

**AGENDA
CITY COUNCIL MEETING
July 16, 2019**

1. [Call the Meeting to Order – 5:30 p.m.](#)

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. [Introduction of Police Officer Drew Marshall](#)

4. [Approval of Minutes – July 2, 2019](#)

5. [Approval of Claims](#)

6. [Action on the request of Silas Mark for permission to move the fire pit from the “Old Girl Scout Cabin” property to Bressler Park for his Eagle Scout Project](#)

7. [Ordinance 2019-8: Amending Wayne Municipal Code Title VII Traffic Code, Chapter 70 General Provisions — All-Terrain and Utility Vehicles \(Second Reading – Tabled at last meeting\)](#)

8. [Resolution 2019-42: Approving the preliminary plans, specifications, and estimates relating to the Wayne Trail Phase 2 Project STPB-90\(4\)](#)

9. [Discussion regarding golf carts/lawn mowers on city streets](#)

10. [Action to set budget workshop sessions: Mini Retreat on July 30th at 5:00 p.m. \(General Fund Budgets\) and remaining budgets at the August 5th Council meeting](#)

11. [Action on Contractor’s Application for Payment No. 3 in the amount of \\$52,182.53 to I & A Construction, LLP, for the “Wayne 2018 Pedestrian Curb Ramps CDBG #16-CD-108 Project”](#)

12. [Discussion regarding Fireworks](#)

Background: While all comments and concerns are fresh in everyone’s mind, this is a good time to discuss the fireworks ordinance to see if any changes need to be considered. If changes are made, I would like to see at least some discussion on whether or not to give discretion to the Mayor to allow an extra day to discharge if

weather prohibited it on the 4th of July. In this packet are sections of our city code pertaining to fireworks, as well as a couple of State Statutes.

13. [Adjourn](#)

REMINDER: Council Mini Retreat
Tuesday, July 30th at 5:00 p.m. in Council Chambers

**MINUTES
CITY COUNCIL MEETING
July 2, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, July 2, 2019, 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 Dwaine Spieker, Terri Buck, Jon Haase, Jennifer Sievers, Chris Woehler, Jason Karsky, and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 20, 2019, 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.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of June 18, 2019, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACES, SE, 901.25; AJQUI, DOMINGA, RE, 50.00; AMERICAN UNDERGROUND SUPPLY, SI, 140.87; AMERICAN UNDERGROUND SUPPLY, SU, 3678.57; AMERITAS, SE, 87.86; AMERITAS, SE, 72.00; AMERITAS, SE, 2580.92;

AMERITAS, SE, 80.09; AMOT, SU, 1660.28; APPEARA, SE, 82.71; BEBEE, TIMOTHY J. & LESLIE A., RE, 3100.41; BENSCOTER, LOUIS, RE, 3244.48; BOMGAARS, SU, 1341.89; BORDER STATES INDUSTRIES, SU, 607.97; CARHART LUMBER COMPANY, SU, 203.00; CENTURYLINK, SE, 419.39; CITIZENS STATE BANK, RE, 1595.41; CITIZENS STATE BANK, RE, 9989.80; CITY EMPLOYEE, RE, 11.78; CITY EMPLOYEE, RE, 12.82; CITY EMPLOYEE, RE, 576.61; CITY OF WAYNE, PY, 89642.81; CITY OF WAYNE, RE, 1242.75; CORE & MAIN, SU, 1558.46; DANKO EMERGENCY EQUIPMENT, SE, 1703.45; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 103.20; DEMCO, SU, 227.33; DUTTON-LAINSON, SU, 4515.40; EAKES OFFICE PLUS, SE, 910.81; ED M. FELD EQUIPMENT, SU, 487.50; FIRST CONCORD GROUP, SE, 2841.76; FLOOR MAINTENANCE, SU, 392.46; FOURTH GENERATION FAMILY, RE, 13832.88; GRAINLAND ESTATES, RE, 2289.30; GRONE, KELLY, RE, 150.00; GROSSENBURG IMPLEMENT, SU, 179.16; H & R CONSTRUCTION, RE, 250.00; HAWKINS, INC, SU, 539.31; HILAND DAIRY, SE, 104.95; I&A CONSTRUCTION, SE, 45556.25; ICMA, SE, 8298.68; IRS, TX, 1.86; IRS, TX, 11124.12; IRS, TX, 14906.46; IRS, TX, 7.96; IRS, TX, 3486.18; JEO CONSULTING GROUP, SE, 23093.95; JORGENSEN, KEN, RE, 2910.00; JWC ENVIRONMENTAL, SU, 593.98; KAY CONTRACTING, SE, 8610.00; KNIFE RIVER MIDWEST, SE, 1146.95; LEE, MARA, RE, 150.00; LOVE SIGNS, RE, 100.00; METERING & TECHNOLOGY SOLUTIONS, SU, 879.33; MIDSTATES ERECTORS, SU, 868.50; MILLER LAW, SE, 5416.67; MZRB LLC, RE, 3026.53; NE DEPT OF REVENUE, TX, 4485.38; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 493.00; NeRPA, FE, 60.00; NORTHEAST NNEDD, SE, 350.00; NNEDD, SE, 660.00; NORTHEAST NE INS AGENCY, SE, 90439.00; NORTHEAST POWER, SE, 19346.48; NOVA FITNESS EQUIPMENT, SE, 916.90; PETERSON, CARTER, RE, 1409.28; PROGRESSIVE PROPERTIES, RE, 3600.28; PROGRESSIVE PROPERTIES, RE, 1300.17; PROGRESSIVE PROPERTIES, RE, 4145.59; REEG, BETTY S. Revocable Trust, RE, 2818.56; REEG, BILL, RE, 100.00; SHARP CONSTRUCTION, RE, 100.00; SKARSHAUG TESTING LAB, SE, 196.32; TOMPKINS, RODNEY R. Irrevocable Trust, RE, 2818.56; UNITED HEALTHCARE, SE, 43065.50; US BANK, SU, 4238.81; UTILITIES SECTION, FE, 3942.00; WAED, SE, 14871.00; WAYNE COUNTY COURT, RE, 150.00; WESCO, SU, 1705.58; WESTERN RIDGE III, RE, 4373.56; WINDOM RIDGE, RE, 2939.91; WISNER WEST, SU, 402.20; WISNER WEST, RE, -182.31; AMERICAN BROADBAND, SE, 2540.47; AMERICAN PUBLIC POWER ASSOCIATION, FE, 1600.91; B & B PAINTING, RE, 412.52; BANK FIRST, RE, 62707.19; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1170.00; BORDER STATES INDUSTRIES, SU, 529.65; CITY EMPLOYEE, RE, 430.62; CITY EMPLOYEE, RE, 31.22; DANKO EMERGENCY EQUIPMENT, SU, 9316.80; ED M. FELD EQUIPMENT, SE, 290.15; ELKHORN VALLEY BANK, RE, 11000.00; FLOOR MAINTENANCE, SU, 447.49; FREDRICKSON OIL, SE, 141.60; GERHOLD CONCRETE, SU, 23.70; GILL HAULING, SE, 261.25; GROSSENBURG IMPLEMENT, SU, 18.13; HAWKINS, SU, 1596.80; HEARTLAND FIRE PROTECTION, SE, 95.80; HELENA AGRI-ENTERPRISES, SU, 65.00; HILAND DAIRY, SE, 49.18; HOMETOWN LEASING, SE, 433.87; INTERSTATE BATTERY SYSTEM, SU, 115.95; LAMP, MACKENZIE, SE, 300.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 890.00; LOGIC LAWNS, SE, 250.00; LOVE SIGNS, SU, 170.00; MENENDEZ, JOSE M., SE, 232.80; METERING & TECHNOLOGY SOLUTIONS, SU, 3169.25; MIDWEST TAPE, SU, 223.96; NE LIBRARY ASSO, FE, 60.00; NEBRASKA STATEWIDE ARBORETUM, FE, 100.00; NORTHEAST POWER, SE, 5563.00; ONE CALL CONCEPTS, SE, 96.42; PLUNKETT'S PEST CONTROL, SE, 916.73; QHA CLEANING, SE, 4081.68; QUALITY 1 GRAPHIC, SU, 300.00; QUALITY FOOD CENTER, SU, 7.50; RESCO, SU, 549.46; STATE NEBRASKA BANK & TRUST, SE, 45.04; THRASHER, RE, 100.00; TOTAL GRAPHICS, SU, 567.60; TYLER TECHNOLOGIES, SE, 200.00; US FOODSERVICE, SU, 1122.47; VAN DIEST SUPPLY, SU, 1436.80; VIAERO, SE, 67.12; WESCO, SU, 532.86; WAPA, SE, 19178.16; ZIMCO SUPPLY, SU, 840.00

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 Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Jerry Allemann, representing the Lower Elkhorn Natural Resource District, presented the City of Wayne with a check for \$30,000, which represents a grant received to assist in the funding of the Versacourt Play Area Project at College Hill Park.

Luke Virgil, Director of Wayne Area Economic Development, presented the semi-annual report of the LB840 activity.

Councilmember Eischeid arrived at 5:36 p.m.

The following Resolution is a requirement by the Nebraska Department of Transportation when a State highway will be closed for a celebration/parade. This Resolution pertains to the Wayne State College Homecoming Parade and Band Day on Saturday, October 5, 2019.

Sarah Gunion, Student Activities Coordinator at Wayne State College, was present to answer questions. She is requesting to close Main Street, between 1st and 11th Streets, on Saturday, October 5, 2019, from 8:00 a.m. to 11:30 a.m. for the WSC Homecoming/Band Day Parade.

Councilmember Sievers introduced Resolution No. 2019-38 and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2019-38

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

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

Councilmember Sievers made a motion, which was seconded by Councilmember Spieker, approving the Contract for Services between the City of Wayne and the Board of Trustees of the Nebraska State Colleges – Wayne State College for the homecoming parade. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tracy Golden, General Manager of Northeast Power, and David Levy, Attorney at Baird Holm LLP Law Firm, gave an update on the Northeast Power electric system and their contemplated upgrades and the impact the same will have on the City of Wayne electric system.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to enter into executive session for the purpose of protecting the public interest to receive an update on pending litigation regarding the Northeast Power electric system, and to allow the following persons to be in attendance: City Administrator Blecke, City Clerk McGuire, Attorney Miller, Electric Distribution Superintendent Tim Sutton, Tracy Golden, General Manager of Northeast Power, David Levy, Attorney at Baird Holm LLP Law Firm, and Jim Litchfield, City Administrator of Wakefield. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 5:51 p.m.

Mayor Giese again stated that the matter to be discussed in executive session pertains to being updated on pending litigation regarding the Northeast Power electric system.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 6:40 p.m.

Administrator Blecke stated the following Resolution would appoint JEO Consulting Group, Inc., as the special engineer to be used on various projects in 2019 and also approve the “Master Services Agreement” between the City and JEO Consulting Group, Inc.

City Attorney Miller reviewed the agreement and found the same to be acceptable.

Roger Protzman, Engineer with JEO Consulting Group, Inc., was present to answer questions. The proposal is for him to be in Wayne two mornings per week. There will be a minimum charge of \$1,000 per month. There will be a 5% discount on work that is not contracted for at this time. If there are times when the City does not have work for him, then he can work on other JEO projects because of the access to Wi-Fi.

Councilmember Spieker introduced Resolution 2019-39, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2019-39

A RESOLUTION APPOINTING JEO CONSULTING GROUP, INC., AS THE SPECIAL ENGINEER TO BE USED ON VARIOUS CITY OF WAYNE PROJECTS IN 2019 AND APPROVING THE MASTER SERVICES AGREEMENT BETWEEN THE CITY OF WAYNE AND JEO CONSULTING GROUP, INC.

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

Joel Hansen, Street and Planning Director, presented the Council with the specifications for a 2019 Ford F-350 Super Duty Pick-up Truck. This would be purchased from Arnie's Ford through the state bid process for the sum of \$40,750. This vehicle would be delivered after October 1st, and would be paid for with funds from the 2019-2020 fiscal year. This pickup would be used to move snow if necessary.

Councilmember Woehler had concerns in regard to this pickup purchase. He questioned the need for a diesel rather than gas, which increases the price by approximately \$9,000. He stated that there are not enough employees to drive all of the vehicles in the Street Department. In addition, he had concerns about the vehicle having sides and the need to hand-lift forms into the truck rather than using a skid loader to lift forms into the truck.

Mr. Hansen stated if the Council did not want to approve the diesel engine option, he would be fine with the gas engine.

Councilmember Karsky, in response to Councilmember Woehler's statements, stated that you have to look at what the vehicle's purpose is, not how many employees you have. These vehicles all have their purposes. He tends to trust and rely on staff to inform them (the Council) on their needs.

Councilmember Eischeid stated he would give the Street Department a lot of credit. This vehicle is replacing a 1992 pickup. They have done really well with the vehicles they have had, and the length of time they have had them. These things are in the budget to prepare for the future. If a vehicle is 25 years old and worth probably \$500, then we need to start thinking about updating the same. He trusts staff to let them know what they need, not just to spend money.

After discussion, Councilmember Karsky introduced Resolution No. 2019-40 and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2019-40

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A 2019 FORD F-350 SUPER DUTY PICK-UP TRUCK THROUGH THE STATE BID SYSTEM AS PER THE BID PROPOSAL RECEIVED FROM ARNIE'S FORD - \$40,750.00.

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

Councilmember Sievers introduced Ordinance No. 2019-7, and moved for approval of the third and final reading thereof; Councilmember Spieker seconded.

ORDINANCE NO. 2019-7

AN ORDINANCE ADOPTING THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF WATER, SEWER, STORM SEWER AND PAVING MANUAL.

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

Discussion took place regarding the all-terrain and utility vehicle ordinance.

Attorney Miller stated that right now, we have an ordinance that deals with ATV's and UTV's and it mirrors State Statutes. She would suggest that the City keep the ATV and UTV rules and regulations separate from the golf carts, golf cars, and lawn mowers, by way of a separate ordinance or separate section in the ordinance that has been prepared. She also advised the Council that they need to figure out what their goal or purpose is for this ordinance.

Councilmember Haase left the meeting at 7:22 p.m.

Councilmember Eischeid stated that there are two reasons for this:

1. To prevent those people that are skirting State Law by not driving their car or pickup when they do not have valid licenses to get from point A to point B as a mode of transportation.
2. For safety. Wayne has two major highways going through it and a lot of truck and vehicle traffic.

Attorney Miller asked the Council to forward their goals to her and she will prepare the wording to see if that meets what they want, etc.

After further discussion, Councilmember Spieker made a motion, which was seconded by Councilmember Sievers, to table action on Ordinance No. 2019-8 until the next meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who left the meeting, the Mayor declared the motion carried.

Councilmember Spieker made a motion, which was seconded by Councilmember Sievers, to enter into executive session for the purpose of protecting the needless injury to the reputation of the City Administrator to discuss his employment agreement, and to allow Attorney Miller to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who had left the meeting, the Mayor declared the motion carried, and executive session began at 6:20 p.m.

Mayor Giese again stated that the matter to be discussed in execution session relates to the City Administrator's employment agreement.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to resume open session. Mayor Giese stated the motion, and the result of roll call being

all Yeas, with the exception of Councilmember Haase who had left the meeting, the Mayor declared the motion carried, and open session resumed at 8:05 p.m.

Councilmember Spieker introduced Resolution No. 2019-41 and moved for its approval, with the following change therein:

- Salary increased to \$101,000; and

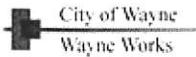
Councilmember Eischeid seconded.

RESOLUTION NO. 2019-41

A RESOLUTION TO ADOPT CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who had left the meeting, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, to adjourn the meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who had left the meeting, the Mayor declared the motion carried and the meeting adjourned at 8:07 p.m.



Vendor	Payable Description	Payment Total
ALTEC INDUSTRIES, INC.	CHAIN SAW/SAFETY VEST	612.92
AMERICAN UNDERGROUND SUPPLY, LLC	CURB STOP VALVE	441.35
AMERITAS LIFE INSURANCE	AMERITAS ROTH	80.09
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	88.26
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,556.70
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
APPEARA	LINEN & MAT SERVICE	112.38
B & B PAINTING, LLC	AUDITORIUM PAINTING	2,160.00
BIG STATE INDUSTRIAL SUPPLY	NITRILE GLOVES	146.51
BROWN SUPPLY CO	COUPLING	284.94
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	60.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	128.72
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	300.00
CITY OF WAYNE	PAYROLL	84,768.91
CITY OF WAYNE	UTILITY REFUNDS	158.43
COPY WRITE PUBLISHING	SHIPPING CHARGES	320.77
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	99.00
EASYPERMIT POSTAGE	POSTAGE/PRESORT FEE	1,059.03
ED M. FELD EQUIPMENT CO INC	AIR PACKS FUNCTION TESTING/EXTINGUISHER RECHARGE	1,300.00
EMPLOYERS MUTUAL CASUALTY CO	WORK COMP	599.55
ENVIRONMENTAL ANALYSIS SOUTH, INC.	48 HR WET TESTS	470.00
ESRI	ARCGIS LICENSE	1,350.00
ETS CORPORATION	CREDIT CARD TRANSACTIONS-UTILITY	44.92
ETS CORPORATION	CREDIT CARD TRANSACTIONS-ONLINE	17.05
FAITH REGIONAL PHYSICIAN SERV.	COLLECTION TESTING	150.00
GEMPLER'S INC	MOUNTED HOSE REEL	144.98
GERHOLD CONCRETE CO INC.	GOLF COURSE GRAVEL	2,351.22
HAWKINS, INC	AZONE/ODOR CONTROL CHEMICAL	958.31
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	62.67
HORIZON CONSTRUCTION	BUILDING PERMIT DEPOSIT REFUND	100.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	7,915.72
IRS	FICA WITHHOLDING	13,928.90
IRS	FEDERAL WITHHOLDING	9,726.56
IRS	MEDICARE WITHHOLDING	3,257.62
JEO CONSULTING GROUP	NEBRASKA STREET IMPROVEMENTS	545.70
JMB CONTRACTING LLC	BUILDING PERMIT DEPOSIT REFUND	100.00
JOHN'S WELDING AND TOOL LLC	LIGHT BAR BRACKETS	73.47
KAUP, BILL	BUILDING PERMIT DEPOSIT REFUND	100.00
KTCH AM/FM RADIO	LOAD MANAGEMENT ADS	378.00
LUTT OIL	GASOLINE	5,401.16
MARCO INC	COPIER LEASE	126.36
MATHESON-LINWELD	OXYGEN	22.80

Vendor	Payable Description	Payment Total
MERCHANT SERVICES	CREDIT CARD TRANSACTIONS	857.51
MERCHANT SERVICES	CREDIT CARD TRANSACTIONS	772.63
MERCHANT SERVICES	CREDIT CARD TRANSACTIONS	23.36
MIDWEST LABORATORIES, INC	WASTE WATER ANALYSIS	882.00
NE AIR FILTER	AIR FILTERS	109.17
NE DEPT OF REVENUE	STATE WITHHOLDING	4,011.81
NE POWER REVIEW BOARD	POWER ASSESSMENT	975.74
NEBRASKA PUBLIC POWER DIST	ELECTRICITY	38,010.54
PAC N SAVE	AFTER SCHOOL SNACKS	143.45
PAC N SAVE	SENIOR CENTER NOON MEAL SUPPLIES	699.36
PENGUIN RANDOM HOUSE LLC	AUDIO BOOKS	56.25
PITNEY BOWES INC	POSTAGE METER LEASE	253.85
PUMP HOOK & PLACEMENT	GOLF COURSE SIDEWALK/CART PATH	593.75
QUALITY 1 GRAPHIC	DECALS	75.00
QUALITY FOOD CENTER	SENIOR CENTER NOON MEAL SUPPLIES	85.42
REHAB SYSTEMS	CLEAN STORM SEWER LINES	1,710.00
TYLER TECHNOLOGIES	INSITE TRANSACTION FEES	1,373.75
VERIZON WIRELESS SERVICES LLC	CELL PHONES	317.83
WAYNE AUTO PARTS	BELTS/PRESSURE VALVE/FILTERS/BULBS/SEALANT	371.13
WAYNE COUNTY CLERK	FILING FEES	208.00
WAYNE HERALD	ADS AND NOTICES	1,076.67
WAYNE HERALD	CAC ADS	436.00
WAYNE VETERINARY CLINIC	DOG IMPOUND	252.00
WINNING FINISH	TRANSIT VAN INTERIOR CLEANING	75.00
WISNER WEST	GASOLINE	165.05
WORLDPAY INTERGRATES PAYMENTS	CAC CREDIT CARD TRANSACTION FEES	278.25
WRECK-AMENDED TOWING & RECOVERY	TOWING	100.00
ZACH HEATING & COOLING	FREON	249.50
Grand Total:		196,738.02

ORDINANCE NO. 2019-8

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – ALL-TERRAIN AND UTILITY VEHICLES; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. That Wayne Municipal Code Title VII Traffic Code, Chapter 70 General Provisions – All-Terrain and Utility Vehicles, is hereby amended as follows:

78-290 DEFINITIONS.

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

ALL-TERRAIN VEHICLE. Any motorized off-highway vehicle which:

- (1) Is 50 inches or less in width;
 - (2) Has a dry weight of ~~900 pounds or less~~ **1,200 pounds or less**;
 - (3) Travels on four or more ~~low-pressure~~ **non-highway** tires;
 - (4) Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger.
 - ~~(5) Has a seat or saddle designed to be straddled by the operator; and~~
 - ~~(6) Has handlebars or any other steering assembly for steering control.~~
- (Neb. RS 60-6,355)

STREET or ***HIGHWAY.*** The entire width between the boundary limits of any street, road, avenue, boulevard or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
(Neb. RS. 60-624)

UTILITY-TYPE VEHICLE.

- (1) Any motorized off-highway vehicle which:
 - (a) ~~Is not less than 48 inches, nor more than 74 inches in width;~~ **Is 74 inches in width or less**
 - (b) Is not more than ~~135~~ **180** inches, including bumper, in length;
 - (c) Has a dry weight of ~~not 900 pounds nor more than~~ 2,000 pounds **or less**;

(d) Travels on four or more **low-pressure non-highway** tires; and

~~(e) Is equipped with a steering wheel and bench or bucket type seating designed for at least two people to sit side-by-side.~~

(2) **UTILITY-TYPE VEHICLE** does not include **all-terrain vehicles**, golf carts **car vehicles**, or low-speed vehicles.

(Neb. RS 60-6,355)

(2002 Code, § 78-290) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-291 OPERATION ON STREETS.

An all-terrain vehicle and a utility-type vehicle may be operated on streets within the corporate limits of the city only if the operator and the vehicle comply with the provisions of this subchapter.

(2002 Code, § 78-291) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-292 HOURS OF OPERATION.

An all-terrain vehicle or a utility-type vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 mph. When operating an all-terrain vehicle or utility-type vehicle as authorized in this subchapter, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above the ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(2002 Code, § 78-292) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-293 REQUIREMENTS.

(1) EQUIPMENT REQUIRED FOR ALL-TERRAIN AND UTILITY-TYPE VEHICLES.

- (a) A brake system maintained in good operating condition;**
- (b) An adequate muffler system in good working condition; and**
- (c) A United States Forest Service qualified spark arrester.**

(2) MODIFICATIONS AND/OR RETROFITTINGS. All-terrain vehicles and utility-type vehicles which have been modified or retrofitted with after-market parts to include additional equipment not required by Neb. RS 60-6,357 and 60-6,358 shall not be registered under the Motor Vehicle Registration Act, nor shall such modified or retrofitted vehicles be eligible for registration in any other category of vehicle defined in the act.

(a) No person shall:

(1) Equip the exhaust system of an all-terrain vehicle or a utility-type vehicle with a cutout, bypass, or similar device;

(2) Operate an all-terrain vehicle or a utility-type vehicle with an exhaust system so modified; or

(3) Operate an all-terrain vehicle or a utility-type vehicle with the spark arrester removed or modified except for use in closed-course competition events.

(3) Any person operating an all-terrain vehicle or utility-type vehicle as authorized in this subchapter shall have:

(A) A valid Class O operator's license ~~or a farm permit as provided in Neb. RS 60-4,126~~; and

(B) Liability insurance coverage for the all-terrain vehicle or a utility-type vehicle while operating the all-terrain vehicle or a utility-type vehicle on a street or highway. The person operating the all-terrain vehicle or a utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

(2002 Code, § 78-293) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013) (**Neb. RS 60-6,357; 60-6,358, 60-6,359**)

§ 78-294 EXCEPTIONS.

(A) All-terrain vehicles and utility-type vehicles may be operated without complying with §§ 78-292 and 78-293 of this subchapter on streets and highways in parades which have been authorized by the state or any department, board, commission or political subdivision of the state.

(B) An all-terrain vehicle or an utility-type vehicle shall not be operated on any state highway within the city limits, except as provided in § 78-295 of this subchapter.

(C) All ATVs and UTVs are to abide by the state statutes pertaining to the operation of vehicles on roadways within the state.

(2002 Code, § 78-294) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-295 CROSSING STATE HIGHWAYS.

Subject to § 78-294, the crossing of a state highway shall be permitted by an all-terrain vehicle or an utility-type vehicle only if:

(A) The crossing is made at an angle of approximately 90 degrees to the direction of the state highway and at a place where no obstruction prevents a quick and safe crossing;

(B) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the state highway;

(C) The operator yields the right-of-way to all on-coming traffic that constitutes an immediate potential hazard; and

(D) Both the headlight and taillight of the vehicle are on when the crossing is made.

(2002 Code, § 78-295) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-296 ADDITIONAL REQUIREMENTS.

(A) The vehicle must be licensed with the city and display a city approved, reflective license plate with numbers and/or letters four inches high, prominently and clearly displayed on the rear of the vehicle.

(B) The vehicle license shall be renewed no later than April 1 of each year.

(C) Each and every operator of an ATV or utility vehicle shall possess an ATV operator's permit and shall carry said permit on his or her person while in operation of the ATV or utility vehicle.

(D) Operator's permits shall be renewed within 30 days prior to the operator's license's date of expiration.

(E) Any operator operating an ATV or utility vehicle must stop immediately when signaled to do so by a law enforcement officer.

(F) The operator must sign a written acknowledgment of the terms of this subchapter **at yearly registration and complete a safety program approved by the city.**

(G) The operator must wear a protective helmet that meets the motorcycle helmet standards of the state.

(H) The operator must be at least 19 years of age.

(I) No operator shall permit any passengers to ride on ATVs which are not specifically designed by the manufacturer to carry passengers.
(2002 Code, § 78-296) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-999 PENALTY.

(A) Any person violating any provision of this appendix for which no specific penalty is prescribed shall be subject to § 10.99 of this code or division (B) hereof.

(B) Waivers.

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance, and in conflict with its provisions, is repealed.

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

PASSED AND APPROVED this _____ day of _____, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2019-42

A RESOLUTION APPROVING THE PRELIMINARY PLANS, SPECIFICATIONS, AND ESTIMATES RELATING TO THE WAYNE TRAIL – PHASE 2 PROJECT STPB-90(4).

WHEREAS, the City of Wayne, Nebraska, entered into an LPA Program Agreement for the State to assist the City in the development and construction of an LPA Federal-aid transportation project; and

WHEREAS, the State or the design consultant has developed the project plans to the point where they are ready to submit to the State’s PS & E Section for final edits for a bid letting; and

WHEREAS, the LPA Program Agreement requires the City to review the preliminary PS & E package and either request modification or approve them as acceptable at this stage; and

WHEREAS, the City wishes to approve the preliminary PS & E package as prepared.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA THAT:

The Mayor, Cale Giese, is hereby authorized to sign the bottom of this Resolution and submit it to the State signifying the City’s approval of the preliminary PS & E package.

NDOR Project Number: STPB-90(4)

NDOR Control Number: 31777

NDOR Project Description: Wayne Trail – Phase 2

PASSED AND APPROVED this 16th day of July, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Contractor's Application for Payment No. 3

To (Owner):	City of Wayne, Nebraska	Application Period:	6/14/2019 - 6/27/2019	Application Date:	7/16/2019
Project:	Wayne 2018 Pedestrian Curb Ramps CDBG #16-CD-108	From (Contractor):	I&A Construction LLP	Via (Engineer):	JEO Consulting Group, Inc.
Owner's Contract No.:		Contract:	Wayne 2018 Pedestrian Curb Ramps CDBG #16-CD-108	Engineer's Project No.:	180182

**Application For Payment
Change Order Summary**

Approved Change Orders Number	Additions	Deductions
1	\$48,086.84	
TOTALS	\$48,086.84	
NET CHANGE BY CHANGE ORDERS	\$48,086.84	

1. ORIGINAL CONTRACT PRICE..... \$ 168,483.61
2. Net change by Change Orders..... \$ 48,086.84
3. Current Contract Price (Line 1 ± 2)..... \$ 216,570.45
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates)..... \$ 155,666.21
5. RETAINAGE:
 - a. 10% X \$108,285.23 Work Completed..... \$ 10,828.52
 - b. X Stored Material..... \$
 - c. Total Retainage (Line 5.a + Line 5.b)..... \$ 10,828.52
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ 144,837.69
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ 92,655.16
8. AMOUNT DUE THIS APPLICATION..... \$ 52,182.53
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above)..... \$ 71,732.76

Contractor's Certification

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

Contractor Address: 1416 Pierce Street
Sioux City, IA 51105

Contractor Signature: 

By:  Date: 7/10/2019

Payment of: \$ 52,182.53
(Line 8 or other - attach explanation of the other amount)

is recommended by:  7/10/2019
(Engineer) (Date)

Payment of: \$ 52,182.53
(Line 8 or other - attach explanation of the other amount)

is approved by: _____ (Owner) (Date)

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

Progress Estimate

Contractor's Application

For (Contract):		Wayne 2018 Pedestrian Curb Ramps CDBG #16-CD-108		Application Number: 3										
Application Period:		6/14/2019 - 6/27/2019		Application Date: 5/21/2019										
Item No.	Item Description	Contract Information			C	D	E	F	G					
		Original Item Quantity	Adjusted Item Quantity	Units						Unit Price	Total Value of Item (\$)	Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (not in C)
1	Mobilization	1	1	LS	\$9,000.00	\$9,000.00	1	\$9,000.00	\$9,000.00	100.0%	\$0.00			
2	Temporary Traffic Control Measures	1	1	LS	\$5,225.00	\$5,225.00	0.7	\$3,657.50	\$3,657.50	70.0%	\$1,567.50			
3	Cleaning and Grubbing	1	1	LS	\$1,000.00	\$1,000.00	0.7	\$700.00	\$700.00	70.0%	\$300.00			
4	Site Grading	1	1	LS	\$3,000.00	\$3,000.00	0.7	\$2,100.00	\$2,100.00	70.0%	\$900.00			
5	Remove Tree	3	3	EA	\$1,650.00	\$4,950.00	1	\$1,650.00	\$1,650.00	33.3%	\$3,300.00			
6	Remove Pavement	272	323	SY	\$19.80	\$6,395.40	197	\$3,900.60	\$3,900.60	61.0%	\$2,494.80			
7	Remove Concrete Sidewalk	8,871	10,697	SF	\$1.36	\$14,547.92	7275	\$9,894.00	\$9,894.00	68.0%	\$4,653.92			
8	7" Concrete Pavement	202	240	SY	\$75.00	\$18,000.00	157	\$11,775.00	\$11,775.00	65.4%	\$6,225.00			
9	6" Concrete Driveway	68	81	SY	\$85.31	\$6,910.11	42	\$3,583.02	\$3,583.02	51.9%	\$3,327.09			
10	5" Concrete Sidewalk	11,018	12,515	SF	\$6.50	\$81,347.50	7737	\$50,290.50	\$50,290.50	61.8%	\$31,057.00			
11	7" Concrete Sidewalk	474	474	SF	\$8.15	\$3,863.10	485	\$3,952.75	\$3,952.75	102.3%	-\$89.65			
12	Detectable Warning Panels	604	686	SF	\$40.00	\$27,440.00	458	\$18,320.00	\$18,320.00	66.8%	\$9,120.00			
13	Adjust Valve Box to Grade	2	3	EA	\$431.95	\$1,295.85	2	\$863.90	\$863.90	66.7%	\$431.95			
14	Adjust Curb Stop to Grade	4	4	EA	\$201.00	\$804.00	1	\$201.00	\$201.00	25.0%	\$603.00			
15	Hydro-Seeding, Fertilizer and Mulch	13,657	16,457	SF	\$0.41	\$6,747.37	9214	\$3,777.74	\$3,777.74	56.0%	\$2,969.63			
16 (New Item)	Reinforced Concrete Retaining Wall	19	19	CY	\$1,100.00	\$20,900.00	28	\$30,800.00	\$30,800.00	147.4%	-\$9,900.00			
17 (New Item)	4" Chain Link Fence	68	68	LF	\$58.00	\$3,944.00					\$3,944.00			
18 (New Item)	Remove Chain Link Fence	68	68	LF	\$17.65	\$1,200.20	68	\$1,200.20	\$1,200.20	100.0%				
Totals												\$155,666.21	71.9%	\$60,904.24

FIREWORKS

§ 113.02 REGULATIONS.

(A) It shall be unlawful for any person to sell fireworks of any description whatsoever, except permissible fireworks, which shall mean sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise, ladyfingers not to exceed seven-eighths inch in length or one-eighth inch in diameter, total pyrotechnic composition not to exceed one-half grain each in weight, or color wheels. Permissible fireworks may be sold at retail only between June 24 and July 5. The Council may permit fireworks of any description for purposes of public exhibitions or display.

(B) The sale of permissible fireworks shall be unlawful, except from a stand or building solely for the purpose of selling permissible fireworks, which stand or structure shall be located at a distance of at least ten feet from any other existing structure. It shall be unlawful for any person to possess for sale at retail or store or keep any fireworks of any description within the city; provided that, the possession and storage shall be permissible between June 24 and July 5.

(2002 Code, § 22-112) Penalty, see § 10.99

Statutory reference:

Fireworks license, see Neb. RS 28-1246

Sale of permissible fireworks, see Neb. RS 28-1249

§ 132.04 FIREWORKS DISCHARGE.

(A) It shall be unlawful for any person to discharge, fire, launch or throw any fireworks or any object, which is lighted to explode or which explodes upon contact with another object:

- (1) From or onto any motor vehicle;
- (2) Onto any street, highway or sidewalk;

(3) During any pyrotechnics display authorized by special permit under the ordinances of the municipality and when the special permit authorized the display to be held on city property, no lawfully permitted fireworks shall be exploded in the said city property during the time of said pyrotechnics display, except by personnel authorized by said special permit;

- (4) At or near any persons;
- (5) Into or upon any building;
- (6) Into or at any group of persons; and/or
- (7) At or upon the premises of another person.

(B) The discharge or exploding of fireworks within the municipality shall be permitted only

on the following dates and during the following hours:

- (1) June 25 through July 3: 8:00 a.m. to 11:00 p.m.;
- (2) July 4: 8:00 a.m. to midnight; and
- (3) Any other times allowed by special permit.

(C) The discharge and exploding of fireworks within the municipality on any dates or times other than set out in this section shall be unlawful.

(D) The Mayor, in the event of extreme drought conditions, shall have the authority to make an emergency declaration banning the discharge of fireworks within the city. Said emergency declaration shall have the force of law and violations of the same shall be punishable as set forth in § 10.99 of this code.

(2002 Code, § 22-113) (Ord. 2002-13, passed 8-27-2002) Penalty, see § 10.99

STATE STATUTE

28-1246. Fireworks; sale; license required; fees.

(1) It shall be unlawful for any person to sell, hold for sale, or offer for sale as a distributor, jobber, or retailer any fireworks in this state unless such person has first obtained a license as a distributor, jobber, or retailer. Application for each such license shall be made to the State Fire Marshal on forms prescribed by him or her. Each application shall be accompanied by the required fee, which shall be five hundred dollars for a distributor's license, two hundred dollars for a jobber's license, and twenty-five dollars for a retailer's license. Each application for a retailer's license shall be received by the State Fire Marshal at least ten business days prior to the sales period, as set forth in section [28-1249](#), in which the retailer wishes to sell consumer fireworks. A retailer's license shall be good only for the specific sales period listed on the application and within the calendar year in which issued. The retailer's license shall at all times be displayed at the place of business of the holder thereof.

(2) The funds received pursuant to this section shall be remitted to the State Treasurer for credit to the State Fire Marshal Cash Fund.

28-1249. Sale of consumer fireworks; limitations.

It shall be unlawful to sell any consumer fireworks at retail within this state, outside the limits of any incorporated city or village. Consumer fireworks may be sold at retail only between June 24 and July 5 and between December 28 and January 1 of each year.

Source: Laws 1977, LB 38, § 281; Laws 1999, LB 621, § 1; Laws 2004, LB 1091, § 2; Laws 2010, LB880, § 8.