

**AGENDA
CITY COUNCIL MEETING
August 6, 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 southwest 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 Derek Weiler, Lineman I and Ted Hollandsworth, Street Maintenance Worker I](#)
4. [Approval of Minutes – July 16, 2019 and July 30, 2019](#)
5. [Approval of Claims](#)
6. [Proclamation — August 11-17, 2019 as “American Wind Week”](#)
7. [Action on a request to waive the requirement of a sidewalk at 929 Circle Drive — Kelby Herman](#)
8. [Action on a request to approve a Fireworks Display for Wayne State College after their “Family Day Football Game” on Saturday, September 14, 2019 — Mike Powicki, Director of Athletics](#)

Background: This has been an annual request by Wayne State College.

9. [Action on a request by Grace Lutheran Church to block off the one block of 10th Street \(Main Street to Logan Street\) along the Willow Bowl for a Sunday School Rally Day festival on Sunday, August 25, 2019, from 8:00 a.m. to 1:00 p.m. — Brian Kesting](#)

Background: This has been an annual request by the Grace Lutheran Church. Approval by the Council is required for a person or entity to temporarily close a street for an event. They will provide Betty with the necessary Certificate of Liability Insurance showing proof of \$1,000,000 liability coverage and naming the City as an additional insured, and assure traffic control measures are provided for safety purposes.

10. [Public Hearing:](#) Application for Community Development Block Grant – Public Works Funds — Jan Merrill, Northeast Nebraska Economic Development District (Advertised Time: 5:30 p.m.)

Background: The City of Wayne is requesting \$435,000 of CDBG Public Works Funds, of which \$400,000 will be used for infrastructure improvements to the following areas: Pine Heights Road between 9th and 10th Street, and approximately

300 feet west and 125 feet east on 10th Street and 75 feet north on Lilac Lane from the intersection of Pine Heights, Lilac Lane and 10th Street. \$25,000 will be used for general administration; and \$10,000 will be used for construction management. The required matching funds of \$100,000 will be provided by the City of Wayne, as well as \$416,230 in additional leverage needed to complete the improvements. The estimated cost of the street improvements is \$916,230, for a total project cost of \$951,230.

11. [Resolution 2019-43: Authorizing Chief Elected Official to request Community Development Block Grant – Public Works Funds](#)
12. [Public Hearing: State Revolving Loan Funding from the Nebraska Department of Environmental Quality for a Water Transmission Main \(Authorized Time: 5:30 p.m.\)](#)
13. [Ordinance 2019-8: Amending Wayne Municipal Code Title VII Traffic Code, Chapter 70 General Provisions — All-Terrain and Utility Vehicles \(Third and Final Reading\)](#)
14. [Ordinance 2019-9: Amending Wayne Municipal Code Title VII Traffic Code, Chapter 70 General Provisions by adding Section 78-297 Golf Carts; Definition and Section 78-298 Operation on Streets](#)

Background: City Attorney Miller has prepared an ordinance for your consideration. The same is a combination of what Seward had and State Law. Her email with an explanation is included in this packet.

15. [Ordinance 2019-10: Amending Wayne Municipal Code 132.04 Fireworks Discharge](#)

Background: This amendment to the code would allow the Mayor to extend the final discharge date if extenuating circumstances prevent or limit the discharge of fireworks on July 4th.

16. [Ordinance 2019-11: Adopting official Airport Zoning Map](#)

Background: The current map for airport zoning is from 1977; that map was approved by Council in 1991. The most recent map drawn was from 2014; however that map was never approved nor filed. This action would approve the 2014 as the current zoning map and protect the north/south runway, which was not part of the 1977 map. We hope to have additional information for you at the meeting.

17. [Resolution 2019-44: Authorizing the allocation of property taxes to the Wayne Airport Authority - \\$74,526 \(last year - \\$73,065\)](#)

Background: This is an annual request from the Wayne Airport Authority.

18. [Resolution 2019-45: Approving Joint Defense and Common Interest Agreement between Northeast Nebraska Public Power District, the City of Wayne, the City of Wakefield, Toth & Associates, Inc., and Holland Knight LLP](#)

19. [Resolution 2019-46: Approving Amendment No. 1 to the Owner-Engineer Agreement between the City of Wayne and JEO Consulting Group, Inc. regarding the “Transmission Water Main from North Well Field to City Limits Project”](#)

Background: Amendment No. 1 represents additional engineering services to conduct an environmental assessment for the “Transmission Water Main from North Well Field to City Limits Project.” The fee for the additional services is \$8,500 (lump sum); however, with the 5% discount per the Master Services Agreement approved on July 2, 2019, said fee is reduced to \$8,075. This brings the total engineering fees for this project to \$129,075.

20. [Resolution 2019-47: Approving Scope of Services and Task Order No. 190287.01 with JEO Consulting Group, Inc., for the “7th Street Sewer Extension Project”](#)

Background: This project will extend an 8” PVC sanitary sewer main 275’ west on 7th Street. The existing sewer passes under a garage to two homes beyond on the backside of the homes north of the intersection of Sherman and 7th Street. It is proposed to extend a sewer main in the 7th Street right-of-way and have two of the existing homes extend their services to the south to the new main. There is an existing sewer service that would serve as the route and would be upgraded in size to an 8”. The total compensation for said services is estimated to be \$10,680 to \$12,680, which includes the 5% discount.

21. [Budget Work Session \(Continued\)](#)

22. [Adjourn](#)

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

The Wayne City Council met in regular session at City Hall on Tuesday, July 16, 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, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 3, 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 southwest 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.

Police Chief Marlen Chinn introduced Police Officer Drew Marshall to the Mayor and Council. He was hired in February, 2019.

Councilmember Sievers made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meeting of July 2, 2019, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ALTEC INDUSTRIES, SU, 612.92; AMERICAN UNDERGROUND SUPPLY, SU, 441.35; AMERITAS, SE, 80.09; AMERITAS, SE, 88.26; AMERITAS, SE, 2556.70; AMERITAS, SE, 72.00; APPEARA, SE, 112.38; B & B PAINTING, SE, 2160.00; BIG

STATE INDUSTRIAL SUPPLY, SU, 146.51; BROWN SUPPLY, SU, 284.94; CITY EMPLOYEE, RE, 60.00; CITY EMPLOYEE, RE, 128.72; CITY EMPLOYEE, RE, 300.00; CITY OF WAYNE, PY, 84768.91; CITY OF WAYNE, RE, 158.43; COPY WRITE PUBLISHING, SE, 320.77; DAVE'S DRY CLEANING, SE, 99.00; EASYPERMIT POSTAGE, SU, 1059.03; ED M. FELD EQUIPMENT, SE, 1300.00; EMPLOYERS MUTUAL CASUALTY, RE, 599.55; ENVIRONMENTAL ANALYSIS SOUTH, SE, 470.00; ESRI, FE, 1350.00; ETS CORPORATION, SE, 44.92; ETS CORPORATION, SE, 17.05; FAITH REGIONAL PHYSICIAN SERVICES, SE, 150.00; GEMPLER'S, SU, 144.98; GERHOLD CONCRETE, SU, 2351.22; HAWKINS, SU, 958.31; HILAND DAIRY, SE, 62.67; HORIZON CONSTRUCTION, RE, 100.00; ICMA, SE, 7915.72; IRS, TX, 13928.90; IRS, TX, 9726.56; IRS, TX, 3257.62; JEO CONSULTING GROUP, SE, 545.70; JMB CONTRACTING, RE, 100.00; JOHN'S WELDING AND TOOL, SU, 73.47; KAUP, BILL, RE, 100.00; KTCH, SE, 378.00; LUTT OIL, SU, 5401.16; MARCO, SE, 126.36; MATHESON-LINWELD, SU, 22.80; MERCHANT SERVICES, SE, 857.51; MERCHANT SERVICES, SE, 772.63; MERCHANT SERVICES, SE, 23.36; MIDWEST LABORATORIES, SE, 882.00; NE AIR FILTER, SU, 109.17; NE DEPT OF REVENUE, TX, 4011.81; NE POWER REVIEW BOARD, SE, 975.74; NPPD, SE, 38010.54; PAC N SAVE, SU, 143.45; PAC N SAVE, SU, 699.36; PENGUIN RANDOM HOUSE, SU, 56.25; PITNEY BOWES, SE, 253.85; PUMP HOOK & PLACEMENT, SE, 593.75; QUALITY 1 GRAPHIC, SU, 75.00; QUALITY FOOD CENTER, SU, 85.42; REHAB SYSTEMS, SE, 1710.00; TYLER TECHNOLOGIES, SE, 1373.75; VERIZON, SE, 317.83; WAYNE AUTO PARTS, SU, 371.13; WAYNE COUNTY CLERK, SE, 208.00; WAYNE HERALD, SE, 1076.67; WAYNE HERALD, SE, 436.00; WAYNE VETERINARY CLINIC, SE, 252.00; WINNING FINISH, SE, 75.00; WISNER WEST, SU, 165.05; WORLDPAY INTERGRATES PAYMENTS, SE, 278.25; WRECK-AMENDED TOWING & RECOVERY, SE, 100.00; ZACH HEATING & COOLING, SU, 249.50; AMAZON, SU, 275.28; AMERICAN LIBRARY ASSOC, FE, 185.00; BAKER & TAYLOR BOOKS, SU, 1168.05; BARRY, MIKE, RE, 100.00; BENSCOTER, LOUIS, RE, 250.00; BROWN PLUMBING, SE, 4813.45; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, RE, 766.46; COTTONWOOD WIND PROJECT, SE, 13349.96; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; FLOOR MAINTENANCE, SU, 335.28; GALE/CENGAGE LEARNING, SU, 1140.67; GOTTULA, ALAN, RE, 500.00; HAWKINS, SU, 2344.22; HEIKES AUTOMOTIVE, SE, 125.00; INGRAM LIBRARY SERVICES, SU, 666.62; MARCO TECHNOLOGIES, SE, 182.96; MIDWEST TAPE, SU, 111.98; NEW PIG CORPORATION, SU, 326.84; POLLARD PUMPING, SE, 250.00; RDG PLANNING & DESIGN, SE, 4340.00; S & S WILLERS, SU, 308.50; SD MYERS, SE, 2953.00

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, the Mayor declared the motion carried.

Silas Mark, a Wayne Eagle Scout, was present requesting Council consideration to allowing him to move the fire pit from the "Old Girl Scout Cabin" property to Bressler Park for his Eagle Scout Project.

Lowell Heggemeyer, Park and Recreation Director, was also present to answer questions. He noted that there would be a hydrant very close to the location of the fire pit in Bressler Park.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spicker, approving the request of Silas Mark, a Wayne Eagle Scout, to allowing him to move the fire pit from the “Old Girl Scout Cabin” property to Bressler Park for his Eagle Scout Project. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Attorney Miller stated the second reading of Ordinance No. 2019-8 was tabled at the last meeting so that Councilmembers could email her with suggestions/recommendations. She received only one email. It was decided at the agenda meeting that the issues regarding golf carts and lawn mowers would be in a separate ordinance because ATV’s and UTV’s are governed by State Statute; golf carts and lawn mowers are not. She reviewed the changes she made after the first reading was approved.

Councilmember Eischeid stated the Council has been deliberating this for several meetings. It would be so much easier if we would just repeal the ordinance. We only have two that are registered with the city.

Councilmember Karsky stated if this ordinance is not repealed, there is still police discretion if someone is unsafe or messing around. Full enforcement of the law is a myth.

A few of the suggested changes to the said ordinance are as follows:

- The operator of any ATV, or any UTV without a factory-installed roll cage, must wear a protective helmet that meets the motorcycle helmet standards of the state.
- All drivers and passengers of UTV’s must wear safety belts if installed.
- The operator must be at least 17 years of age.

After discussion, Attorney Miller stated she would make the suggested changes and bring the same forward at the next meeting for consideration.

Councilmember Brodersen introduced Ordinance No. 2019-8, and moved for approval of the second reading thereof with the following amendments thereto:

1. The operator must be at least 17 years of age.

2. The operator of any ATV, or any UTV without a factory-installed roll cage, must wear a protective helmet that meets the motorcycle helmet standards of the state.

Councilmember Buck seconded.

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.

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

Administrator Blecke stated the following Resolution would approve the preliminary plans, specifications and estimates relating to the Wayne Trail Phase 2 Project STPB-90(4).

Councilmember Brodersen introduced Resolution No. 2019-42 and moved for its approval thereof; Councilmember Karsky seconded.

RESOLUTION NO. 2019-42

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

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

Discussion took place regarding golf carts and lawn mowers being allowed on city streets. Mr. Blecke had obtained several sample ordinances from other communities. Staff favored the ordinance that Seward passed/adopted.

Scott Meisenbach spoke regarding the subject of allowing lawn mowers on streets and how the same might affect his lawn mowing business.

Attorney Miller was directed to prepare an ordinance (following that of Seward's) for review at the next meeting. Council was asked to email Attorney Miller or Administrator Blecke with any comments regarding this matter.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, to set the budget work sessions on the following dates: Mini-Retreat on July 30th at 5:00 p.m. (General Fund Budgets) and remaining budgets (Electric, Water and Sewer) at the August 6th Council meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Jon Mooberry with JEO Consulting Group, Inc., presented Contractor's Application for Payment No. 3 on the "Wayne 2018 Pedestrian Curb Ramps – CDBG No. 16-CD-108 Project" for \$52,182.53 to I & A Construction, LLP.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving Contractor's Application for Payment No. 3 for \$52,182.53 to I & A Construction, LLP, for the "Wayne 2018 Pedestrian Curb Ramps – CDBG No. 16-CD-108 Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place regarding fireworks. Administrator Blecke stated he would like to add the language that the Mayor, in his/her discretion, can/may allow fireworks to be discharged on July 5th if inclement weather would prohibit them from being discharged on July 4th.

Mayor Giese stated he received one complaint that the discharge period (days allowed) was too long.

Phil Monahan, Fire Chief, stated he would like to see less days.

An ordinance would be brought back for Council consideration at the next meeting.

Councilmember Haase left the meeting at 7:00 p.m.

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 Councilmember Haase who had left the meeting, the Mayor declared the motion carried and the meeting adjourned at 7:01 p.m.

MINUTES
CITY COUNCIL MEETING
July 30, 2019

The Wayne City Council met in special session at City Hall on Tuesday, July 30, 2019, at 5:00 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, Jennifer Sievers, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Jon Haase, Chris Woehler and Jason Karsky.

Notice of the convening meeting was given in advance by posting in three places on July 25, 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 southwest 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.

Administrator Blecke stated that they would like to burn the weeds and dead grass off the lagoon area. In order to do so, Council must approve waiving the requirements of Sec. 97.08 of Wayne Municipal Code.

Phil Monahan, Fire Chief, was present to answer questions.

Councilmember Spieker made a motion, which was seconded by Councilmember Eischeid, approving the request of the City of Wayne to waive the open burning ban per Wayne Municipal Code Sec. 97.08 – Lagoon Area. Mayor Giese stated the motion, and the result of roll

call being all yeas, with the exception of Councilmembers Haase, Woehler and Karsky who were absent, the Mayor declared the motion carried.

Tom Schmitz, Airport Authority Board Chair, and Board Members Scott Hammer and Travis Meyer, gave a report on what has been happening at the Wayne Airport.

Councilmember Woehler arrived at 5:17 p.m.

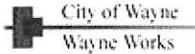
The Council then discussed the following retreat items:

- City Hall
- Development
- Park Improvements
- Street Improvements

The Council began their budget work session. Council reviewed the General Fund Revenue Sources and Expenditures for the upcoming FY2019-2020 budget.

The budget work session would continue at the regular Council meeting on August 6th.

Councilmember Buck 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, the Mayor declared the motion carried and the meeting adjourned at 9:06 p.m.



Vendor	Payable Description	Payment Total
ACE SIGN DISPLAYS, INC.	BUILDING PERMIT DEPOSIT REFUND	100.00
ADVANCED CONSULTING ENGINEERING SERVICES	SOUTHWEST PLAT	8,622.28
AMERICAN PUBLIC POWER ASSOCIATION	POWER PLANT DUES	1,756.53
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,907.14
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	91.79
AMERITAS LIFE INSURANCE	AMERITAS ROTH	80.09
ARCADIAN MARKSMANSHIP CLUB	POLICE RANGE FEE	100.00
ARKFELD LOCK & SECURITY	DOOR LOCKS	1,113.90
BENSCOTER, LOUIS	BUILDING PERMIT DEPOSIT REFUND	250.00
BIG RIVERS ELECTRIC CORPORATION	ELECTRICITY	232,409.92
BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY	PLAYGROUND WOOD CHIPS	1,775.00
BLACKBURN MANUFACTURING CO	MARKING FLAGS	95.97
BORDER STATES INDUSTRIES, INC	FLOODLIGHTS	1,403.56
BSN SPORTS, INC	VOLLEYBALL NET	349.98
CENTURYLINK	TELEPHONE CHARGES	420.53
CERTIFIED TESTING SERVICES INC	PEDESTRIAN CURB RAMPS	1,408.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	850.29
CITY EMPLOYEE	SCOREBOOKS	43.80
CITY EMPLOYEE	VISION REIMBURSEMENT	100.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	3,572.26
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	616.50
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	655.82
CITY EMPLOYEE	VISION REIMBURSEMENT	142.91
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	160.76
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	38.24
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	857.62
CITY OF WAYNE	PAYROLL	85,896.89
CITY OF WAYNE	PAYROLL	85,881.48
CITY OF WAYNE	UTILITY REFUNDS	592.38
DANKO EMERGENCY EQUIPMENT	TEST AERIAL TRUCK	3,126.17
DEARBORN LIFE INSURANCE COMPANY	VFD INSURANCE	103.20
DEARBORN LIFE INSURANCE COMPANY	LIFE/DISABILITY	2,405.41
DISCOUNT PLAYGROUND SUPPLY, INC.	PLASTIC BORDER	2,748.00
DUTTON-LAINSON COMPANY	ELECTRIC METERS	1,256.98
ETS CORPORATION	COMPLIANCE FEES	150.00
ETS CORPORATION	COMPLIANCE FEES	150.00
ETS CORPORATION	COMPLIANCE FEES	150.00
FIRST CONCORD GROUP LLC	FLEX FEES	2,841.76
FLOOR MAINTENANCE	TOILET PAPER	47.96
GERHOLD CONCRETE CO INC.	GOLF COURSE CONCRETE	1,362.78
HAWKINS, INC	SODIUM HYPOCHLORITE	289.41
HEIKES AUTOMOTIVE LLC	FUEL PUMP	567.99

Vendor	Payable Description	Payment Total
HEWLETT PACKARD ENTERPRISE CO	SERVER HARDWARE MAINTENANCE/SUPPORT	1,909.44
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	227.79
I&A CONSTRUCTION, LLP	PEDESTRIAN CURB RAMPS	52,182.53
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	7,784.42
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	7,784.48
IRS	FICA WITHHOLDING	14,266.42
IRS	FEDERAL WITHHOLDING	10,165.09
IRS	MEDICARE WITHHOLDING	3,336.54
ISLAND SPRINKLER SUPPLY CO	IRRIGATION SUPPLIES	92.46
ITRON	ITRON HARDWARE MAINTENANCE	4,078.77
JEO CONSULTING GROUP	WATER TRANSMISSION MAIN	8,730.00
JONES, LEONARD	DRIVEWAY BOND REFUND	500.00
KELLY SUPPLY COMPANY	PLASTIC PIPE	171.76
KEPCO ENGRAVING	NAMEPLATE	35.46
KUGLER, BILL	SIDEWALK COST SHARE	240.00
LAMP, MACKENZIE	ART CAMP	300.00
LOGIC LAWNS	MOWING	250.00
MC LAGEN, STEVE	AUDITORIUM DEPOSIT REFUND	150.00
MILLER LAW	ATTORNEY FEE	5,416.67
NE DEPT OF REVENUE	STATE WITHHOLDING	4,250.82
NORTHEAST NE ECONOMIC DEV DIST	16-CD-208 JUNE 19 SERVICES	1,380.00
NORTHEAST POWER	ELECTRICITY	6,225.00
O'REILLY AUTOMOTIVE STORES, INC.	WRENCHES	17.98
PROGRESSIVE BUILDERS	BUILDING PERMIT DEPOSIT REFUND	600.00
PROGRESSIVE PROPERTIES	BUILDING PERMIT DEPOSIT REFUND	100.00
PROGRESSIVE PROPERTY INSPECTORS LLC	BUILDING PERMIT DEPOSIT REFUND	250.00
QUALITY 1 GRAPHIC	HELMET DECALS	100.00
RODRIGUEZ, NANCY	INTERPRETER SERVICE	35.00
SAND CREEK POST & BEAM	BUILDING PERMIT DEPOSIT REFUND	100.00
SELECT APPLIANCE LLC	ICE MAKER	709.00
SHERMAN, DONALD	BUILDING PERMIT DEPOSIT REFUND	100.00
ST OF NE-CHARITABLE GAMING DIVISION	KENO LOTTERY TAX	1,476.00
THOMPSON, LUCAS	DRIVEWAY BOND REFUND	500.00
TOTAL GRAPHICS	BASEBALL/SOFTBALL SHIRTS	955.50
UNITED HEALTHCARE	HEALTH INSURANCE PREMIUM	39,036.45
VALLEY DRIVE PROPERTIES	BUILDING PERMIT DEPOSIT REFUND	250.00
WAYNE AREA ECONOMIC DEVELOPMENT	CONTRIBUTION	7,871.00
WESCO DISTRIBUTION INC	HARNESS	731.88
	Grand Total:	629,875.76

CITY OF WAYNE
OFFICE OF THE MAYOR

Proclamation

WHEREAS, Nebraska hosts 1972 megawatts of wind energy, ranking 14th in the nation and producing enough electricity from wind to power nearly 498,000 average homes; and

WHEREAS, Nebraska is home to 25 wind projects with 974 total turbines; and

WHEREAS, the wind industry has invested more than \$3.5 billion of private capital in wind generation projects and supply chain operations; and

WHEREAS, Nebraska landowners receive nearly \$14 million in state and local taxes and annual land lease payments; and

WHEREAS, more than 3,000 men and women in our state are directly employed by wind energy.

NOW, THEREFORE, I, Cale Giese, Mayor of the City of Wayne, Nebraska, do hereby proclaim August 11-17, 2019 as “American Wind Week” in the City of Wayne and encourage the residents of Wayne to learn about and celebrate wind energy.

DATED this 6th day of August, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

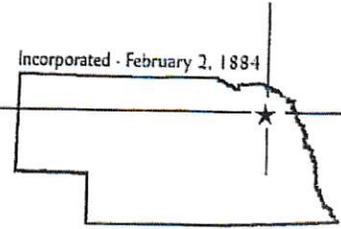
City Clerk

City of Wayne

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

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

Incorporated - February 2, 1884



REQUEST FOR FUTURE AGENDA ITEM

If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. If you have additional documentation which would be beneficial to the topic, please attach to this form. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

Event insurance is required for anyone wishing to use city right-of-way (e.g. block off streets for block parties, block off sidewalks and/or alleys).

Name: Kelby Herman - Progressive Property Inspection, LLC

Address: 2210 Skyline Drive
Norfolk, NE

Telephone No.: 402-350-1231

Date of Request: 7-29-19 Request 8-6-19 Meeting

Description of Requested Topic: I am requesting a sidewalk waiver
at 929 Circle drive due to lack of space and
the fact that there are no sidewalks in the address.







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Wayne State College

July 19, 2019

City of Wayne
306 Pearl Street
PO Box 8
Wayne, NE 68787

To whom it may concern;

On behalf of the Department of Athletics at Wayne State College, I am writing to request permission to do a short 5-10 minute fireworks display after our Family Day Football game on Saturday, September 14th, 2019 (approximately 8:45 pm).

We have done this activity the last three years and will be using a licensed fireworks company to provide us with our fireworks display. The Wayne State Campus Security and Athletic Department Staff will assist the Wayne Volunteer Fire Department with securing the fireworks site. Fireworks will be set off from a grassy area off of the walking path behind the football stadium.

Please contact me by email at mipowic1@wsc.edu or by phone at 402-375-7520 if you have any questions or concerns regarding our request.

Thank you for your time and consideration. We look forward to working with the City of Wayne to facilitate another successful event.

Respectfully,



Mike Powicki
Director of Athletics
Wayne State College

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Betty McGuire - Request to Close 10th Street for Grace Lutheran Church

From: Brian Kesting
To: Betty McGuire
Date: 7/16/2019 3:34 PM
Subject: Request to Close 10th Street for Grace Lutheran Church

Betty,

Grace Lutheran Church would once again like to request to block off one block of 10th Street (between Main and Logan Streets) on Sunday, August 25th from 8 am to 1 pm for Church/Sunday School (Rally Day) services.

Thank you,

Brian

RESOLUTION NO. 2019-43

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC WORKS FUNDS.

WHEREAS, the City of Wayne Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Wayne, Nebraska, has obtained its citizens comments on community development needs and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which the City is requesting \$435,000 of CDBG Public Works (PW) Funds, of which \$400,000 will be used for infrastructure improvements to the following areas: Pine Heights Road between 9th and 10th Street, and approximately 300 feet west and 125 feet east on 10th Street and 75 feet north on Lilac Lane from the intersection of Pine Heights, Lilac Lane and 10th Street. \$25,000 will be used for general administration and \$10,000 will be used for construction management. The required matching funds of \$100,000 will be provided by the City of Wayne, as well as \$416,230 in additional leverage needed to complete the improvements. The estimated cost of the street improvements is \$916,230, for a total project cost of \$951,230. All CDBG funds will benefit low-to-moderate income persons in the community. No persons will be displaced as a result of this project.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Wayne, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Wayne and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED this 6th day of August, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Mayor and City Council of Wayne, Nebraska will hold a public hearing on August 6, 2019, at or about 5:30 p.m. at City Hall, 306 Pearl Street, Wayne, Nebraska, concerning the construction of a new water transmission main as required for State Revolving Loan Funding from the Nebraska Department of Environmental Quality and other funding Agencies.

The purpose of this public hearing is to discuss the project and the potential impact to the existing water rates. All local citizens and any other interested parties, governmental agencies or groups are encouraged to comment. Written comments addressed to the City Clerk at 306 Pearl Street, Wayne, NE 68787, will be accepted as part of the record of the hearing if received on or before the scheduled date of the hearing.

Maps, drawings, and other pertinent data will be available upon request for public inspection by contacting the City Clerk. All persons interested in the design, location and construction of the drinking water facilities are invited to appear and express their views. Written statements may be submitted prior to or at the time of the hearing.

Individuals requiring physical or sensory accommodations, including interpreter service, Braille, large print, or recorded materials, please contact Betty McGuire at 306 Pearl Street, Wayne, NE 68787 or 402-375-1733 no later than August 2, 2019.

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. **The definitions contained in this section shall mimic the definitions set out in Neb. Rev. Stat. 60-6,355, as said statute may be amended from time to time.**

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 ~~cars~~ **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 **or the posted speed limit, whichever is less**. 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 a 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 a 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 initial yearly registration and every renewal** ~~and complete a safety program approved by the city.~~

(G) The operator **of any ATV, or any UTV without a factory-installed roll cage,** must wear a protective helmet that meets the motorcycle helmet standards of the state.

(H) **All drivers and passengers of UTV's must wear safety belts if installed.**

(I) The operator must be at least **17 19** years of age.

(J) 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 6th day of August, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Betty McGuire - Re: Fwd: UTV City Ordinance

From: Wes Blecke
To: Jill Brodersen
Date: 7/23/2019 3:27 PM
Subject: Re: Fwd: UTV City Ordinance
Cc: Betty McGuire

Jill.

I think Mark was going to contact most Council members...but I or Betty will pass this on to Council (after the water info slows down). Also Mark said he would be at the final reading.

Wes

>>> Jill Brodersen <jbrodersen@cityofwayne.org> 7/23/2019 10:23 AM >>>

Not sure if everyone else got this.

Sent from my iPhone

Begin forwarded message:

From: "Mark Putnam" <mark@heritageind.com>
Date: July 23, 2019 at 10:10:35 AM CDT
To: "Jill Brodersen" <jbrodersen@cityofwayne.org>
Subject: UTV City Ordinance

Jill,

Good morning.

I currently have a UTV licensed with the City of Wayne.
I have had it licensed for a couple of years.

I am in favor of eliminating the helmet requirement because I have a
Seat belt and roll bar. I believe in safety but a helmet is not needed in my situation.

Can you please vote in favor of removing the helmet requirement.

Thank you very much.

Mark Putnam M.S.E. - National Sales Director
mark@heritageind.com / 402-375-9435

Heritage Industries
905 Centennial Road Wayne, Nebraska 68787
www.heritageind.com www.electronicminibranch.com

Betty McGuire - Golf Carts

From: Amy Miller <amymillerlaw@gmail.com>
To: Wes Blecke <wblecke@cityofwayne.org>, Cale Giese <cgiese@cityofwayne.org...
Date: 7/22/2019 11:53 AM
Subject: Golf Carts
Attachments: golf carts 071719.docx

All --

After reviewing 60-6,381, there are some restrictions to the golf cart ordinance I want to make you all aware of before I draft the ordinance. When Marlen spoke at the council meeting, he pointed out that Seward's ordinance was contrary to statute. Statute allows cities to be more restrictive than state statute. However, you still have to be AT LEAST as restrictive as the statute. So although the Seward example isn't necessarily contrary to statute, there are additional restrictions residents would have to abide by if Wayne adopts something similar to Seward.

The draft I attached is combining Seward's ordinance with State law. All provisions are statutory with the exception of where the golf cart can be driven. One thing I'm sure most people don't know is that the golf cart must have liability insurance. Also, statute requires you have a valid driver's license to drive on streets OR city property open to the public. Please review the attachment. I have a couple highlights with questions. For example, if we are only allowing them to be driven to golf course and parades, and they have to be insured, and the driver has to be licensed, do they also need a special permit?

Let me know your thoughts.

Thanks,

Amy K. Miller
MILLER LAW
208 Main Street
P.O. Box 33
Wayne, NE 68787
Phone: (402) 833-1440
Fax: (402) 833-1420
Email: amymillerlaw@gmail.com

The preceding message and any attachments are intended only for the person or persons to whom the message is addressed and may contain information that is privileged and confidential. If you are not the intended recipient (or an authorized representative of the intended recipient) of the preceding message, any dissemination of the preceding message and any attachments is strictly prohibited. If you have received such message in error, please notify me immediately by e-mail to amymillerlaw@gmail.com or by telephone at (402) 833-1440 and delete the message and any attachments from your system without reading, printing, or saving them.

ORDINANCE NO. 2019-9

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – BY ADDING SECTION 78-297 GOLF CARTS; DEFINITIONS AND SECTION 78-298 OPERATION ON STREETS; 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 is hereby amended by adding Section Golf Carts; Defined; Operation, are hereby added as follows:

78-297 DEFINITIONS.

- 1) Golf cart means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes.

§ 78-298 OPERATION ON STREETS.

- 1) It shall be unlawful for any person to operate a golf cart upon any street or highway within the corporate limits, or upon any public land owned by the municipality, except as follows and under the following terms:
 - (a) The operator shall have a valid Class O operator's license;
 - (b) The operator shall drive the golf cart only for the purpose of traveling to and from a golf course located within the corporate limits of the city, and must use the most direct route to and from the location where the golf cart is garaged or otherwise stored by its owner;
 - (c) A golf cart may only be operated when such operation occurs between the hours of sunrise and sunset, **(took out operable headlights. On city streets, statute does not provide exceptions)**
 - (d) A golf cart may not be driven on Highway 35 or Highway 15 except to cross said highways. The crossing shall be made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing. The golf cart must be brought to a complete stop before crossing the shoulder or roadway of the highway. The operator must yield the right-of-way to all oncoming traffic that constitutes an immediate potential hazard.
 - (e) Golf carts may only be operated on city streets with a posted speed limit of thirty-five miles per hour or less, and operator shall not operate such vehicle at a speed in excess of twenty miles per hour. A golf cart shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street.

(f) The owner of the golf cart shall have liability insurance coverage for the golf cart. The person operating the golf cart shall provide proof of such insurance coverage to any peace officer requesting such proof within five days after such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.
***N.R.S. 60-6,381

§ 78-298 PENALTY.

Violation of any of the foregoing provisions shall be an infraction punishable by a \$100.00 fine.

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

ORDINANCE NO. 2019-10

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VIII GENERAL OFFENSES, CHAPTER 132 OFFENSES AGAINST PUBLIC HEALTH AND SAFETY, SECTION 132.04 FIREWORKS DISCHARGE; 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 VIII General Offenses, Chapter 132 Offenses Against Public Health and Safety, Section 132.04 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 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. **The Mayor, in his/her discretion, may extend the final discharge day if extenuating circumstances prevent or limit the discharge of fireworks on July 4th.**

(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

Section 2. Any and all provisions of the Wayne Municipal Code in conflict with this Ordinance are hereby repealed.

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

PASSED AND APPROVED this _____ day of _____, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

[Back to Top](#)

ORDINANCE NO. 2019-11

AN ORDINANCE ADOPTING THE 10-MILE AIRPORT ZONING MAP.

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

Section 1. The Wayne City Council hereby adopts the 10-mile Airport Zoning Map, a copy of which is attached hereto and incorporated herein by reference, that was prepared by the Nebraska Department of Aeronautics - Engineering Division on February 6, 2014.

Section 2. Once approved, the Wayne City Clerk shall file the same with the Wayne County Clerk's Office.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

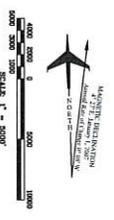
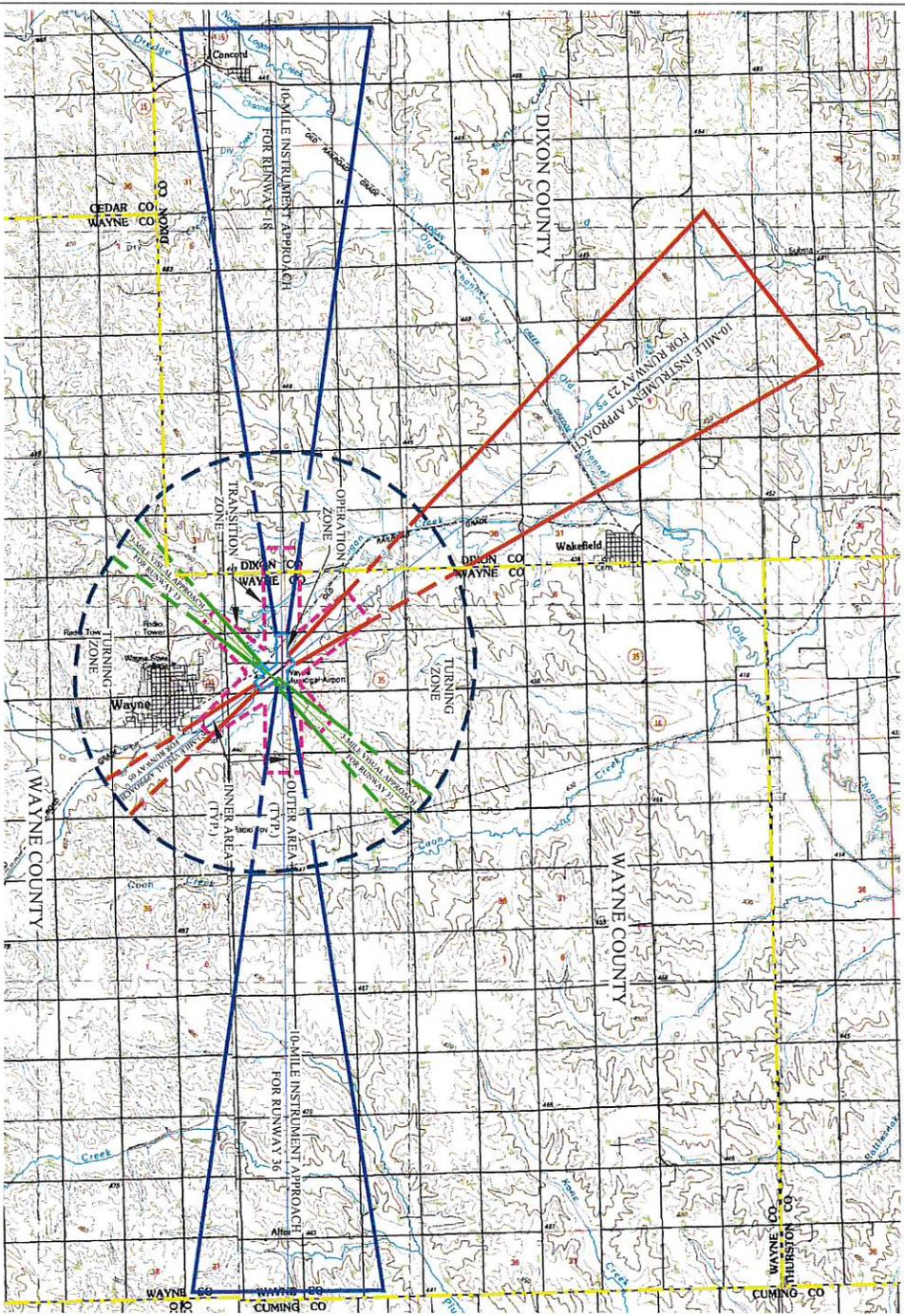
PASSED AND APPROVED this ____ day of _____, 2019.

THE CITY OF WAYNE, NEBRASKA,

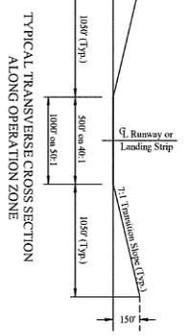
By _____
Mayor

ATTEST:

City Clerk



ARP (Airport Reference Point) COORDINATES:
 Latitude = 42° 14' 30" N Longitude = 96° 58' 53" W
 GRADE ELEVATIONS AT RUNWAY ENDS (AMSL)
 Runway 18 = 1427.6 ft Runway 36 = 1431.6 ft
 Runway 05 = 1430.9 ft Runway 23 = 1426.2 ft
 Runway 13 = 1428.7 ft Runway 31 = 1426.0 ft

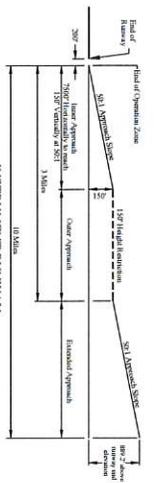


LEGEND

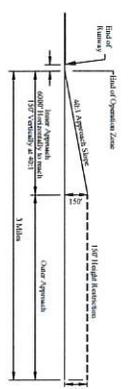
(Elevated from 1440' (100' High Benchmark)

15.56'	OPERATION ZONE
13.91' (1440')	TRANSITION ZONE
13.00'	3-MILE ZONE
12.00'	CONVEYANCE

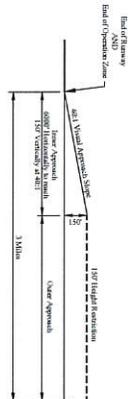
NOTE: In the Turning Zone, any object higher than 130' above the highest point of the nearest runway is considered an obstruction.



**INSTRUMENT RUNWAY
APPROACH ZONE PROFILE**
(See Elevation or Proposed Benchmark Station)
Note: Grade Elevation = 100' above the runway end elevation.
Height Elevation of 100' above the runway end elevation.



**VISUAL RUNWAY
APPROACH ZONE PROFILE**
(See Elevation or Proposed Visual Benchmark)
Note: Grade Elevation = 100' above the runway end elevation.
Height Elevation of 100' above the runway end elevation.



**TURF RUNWAY
APPROACH ZONE PROFILE**
(See Elevation or Proposed Benchmark Station)
Note: Grade Elevation = 100' above the runway end elevation.
Height Elevation of 100' above the runway end elevation.

DWG. NO. ZN-LCC-09	DATE:
APPROVED:	DATE:
REVISIONS:	DATE:
BY:	DISCIP:

**NEBRASKA DEPARTMENT
OF AERONAUTICS - ENGINEERING DIVISION**
 P.O. BOX 82088 LINCOLN, NE 68501-2088
 OFFICE: (402) 471-2371 FAX: (402) 471-2906

WAYNE MUNICIPAL AIRPORT
 WAYNE, NEBRASKA

AIRPORT ZONING MAP

SCALE AS SHOWN
 DATE: 2/6/14
 SHEET NO. 1/1

PRELIMINARY LEVY ALLOCATION FROM CITY OF WAYNE

RESOLUTION NO. 2019-2

WHEREAS, Nebraska Statute 77-3443 (3) requires all political subdivisions subject to city levy authority to submit a preliminary request for levy allocation to the city council; and

WHEREAS, the Wayne City Council is the levy authority for the Wayne Municipal Airport.

NOW, THEREFORE BE IT RESOLVED that the following is said Board's tax request for budget year 2019-2020:

FUND TAX REQUEST

General Fund	<u>\$ 74,526</u>
TOTAL	\$ 74,526

BE IT FURTHER RESOLVED that said Public Airport has repayment of Interest-Free Loans from the Department of Aeronautics for \$14,680 and this amount is not included in the above tax request as allowed by law.

NOW, THEREFORE BE IT RESOLVED that the following is said Board's tax request for budget year 2019-2020:

TOTAL

Motion by Dave Ley to adopt Resolution NO. 2019-2. Seconded by Mark Putnam.

Voting yes were: Schmitz, Hammar, Meyer, Putnam, Ley

Voting no were: None

Motion carried.

Date this 8th day of July, 2019.

Thomas R. Schmitz
Chairman

Dave R. Ley
Secretary

RESOLUTION NO. 2018-44

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY.

WHEREAS, the Governor signed LB989 of the 1997 Session into law, and this law authorizes the City Council to allocate property taxes to the Wayne Municipal Airport Authority; and

WHEREAS, LB 1114 allows Airport Authorities to adopt a resolution requesting that the governing body of the city include their tax levy in the city budget; and

WHEREAS, the Wayne Municipal Airport Authority has requested \$74,526 in property tax allocation; and

WHEREAS, the Mayor and Council of the City of Wayne, Nebraska, hereby finds and determines that it is in the best interest of the City to allocate \$74,526 in property taxes to the Wayne Municipal Airport Authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the City of Wayne allocates \$74,526 to the Wayne Municipal Airport Authority.

PASSED AND APPROVED this 6th day of August, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2019-45

A RESOLUTION APPROVING THE JOINT DEFENSE AND COMMON INTEREST AGREEMENT BETWEEN NORTHEAST NEBRASKA PUBLIC POWER DISTRICT; THE CITY OF WAYNE, NEBRASKA; THE CITY OF WAKEFIELD, NEBRASKA; TOTH AND ASSOCIATES, INC., AND HOLLAND & KNIGHT, LLP.

WHEREAS, the City of Wayne is desirous of entering into what is known as a “Joint Defense and Common Interest Agreement” between Northeast Nebraska Public Power District, the City of Wakefield, Nebraska, Toth and Associates, Inc., and Holland & Knight, LLP, for the purpose of retaining the law firm of Baird Holm LLP to provide legal services related to the Federal Energy Regulatory Commission dispute with Nebraska Public Power District.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the “Joint Defense and Common Interest Agreement,” is hereby approved, and the Mayor is hereby authorized to sign said agreement on behalf of the City.

PASSED AND APPROVED this 6th day of August, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2019-46

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE OWNER-ENGINEER AGREEMENT WITH JEO CONSULTING GROUP, INC., FOR ADDITIONAL SERVICES FOR THE “TRANSMISSION WATER MAIN FROM NORTH WELL FIELD TO CITY LIMITS PROJECT.”

WHEREAS, the Wayne City Council previously approved/appointed JEO Consulting Group, Inc., as the special engineer on the “Transmission Water Main from North Well Field to City Limits Project” on May 7, 2019, for \$121,000.00; and

WHEREAS, said agreement is being amended to include additional engineering services for an environmental assessment for the “Transmission Water Main from North Well Field to City Limits Project” to be performed by JEO Consulting Group, Inc., for an additional fee of \$8,075.00, a copy of which is attached hereto and incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that Amendment No. 1 to the Owner-Engineer Agreement is hereby approved and made a part of the original agreement previously entered into with JEO Consulting Group, Inc., on May 7, 2019, for the “Transmission Water Main from North Well Field to City Limits Project.”

PASSED AND APPROVED this 6th day of August, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: May 7, 2019
- b. Owner: City of Wayne, Nebraska
- c. Engineer: JEO Consulting Group, Inc.
- d. Project: Water Transmission Main, Wayne, Nebraska

2. *Description of Modifications:*

- a. Engineer shall perform or furnish the following Additional Services:

Project: JEO to provide additional engineering services for the Water Transmission Main project. This amendment covers the addition of services to delineate wetlands and other natural resources. These efforts would be used in an effort to obtain NWP 12 from the USACE per the environmental comment letter.

Notes

- *assumes right-of-entry to all affected properties is obtained and provided prior to field mobilization
- *assumes 7 miles of new alignment for pipeline
- *assumes 33-foot wide corridor, adjacent to 575 Ave, one side of road only
- *assumes 1 site visits, to be completed in 2 days
- *cost includes preliminary agency coordination (i.e., letters) with only USFWS, NGPC, and SHPO
- *assumes NWP 12 (Utility Line Activities) with Pre-Construction Notification to USACE
- *cost does not include compensatory wetland mitigation (plan, design, construction, seeding, monitoring, etc.)
- *cost does not include NPDES inspections, coordination with NDEQ, or submittal of NOT
- *cost does not include any other biological surveys (e.g., presence/absence, pre-construction nesting birds) or compliance with other agency's requests (e.g., USFWS, NGPC, SHPO, etc.)
- *cost does not include attendance at meetings
- *cost does not include bid phase or construction phase services
- *cost does not include revisions or resubmittals of reports

For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:

JEO's fees for the services outlined above shall be:

Environmental Assessment	\$8,500.00 (Lump Sum)
Discount (-5%)	(\$425.00)
Total Additional Amount	\$8,075.00 (Lump Sum)

b. The schedule for rendering services is modified as follows:

JEO Consulting Group will conduct these services prior to the end of the monitoring season and will be completed to meet the anticipated 2020 Construction Schedule.

3. Agreement Summary (Reference only)

a. Original Agreement amount:	\$ <u>121,000.00</u>
b. Net change for prior amendments:	\$ <u>0.00</u>
c. This amendment amount:	\$ <u>8,075.00</u>
d. Adjusted Agreement amount:	\$ <u>129,075.00</u>

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is August 6, 2019.

OWNER:

ENGINEER:



By: Cale Giese

By: Roger S. Protzman, P.E.

Title: Mayor

Title: Project Manager

Date Signed: _____

Date Signed: August 1, 2019

RESOLUTION NO. 2019-47

A RESOLUTION APPROVING SCOPE OF SERVICES AND TASK ORDER NO. 190287.01 WITH JEO CONSULTING GROUP, INC., FOR THE “7TH STREET SEWER EXTENSION PROJECT.”

WHEREAS, the Wayne City Council, on July 2, 2019, appointed JEO Consulting Group, Inc., as the special engineer on various City of Wayne Projects; and

WHEREAS, JEO Consulting Group, Inc., has prepared a Scope of Services and Task Order for a project entitled: “7th Street Sewer Extension Project:” and

WHEREAS, said additional engineering services for this project is proposed to range from \$10,680 to \$12,680; and

WHEREAS, said amount includes the 5% discount as per the Master Services Agreement entered into on July 2, 2019.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Scope of Services and Task Order No. 190287.01 between the City of Wayne and JEO Consulting Group, Inc., is hereby approved for the “7th Street Sewer Extension Project.”

PASSED AND APPROVED this 6th day of August, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

SCOPE OF SERVICES

7th STREET SEWER EXTENSION
WAYNE, NEBRASKA
JEO Project # 190287

1. Project Description/Assignment:

7th Street, Wayne, Nebraska: Engineering and Design services to extend an 8" PVC sanitary sewer main 275 feet west. The existing sewer service passes under a garage to two homes beyond on the backside of the homes north of the intersection of Sherman and 7th Street. It is proposed to extend a sewer main in the 7th Street ROW (north side) and have two of the existing home extend their services to the south to the new main. There is an existing sewer service that would serve as the route and would be upgraded in size to 8 inch.

2. Scope of Services

I. **Design Phase**

- A. Order an abstract/title search looking for ROW boundaries and existing utility easements.
- B. Provide engineering surveys necessary to locate the ROW for the sewer. Surveyors also to perform legal research, as necessary, to establish the location of the existing Right of Way lines. Survey to be on both north and south side of homes in case a route along 7th Street can't be developed due to storm sewer or other utility conflict.
- C. Order locate of utilities
- D. Plot field data in AutoCAD.
- E. Sewer main profile to be developed from topographical data.
- F. Review the survey data in comparison to the sewer main alignment. Prepare a 30% complete set of alignment plan sheet.
- G. Prepare 60% complete preliminary plans. Plans to be 11"x17" sheets included with the specification book. Sheets to include:
 - a. Sanitary sewer main plan and profile sheet.
 - b. Detail sheet.
- H. Utilize City standard specifications for project.
- I. Prepare a list of final construction quantities and furnish an Engineer's Opinion of Cost.
- J. Submit final plans, specifications, and bid documents to the Nebraska Department of Environmental Quality.
- K. No legal description or easements are anticipated.

II. **Bidding and Negotiation Phase, if needed**

- A. To be completed and negotiated by Owner.

III. **Construction Phase**

- A. Any services to be provided at standard hourly rates.
- B. Provide interpretation of the plans and specifications, when necessary.

IV. **Additional Services Not Included, But Could Be Negotiated If Needed.**

- A. Schedule and conduct Pre-construction meeting, on site, for the proposed improvements.

EXHIBIT A

- B. Review shop drawings and related data supplied by the Contractor.
- C. Provide horizontal and vertical control for the project (staking).
- D. Review Contractor's final payment estimate and provide to Owner and review.
- E. Consult with and advise Owner during construction.
- F. Review Geotechnical soil and concrete testing results, as needed. Testing to be paid for by Owner.
- G. Conduct a final inspection of project with the Contractor and Owner.
- H. Compile record drawings and submit to NDEQ along with notice of completion.
- I. Recommend to the Owner the acceptance of the project, and complete the necessary certificates. These recommendations will be based on the Engineer's observation of construction utilizing professional judgment and accepted tests to determine that the Contractor has completed their contracts in substantial compliance with the plans, specifications and contract documents. Final acceptance documentation may be the final pay application.
- J. Floodplain, Corps 404, Migratory Bird Studies, or other environmental permitting, not outlined in the scope of services.
- K. Water main design.
- L. RPR services for construction observation.
- M. Meetings not outlined in the scope of services.
- N. Any other item not outlined in the scope of services.

V. Estimated Time Frame

- A. Design Phase – 30 calendar days from authorization to proceed.
- B. Bidding & Negotiation Phase – By Owner.
- C. Construction Phase – after construction contract award and during construction.

Exhibit B

This is Task Order No. 190287.01,

Consisting of _____ pages

Task Order

In accordance with the Master Services Agreement Between Owner and Engineer for Professional Services dated July 9, 2019 ("Agreement"), Owner and Engineer agree as follows:

Specific Project Data

A. Title: 7th Street Sewer Ext

B. Description: Extend sanitary sewer from Sherman Street along the north side of 7th Street for approximately 275 feet.

1. Services of Engineer

See Attachment "A".

2. Owner's Responsibilities

Exhibit "A" from the Master Agreement Between Owner and Engineer for Professional Services as referenced above is modified as follows:

3. Times for Rendering Services

Phase	Completion Date
Study and Report – Title Search	8/15
Preliminary Design	
Final Design	8/30/19
Bidding or Negotiating	NA
Construction	NA
Post-Construction	
TOTAL	

4. Payments to Engineer

A. For Lump Sum Method of Payment:

1. The total compensation for services identified under paragraph 1 of the Task Order is estimated to be \$ _____ based on the following assumed distribution.
2. Engineer may alter the distribution of compensation between individual phases noted herein to be consistent with services actually rendered, but shall not exceed the total Lump Sum amount unless approved in by the Owner.

This is **EXHIBIT B**, consisting of 3 pages, referred to in and part of the **Master Agreement between Owner and Engineer for Professional Services** dated _____.

Exhibit B

Phase	Compensation
Study and Report	
Preliminary Design	
Final Design	
Bidding or Negotiating	
Construction	
Post-Construction	
TOTAL	

B. For Standard Hourly Rates Method of Payment:

1. The Standard Hourly Rates shall be per Engineer’s Standard Hourly Rates Schedule.
2. The total compensation for services identified under paragraph 1 of the Task Order is estimated to be \$ 10,680 to 12,680 based on the following assumed distribution.
3. Engineer’s estimate of the amounts that will become payable are only estimates for planning purposes, are not binding on the parties, and are not the minimum or maximum amounts payable to Engineer under the Agreement.
4. When estimated compensation amounts have been stated herein and it subsequently becomes apparent to Engineer that a compensation amount thus estimated will be exceeded, Engineer shall give Owner written notice thereof. Promptly thereafter Owner and Engineer shall review the matter of services remaining to be performed and compensation for such services. Owner shall either agree to such compensation exceeding said estimated amount or Owner and Engineer shall agree to a reduction in the remaining services to be rendered by Engineer, so that total compensation for such services will not exceed said estimated amount when such services are completed. If Engineer exceeds the estimated amount before Owner and Engineer have agreed to an increase in the compensation due Engineer or a reduction in the remaining services, the Engineer shall be paid for all services rendered hereunder.

Phase	Estimated Compensation
Study and Report – Title Search	\$480 (outside consultant)
Preliminary Design	
Final Design	\$10,200 to \$12,200
Bidding or Negotiating	
Construction	
Post-Construction	
TOTAL	\$10,680 to \$12,680
Cost Savings (-5%)	(\$536-\$642) already subtracted from proposal

5. Other Modifications to Master Agreement:

Approval and Acceptance: Approval and Acceptance of this Task Order, including the attachments listed above, shall incorporate this document as part of the Agreement. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

This is **EXHIBIT B**, consisting of 3 pages, referred to in and part of the **Master Agreement between Owner and Engineer for Professional Services** dated _____.

Exhibit B

The Effective Date of this Task Order is _____.

Engineer

Owner

Signature

Date

Signature

Date

Roger Protzman, P.E.
Name

Cale Giese
Name

Project Manager
Title

Mayor
Title

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Roger Protzman
Name

Name

Project Engineer
Title

Title

803 Norfolk Ave, Norfolk, NE 68701
Address

Address

rprotzman@jeo.com
E-Mail Address

E-Mail Address

402-371-6416
Phone

Phone

402-371-5109
Fax

Fax

This is **EXHIBIT B**, consisting of 3 pages, referred to in and part of the **Master Agreement between Owner and Engineer for Professional Services** dated _____.