

AGENDA  
CITY COUNCIL MEETING  
August 20, 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. Approval of Minutes – August 6, 2019
4. Approval of Claims
5. Action on a request to close westbound traffic on 3<sup>rd</sup> Street in between Pearl and Lincoln Streets and change it to two lanes of eastbound traffic only for the Electronic Recycling Event to be held Saturday, September 14, 2019, from 8:00 a.m. to 10:30 a.m. — Sandy Brown, Wayne Green Team
6. Update on the Trail Project

The State of Nebraska has the Wayne Trail II project out for bids with a letting scheduled for August 29<sup>th</sup>. This is another step towards construction, but realize the project has to receive one bid or more and then be within acceptance guidelines for the State/City. The State will confer with staff after the letting occurs.

The status of the collapsed trail segment will also be updated. Staff has met with FEMA/NEMA personnel and are ready to start soliciting an engineer for the project. Pictures in the packet show the improvements at Roosevelt Park, which is temporarily considered the trail head for phase I while the collapsed segment is closed.

7. Discussion on 7th Street Sewer Line
8. 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 (Second Reading)
9. Ordinance 2019-10: Amending Wayne Municipal Code 132.04 Fireworks Discharge (Second Reading)

10. [Resolution 2019-48: Authorizing the signing of the Municipal Annual Certification of Program Compliance Form 2019 – Nebraska Board of Public Roads Classifications and Standards](#)

**Background:** This Municipal Annual Certification of Program Compliance Form 2019 and Resolution replaces the annual filing of the One and Six Year Plan or Program and the former standardized system of annual report with the Nebraska Board of Public Roads Classification and Standards. This must be adopted and returned to the NDOT by October 31, 2019. This new law went into effect March 8, 2019, and is the first major change in 50 years to NDOT and County and municipal highway, road and street public record keeping and reporting requirements.

11. [Adjourn](#)

**MINUTES  
CITY COUNCIL MEETING  
August 6, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, August 6, 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, Jon Haase, Jennifer Sievers, Chris Woehler, Jason Karsky, and Matt Eischeid; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Terri Buck and Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald 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.

Tim Sutton, Electric Distribution Superintendent, introduced his newest employee, Derek Weiler, Lineman. Joel Hansen, Street and Planning Director, introduced his newest employee Ted Hollandsworth, Street Maintenance Worker I.

City Clerk McGuire advised the Council that the July 16, 2019, Minutes needed to be corrected to reflect that Councilmember Eischeid voted Nay on the second reading of Ordinance No. 2019-8.

Councilmember Sievers made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meetings of July 16, 2019, as corrected, and July 30,

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 Councilmembers Buck and Brodersen who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** ACE SIGN DISPLAYS, RE, 100.00; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 8622.28; AMERICAN PUBLIC POWER ASSOCIATION, FE, 1756.53; AMERITAS, SE, 2907.14; AMERITAS, SE, 72.00; AMERITAS, SE, 91.79; AMERITAS, SE, 80.09; ARCADIAN MARKSMANSHIP CLUB, FE, 100.00; ARKFELD LOCK & SECURITY, SU, 1113.90; BENSCOTER, LOUIS, RE, 250.00; BIG RIVERS ELECTRIC CORPORATION, SE, 232409.92; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1775.00; BLACKBURN MANUFACTURING, SU, 95.97; BORDER STATES INDUSTRIES, SU, 1403.56; BSN SPORTS, SU, 349.98; CENTURYLINK, SE, 420.53; CERTIFIED TESTING SERVICES, SE, 1408.00; CITY EMPLOYEE, RE, 850.29; CITY EMPLOYEE, RE, 43.80; CITY EMPLOYEE, RE, 100.00; CITY EMPLOYEE, RE, 3572.26; CITY EMPLOYEE, RE, 616.50; CITY EMPLOYEE, RE, 655.82; CITY EMPLOYEE, RE, 142.91; CITY EMPLOYEE, RE, 160.76; CITY EMPLOYEE, RE, 38.24; CITY EMPLOYEE, RE, 857.62; CITY OF WAYNE, PY, 85896.89; CITY OF WAYNE, PY, 85881.48; CITY OF WAYNE, RE, 592.38; DANKO EMERGENCY EQUIPMENT, SE, 3126.17; DEARBORN LIFE INSURANCE, SE, 103.20; DEARBORN LIFE INSURANCE, SE, 2405.41; DISCOUNT PLAYGROUND SUPPLY, SU, 2748.00; DUTTON-LAINSON, SU, 1256.98; ETS CORPORATION, FE, 150.00; ETS CORPORATION, FE, 150.00; ETS CORPORATION, FE, 150.00; FIRST CONCORD GROUP, FE, 2841.76; FLOOR MAINTENANCE, SU, 47.96; GERHOLD CONCRETE, SU, 1362.78; HAWKINS, SU, 289.41; HEIKES AUTOMOTIVE, SU, 567.99; HEWLETT PACKARD, SE, 1909.44; HILAND DAIRY, SE, 227.79; I&A CONSTRUCTION, SE, 52182.53; ICMA, SE, 7784.42; ICMA, SE, 7784.48; IRS, TX, 14266.42; IRS, TX, 10165.09; IRS, TX, 3336.54; ISLAND SPRINKLER SUPPLY, SU, 92.46; ITRON, SE, 4078.77; JEO CONSULTING GROUP, SE, 8730.00; JONES, LEONARD, RE, 500.00; KELLY SUPPLY COMPANY, SU, 171.76; KEPSCO ENGRAVING, SU, 35.46; KUGLER, BILL, RE, 240.00; LAMP, MACKENZIE, SE, 300.00; LOGIC LAWNS, SE, 250.00; MC LAGEN, STEVE, RE, 150.00; MILLER LAW, SE, 5416.67; NE DEPT OF REVENUE, TX, 4250.82; NNEDD, SE, 1380.00; NORTHEAST POWER, SE, 6225.00; O'REILLY AUTOMOTIVE STORES, SU, 17.98; PROGRESSIVE BUILDERS, RE, 600.00; PROGRESSIVE PROPERTIES, RE, 100.00; PROGRESSIVE PROPERTY INSPECTORS, RE, 250.00; QUALITY 1 GRAPHIC, SU, 100.00; RODRIGUEZ, NANCY, SE, 35.00; SAND CREEK POST & BEAM, RE, 100.00; SELECT APPLIANCE, SU, 709.00; SHERMAN, DONALD, RE, 100.00; ST OF NE-CHARITABLE GAMING DIVISION, TX, 1476.00; THOMPSON, LUCAS, RE, 500.00; TOTAL GRAPHICS, SU, 955.50; UNITED HEALTHCARE, SE, 39036.45; VALLEY DRIVE PROPERTIES, RE, 250.00; WAED, SE, 7871.00; WESCO, SU, 731.88; ACES, SE, 901.25; AERO-MOD, SU, 3667.40; ALTEC INDUSTRIES, SU, 183.55; AMERICAN BROADBAND, SE, 2521.99; AMERITAS, SE, 80.09; AMERITAS, SE, 2616.78; AMERITAS, SE, 72.00; AMERITAS, SE, 87.86; APPEARA, SE, 184.72; ARNIE'S FORD, SU, 86.40; AXON ENTERPRISE, SU, 132.00; BATTERY SOLUTIONS, SU, 109.95; BOMGAARS, SU, 9.51; BORDER STATES INDUSTRIES, SU, 2493.10; BROWN SUPPLY, SU, 252.00; CARHART LUMBER, SU, 945.02; CITY EMPLOYEE, RE, 105.00; CITY EMPLOYEE, RE, 600.87; CITY EMPLOYEE, RE, 655.38; CITY OF WAYNE, RE, 204.58; CONTINENTAL FIRE SPRINKLER, SE, 215.00; CORE & MAIN, SU, 4448.00; DANKO EMERGENCY EQUIPMENT, SU, 901.04; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEMCO, SU, 302.10; DUGAN BUSINESS FORMS, SU, 1468.75; DUTTON-LAINSON, SU, 5938.82; EASYPERMIT POSTAGE, SU,

1831.98; ECHO GROUP, SU, 68.53; ELLIS HOME SERVICES, SE, 103.00; FAITH REGIONAL PHYSICIAN SERV., SE, 180.00; FLOOR MAINTENANCE, SU, 225.11; FREDRICKSON OIL, SE, 20.00; GALE/CENGAGE LEARNING, SU, 74.72; GERHOLD CONCRETE, SU, 415.75; GFOA, FE, 170.00; GILL HAULING, SE, 261.25; GODFATHERS PIZZA, SE, 96.10; GROSSENBURG IMPLEMENT, SU, 233.62; HAWKINS, SU, 3161.08; HEIKES AUTOMOTIVE, SU, 328.79; HELENA AGRI-ENTERPRISES, SU, 390.00; HILAND DAIRY, SE, 72.73; HISTORY NEBRASKA, FE, 35.00; HUBER TECHNOLOGY, SU, 3699.79; INTERSTATE BATTERY SYSTEM, SU, 134.95; IOWA PUMP WORKS, SU, 288.63; IRS, TX, 14176.16; IRS, TX, 9794.44; IRS, TX, 3315.38; ISLAND SPRINKLER SUPPLY, SU, 57.91; KELLY SUPPLY COMPANY, SU, 78.52; KLEIN ELECTRIC, SE, 24365.36; MATHESON-LINWELD, SU, 23.56; MERIT MECHANICAL, SE, 943.00; METERING & TECHNOLOGY SOLUTIONS, SU, 879.33; MICHAEL TODD & CO, SU, 1277.23; MUNICIPAL PIPE TOOL CO, SU, 420.65; MUNICIPAL SUPPLY, SU, 1136.00; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 150.00; NE DEPT OF REVENUE, TX, 4103.23; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 126.00; NEOPOST, SU, 161.00; NILES, TYSON, RE, 100.00; NORFOLK DAILY NEWS, SE, 40.00; NORTHEAST POWER, SE, 19346.48; NORTHWEST ELECTRIC, SU, 354.22; OLSSON ASSOCIATES, SE, 1350.00; ONE CALL CONCEPTS, SE, 77.23; PAC N SAVE, SU, 883.93; PITNEY BOWES, SE, 253.84; PLUNKETT'S PEST CONTROL, SE, 97.34; POLLARD PUMPING, SE, 1250.00; QHA CLEANING, SE, 2954.73; QUALITY 1 GRAPHIC, SU, 1125.00; QUALITY FOOD CENTER, SU, 119.41; QUALITY FOOD CENTER, SU, 11.98; RECYCLE ACROSS AMERICA, SU, 840.00; ROBERT WOehler & SONS, SE, 765.00; SOUTHEAST LIBRARY SYSTEM, FE, 160.00; STADIUM SPORTING GOODS, SE, 50.00; STAPLES, SU, 74.55; SUNSET LAW ENFORCEMENT, SU, 2795.65; T & S TRUCKING, SE, 211.44; TYLER TECHNOLOGIES, SE, 23728.00; US FOODSERVICE, SU, 1323.01; VERIZON, SE, 320.83; VERMEER EQUIPMENT OF NEBRASKA, SU, 13.48; VIAERO, SE, 68.24; WAYNE COUNTY CLERK, SE, 66.00; WAYNE HERALD, SE, 479.50; WAYNE VETERINARY CLINIC, SE, 98.00; WESCO, SU, 2109.78; WAPA, SE, 20185.83; WISNER WEST, SU, 37.33; WRECK-AMENDED TOWING & RECOVERY, SE, 100.00; ZACH HEATING & COOLING, SU, 28.50; ZEE MEDICAL SERVICE, SE, 183.98

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

Mayor Giese proclaimed August 11-17, 2019, as "American Wind Week."

Bryce Meyer, representing Kelby Herman, was present requesting Council consideration to waiving the requirements for a sidewalk at 929 Circle Drive. Mr. Herman constructed two townhomes on this property. Because this is new construction, the city building code requires a sidewalk.

Councilmembers Eischeid and Woehler were not in favor of waiving the sidewalk requirement.

Joel Hansen, Street and Planning Director, stated there are some building permits that have not been finalized because the property owner did not put in a sidewalk. Those people have been given occupancy, but have not received their building deposit back. Mr. Hansen noted he had visited with Mr. Herman about the sidewalk requirements.

There being no motion made on the matter, the matter died for lack of a motion.

Mike Powicki, Director of Athletics at Wayne State College, was present requesting Council consideration to allowing them to have a fireworks display at the College after the "Family Day" football game on Saturday, September 14, 2019.

Mayor Giese stated Fire Chief Monahan currently has a burn ban on the City.

Mr. Powicki stated he wanted to identify Saturday, September 28, 2019, as an alternate date for this event.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving the request of Mike Powicki, Director of Athletics at Wayne State College, to have a fireworks display at the College after the "Family Day" football game on Saturday, September 14, 2019, with an alternate date being Saturday, September 28, 2019. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Brodersen who were absent, the Mayor declared the motion carried.

Brian Kesting, on behalf of Grace Lutheran Church, was present requesting Council consideration to allowing them to close off a one-block section of 10<sup>th</sup> Street from Main Street to Logan Street on Sunday, August 25, 2019, from 8:00 a.m. to 1:00 p.m. for a "Sunday School Rally Day Festival." They will provide the necessary Certificate of Insurance with \$1,000,000 liability coverage and naming the City as an additional insured.

Councilmember Spieker made a motion, which was seconded by Councilmember Haase, approving the request of Grace Lutheran Church to close off a one-block section of 10<sup>th</sup> Street from Main Street to Logan Street (along the Willow Bowl) on Sunday, August 25, 2019, from 8:00 a.m. to 1:00 p.m. for a "Sunday School Rally Day Festival." Mayor Giese stated the

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

Mayor Giese declared the time was at hand for the public hearing on the application for the Community Development Block Grant — Public Works Funds.

Jan Merrill with the Northeast Nebraska Economic Development District was present to answer questions.

The City of Wayne 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 9<sup>th</sup> and 10<sup>th</sup> Street, and approximately 300 feet west and 125 feet east on 10<sup>th</sup> Street and 75 feet north on Lilac Lane from the intersection of Pine Heights, Lilac Lane and 10<sup>th</sup> 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 funds needed to complete the improvements. The estimated total 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.

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

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

Councilmember Sievers introduced Resolution No. 2019-43 and moved for its approval; Councilmember Woehler seconded the motion.

#### RESOLUTION NO. 2019-43

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

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

Mayor Giese declared the time was at hand for the public hearing on the State Revolving Loan Funding from the Nebraska Department of Environmental Quality for a Water Transmission Main.

Roger Protzman, JEO Consulting Group, Inc., was present to explain the project and the process. Part of the requirements for applying for the drinking water state revolving funds is to complete an environmental assessment. Letters were sent to the appropriate agencies notifying them that the City of Wayne was constructing a new water transmission main. Mr. Protzman reviewed the responses received from those agencies. He noted that the funds are being offered as an 85% loan; 15% loan forgiveness; interest rate of 2%; and terms being anywhere from 5 to 40 years. No action was needed on the matter.

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

There being no further comments or people wishing to speak at this public hearing, Mayor Giese then closed the public hearing.

Roger Protzman representing JEO Consulting Group, Inc., reviewed Amendment No. 1 to the Owner-Engineer Agreement between the City and JEO regarding the Transmission Water Main from North Well Field to City Limits Project.

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.

Councilmember Sievers introduced Resolution No. 2019-46 and moved for its approval thereof; Councilmember Haase seconded.

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.”

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

Roger Protzman representing JEO Consulting Group, Inc., reviewed the Scope of Services and Task Order No. 190287.01 for the “7<sup>th</sup> Street Sewer Extension Project.”

This project will extend an 8” PVC sanitary sewer main 275’ west on 7<sup>th</sup> 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 7<sup>th</sup> Street. It is proposed to extend a sewer main in the 7<sup>th</sup> 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.

The homeowners affected by this were present – Harold Thompson, Jordan Widner and Rick Barelman.

Once JEO is able to survey the area, get elevations and prepare a design, Council will then be in a better position to figure out what is the best solution to this problem.

After further discussion, Councilmember Sievers introduced Resolution No. 2019-47 and moved for its approval, authorizing JEO Consulting Group, Inc., to proceed with determining the elevations, etc., with a cap for said services being set at \$6,000; Councilmember Spieker seconded.

RESOLUTION NO. 2019-47

A RESOLUTION APPROVING SCOPE OF SERVICES AND TASK ORDER NO. 190287.01 WITH JEO CONSULTING GROUP, INC., FOR THE "7<sup>TH</sup> STREET SEWER EXTENSION PROJECT."

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

Attorney Miller advised the Council that the penalty provision in the following Ordinance was amended to be a waivable \$100 fine. She visited with Police Chief Chinn and both agreed this would be easier than what was previously presented.

Councilmember Eischeid stated he had visited two people regarding this matter:

1. Mark Putnam who was present. He was agreeable to no helmets being required if the ATV/UTV had a factory-installed roll cage.
2. The other individual wanted to see the age limit raised.

Councilmember Sievers introduced Ordinance No. 2019-8, and moved for approval of the third and final reading thereof; Councilmember Woehler 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, with the exception of Councilmembers Buck and Brodersen who were absent, the Mayor declared the motion carried.

Discussion took place regarding golf carts on city streets.

Attorney Miller stated State Statute states that in order for a golf cart to be legal on a city street, there has to be an ordinance that has been adopted by the city allowing the same. Otherwise, it is, by default, illegal. Also, a street is not defined as what you drive your vehicle on. A street, according to State Statute, is defined as the entire right-of-way of the city property

on both sides. She noted that you can use the first section of the Statute, which makes it legal only on streets that are contiguous and adjacent to the golf course. And, there is only one street in the city limits that that would apply to, and that is 21<sup>st</sup> Street. Or, you can go to another section that states you can make it legal on any street.

Mayor Giese stated his suggestion would be to add a “Section g” to the ordinance: North of 14<sup>th</sup> Street and East of Highway 15.

It was also brought to the attention of Council that State Statute requires liability insurance on golf carts.

Councilmember Eischeid left the meeting at 6:57 p.m.

Again, Mayor Giese stated he would recommend adding Section g.

After further discussion, Councilmember Sievers introduced Ordinance No. 2019-9, and moved for approval thereof (as is); Councilmember Spieker seconded.

#### 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.

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

Administrator Blecke stated that the following Ordinance would amend Section 132.04 Fireworks Discharge by adding the following language:

(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 4<sup>th</sup>.**

Councilmember Spieker introduced Ordinance No. 2019-10, and moved for approval thereof; Councilmember Woehler seconded.

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.

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

Mayor Giese stated that Agenda Item No. 16 – Ordinance 2019-11 Adopting Official Airport Zoning Map needed to be tabled until a later date. Administrator Blecke and staff will be meeting with engineers to try to figure out what needs to be done with the zoning map.

Councilmember Spieker made a motion, which was seconded by Councilmember Haase, to table action on Ordinance 2019-11 Adopting Official Zoning Map until a later date. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck, Brodersen and Eischeid who were absent, the Mayor declared the motion carried.

The following Resolution would allocate \$74,526 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. Last year's allocation was \$73,065.

Councilmember Sievers introduced Resolution No. 2019-44 and moved for its approval, Councilmember Greve seconded.

RESOLUTION NO. 2018-44

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY (\$74,526).

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

Councilmember Sievers made a motion, which was seconded by Councilmember Woehler, to enter into executive session to protect the public interest to discuss a potential litigation matter and to allow Administrator Blecke, Attorney Miller, City Clerk McGuire, Electric Distribution Superintendent Tim Sutton and Electric Production Superintendent Jeff Triggs to also be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck, Brodersen and Eischeid who were absent, the Mayor declared the motion carried, and executive session began at 7:14 p.m.

Mayor Giese again stated that the matter to be discussed in execution session relates to a potential litigation matter.

Councilmember Spieker made a motion, which was seconded by Councilmember Haase, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck, Brodersen and Eischeid who were absent, the Mayor declared the motion carried, and open session resumed at 7:26 p.m.

Councilmember Sievers introduced Resolution No. 2019-45 and moved for its approval, Councilmember Spieker seconded.

#### 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.

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

Councilmember Haase left the meeting at 7:30 p.m.

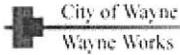
Councilmember Eischeid arrived at 7:50 p.m.

Council continued their budget work session and reviewed the street, electric, water and sewer funds.

After discussion, consensus was to move forward with the following projects:

- Hank Overin Field lighting;
- Bressler Park stage/canopy; and
- Auditorium curtains and water line.

Councilmember Spicker made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Brodersen who were absent, the Mayor declared the motion carried and the meeting adjourned at 9:27 p.m.



<b>Vendor</b>	<b>Payable Description</b>	<b>Payment Total</b>
APPEARA	CAC MAT SERVICE	68.42
ASPM LANDSCAPES, LLC	CURB PERMIT DEPOSIT REFUND	500.00
BAKER & TAYLOR BOOKS	BOOKS	854.17
BOMGAARS	CONTAINER/RECEPTACLE/PAINT/TOOLS/VALVES	1,148.37
BORDER STATES INDUSTRIES, INC	ELECTRICAL DEAD FRONT PANEL/CONNECTORS	1,291.39
CARROT-TOP INDUSTRIES	FLAGS	127.00
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	26.97
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	772.14
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	51.56
CITY OF WAYNE	UTILITY REFUNDS	1,773.09
COPY WRITE PUBLISHING	SHIPPING CHARGES	99.86
COTTONWOOD WIND PROJECT, LLC	WIND ENERGY	13,833.79
DAS STATE ACCTG-CENTRAL FINANCE	WSC INTERNET CHARGES	60.15
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	96.00
DEARBORN LIFE INSURANCE COMPANY	LIFE/DISABILITY	2,395.25
DEMCO INC	BOOK COVERS/LABEL PROTECTORS/POLISHING COMPOUND	511.98
DIAMOND VOGEL PAINTS	WHITE STREET PAINT	639.20
ECHO GROUP INC JESCO	FUSES	176.12
ED M. FELD EQUIPMENT CO INC	FIRE BOOTS/EXTINGUISHER INSPECTION	385.95
ELECTRICAL ENGINEERING & EQUIPMENT	ELEMENT	2,660.23
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	334.06
GERHOLD CONCRETE CO INC.	FIRE HALL SIDEWALK CONCRETE	2,193.01
GROSSENBURG IMPLEMENT INC	BLADES/V-BELT	334.34
HAUFF MID-AMERICAN SPORTS	FIELD PAINT	228.44
HELENA AGRI-ENTERPRISES, LLC	TEMPO	92.00
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	143.99
HOMETOWN LEASING	COPIER LEASES	433.87
INGRAM LIBRARY SERVICES	BOOKS	952.96
IOWA PUMP WORKS, INC.	LIFT STATION RAIL BRACKETS (CARROLL REIMBURSED)	288.63
IVES, TESSA	REC SOFTBALL COACH	300.00
JEO CONSULTING GROUP	PEDESTRIAN CROSSING	3,898.50
JOHN'S WELDING AND TOOL LLC	TONGUE JACK/LIGHT BAR BRACKET REISSUE	272.47
JOHN'S WELDING AND TOOL LLC	LIGHT BAR BRACKETS	-73.47
KLEIN ELECTRIC	DIRECTIONAL BORING SUNNYVIEW	9,778.00
KTCH AM/FM RADIO	RADIO ADS	973.00
L.G. EVERIST	CRUSHED ROCK	659.69
LIONS CLUB PARK	RETURN PARK FEE	60.00
LUCAS, JUAN	AUDITORIUM DEPOSIT REFUND	150.00
LUTT OIL	GASOLINE	7,072.07
MARCO INC	COPIER LEASE	126.36
MERCHANT SERVICES	CREDIT CARD FEES	25.80

Vendor	Payable Description	Payment Total
MERCHANT SERVICES	CREDIT CARD TRANSACTIONS	1,815.89
MERCHANT SERVICES	CREDIT CARD TRANSACTIONS	869.73
MIDWEST ALARM SERVICES	AUDITORIUM FIRE ALARM SERVICES	144.00
MIDWEST LABORATORIES, INC	WASTE WATER ANALYSIS	184.00
MUNICIPAL SUPPLY INC	WATER PIPE	2,394.66
NE LIBRARY COM	CAT EXPRESS	1,188.00
NEBRASKA PUBLIC POWER DIST	ELECTRICITY	40,620.97
NORTHEAST NE ECONOMIC DEV DIST	16-CD-108 JUNE SERVICES	690.00
OCLC, INC	ANNUAL SUBSCRIPTION	518.75
OMAHA WORLD-HERALD	LIBRARY SUBSCRIPTION RENEWAL	418.95
OVERDRIVE, INC.	AUDIO/E BOOKS	401.43
OVERDRIVE, INC.	AUDIO & E BOOKS	434.49
OVERHEAD DOOR	TRANSFER STATION DOORS	19,070.00
PENGUIN RANDOM HOUSE LLC	AUDIO BOOKS	30.00
RASMUSSEN AIR & GAS ENERGY	AIR COMPRESSOR	9,704.36
REHAB SYSTEMS	JET VAC SANITARY SEWER LINES	26,524.95
ROBERT WOEHLE & SONS	HWY 15 WATER TRANSMISSION MAIN LEAK	10,962.50
SIEVERS, TOM	SIDEWALK COST SHARE	294.00
SKARSHAUG TESTING LAB INC	GLOVE AND SLEEVE TESTING/GLOVES	305.97
STATE NEBRASKA BANK & TRUST	ACH FEES	45.28
THOMPSON, JOSIE	REC SOFTBALL COACH	300.00
THOMPSON, LUCAS	BUILDING PERMIT DEPOSIT REFUND	250.00
US BANK	REGISTRATION/LODGING/MEALS/DROPBOX/COMPUTER	7,672.88
UTILITY EQUIPMENT CO	COUPLING	4,458.66
WAYNE AUTO PARTS	BELT/FILTERS/OIL/TOOLS/TANK VALVE	1,161.81
WAYNE COUNTY COURT	BOND	300.00
WAYNE HERALD	ADS AND NOTICES	837.81
WESCO DISTRIBUTION INC	MARKING PAINT	115.56
WISNER WEST	FD GASOLINE	40.87
WORLDPAY INTERGRATES PAYMENTS	CAC CREDIT CARD FEE	185.67
WRECK-AMENDED TOWING & RECOVERY	TOWING CHARGES	100.00
	<b>Grand Total:</b>	<b>187,756.55</b>

[Back to Top](#)**Betty McGuire - Confirming Electronics Recycling Event Sat, 9/14/19, 8-10am**

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**From:** Sandy Brown <sandybro@live.com>  
**To:** Marlen Chinn <mchinn@cityofwayne.org>, Wes Blecke <>wblecke@cityofwayne.o...>  
**Date:** 8/12/2019 3:10 PM  
**Subject:** Confirming Electronics Recycling Event Sat, 9/14/19, 8-10am

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Hello all. We have our annual electronics recycling event on **Sat, Sep 14, 8am-10am**, with grant funding from NDEQ for **\$6,795**. The last few years, I've gone before City Council to ask for approval to close westbound traffic on 3<sup>rd</sup> street in between Lincoln and Pearl and change it to two lanes of eastbound traffic only for our event. I would be happy to do so again at the next council meeting on **Aug 20**. As I understand, it's not a requirement, but nice to make the ask and get the word out.

Similar to prior years, the city would put up No Parking Signs on 3<sup>rd</sup> St between Lincoln and Pearl so we can be ready to start as early as 7am on 9/14. Two trucks from 1<sup>st</sup> Choice Recycling out of Sioux City will set up in the angled parking on both sides of 3<sup>rd</sup>. This is a new vendor (who came in with the lowest bid out of 3). They do not have their own pallet jack so they require our assistance with a fork lift and operator, which we have done twice before. We will also need help setting up traffic cones and blocking the street that day to ensure safety. We already have WSC Men's Basketball and Women's Soccer lined up to help as well.

On a related note, the Household Hazardous Waste event sponsored by Northeast Nebraska RC&D cannot take place the same day as the vendor from Red Willow County cannot be here then. He can only come out on Saturdays in October so we are trying to find a date that doesn't conflict with football. I will talk to Gill Hauling about hosting it at the transfer station.

Please let me know if you would like me on the agenda next Tue and if you have any questions. Thanks for your support of our 7<sup>th</sup> annual electronics recycling event in Wayne!

Sandy Brown

402-369-4685

[www.cityofwayne.org/greenteam](http://www.cityofwayne.org/greenteam)

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Follow us on Twitter @WayneGreenTeam







**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; and

(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

**§ 78-299 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 4<sup>th</sup>.**

(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

**RESOLUTION NO. 2019-48**

**A RESOLUTION AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2019.**

WHEREAS, the State of Nebraska Statutes, Sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS, State of Nebraska Statute, Section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor and shall include a copy of a Resolution of the governing body of the municipality authorizing the signing of the certification form.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Wayne, Nebraska, is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance Form.

PASSED AND APPROVED this 20<sup>th</sup> day of August, 2019.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

City Councilmember \_\_\_\_\_ moved for the adoption/approval of said Resolution.

Councilmember \_\_\_\_\_ seconded the motion.

Roll Call: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent

Resolution adopted, signed and billed as adopted.

City Councilmembers:

Dwaine Spieker

Chris Woehler

Terri Buck

Jason Karsky

Jon Haase

Matt Eischeid

Jennifer Sievers

Jill Brodersen

**MUNICIPAL  
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE  
TO  
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS  
AND STANDARDS  
2019**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads

Classifications and Standards, the City  Village  of \_\_\_\_\_  
(Check one box) (Print name of jurisdiction)

hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ **has attached to this certification, a copy of the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.**



\_\_\_\_\_  
*Signature of Mayor  Village Board Chairperson  (Required) (Date)*

\_\_\_\_\_  
*Signature of City Street Superintendent (Optional) (Date)*

**Return the completed original certification and resolution by  
 October 31, 2019 to:**

Nebraska Board of Public Roads Classifications and Standards  
 PO Box 94759  
 Lincoln NE 68509