sidewalk a better view of the parade and encourage pedestrian shoppers. Carolers, cider and hot cocoa station, and other activities may be set up on the downtown sidewalks. The Holly Jolly Trolley will give short tours around town on a route to be determined, with a designated Trolley stop in the 300 Block (near Hwy 15 Salvage) to pick up and unload riders.

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 Mock".

Irene Fletcher Mock
Assistant Director

RESOLUTION NO. 2018-57

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 6th Street south to Fairgrounds Avenue on Thursday, November 15, 2018, 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 16th day of October, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2018-26

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF PROPERTY OR AREA KNOWN AS SOUTHVIEW III ADDITION LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP TWENTY-SIX NORTH, RANGE THREE, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, FROM A-1 AGRICULTURAL DISTRICT TO R-2 RESIDENTIAL DISTRICT.

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

Section 1. That the real estate area shown on the attached map be changed and rezoned from A-1 (Agricultural) to R-2 (Residential). The area being rezoned is described as:

The area known as Southview III Addition, more specifically located in the NW1/4SE1/4 of 13-26N-R3, East of the 6th P.M., Wayne County, Nebraska, containing 1.43 acres more or less.

Section 2. That the Planning Commission held a public hearing on September 10, 2018, regarding this rezoning request, and have recommended approval thereof, with the "Finding of Fact" being staff's recommendation.

Section 3. The official zoning map shall be forthwith changed by the zoning officials to properly show the real estate hereinabove described as now in an R-2 (Residential District) zone.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 5. 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 16th day of October, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk



Blaine Street

619 613 607 603 517 515 509 120 118 113 630 616 612 608 604 600 520 514 510 502

W. 1st Street

R-2
709 703 108 118 706 704 621 615 609 603 601 521 519 509 501 106 109 123 616 518 114 502

Grainland Road

Sherman Street

413 120 119 415 118 114 110 106 103 105 418 416

Douglas Street

321 315 311 120 115 114 111 108 105 318 314 102 105 102

Lincoln Street

221 107 216

B-3

S. Blaine Street

709 703 108 118 706 704

S. Sherman Street

200 202 206 205 & 207 209 & 211 213 & 215 217 210 201 & 203 208 301 305 306 310

S. Douglas Street

219 315 307 301 111 108 115 114 118 119 115 203 200 205 204 204 & 206 208 211 211

S. Lincoln Street

221 109 115 123 200 204 208 211

I-1

R-1

709 709 709 709

A-1



ORDINANCE NO. 2018-27

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY ADDING A SECTION PARKS – CAMPGROUND RULES AND REGULATIONS; AND RENUMBERING THE FOLLOWING SECTION; 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 Title IX General Regulations, Chapter 91 Streets Sidewalks and other Public Places, of the Municipal Code of Wayne, is hereby amended by adding the following section:

§ 91.089 PARKS – CAMPGROUND RULES AND REGULATIONS

For purposes of this ordinance, Henry Victor Park and Lion’s Club Park are the only city parks that allow overnight camping.

The following rules and regulations shall apply to all parks that have overnight camping:

1. Usage is on a first-come, first-served basis.
2. Parking is only allowed on improved surfaces.
3. The consumption or possession of alcoholic beverages is prohibited.
4. Campers are limited to a 10-day stay, unless obtaining permission to extend the stay from the Police Department at (402) 375-2626.
5. Daily fees are \$15.00 and must be paid immediately upon entering the campground. For Henry Victor Park, envelopes are provided in the mailbox on the restroom. ~~Check-out time is 11:00 a.m.~~
6. Restrooms are not to be used for bathing, laundry, or washing dishes.
7. Quiet times are from 11:00 p.m. until 7:00 a.m. each day.
8. Campsites must be kept clean and trash disposed of in the dumpsters provided. Campers shall leave the site as they found it.
9. All camper waste must be disposed of in the waste/disposal stations provided.
10. Pets must be kept on a leash and attended at all times. Owners must clean up after their pets.
11. No items shall be nailed, screwed, or tied to any tree and no tree may be cut for firewood.
12. Fires are only allowed in the provided fire pits within the campground. Campers may bring their own grills.
13. Failure to adhere to these rules will give the City the right to remove you from the campground immediately.
14. The City of Wayne is not responsible for lost or stolen items or for accidents.

§ 91.090 ~~89~~ PARKS – VIOLATION, PENALTY

Any person or persons who violate or refuse to comply with the provisions of this Chapter shall be deemed guilty of a misdemeanor, and subject to the penalties outlined in Section 10.99. Each day that such violation continues shall constitute a separate offense.

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 October, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2018-28

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, APPENDIX - TRAFFIC AND VEHICLES, SECTION 78-137 PROHIBITED TERRACE PARKING; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. Section 78-137 of the City of Wayne Municipal Code is hereby amended by as follows:

§ 78-137 PROHIBITED TERRACE PARKING.

(A) In residential areas only, it shall be unlawful for any person to park, or leave standing any recreational equipment including, but not limited to, camper, boat or other similar recreational equipment upon any terrace parking space. Any vehicle found in violation of this section is subject to a fine in accordance with § 78-122 of this chapter and the vehicle is subject to impoundment.

(B) In residential areas only, it shall be unlawful for any person to park, or leave standing any pickup, automobile or motorcycle parked upon any terrace parking, ~~any~~ **No commercial vehicles, utility trailers, construction or agricultural equipment, boats, campers, recreational equipment, straight trucks, or step vans shall be allowed on terrace parking.**

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL VEHICLE. A commercially licensed motor vehicle that has commercial decals and/or a federal DOT number on the vehicle that is configured with accessories, including, but not limited to, those that hold materials, ladders, signs, storage space, tool access or delivery accessories, and/or have tandem axles or dual wheels and are used for the conduct of commercial business.

TERRACE PARKING. The use of any portion of the right-of-way of any street for the parking of motor vehicles. Such parked vehicles shall not extend over any sidewalk and shall not present a traffic hazard.

(2002 Code, § 78-137) (Ord. 2002-6, passed 1-9-2002; Ord. 2006-10, passed 9-12-2006; Ord. 2006-22, passed 11-28-2006)

Section 2. Any other ordinance or parts of ordinance in conflict herewith are repealed.

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

PASSED AND APPROVED this _____ day of _____, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2018-29

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 91.026 KEPT CLEAN; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND 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 Title IX General Regulations, Chapter 91 Streets Sidewalks and other Public Places, of the Municipal Code of Wayne, is hereby amended by adding the following sections:

§91.026 KEPT CLEAN.

(A) *Generally.* It shall be unlawful for any person, business, association, corporation or organization of any kind, who owns, occupies, leases or controls any property within the corporate city limits upon which a sidewalk has been constructed to allow an accumulation of snow, or ice, dirt, or rock, or gravel on said sidewalk abutting said property at any time. In the event of a snow or ice storm said sidewalks shall be cleaned of snow and ice 24 hours after the city completes snow removal of the street adjacent to said sidewalk. Placing snow removed from sidewalks onto the paved portion of any municipal street is prohibited.

(B) *Exceptions.*

(1) In locations where the street surface between the curbs exceeds 40 feet and where the improvements on any such abutting property are located so as to leave the owner nowhere else to place the removed snow; in this exception, the snow or ice needs to be removed within 12 hours of any snowfall necessitating the City Street Department to remove said snow from the public streets, and such snow or ice will be placed **on the paved street not less more** than one foot from the curb line. **In such locations, any area between the sidewalk and the street which has been improved with pavement or pavers and that is not used for parking, shall be considered to be part of the sidewalk.**

(2) (a) If, after proper notice is given, the tenant or property owner, whichever is applicable, fails to remove said snow, or ice, dirt, or rock, or gravel, the city shall cause the removal of said snow, or ice, dirt, or rock, or gravel within three days of the property being posted, or the tenant or owner being personally served, or within five days of such notice being mailed by first class mail. The tenant or property owner will be billed for the costs incurred to remove said snow, or ice, dirt, or rock, or gravel.

(b) If the costs are not paid within two months, the City Clerk shall cause a lien to be placed upon the property in the form of a special assessment.

(2002 Code, § 70-44) (Ord. 2001-31, passed 1-30-2001) Penalty, see § 91.999

Statutory reference:

Related provisions, see Neb. RS 16-663

Section 2. Any other ordinance or parts of ordinance in conflict herewith are repealed.

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

PASSED AND APPROVED this _____ day of _____, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

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521 South Centennial Road
Wayne, NE 68787

Invoice

9-3018

Date	Invoice #
10/1/2018	18-094

City of Wayne
306 Pearl Street
Wayne, Nebraska 68787

Terms
Due on receipt

Description	Rate	Amount
Clubhouse Improvement Project Progress Billing #6 - See Attached Cost Breakdown	53,762.00	53,762.00

Total	\$53,762.00
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PROGRESS BILLING

TO (OWNER): City Of Wayne
306 Pearl Street
Wayne, Nebraska 68787

PROJECT: Wayne Golf & Country Club
Clubhouse Improvement Project

FROM (CONTRACTOR): OCC Builders, LLC.
521 South Centennial Road
Wayne, Nebraska 68787

CONTRACTORS PROJECT NO.: 18-04
PERIOD THROUGH: October 1, 2018
APPLICATION DATE: October 1, 2018
APPLICATION NO.: #6

Application is made for Payment, as shown below, in connection with the Contract. Cost Breakdown is attached.

1. ORIGINAL CONTRACT SUM	\$	<u>569,000.00</u>
2. NET CHANGE BY CHANGE ORDERS (see attached)	\$	<u>-33,410.00</u>
3. CONTRACT SUM TO DATE (Line 1 +/- Line 2)	\$	<u>535,590.00</u>
4. WORK COMPLETED & STORED TO DATE (see attachment) TOTAL WORK COMPLETED & STORED (Column G on Cost Breakdown Sheet)	\$	<u>277,966.00</u>
5. RETAINAGE:		
a. 10% of Completed Work (Columns D-E on Cost Breakdown Sheet)	\$	<u>27,799.00</u>
b. 10% of Stored Material (Column F on Cost Breakdown Sheet)	\$	<u>0.00</u>
TOTAL RETAINAGE (Total in Column I on Cost Breakdown Sheet)	\$	<u>27,799.00</u>
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 total)	\$	<u>250,167.00</u>
7. LESS PREVIOUS APPLICATIONS FOR PAYMENT	\$	<u>196,405.00</u>
8. CURRENT PAYMENT DUE	\$	<u>53,762.00</u>
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	\$	<u>285,423.00</u>

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

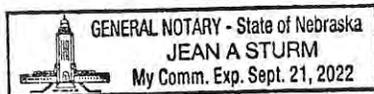
Application for Payment is to be received by the Architect no later than the last day of the month, and the Owner shall make payment to the Contractor no later than the last day of the following month.

CONTRACTOR: OCC Builders LLC.

By: Tate N...

Date: 10/1/18

State of: NE Nebraska
County of: Wayne Wayne
Subscribed and sworn to before
me this 1 day of October, 2018



Notary Public: Jean A Sturm
My Commission expires: 9-21-22

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief, the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED

(Attach explanation if amount certified differs from the amount applied for.)

\$ _____

ARCHITECT:

	OWNER
	ARCHITECT
	CONTRACTOR

By: _____ Date: _____

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



COST BREAKDOWN SHEET

CITY OF WAYNE - CLUBHOUSE IMPROVEMENT PROJECT
 CONTRACTORS PROJECT NO.: 18-04
 PERIOD THROUGH: October 1, 2018
 APPLICATION DATE: October 1, 2018
 APPLICATION NO.: #6

APPLICATION AND CERTIFICATED FOR PAYMENT - Contractor's signed Certification is attached.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION	E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D.O.R.E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	H BALANCE TO FINISH (C-G)	I RETAINAGE 10%
	General Conditions & Project Start-Up	16,800	10,416	0	0	10,416	62%	6,384	1,042
	Soils Testing	1,150	0	0	0	0	0%	1,150	0
	Concrete Foundations, Walls, & Waterproofing	24,800	24,800	0	0	24,800	100%	0	2,480
	Backfilling & Drain Tile	3,705	3,705	0	0	3,705	100%	0	371
	Rigid Insulation at Foundation Walls	2,070	0	2,070	0	2,070	100%	0	207
	Concrete Floor Slab	11,640	11,640	0	0	11,640	100%	0	1,164
	Concrete Stoop & Sidewalk Site Paving	23,000	1,895	0	0	1,895	8%	21,105	190
	Brick Masonry	5,730	0	0	0	0	0%	5,730	0
	Demolition, Rework, & Infill	26,720	26,720	0	0	26,720	100%	0	2,672
	Wall Framing & Sheathing	16,385	16,385	0	0	16,385	100%	0	1,639
	Floor Framing & Sheathing	23,380	23,380	0	0	23,380	100%	0	2,338
	Roof & Canopy Framing & Sheathing	33,510	33,510	0	0	33,510	100%	0	3,351
	Asphalt Shingle Roofing	10,600	10,600	0	0	10,600	100%	0	1,060
	Cement Board Soffit & Fascia	11,750	0	5,360	0	5,360	46%	6,390	536
	Foil Faced Insulation Sheathing	6,815	6,815	0	0	6,815	100%	0	682
	Cement Board Siding	19,460	0	9,120	0	9,120	47%	10,340	912
	Gutters & Downspouts	3,105	0	0	0	0	0%	3,105	0
	Treated Wood Deck	20,400	8,905	0	0	8,905	44%	11,495	891
	Insulation	6,600	0	5,390	0	5,390	82%	1,210	539
	Drywall	27,560	0	0	0	0	0%	27,560	0
	Aluminum Entries	18,650	0	18,650	0	18,650	100%	0	1,865
	Aluminum Windows	16,490	16,490	0	0	16,490	100%	0	1,649
	Basement Door, Frame, & Hardware	2,690	0	0	0	0	0%	2,690	0
	Interior Millwork (Doors, Hardware, Casing, Base, Borrowlites)	21,100	0	0	0	0	0%	21,100	0
	Cabinetry (Bar, Kitchen, Sinks, Etc.)	30,040	0	0	0	0	0%	30,040	0
	Painting, Staining, Joint Sealants	28,260	0	0	0	0	0%	28,260	0
	Finish Flooring	12,980	0	12,980	0	12,980	100%	0	1,298
	Toilet Partitions & Accessories	4,230	0	0	0	0	0%	4,230	0
	Electrical	90,695	16,545	18,305	0	34,850	38%	55,845	3,485
	Plumbing & Site Utilities	20,690	4,840	2,390	0	7,230	35%	13,460	723
	HVAC	27,995	12,790	3,650	0	16,440	59%	11,555	1,644
	ORIGINAL CONTRACT AMOUNT	569,000	229,436	77,915	0	307,351	54%	261,649	30,738
	CHANGE ORDERS								
OCO 1	(Items #1-#10)								
1	Credit Exterior & Interior Painting Labor Only	(12,240)	0	0	0	0	0%	(12,240)	0
2	Credit Shingle Roofing Labor Only	(3,530)	(3,530)	0	0	(3,530)	100%	0	(353)
3	Delete 1" Foil Faced Insulation at Perimeter	(6,815)	(6,815)	0	0	(6,815)	100%	0	(682)
4	Redesign Aluminum Entry Door Systems & Hardware Changes	(3,130)	0	(3,130)	0	(3,130)	100%	0	(313)
5	Change Siding to 7" Reveal in Lieu of 4" Reveal	(2,900)	0	0	0	0	0%	(2,900)	0
6	Delete Prairie Style Grids in Windows	(860)	(860)	0	0	(860)	100%	0	(86)
7	Delete Oak Ceiling Trims at Coiffers	(4,510)	0	0	0	0	0%	(4,510)	0
8	Change 1x Oak Trims to Heritage Style Oak Trims	(1,750)	0	0	0	0	0%	(1,750)	0
9	Delete 2" Rigid Insulation at Poured Concrete Walls in Basement	(2,070)	0	(2,070)	0	(2,070)	100%	0	(207)
10	Delete Finish Flooring Material & Labor Throughout	(12,980)	0	(12,980)	0	(12,980)	100%	0	(1,298)
OCO 2	Change Basement Floor Height & North Poured Foundation Wall	No Change	0	0	0	0	0%	0	0
OCO 3	Redesign Restroom Layouts	No Change	0	0	0	0	100%	0	0
OCO 4	Composite Decking & Aluminum Railing Upgrade	17,375	0	0	0	0	0%	17,375	0
	SUB-TOTAL CHANGE ORDERS	(33,410)	(11,205)	(18,180)	0	(29,385)	88%	(4,025)	(2,939)
	ADJUSTED CONTRACT AMOUNT PER CHANGE ORDERS	535,590	218,231	59,735	0	277,966	52%	257,624	27,799

