

**AGENDA
CITY COUNCIL MEETING
January 2, 2019**

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 – December 18, 2018](#)
4. [Approval of Claims](#)
5. [Ordinance 2018-33: Adopting Electrical Interconnection Standards, Procedures, Agreements, Charges and Fees \(Second Reading\)](#)
6. [Ordinance 2018-34: Approving Amendment No. 3 between Big Rivers Electric Corporation and the City of Wayne \(Second Reading\)](#)
7. [Ordinance 2018-35: Amending Wayne Municipal Code Title VII, Chapter 78 Snow Plow Alert \(Second Reading\)](#)
8. [Ordinance 2018-36: Amending Wayne Municipal Code Title IX General Regulations, Streets to be kept clean \(Second Reading\)](#)
9. [Resolution 2019-1: Accepting work on the “2nd Street Storm Sewer Improvement Project”](#)

Background: This project is complete as per the contract documents and final payment has been made. This Resolution formally accepts the project and authorizes the Mayor to sign the Certificate of Completion.

10. [Action on Pay Application No. 9 in the amount of \\$55,655.00 to OCC Builders, LLC, for the “Wayne Golf & Country Club Clubhouse Improvement Project”](#)

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

11. [Action to amend the City Attorney’s Contract to extend health insurance coverage for two months or until February 28, 2019](#)

Background: As of January 1, 2019, the City Attorney was no longer going to be on the City’s group health plan. However, because she is not eligible to get on the County’s group health plan until March 1, 2019, she is requesting that her contract

be amended to extend her coverage on the City's group health plan until February 28, 2019.

12. [Adjourn](#)

**MINUTES
CITY COUNCIL MEETING
December 18, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, December 18, 2018, at 5:30 o'clock P.M.

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

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on December 6, 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 Giese 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 Giese requested Council consideration to the appointment of Dwaine Spieker as Councilmember for Ward 3.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving the mayoral appointment of Dwaine Spieker as Councilmember for Ward 3. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

Attorney Miller then gave the Oath of Office to Dwaine Spieker.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of December 4, 2018, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMERITAS, SE, 70.74; AMERITAS, SE, 72.00; AMERITAS, SE, 98.46; AMERITAS, SE, 2495.76; APPEARA, SE, 90.71; BARONE SECURITY SYSTEMS, SE, 144.00; BENSCOTER INC, RE, 500.00; BENSCOTER INC, RE, 250.00; BMI, FE, 314.10; BOMGAARS, SU, 1132.78; BORDER STATES INDUSTRIES, SU, 548.38; BOURELLE MARTIAL ARTS, RE, 130.00; CARHART LUMBER CO, SU, 150.62; CITY EMPLOYEE, RE, 114.00; CITY EMPLOYEE, RE, 107.78; CITY EMPLOYEE, RE, 190.00; CITY EMPLOYEE, RE, 114.36; CITY EMPLOYEE, RE, 786.48; CITY EMPLOYEE, RE, 100.00; CITY OF WAYNE, PY, 72038.95; CITY OF WAYNE, RE, 612.43; CITY OF WAYNE, RE, 452.60; COPY WRITE PUBLISHING, SE, 393.75; COTTONWOOD WIND PROJECT, SE, 14062.92; CUMMINS CENTRAL POWER, SE, 1279.20; DEARBORN NATIONAL LIFE, SE, 2381.60; EASYPERMIT POSTAGE, SU, 924.07; ED M. FELD EQUIPMENT, SU, 33.50; FAITH REGIONAL PHYSICIAN SERV, SE, 100.00; FLOOR MAINTENANCE, SU, 326.67; GOVERNMENTAL ACCOUNTING, SU, 278.00; GROSSENBURG IMPLEMENT, SU, 427.49; HILAND DAIRY, SU, 86.65; HUGH & PHYLLIS O'BRIEN, RE, 500.00; ICMA, SE, 9413.27; INGRAM LIBRARY SERVICES, SU, 652.26; INTERSTATE BATTERY SYSTEM, SU, 99.97; IRS, TX, 12535.42; IRS, TX, 9652.45; IRS, TX, 2931.64; IRS, TX, 4.30; IRS, TX, 18.36; ISLAND SPRINKLER SUPPLY, SU, 61.07; JACK'S UNIFORMS, SU, 790.00; JOHN'S WELDING AND TOOL, SU, 13.28; KTCH, SE, 550.00; LEAGUE ASSOCIATION OF RISK MANAGEMENT, FE, 200.00; LUTT OIL, SU, 5372.03; MATHESON-LINWELD, SU, 42.60; MATT PARROTT, SU, 273.57; MIDWEST LABORATORIES, SE, 885.00; MIDWEST TAPE, SU, 39.99; NE DEPT OF REVENUE, TX, 3943.63; NEBRASKA RECYCLING COUNCIL, FE, 200.00; NORFOLK DAILY NEWS, SE, 389.70; NORTHWEST ELECTRIC, SE, 353.06; OCC BUILDERS, SE, 60769.00; PAC N SAVE, SU, 777.70; PENGUIN RANDOM HOUSE, SU, 211.50; PITNEY BOWES, SE, 1497.56; PSYCHOLOGICAL RESOURCES, SE, 540.00; QUALITY FOOD CENTER, SU, 166.46; ROBERT WOehler & SONS, SE, 18250.00; SERVICE TECH OF CENTRAL IOWA, SE, 774.11; SHOPKO, SU, 97.97; SPARKLING KLEAN, SE, 2837.11; STAPLES, SU, 540.93; STATE NEBRASKA BANK & TRUST, SE, 12025.00; STATE NEBRASKA BANK & TRUST, SE, 14590.00; STATE NEBRASKA BANK & TRUST, SE, 5450.00; STATE NEBRASKA BANK & TRUST, SE, 5237.50; STATE NEBRASKA BANK-PETTY CASH, RE, 99.55; THOMPSON INNOVATION, SU, 144.00; US BANK, SU, 6751.85; VERIZON, SE, 318.08; WAYNE COUNTY CLERK, SE, 86.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 380.00; WAYNE HERALD, SE, 1226.95; WAYNE VETERINARY CLINIC, SE, 336.00; WESCO, SU, 492.20; WAPA, SE, 19224.90; WISNER WEST, SU, 385.01; ZIMCO SUPPLY, SU, 67.50; ACE REFRIGERATION, SU, 5402.50; BAKER & TAYLOR BOOKS, SU, 1057.22; BAKER & TAYLOR BOOKS, SU, 24.72; BATTERY SOLUTIONS, SU, 109.95; BENSCOTER INC, RE, 250.00; CITY EMPLOYEE, RE, 99.28; CITY EMPLOYEE, RE, 39.04; DANKO EMERGENCY EQUIPMENT, SU, 60.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; DGR & ASSOCIATES, SE, 189.00; EAKES OFFICE PLUS, SE, 180.18; ECHO GROUP INC JESCO, SU, 20.00; ED M. FELD EQUIPMENT, SU, 621.55; ELECTRICAL ENGINEERING &

EQUIPMENT, SU, 301.44; FREDRICKSON OIL, SU, 1068.35; GALE/CENGAGE LEARNING, SU, 99.41; HILAND DAIRY, SE, 52.61; HOCHSTEIN, KIRK, RE, 100.00; INTERSTATE BATTERY SYSTEM, SU, 248.95; KALLHOFF, GREG & PATSY, RE, 500.00; KAY CONTRACTING, SE, 1400.00; KNOEPFLER CHEVROLET, SU, 7.03; LAWLER FIXTURE, SU, 13971.44; MARCO TECHNOLOGIES, SE, 175.82; MATHESON-LINWELD, SU, 416.93; METERING & TECHNOLOGY SOLUTIONS, SU, 3168.63; NE EMERGENCY SERVICE, FE, 75.00; NORFOLK DAILY NEWS, SE, 30.00; NORTHEAST TIRE SERVICE, SU, 1383.04; NORTHWEST ELECTRIC, SE, 786.91; PEERLESS WIPING CLOTH, SU, 264.00; ROBERTSON IMPLEMENT, SU, 25.98; SIRSIDYNIX, SE, 6521.46; STAPLES, SU, 288.68; TYLER TECHNOLOGIES, SE, 137.50; UNITED HEALTHCARE, SE, 43065.50; WAYNE AUTO PARTS, SU, 1278.99; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 35.00; WESCO, SU, 426.93

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, to approve the claims. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

Lyndsy Jenness with the Nebraska Department of Economic Development presented the City of Wayne, on behalf of the State of Nebraska Department of Economic Development as well as the Nebraska Diplomats, with a certificate for the recertification as a “Certified Community,” and commended the City on its part in promoting economic development in the community.

Cap Peterson with Northeast Nebraska Insurance Agency presented and reviewed the 2019 Property and Casualty Insurance Package. The total package is \$343,149.00. This is about a 10.75% increase from last year.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving the 2019 Property & Casualty Insurance Package as presented by Northeast Nebraska Insurance Agency. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

Mayor Giese declared the time was at hand for the public hearing on the Application for Community Development Block Grant Funds for Talon Capital, LLC, who wants to purchase

the assets of the existing manufacturing business, Fyre-Tec, Inc., located at 701 Centennial Road.

Jeff Christensen, representing Northeast Nebraska Economic Development District, was present to answer questions.

Talon Capital, LLC, wants to purchase the assets of the existing manufacturing business, Fyre-Tec, Inc., located at 701 Centennial Road. The total amount requested is \$250,000.00. The total purchase price for the assets is \$5,600,000, which includes the purchase of the building/real estate, equipment, and all other tangible and intangible assets. Midwest Bank of Norfolk and the shareholders of Talon Capital, LLC, are requesting that the City of Wayne and the Northeast Nebraska Economic Development District each provide a loan in the amount of \$250,000 (\$500,000 total) towards the project. The project will maintain 12 full-time equivalent jobs.

Wayne's CDBG Funds will be sub-granted to Northeast Economic Development, Inc. (NED, Inc.). NED, Inc., will then loan the funds to Talon Capital, LLC, to purchase the assets of the existing manufacturing business, Fyre-Tec, Inc., located at 701 Centennial Road. The \$250,000 loan will have a 20-year term at 4.00% (fixed). Payments will be made to NED, Inc. This is the process approved by the Nebraska Department of Economic Development (DED) to de-federalize CDBG funds in our local communities.

Jason and Cheri Gehling were present to answer questions.

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

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

Councilmember Sievers introduced Resolution No. 2018-71 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2018-71

A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) LOAN IN THE AMOUNT OF \$250,000 TO TALON CAPITAL, LLC (AMORTIZED OVER 20 YEARS AT 4.00% INTEREST) AND SUBGRANTING CDBG FUNDS TO NEBRASKA ECONOMIC DEVELOPMENT, INC.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

Administrator Blecke stated the following Resolution would establish a schedule of electric rates as per the recommendations of Andrew Ross, the Director of the Nebraska Municipal Power Pool, that were given at his presentation on the electric cost-of-service study he prepared on behalf of the City of Wayne. The increase is around 4.3%, which would, through 2023, increase the net operating income and hit the cash balance target. The majority of the increase is on the customer service charge. In addition, because he thought Wayne's rates were too seasonal, he narrowed the discrepancy between the summer and winter rates. These rates would be implemented with the usage from April 15th through May 15th, and the bill that goes out June 1st. The last time electric rates were increased was in June, 2016, and that was an increase of 6.5%.

Councilmember Sievers introduced Resolution No. 2018-72 and moved for its approval; Councilmember Karsky seconded the motion.

RESOLUTION NO. 2018-72

A RESOLUTION ESTABLISHING A SCHEDULE OF ELECTRICAL RATES TO BE CHARGED CUSTOMERS FOR ENERGY AND POWER FROM THE ELECTRIC DISTRIBUTION SYSTEM OF THE CITY; TO REPEAL CONFLICTING RATES AND SCHEDULES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

Administrator Blecke stated the following ordinance would adopt the Electrical Connection Standards, Procedures, Agreements, Charges and Fees, which creates a policy to allow electric customers to interconnect to our power grid. The City has worked with Nebraska Municipal Power Pool (NMPP) to create this policy, the purpose being to establish standards for the interconnection and operation of a customer-owned renewable electric generator to work in parallel with the City's system. Key components of this include technical requirements to connect to our grid, certification to ensure the connections are made correctly, cost allocations to system upgrades, and applications costs. NMPP is still working on the avoided cost rate that the City would pay for excess energy generated by a customer-owned generator.

Councilmember Brodersen introduced Ordinance No. 2018-33, and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2018-33

AN ORDINANCE ADOPTING ELECTRICAL INTERCONNECTION STANDARDS, PROCEDURES, AGREEMENTS, CHARGES AND FEES.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Administrator Blecke stated the following Ordinance would approve Amendment No. 3 between Big Rivers Electric Corporation (BREC) and the City of Wayne. BREC is proposing to extend our capacity purchase agreement for the life of our power contract. They are willing to pay \$2.00 for the first 4 years (2019-2022) and pay \$2.25 for the remaining 4 years (2023-2026). Currently, we have an agreement that they would pay \$1.50 for 2019 only. The other change to the amendment notes that the City will test our meters in conformance with NPPD and/or the SPP.

Councilmember Brodersen introduced Ordinance No. 2018-34, and moved for approval thereof; Councilmember Karsky seconded.

ORDINANCE NO. 2018-34

AN ORDINANCE APPROVING AMENDMENT NO. 3 TO THE CONTRACT WITH BIG RIVERS ELECTRIC CORPORATION.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following Resolution would approve the Integrated Resource Plan. Any electric customer that takes power from the Western Area Power Administration (WAPA) is required by Federal law to be included in an integrated resource plan (IRP). The City has been covered by NPPD's IRP over the years since they placed our generation capacity in their IRP. Since NPPD no longer (after December 31, 2018) has our capacity, the City has to have its own IRP. City staff put this draft together for Council approval; we have included WSC in this as well so they do not have to file their own. The City will then submit the same to WAPA for consideration.

Councilmember Brodersen introduced Resolution No. 2018-74 and moved for its approval; Councilmember Woehler seconded the motion.

RESOLUTION NO. 2018-74

A RESOLUTION APPROVING THE INTEGRATED RESOURCE PLAN FOR THE CITY OF WAYNE UTILITIES PERTAINING TO PLANNING FOR NEW ENERGY SOURCES.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

The following Resolution would accept the work on the "Electric Distribution – Meter Cutover for the West Inner and East Inner Conversion Project" and authorize final payment to Klein Electric, Inc., in the amount of \$8,521.02. The original contract amount was for \$107,912.80. The final contract amount was \$95,180.43.

Councilmember Sievers introduced Resolution No. 2018-75 and moved for its approval; Councilmember Brodersen seconded the motion.

RESOLUTION NO. 2018-75

A RESOLUTION ACCEPTING THE WORK ON THE “ELECTRIC DISTRIBUTION – METER CUTOVER FOR THE WEST INNER AND EAST INNER CONVERSION PROJECT” AND AUTHORIZING FINAL PAYMENT IN THE AMOUNT OF \$8,521.02 TO KLEIN ELECTRIC, INC.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

The following Resolution would accept the work on the “4th Street Paving Project.” This project is now complete as per the contract documents and McLaury Engineering, Inc., the engineer’s on the project, and ready for acceptance. At one of the January meetings, we will bring forward a resolution setting the Board of Equalization hearing in which to hear objections and equalize assessments proposed to be levied in both the street and sanitary sewer improvement/extension districts.

Councilmember Brodersen introduced Resolution No. 2018-76 and moved for its approval; Councilmember Karsky seconded the motion.

RESOLUTION NO. 2018-76

A RESOLUTION ACCEPTING WORK ON THE “4TH STREET PAVING PROJECT.”

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

The following Resolution would approve Amendment No. 1 to the Lottery Contractor Agreement between the City and Advanced Gaming Technologies, Inc., which would extend the contract for an additional 5 years.

City Clerk McGuire stated that in December 2013, the City approved a 5-year contract with Advanced Gaming Technologies, Inc., which is now up for renewal. Advanced Gaming Technologies, Inc., is proposing a 5-year extension per Amendment No. 1. Staff has visited with the owner of the establishment that conducts Keno and he is agreeable to the 5-year extension.

Councilmember Sievers introduced Resolution No. 2018-77 and moved for its approval; Councilmember Brodersen seconded the motion.

RESOLUTION NO. 2018-77

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE LOTTERY CONTRACTOR AGREEMENT BY AND BETWEEN ADVANCED GAMING TECHNOLOGIES, INC., AND THE CITY OF WAYNE TO OPERATE THE KENO-TYPE LOTTERY WITHIN THE CITY OF WAYNE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

The following Resolution would approve Amendment No. 7 to the Communication Tower and Real Estate Lease Agreement with Alltel Communications of Nebraska, LLC, d/b/a Verizon Wireless. The current lease payment we receive from Verizon is \$2,800 per month.

Councilmember Sievers introduced Resolution No. 2018-78 and moved for its approval; Councilmember Brodersen seconded the motion.

RESOLUTION NO. 2018-78

A RESOLUTION APPROVING AMENDMENT NO. 7 TO COMMUNICATION TOWER AND REAL ESTATE LEASE AGREEMENT WITH ALLTEL COMMUNICATIONS OF NEBRASKA, LLC, d/b/a VERIZON WIRELESS.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, stated the following Ordinance would amend/change the wording from "Snow Plow Alert" to "Snow Emergency" and "snow or winter

weather emergency.” This language was changed a few years ago, and he recommended that it be amended to what it once was to cause less confusion to the public.

Councilmember Sievers introduced Ordinance No. 2018-35, and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2018-35

AN ORDINANCE AMENDING TITLE VII TRAFFIC CODE, GENERAL PROVISIONS – SNOW PLOW ALERT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Joel Hansen, Street and Planning Director, stated the current ordinance makes it unlawful to place snow (and other items) upon the street, sidewalk, or any other public place. The area between the street and sidewalk would be a public place, but over the past few years, there has not been enforcement of this ordinance. After the large 16" snow last January, it was obvious this has created a problem, as there was literally no place to push the snow off the street as some of those areas had piles from previous snows that were put there by private contractors clearing driveways and parking lots. We also had one contractor filling a dead end street to a height of over 8' up to the curb line of Vintage Hill Drive. We also had commercial lots where the entire parking lot was pushed out onto the State ROW and made it impossible to see coming out of streets, driveways, and alleys. Discussion at the time between city staff and the city attorney concerned the vagueness of public place needing to be better defined as to what is acceptable and what is not, which is the reason for the proposed amendment to Sec. 78-237:

Sec. 78-237 Streets to be kept clean

It shall be unlawful for any person to place, throw or put upon any street, alley, sidewalk or any public place any snow, ice, dirt, rubbish, refuse, or material of any kind or nature unless otherwise permitted by ~~the ordinances of~~ the city. **For the purpose of snow removal, any snow lying within the public right-of-way may remain in the right-of-way from which it came. It shall be unlawful to place the snow in the right-of-way across the paved street or adjacent to another private property. Any snow piled adjacent to a public alley or within the sight triangle for all streets shall not exceed 30” in height.**

Councilmember Sievers introduced Ordinance No. 2018-36, and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2018-36

AN ORDINANCE AMENDING TITLE VII TRAFFIC CODE, GENERAL PROVISIONS, SECTION 78-237 STREETS TO BE KEPT CLEAN; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Advanced Consulting Engineering Services presented Change Order No. 1 for the “Ditch Grading Project,” which identifies the “exclusions” to the contract with Milo Meyer Construction. Those exclusions include the following:

- Any silt fence
- Any bale checks
- Any seeding
- Any SWPPP

Councilmember Sievers made a motion, which was seconded by Councilmember Woehler, approving Change Order No. 1 for the “Ditch Grading Project” identifying “exclusions” to the contract with Milo Meyer Construction. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

Advanced Consulting Engineering Services then presented Change Order No. 2, which is a decrease in the contract price of \$10,300 for the “Ditch Grading Project.”

Councilmember Sievers made a motion, which was seconded by Councilmember Woehler, approving Change Order No. 2, which is a decrease of \$10,300 for the “Ditch Grading Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

Advanced Consulting Engineering Services presented Contractor’s Application for Payment No. 1 (Final) in the amount of \$20,600.00 to Milo Meyer Construction for the “Ditch Grading Project.”

Councilmember Sievers made a motion, which was seconded by Councilmember Woehler, approving Contractor’s Application for Payment No. 1 (Final) in the amount of \$20,600.00 to Milo Meyer Construction for the “Ditch Grading Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

Administrator Blecke stated the following Resolution would approve the “Capacity Purchase Agreement” between the City of Wayne, Northeast Nebraska Public Power District, and Big Rivers Electric Corporation. The City’s contract with Big Rivers Electric Corporation (BREC) allows for 15% of our energy to come from renewable sources. The City used this 15% (or very close to it) on the Cottonwood wind farm. BREC provides the capacity to firm up our load (by entering into a capacity agreement with the City). Northeast must provide their own capacity for their irrigation load, as BREC is not providing that. Cottonwood has capacity that is now being allocated to their off-takers. For the City, this amounts to 836 kW. Northeast is offering \$1.25 per kW or \$1,045 per month; annual total would be \$12,540. This amount would be passed through as a credit on our monthly BREC invoice (as BREC would collect from Northeast).

After discussion, Council proposed an amendment to subparagraph 2 of the Capacity Purchase Agreement as follows:

2) Big Rivers will charge Northeast \$1,045 per month on Northeast's invoice starting with the invoice for June 2019 and give a credit of \$1,045 per month on Wayne's invoice for the same period. If the amount of accredited capacity changes, Big Rivers will recalculate this amount accordingly, based on \$1.25 per kilowatt month, or any future kilowatt month charge for the transferred capacity, **with an annual increase of 5%** ~~however said charge shall be no less than \$1.25 per kilowatt month;~~

Administrator Blecke stated that since Northeast's Board has already approved this agreement, the same would have to go back to their Board for approval.

Councilmember Sievers introduced Resolution No. 2018-73 and moved for its approval amending subparagraph 2) as reflected above; Councilmember Brodersen seconded the motion.

RESOLUTION NO. 2018-73

A RESOLUTION APPROVING THE CAPACITY PURCHASE AGREEMENT BETWEEN THE NORTHEAST NEBRASKA PUBLIC POWER DISTRICT, THE CITY OF WAYNE, NEBRASKA, AND BIG RIVERS ELECTRIC CORPORATION, AND AUTHORIZING THE EXECUTION THEREOF.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Spieker, to adjourn the meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Buck and Eischeid who were absent, the Mayor declared the motion carried and the meeting adjourned at 7:20 p.m.

Vendor	Payable Description	Payment Total
ACES	ACES WIND ENERGY SERVICE AGREEMENT	901.25
AMAZON.COM, LLC	DVD'S /CABLES	527.92
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	120.76
AMERITAS LIFE INSURANCE	AMERITAS ROTH	61.93
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,588.24
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
APPEARA	LINEN & MAT SERVICE	155.84
AWWA	MEMBERSHIP DUES-J BRADY	309.00
BARELMAN, JASON	DRIVEWAY DEPOSIT REFUND	500.00
BLACK HILLS ENERGY	GAS BILLS	2,246.91
BLUE 360 MEDIA, LLC	NE CRIMINAL & TRAFFIC LAW MANUAL	403.65
BOMGAARS	FD -SOFTENER SALT/CLAMP/SCISSORS	72.61
BROWN, SANDY	MEAL REIMBURSEMENT	16.45
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	103.96
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	433.81
CITY EMPLOYEE	VISION REIMBURSEMENT	399.84
CITY OF WAYNE	PAYROLL	71,299.74
CITY OF WAYNE	UTILITY REFUNDS VOID & REISSUE	363.10
CORE & MAIN LP	WELL 11/SENSUS METERS	4,711.30
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DEARBORN NATIONAL LIFE	VFD INSURANCE	106.64
ECHO GROUP INC JESCO	FUSES	120.74
ELECTRICAL ENGINEERING & EQUIPMENT	DISPOSAL AIR SWITCH	99.17
ELECTRONIC ENGINEERING CO	UNIT 7 SIREN LIGHTS	240.90
FAIR MANUFACTURING INC.	FAN SHAFT/SPROCKET	745.21
FIRST CONCORD GROUP LLC	FLEX FEES	2,688.86
GEMPLER'S INC	NITRILE GLOVES	113.94
GROSSENBURG IMPLEMENT INC	O-RING/COTTER PIN	1.85
HERITAGE HOMES	AUDITORIUM DEPOSIT REFUND	150.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	9,550.67
INTERNATIONAL PUBLIC MANAGEMENT	POLICE OFFICER EXAMS	160.50
INTERSTATE BATTERY SYSTEM	WELCOME SIGN BATTERY	248.95
IRS	FICA WITHHOLDING	12,388.14
IRS	MEDICARE WITHHOLDING	2,897.26
IRS	FEDERAL WITHHOLDING	9,381.70
JACK'S UNIFORMS	HOLSTER	461.75
JEO CONSULTING GROUP	2018 SEWER EXTENSION/SLUDGE REVIEW	1,891.25
KEPCO ENGRAVING	NAMEPLATES	18.44
KLEIN ELECTRIC	WEST/EAST INNER CONVERSION	8,521.02
LCL TRUCK EQUIPMENT, INC	HENKE SNOW PLOW	12,265.00
MILLER LAW	ATTORNEY FEE	5,416.67
MILO MEYER CONSTRUCTION	SOUTHVIEW II DITCH GRADING	20,600.00

Vendor	Payable Description	Payment Total
NE DEPT OF REVENUE	STATE WITHHOLDING	3,818.64
NE ECONOMIC DEVELOPERS ASSN	MEMBERSHIP- B PORTER	100.00
NE PUBLIC HEALTH ENVIRONMENTAL LAB	FLUORIDE/COLIFORM TESTING	1,078.00
NEBRASKA PUBLIC POWER DIST	ELECTRICITY	297,986.72
NORTHEAST POWER	WHEELING CHARGES	13,417.72
NOVA FITNESS EQUIPMENT	PREVENTATIVE MAINTENANCE	388.50
NWOD	MEMBERSHIP RENEWAL- A JUNCK	15.00
QUALITY 1 GRAPHIC	DECALS FOR ELECTRICAL BOXES	120.00
SOOLAND BOBCAT	BOBCAT EQUIPMENT FILTERS/OIL/COOLANT/BROOMS	1732.03
STAPLES, INC	OFFICE SUPPLIES	47.04
THE CAROM HOUSE	POOL TABLE BALLS	70.00
TITAN MACHINERY	FILTERS/FUEL-WATER SEPARATOR	390.71
TOTAL FIRE & SECURITY, INC.	SHORTED WIRE ON AUDITORIUM FCI PANEL	594.76
WAYNE AREA ECONOMIC DEVELOPMENT	JANUARY 2019 CONTRIBUTION	7,871.00
WISNER WEST	FD GASOLINE	143.51
	Grand Total:	429,915.76

ORDINANCE NO. 2018-33

AN ORDINANCE ADOPTING ELECTRICAL INTERCONNECTION STANDARDS, PROCEDURES, AGREEMENTS, CHARGES AND FEES.

WITNESSETH:

WHEREAS, the Governing Body of the City of Wayne, Nebraska, finds that private electrical generating capacity is becoming a significant potential, now and in the future; and

WHEREAS, standards and procedures are necessary for the health, safety and welfare of the citizens and city employees for the interconnection of such capacity with the City of Wayne's electrical system; and

WHEREAS, the Governing Body of the City of Wayne, Nebraska, wishes to enact certain uniform standards and procedures for such privately-owned electrical generation.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WAYNE, NEBRASKA, AS FOLLOWS:

Section 1. There is hereby adopted a Net Metering Application and Interconnection Agreement all as attached hereto and marked Exhibit "A," incorporated herein, and made a part of this Ordinance.

Section 2. This ordinance shall be effective upon its adoption and publication in the official city newspaper.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Wayne, Nebraska, this _____ day of January, 2019.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2018-34

AN ORDINANCE APPROVING AMENDMENT NO. 3 TO THE CONTRACT WITH BIG RIVERS ELECTRIC CORPORATION.

WHEREAS, the City of Wayne is a political subdivision of the State of Nebraska providing retail electric service to its residents; and

WHEREAS, Big Rivers Electric Corporation is a Kentucky electric generation and transmission cooperative, organized and existing under the laws of the Commonwealth of Kentucky; and

WHEREAS, the City of Wayne previously entered into the Market Based Rate Partial and Full Requirements Agreement, dated as of December 20, 2013, as amended by Amendment No. 1, by and between the parties, dated as of June 11, 2014, and by Amendment No. 2, by and between the parties, dated as of April 24, 2017; and

WHEREAS, it is necessary to amend said contract to extend the City of Wayne's Capacity Purchase Agreement for the life of its power contract per Amendment No. 3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that Amendment No. 3 to the Contract between Big Rivers Electric Corporation and the City of Wayne is hereby approved, and the Mayor is hereby authorized to execute said Amendment on behalf of the City.

PASSED AND APPROVED this _____ day of January, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2018-35

AN ORDINANCE AMENDING TITLE VII TRAFFIC CODE, GENERAL PROVISIONS – SNOW PLOW ALERT; 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 VII Traffic Code, the section title Snow Plow Alert is hereby amended to read as follows:

SNOW ~~PLOW ALERT~~ EMERGENCY

§ 78-281 DEFINITIONS.

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

CITY ADMINISTRATOR or **DESIGNATE**. The person authorized by the Council to enforce this subchapter.

ROADWAY. The portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
(2002 Code, § 78-281) (Ord. 2004-3, passed 4-13-2004)

§ 78-282 PARKING ON CITY STREETS.

(A) Whenever the City Administrator or designate finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by a weather service, of snow, sleet or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the City Administrator or designate shall put into effect the parking prohibition on all city streets as necessary by declaring a snow ~~plow-alert~~ or **winter** weather emergency.

(B) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the City Administrator or designate in accordance with this subchapter. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a city street to which it applies. This prohibition shall remain in effect for the duration of the storm and/or until removed.
(2002 Code, § 78-282) (Ord. 2004-3, passed 4-13-2004; Ord. 2008-4, passed 3-4-2008)

§ 78-283 STALLED VEHICLE ON CITY STREET.

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this subchapter, or on any part of a city street on which there is a covering of snow, sleet or ice, upon which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such street, or onto the public space portion of a nearby driveway. No person shall abandon or leave his or her vehicle in the roadway of a street, except for the purpose of securing assistance during the actual time necessary to go to a place of assistance and return without delay.

(2002 Code, § 78-283)

§ 78-284 DECLARATIONS OF DIRECTOR.

The City Administrator or designate shall cause each declaration by him or her pursuant to this subchapter to be publicly announced by means of broadcast or telecast, from stations with a normal operating range covering the city or by cable television; and he or she may cause such declaration to be further announced in the newspapers of general circulation when feasible. Each announcement shall describe the action taken by the City Administrator or designate, including the time it became or will become effective, and shall specify the streets or areas affected. A parking prohibition declared by the City Administrator or designate shall not go into effect until at least three hours after it has been announced, at least five times, between 6:00 a.m. and 10:00 p.m., in accordance with this section.

(2002 Code, § 78-284) (Ord. 2004-3, passed 4-13-2004)

§ 78-285 TERMINATION OF PARKING PROHIBITION BY THE DIRECTOR.

Whenever the City Administrator or designate shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this subchapter no longer exists, he or she may declare the prohibition terminated, in whole or in part, in a manner prescribed by this subchapter, effective immediately upon announcement.

(2002 Code, § 78-285)

PROVISIONS TEMPORARILY EFFECTIVE TO TAKE PRECEDENCE.

Any provision of this subchapter which becomes effective by declaration of the City Administrator or designate or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions or law normally in effect; except that, it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a police officer.

(2002 Code, § 78-286)

§ 78-287 REMOVAL, IMPOUNDING, RETURN OF VEHICLES.

(A) City employees are authorized to remove or have removed a vehicle from a street to the nearest garage or other place of safety, including another place on a street, or to a garage designated or maintained by the Police Department when:

(1) The vehicle is parked on a part of a street on which a parking prohibition is in effect pursuant to this subchapter;

(2) The vehicle is stalled on a part of a street on which there is a covering of snow, sleet or ice on which there is a parking prohibition in effect pursuant to this subchapter and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this subchapter; or

(3) The vehicle is parked in violation of any parking ordinance or provisions of law and is interfering or about to interfere with snow removal operations.

(B) Whenever an officer or employee removes or has removed a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner, such officer shall give or cause to be given notice to such owner of the fact of such removal and the reasons for removal and of the place to which such vehicle has been removed.

(C) No person shall recover any vehicle removed in accordance with this section, except as provided in this division (C). Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he or she shall present to a member of the Police Department evidence of his or her identity and right to possession of the vehicle, and shall sign a receipt for its return, shall pay the cost of impound, shall pay any cost of storage accrued and shall pay any issued and outstanding parking ticket.

(D) It shall be the duty of the Police Department to keep a record of each vehicle removed in accordance with this section. The records shall include:

- (1) A description of the vehicle;
- (2) Its license number;
- (3) The date and time of its removal;
- (4) Where it was removed from;
- (5) Its location;
- (6) The name and address of its owner and last operator, if known;
- (7) Its final disposition; and
- (8) The parking violation involved.

(E) This section shall be supplemental to any other provisions of law granting members of the Police Department authority to remove vehicles.
(2002 Code, § 78-287) (Ord. 2004-3, passed 4-13-2004)

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

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

PASSED AND APPROVED this _____ day of January, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2018-36

AN ORDINANCE AMENDING TITLE VII TRAFFIC CODE, GENERAL PROVISIONS, SECTION 78-237 STREETS TO BE KEPT CLEAN; 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 VII Traffic Code, Section 78-237 Streets to be kept clean is hereby amended to read as follows:

Sec. 78-237 Streets to be kept clean

It shall be unlawful for any person to place, throw or put upon any street, alley, sidewalk or any public place any snow, ice, dirt, rubbish, refuse, or material of any kind or nature unless otherwise permitted by ~~the ordinances of~~ the city. **For the purpose of snow removal, any snow lying within the public right-of-way may remain in the right-of-way from which it came. It shall be unlawful to place the snow in the right-of-way across the paved street or adjacent to another private property. Any snow piled adjacent to a public alley or within the sight triangle for all streets shall not exceed 30" in height.**

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 January, 2019.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2019-1

A RESOLUTION ACCEPTING WORK ON THE “2ND STREET STORM SEWER IMPROVEMENT PROJECT.”

WHEREAS, on the 6th day of February, 2018, the City of Wayne approved Resolution No. 2018-8 awarding the contract on the “2nd Street Storm Sewer Improvement Project” to Robert Woehler & Sons Construction, Inc., of Wayne, Nebraska; and

WHEREAS, the contract has been completed according to the terms and specifications of the plans and specifications and according to the report of the project engineer, Advanced Consulting Engineering Services (ACES).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the recommendation of acceptance by the project engineer, ACES, for the work on the “2nd Street Storm Sewer Improvement Project” be and the same is hereby approved, and that the Mayor is authorized to sign the Certificate of Completion.

PASSED AND APPROVED this 2nd day of January, 2019.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



ADVANCED CONSULTING ENGINEERING SERVICES

133 W. Washington Street · P.O. Box 218
West Point, NE 68788
Office: 402-372-1923 · Fax: 402-372-6960

City of Wayne
PO Box 8
Wayne, NE 68787

December 21, 2018

RE: 2nd Street Storm Sewer Improvements
Wayne, Nebraska
ACES #617-022

Enclosed you will find the Certificate of Completion and Record Drawings for the project referenced above.

If you have any questions please contact our office at 402-372-1923.

Sincerely,

Jeannette Rolf
Advanced Consulting Engineering Services

Enclosures

CERTIFICATE OF COMPLETION

Owner: City of Wayne	Owner's Contract No.:
Contractor: Woehler & Sons	Contractor's Project No.:
Engineer: Advanced Consulting Engineering Services	Engineer's Project No.: 617-022
Project: 2 nd Street Storm Sewer Improvements	Contract Name:

This final Certificate of Completion applies to:

All Work The following specified portions of the Work:

November 19, 2018

Date of Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be complete. The Date of Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Completion. The date of Completion in the final Certificate of Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities: None As follows

Amendments to Contractor's responsibilities: None As follows:

The following documents are attached to and made a part of this Certificate: *final pay application*

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

<p>EXECUTED BY ENGINEER:</p> <p>By: <u></u> (Authorized signature)</p> <p>Title: <u>President</u></p> <p>Date: <u>11-19-2018</u></p>	<p>RECEIVED:</p> <p>By: _____</p> <p>Owner (Authorized Signature)</p> <p>Title: _____</p> <p>Date: _____</p>	<p>RECEIVED:</p> <p>By: _____</p> <p>Contractor (Authorized Signature)</p> <p>Title: _____</p> <p>Date: _____</p>
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521 South Centennial Road
Wayne, NE 68787

Invoice

Date	Invoice #
12/20/2018	18-130

City of Wayne
306 Pearl Street
Wayne, Nebraska 68787

Terms
Due on receipt

Description	Rate	Amount
Clubhouse Improvement Project Progress Billing #9 - See Attached Cost Breakdown	55,655.00	55,655.00

Total	\$55,655.00
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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: December 31, 2018
APPLICATION DATE: December 20, 2018
APPLICATION NO.: #9

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>480,494.00</u>
5. RETAINAGE:		
a. 10% of Completed Work (Columns D-E on Cost Breakdown Sheet)	\$	<u>48,052.00</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>48,052.00</u>
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 total)	\$	<u>432,442.00</u>
7. LESS PREVIOUS APPLICATIONS FOR PAYMENT	\$	<u>376,787.00</u>
8. CURRENT PAYMENT DUE	\$	<u>55,655.00</u>
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	\$	<u>103,148.00</u>

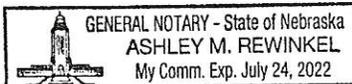
The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates 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: [Signature] Date: 12/20/18

State of: Nebraska
County of: Wayne
Subscribed and sworn to before
me this 20 day of December, 2018



Notary Public:
My Commission expires: [Signature]

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:
By: [Signature] Date: 12.27.18

<input type="checkbox"/>	OWNER
<input type="checkbox"/>	ARCHITECT
<input type="checkbox"/>	CONTRACTOR

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: December 31, 2018
 APPLICATION DATE: December 20, 2018
 APPLICATION NO.: #9
 Page 1 of 1

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

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D.O.R.E.)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE 10%
			FROM PREVIOUS APPLICATION	% (G/C)					
	General Conditions & Project Start-Up	16,800	13,440	0	1,940	0	15,380	92%	1,420
	Soils Testing	1,150	0	0	0	0	0	0%	1,150
	Concrete Foundations, Walls, & Waterproofing	24,800	24,800	0	0	0	24,800	100%	0
	Backfilling & Drain Tile	3,705	3,705	0	0	0	3,705	100%	0
	Rigid Insulation at Foundation Walls	2,070	2,070	0	0	0	2,070	100%	0
	Concrete Floor Slab	11,640	11,640	0	0	0	11,640	100%	0
	Concrete Stoop & Sidewalk Site Paving	23,000	20,536	0	0	0	20,536	89%	2,464
	Brick Masonry	5,730	0	5,730	0	0	5,730	100%	0
	Demolition, Rework, & Infill	26,720	26,720	0	0	0	26,720	100%	0
	Wall Framing & Sheathing	16,385	16,385	0	0	0	16,385	100%	0
	Floor Framing & Sheathing	23,380	23,380	0	0	0	23,380	100%	0
	Roof & Canopy Framing & Sheathing	33,510	33,510	0	0	0	33,510	100%	0
	Asphalt Shingle Roofing	10,600	10,600	0	0	0	10,600	100%	0
	Cement Board Soffit & Fascia	11,750	11,750	0	0	0	11,750	100%	0
	Foil Faced Insulation Sheathing	6,815	6,815	0	0	0	6,815	100%	0
	Cement Board Siding	19,460	19,460	0	0	0	19,460	100%	0
	Gutters & Downspouts	3,105	0	0	0	0	0	0%	3,105
	Treated Wood Deck	20,400	8,905	11,495	0	0	20,400	100%	0
	Insulation	6,600	6,600	0	0	0	6,600	100%	0
	Drywall	27,560	27,560	0	0	0	27,560	100%	0
	Aluminum Entries	18,660	18,660	0	0	0	18,660	100%	0
	Aluminum Windows	16,490	16,490	0	0	0	16,490	100%	0
	Basement Door, Frame, & Hardware	2,690	0	2,300	0	0	2,300	86%	390
	Interior Millwork (Doors, Hardware, Casing, Base, Borrowlites)	21,100	14,825	2,330	0	0	17,155	81%	3,945
	Cabinetry (Bar, Kitchen, Sinks, Etc)	30,040	11,060	13,890	0	0	24,950	83%	5,090
	Painting, Staining, Joint Sealants	28,260	10,366	0	0	0	10,366	37%	17,894
	Finish Flooring	12,960	12,960	0	0	0	12,960	100%	0
	Toilet Partitions & Accessories	4,230	2,010	180	0	0	2,190	52%	2,040
	Electrical	90,695	67,968	15,873	0	0	83,861	92%	6,834
	Plumbing & Site Utilities	20,690	17,249	0	0	0	17,249	83%	3,441
	HVAC	27,995	23,667	2,210	0	0	25,887	93%	2,098
	ORIGINAL CONTRACT AMOUNT	569,000	463,181	55,948	0	0	519,129	91%	49,871
	CHANGE ORDERS								
OCO 1	(Items #1-#10)								
1	Credit Exterior & Interior Painting Labor Only	(12,240)	(5,960)	0	0	0	(5,960)	49%	(6,260)
2	Credit Shingle Roofing Labor Only	(3,530)	(3,530)	0	0	0	(3,530)	100%	0
3	Delete 1" Foil Faced Insulation at Perimeter	(6,815)	(6,815)	0	0	0	(6,815)	100%	0
4	Redesign Aluminum Entry Door Systems & Hardware Changes	(3,130)	(3,130)	0	0	0	(3,130)	100%	0
5	Change Siding to 7" Reveal in Lieu of 4" Reveal	(2,900)	(2,900)	0	0	0	(2,900)	100%	0
6	Delete Prairie Style Grids in Windows	(860)	(860)	0	0	0	(860)	100%	0
7	Delete Oak Ceiling Trims at Coffers	(4,510)	(4,510)	0	0	0	(4,510)	100%	0
8	Change 1x Oak Trims to Heritage Style Oak Trims	(1,750)	(1,750)	0	0	0	(1,750)	100%	0
9	Delete 2" Rigid Insulation at Poured Concrete Walls in Basement	(2,070)	(2,070)	0	0	0	(2,070)	100%	0
10	Delete Finish Flooring Material & Labor Throughout	(12,960)	(12,960)	0	0	0	(12,960)	100%	0
OCO 2	Change Basement Floor Height & North Poured Foundation Wall	No Change	0	0	0	0	0	100%	0
OCO 3	Redesign Restroom Layouts	No Change	0	0	0	0	0	100%	0
OCO 4	Composite Decking & Aluminum Railing Upgrade	17,375	0	5,890	0	0	5,890	34%	11,485
	SUB-TOTAL CHANGE ORDERS	(33,410)	(44,525)	5,890	0	0	(38,635)	116%	5,225
	ADJUSTED CONTRACT AMOUNT PER CHANGE ORDERS	535,590	418,656	61,838	0	0	480,494	90%	48,052