

**AGENDA
CITY COUNCIL MEETING
September 3, 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 20, 2019](#)
4. [Approval of Claims](#)
5. [Presentation by Utility Service Partners, Inc. — Ashley Shiwarski, Director, Business Development \(Administrator for the National League of Cities Service Line Warranty Program\)](#)

Background: This presentation will cover how property owners can be insured for problems arising with their utility lines (water and sewer) from the City's main to the home. There is also a service that can insure plumbing within the property. Ashley will explain the program they offer and how the City can earn a small amount back from each service agreement. Casey, Doug and Wes discussed this program and felt it was worth pursuing from the City's perspective; it is also a good opportunity to educate the public on what their responsibilities are with private service lines.

6. [Ordinance 2019-10: Amending Wayne Municipal Code 132.04 Fireworks Discharge \(Third and Final Reading\)](#)
7. [Ordinance 2019-11: Approving the vacation of an alley located in the City of Wayne, Wayne County, Nebraska, described as the east-west alley lying between Lots 9 and 10, Original Town of Wayne, Wayne County Nebraska \(208 Douglas Street\) – Julie A. Cull/Al Thompson](#)

Background: Julie Cull and Al Thompson have made a request for Council to consider vacating the east-west alley lying between Lots 9 and 10, Original Town of Wayne. This alley is grass and not used. In addition, it has a large tree in the middle of it, and the property owners have been maintaining it. Staff has advised that we do not have any utilities in the alley, but we will reserve a utility easement for future use. By vacating the alley, the title to such property shall vest in the owners of the abutting property and become a part of such property, one half on each side thereof.

8. [Ordinance 2019-12: Authorizing the issuance of Highway Allocation Fund Pledge and Refunding Bonds, Series 2019 of the City of Wayne, Nebraska, in the principal amount of not to exceed \\$2,000,000 for the purpose of paying the costs of street improvements and related improvements within the city and to provide for the payment and redemption of certain outstanding highway allocation fund pledge bonds, of the City of Wayne, Nebraska](#)

Background: Andy Forney, Vice President Public Finance Banker with DA Davidson & Co, our bonding agent, will be here to review the above Ordinance. This will allow us to issue new money for the Nebraska Street Project and also refinance the current 2013 and 2013B Highway Allocation Bonds, and roll them all into one bond instead of three.

9. [Action on the State of Nebraska Liquor Control Commission Manager Application of David Staab — Pizza Hut](#)

Background: We have received a Corporate Manager Application for David Staab on behalf of Staab PH Units, LLC, d/b/a Pizza Hut. Council may approve, deny, or make no local recommendation on the matter.

10. **Public Hearing:** Budget Hearing (Advertised Time: 5:30 p.m.)

Background: The total of the FY 2019-2020 budget is \$41,716,372. The property tax proposal for the General Fund operation is \$879,121.00, which compares to the 2018 tax asking of \$828,838.32. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$980,121.00 or \$.411663 per \$100 of property valuation, compared to \$.410444 last year. The valuation in the community, as reported by the County Assessor for 2019 is \$238,088,327, which is up \$11,543,868 from last year. When preparing for the budget, an estimated 2% increase on valuation in the community was used for calculations. The actual increase was closer to 5%, which results in an increase of about \$31,000 in Property Taxes that can be allocated to be used towards projects such as the Hank Overin Field lighting in FY 2019-2020.

There were no major changes from the budget work session. Beth Porter, Finance Director, will be present to answer any questions you may have. Updated budget worksheets for your books will be distributed Tuesday evening.

11. [Resolution 2019-49: Adopting the 2019-2020 Budget](#)
12. **Public Hearing:** Tax Asking/Property Tax Levy (Advertised Time: 5:30 p.m.)
13. [Resolution 2019-50: Setting the Property Tax Request for 2019-2020](#)
14. [Ordinance 2019-13: Approving Annual Appropriation Bill](#)
15. [Resolution 2019-51: Approving the Allowable 1% Increase in Base Limitation of Restricted Funds' Budget](#)

16. [Resolution 2019-52: Accepting Bid and Awarding Contract on the Hank Overin Field Lighting Project](#)

Background: The deadline for receiving bids was today at 2:00 p.m. We received one bid and that was from Ardent Lighting of Knoxville IA for \$310,000.

17. [Resolution 2019-53: Approving the bid and the award of the Wayne Trail – Phase 2 Project Contract to T.R. Harris Construction, Inc., for \\$1,990,000.04](#)

Background: The NDOT had their bid letting yesterday on the Wayne Trail – Phase 2 Project, and received two bids. This is the next step in the process, and the enclosed Resolution must be approved and sent back to the NDOT by September 18th.

18. [Ordinance 2019-14: Amending Wayne Municipal Code Title XV Land Usage, Chapter 153 Airport Zoning, Section 153.01 Location, Boundaries, Zones and Height Restrictions; Section 153.02 Location Sketch and Zoning Map; Section 153.03 Permits Required; Exceptions; Application Forms; Permit Fees; Section 153.04 Non-Conforming Structures; Section 153.05 Marking Non-Conforming Structures; Section 153.06 Administrative Agency; and Section 153.07 Zoning Board of Adjustment](#)

Background: This ordinance will amend the above sections of the Municipal Code to approve an Airport Hazard Area which will protect the 6 runways at the airport. This will also clean up some restrictions on the use of the old Pacific Coast Feather property to allow redevelopment of that land. While this action protects the north/south runways, it lessens the restrictions on the other runways to FAA requirements and not the more stringent State Aeronautical suggested restrictions.

19. [Ordinance 2019-15: Amending Wayne Municipal Code Title IX General Regulations, Chapter 92 Trees, Section 92.06 Removal; Section 92.09 Acts declared nuisances; notice, abatement; unlawful; and Section 92.10 Enforcement](#)

Background: This ordinance will amend the above sections of the Municipal Code to eliminate the title of “Superintendent of Public Works and Utilities” therein and replace the same with “City Administrator.” This is just a housekeeping matter. You may waive the three readings if you so wish.

20. [Action on Change Order No. 2 for the “2018 Pedestrian Curb Ramp Project” which would extend the substantial and final completion dates on the project for I&A Construction, LLP — Jon Mooberry, JEO Consulting Group, Inc.](#)

Background: This Change Order is a request made by I&A Construction for a time extension revising the substantial completion date from September 1, 2019, to September 27, 2019, and final completion date from October 1, 2019, to October 11, 2019. Mr. Mooberry’s email to staff is included in the packet and goes into more detail.

21. [Adjourn](#)

**MINUTES
CITY COUNCIL MEETING
August 20, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, August 20, 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, Jennifer Sievers, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jon Haase.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 8, 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.

Councilmember Sievers made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meeting of August 6, 2019, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: APPEARA, SE, 68.42; ASPM LANDSCAPES, LLC, RE, 500.00; BAKER & TAYLOR BOOKS, SU, 854.17; BOMGAARS, SU, 1148.37; BORDER STATES INDUSTRIES, SU, 1291.39; CARROT-TOP INDUSTRIES, SU, 127.00; CITY EMPLOYEE,

RE, 26.97; CITY EMPLOYEE, RE, 772.14; CITY EMPLOYEE, RE, 51.56; CITY OF WAYNE, RE, 1773.09; COPY WRITE PUBLISHING, SE, 99.86; COTTONWOOD WIND PROJECT, SE, 13833.79; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; DAVE'S DRY CLEANING, SE, 96.00; DEARBORN LIFE INSURANCE, SE, 2395.25; DEMCO INC, SU, 511.98; DIAMOND VOGEL PAINTS, SU, 639.20; ECHO GROUP, SU, 176.12; ED M. FELD EQUIPMENT, SU, 385.95; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 2660.23; FLOOR MAINTENANCE, SU, 334.06; GERHOLD CONCRETE, SU, 2193.01; GROSSENBURG IMPLEMENT, SU, 334.34; HAUFF MID-AMERICAN SPORTS, SU, 228.44; HELENA AGRI-ENTERPRISES, SU, 92.00; HILAND DAIRY, SU, 143.99; HOMETOWN LEASING, SE, 433.87; INGRAM LIBRARY SERVICES, SU, 952.96; IOWA PUMP WORKS, SU, 288.63; IVES, TESSA, SE, 300.00; JEO CONSULTING GROUP, SE, 3898.50; JOHN'S WELDING AND TOOL, SU, 272.47; JOHN'S WELDING AND TOOL, SU, -73.47; KLEIN ELECTRIC, SE, 9778.00; KTCH, SE, 973.00; L.G. EVERIST, SU, 659.69; LIONS CLUB PARK, RE, 60.00; LUCAS, JUAN, RE, 150.00; LUTT OIL, SU, 7072.07; MARCO INC, SE, 126.36; MERCHANT SERVICES, SE, 25.80; MERCHANT SERVICES, SE, 1815.89; MERCHANT SERVICES, SE, 869.73; MIDWEST ALARM SERVICES, SE, 144.00; MIDWEST LABORATORIES, SE, 184.00; MUNICIPAL SUPPLY, SU, 2394.66; NE LIBRARY COM, SE, 1188.00; NPPD, SE, 40620.97; NNEDD, SE, 690.00; OCLC, INC, SU, 518.75; OMAHA WORLD-HERALD, SU, 418.95; OVERDRIVE, INC, SU, 401.43; OVERDRIVE, INC, SU, 434.49; OVERHEAD DOOR, SU, 19070.00; PENGUIN RANDOM HOUSE, SU, 30.00; RASMUSSEN AIR & GAS ENERGY, SU, 9704.36; REHAB SYSTEMS, SE, 26524.95; ROBERT WOEHLE & SONS, SE, 10962.50; SIEVERS, TOM, RE, 294.00; SKARSHAUG TESTING LAB, SE, 305.97; STATE NEBRASKA BANK & TRUST, SE, 45.28; THOMPSON, JOSIE, SE, 300.00; THOMPSON, LUCAS, RE, 250.00; US BANK, SU, 7672.88; UTILITY EQUIPMENT, SU, 4458.66; WAYNE AUTO PARTS, SU, 1161.81; WAYNE COUNTY COURT, RE, 300.00; WAYNE HERALD, SE, 837.81; WESCO, SU, 115.56; WISNER WEST, SU, 40.87; WORLDPAY INTERGRATES PAYMENTS, SE, 185.67; WRECK-AMENDED TOWING & RECOVERY, SE, 100.00; AMERITAS, SE, 79.49; AMERITAS, SE, 2701.82; AMERITAS, SE, 72.00; AMERITAS, SE, 89.43; BIG RIVERS ELECTRIC CORP, SE, 248423.71; BORDER STATES INDUSTRIES, SU, 203.11; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, PY, 84234.12; ECHO GROUP, SU, 209.08; GEOCOMM, SE, 12920.00; GERHOLD CONCRETE, SU, 3638.01; GROSSENBURG IMPLEMENT, SU, 211.03; IRS, TX, 13923.06; IRS, TX, 3256.26; IRS, TX, 9772.01; JACK'S UNIFORMS, SU, 5434.06; JORGENSEN CONCRETE & CONSTRUCTION, SE, 250.00; MARCO TECHNOLOGIES, SE, 182.96; MERCHANT JOB TRAINING, SU, 650.00; MZRB LLC, RE, 250.00; NASC, FE, 190.00; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 150.00; NE DEPT OF REVENUE, TX, 4044.24; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 124.00; NORTHEAST POWER, SE, 19171.64; POLLARD PUMPING, SE, 380.00; RDG PLANNING & DESIGN, SE, 930.00; STANLEY STEAMER, SE, 1738.30; TRI-STATE COMMUNICATIONS, INC, SU, 420.00

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

Sandy Brown, representing the Wayne Green Team, was present to request Council consideration to allowing them to close the westbound traffic on 3rd 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 on Saturday, September 14, 2019, from 8:00 a.m. to 10:30 a.m. This will be the seventh recycling event.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the request of the Wayne Green Team to close the westbound traffic on 3rd 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 on Saturday, September 14, 2019, from 8:00 a.m. to 10:30 a.m. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried

Administrator Blecke, Joel Hansen, Street and Planning Director, as well as Lowell Heggemeyer, Park and Recreation Director, gave an update on the trail project. The plans and specs are out. We are on track for an August 29th bid letting. There are 19 projects being let that same day. Four approved bidders have already taken out plans. In addition, requests for proposals are being sought from engineers for flood damage to the airport and walking trail down by the bridge. This is being treated like a CDBG project, which is the reason we are soliciting engineers and not just letting JEO provide the services. In addition, an update was given on the Roosevelt Park and the Bressler park (stage) projects.

Roger Protzman, JEO Consulting Group, Inc., reported back his findings on the issue with the sewer line that services three properties on West 7th Street. He has conducted a survey of the property and calculated the elevations, which was the main concern. Discussion at the last meeting was whether to develop or install a new line in front of the homes on 7th Street or in the back of the homes where the existing sewer line is. One of the issues with one of the homes is that the sewer line runs through the storm sewer pipe. After the elevations were shot and he examined the options, he has determined that the least expensive option would be to replace the three service lines in the back of the homes.

Councilmember Eischeid noted that the City has done its part in finding a solution to this issue. It is now up to the homeowners to fix the problem. He thought something could be worked out as far as an “assessment” that could be paid back over a certain period of time to ease the burden on the homeowners.

Councilmember Wochler noted that the option to install a water main in front of the homes could easily cost \$50,000, while the service lines in the back could cost a couple of thousand dollars for each homeowner. We know the line can be installed on the north side of their homes, so now it is up to the homeowners to find a contractor to get estimates to fix the same.

It was noted that this project should only take about a week to complete.

After discussion, a motion was made by Councilmember Eischeid and seconded by Councilmember Sievers, to authorize staff to find/locate a contractor to put in a sewer line west of Sherman Street and north of 7th street and assess the costs back to the homeowners. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried.

Discussion took place regarding Ordinance No. 2019-9. If Council does nothing at this time, then golf carts are illegal on city streets, and punishable by a \$100 fine. If you approve what is allowable under section one, golf carts can only be operated on streets that are contiguous or adjacent to the golf course, which means they can only be operated on 21st Street from the highway to the east edge of the golf course. The second section is what is in the proposed ordinance.

Councilmember Eischeid stated he has talked to several people, and not one person is for golf carts on city streets. He is not in favor of how the proposed ordinance is written. Safety is more important than convenience.

Councilmember Sievers stated her opinion was either everyone should be allowed to drive a golf cart on city streets or no one should be able to. She did not think golf carts should be allowed only on certain streets or in certain areas of the City.

Councilmember Karsky stated he thought this has the potential to cause bad feelings amongst the citizens of this community, if approved.

Police Chief Chinn reminded Council that if they adopt or choose Option 1 or 2, everyone who has a golf cart has to have liability insurance coverage. Attorney Miller stated she had contacted a local insurance agent, and he thought coverage would cost about \$50 per year. She assumed the golf course already has this insurance coverage on their golf carts.

It was noted that right now, the police are using discretion when they see a golf cart on city streets, more particularly on 21st Street, going from the front nine to the back nine.

There being no further discussion, the second reading of the ordinance died for lack of a motion.

Councilmember Spieker introduced Ordinance No. 2019-10, and moved for approval of the second reading thereof; Councilmember Brodersen 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 Councilmember Haase who was absent and Councilmember Eischeid who voted Nay, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

The following 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 reporting with the Nebraska Board of Public Roads Classification

and Standards. This must be adopted and returned to the Nebraska Department of Transportation (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.

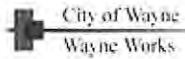
Councilmember Sievers introduced Resolution No. 2019-48 and moved for its approval, Councilmember Buck seconded.

RESOLUTION NO. 2019-48

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

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

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:53 p.m.



Vendor	Payable Description	Payment Total
ACES	ACES WIND ENERGY SERVICE AGREEMENT	901.25
AMAZON.COM, LLC	DVD'S/LABELS/WRISTBANDS	800.11
AMERICAN TEST CENTER	ANNUAL SAFETY INSPECTION	1,452.00
AMERICAN UNDERGROUND SUPPLY, LLC	FIELD MARKING PAINT/LIDS	366.77
APPEARA	CAC MAT SERVICE	34.21
APPEARA	LINEN & MAT SERVICE	97.00
BALDWIN, KARI	AFTER SCHOOL/ SUMMER CLUB OVER PAYMENT	1,170.00
BATTERY SOLUTIONS, LLC	BATTERY BUCKET	109.95
BIO-ELECTRONICS	AED	197.80
BLACK HILLS ENERGY	GAS BILLS	174.52
BLUE DEVIL BOOSTER CLUB	GOLF TOURNAMENT HOLE SPONSOR	50.00
BOMGAARS	TOOL BOX/TOOLS/PAINT/FASTENERS	1,791.28
BORDER STATES INDUSTRIES, INC	FUSES	500.76
BRODERS, RICHARD	ENERGY INCENTIVE	500.00
BROWN SUPPLY CO	COUPLING	475.45
CEDAR KNOX PUBLIC POWER DISTRICT	LOCATE PRIMARY FAULT	311.50
CENTURYLINK	TELEPHONE CHARGES	423.89
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	341.37
CITY EMPLOYEE	VISION REIMBURSEMENT	128.10
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	520.86
CITY EMPLOYEE	VISION REIMBURSEMENT	556.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	14.88
CITY EMPLOYEE	VISION REIMBURSEMENT	212.20
CITY OF WAYNE	UTILITY REFUNDS	565.56
CREDIT MANAGEMENT SERVICES, INC.	PAYROLL DEDUCTION	181.95
CULL, JULIE	BUILDING PERMIT DEPOSIT REFUND	100.00
DANKO EMERGENCY EQUIPMENT	AERIAL DIVERTER REPAIR	352.64
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DEARBORN LIFE INSURANCE COMPANY	VFD INSURANCE	92.88
ECHO GROUP INC JESCO	CONNECTORS	9.45
EGAN SUPPLY CO	GYM FLOOR RESURFACING	5,243.07
EH BOOSTERS CLUB	REC VOLLEYBALL TOURNAMENT	210.00
GALE/CENGAGE LEARNING	BOOKS	100.71
GERHOLD CONCRETE CO INC.	CONCRETE/ROAD GRAVEL	898.51
GROSSENBURG IMPLEMENT INC	AIR/OIL FILTERS	125.08
HAUFF MID-AMERICAN SPORTS	FIELD PAINT	228.54
HAWKINS, INC	BIO KAT ODOR CONTROL	419.00
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	147.60
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	7,771.18
IOWA LIBRARY ASSOCIATION	CONFERENCE REGISTRATION	545.00
JACK'S UNIFORMS	HANDCUFFS/UNIFORM PANTS	231.70

Vendor	Payable Description	Payment Total
JEO CONSULTING GROUP	PEDESTRIAN CROSSING CURB RAMPS	1,361.00
JEO CONSULTING GROUP	TRANSMISSION MAIN/WELL 7/CLARK ST/POOL	37,091.87
JORGENSEN, CALI	AUDITORIUM DEPOSIT REFUND	150.00
KELLY SUPPLY COMPANY	AIR FILTER	154.46
LANCASTER CO COURT	BONDS	150.00
LAUREL RECREATION	REC VB TOURNAMENT FEE	300.00
MAIN STREET GARAGE, LLC	TIRE REPAIR	20.00
METERING & TECHNOLOGY SOLUTIONS	WATER METERS	3,169.25
MILLER LAW	SEPT 19 ATTORNEY FEES	5,416.67
MILO MEYER CONSTRUCTION	BLADE SOFTBALL PARKING LOT	112.50
MUNICIPAL SUPPLY INC	HYDRANT-4TH ST	993.52
NE LIBRARY ASSO	MEMBERSHIP DUES	20.00
NICOLAS, PEDRO	BUILDING PERMIT DEPOSIT/FEE REFUND	140.00
NORTHEAST NE ECONOMIC DEV DIST	16-CD-108 JULY 2019 CONSTRUCTION SERVICES	180.00
NORTHEAST POWER	FERC LITIGATION	2,340.65
O'REILLY AUTOMOTIVE STORES, INC.	KEYLESS ENTRY BATTERY	7.99
PATRIOT YOUTH FUND	REC VB TOURNAMENT (THIS WILL BE REFUNDED)	280.00
PATRIOT YOUTH FUND	REC VB TOURNAMENT	210.00
STADIUM SPORTING GOODS	EMBROIDERY	40.00
STAPLES, INC	OFFICE SUPPLIES	252.00
STATE NEBRASKA BANK-PETTY CASH	LIBRARY PETTY CASH	99.53
SUPERCIRCUITS	KEYFOBS	775.00
T & S TRUCKING	TRANSPORT ROCK	206.96
THE GLASS EDGE, INC.	BUS STOP TEMPERED GLASS	514.00
TOM'S BODY & PAINT SHOP	UPLANDER BUMPER REPAIR	22.50
UNITED HEALTHCARE	HEALTH INSURANCE PREMIUM	42,078.25
VIAERO WIRELESS	CELL PHONE	68.24
WAYNE AREA ECONOMIC DEVELOPMENT	SEPT 19 CONTRIBUTION/LEADERSHIP CLASS-SCHWARTE	8,030.00
WAYNE COMMUNITY SCHOOLS	REMITTS	4,370.75
WESCO DISTRIBUTION INC	BATTERY POWERED WIRE CUTTER	1,583.60
WISNER WEST	FD GASOLINE	184.19
	Grand Total:	139,123.70

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 3rd day of September, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

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ORDINANCE NO. 2019-11

AN ORDINANCE APPROVING THE VACATION OF AN ALLEY LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, DESCRIBED AS THE EAST-WEST ALLEY LYING BETWEEN LOTS 9 AND 10, ORIGINAL TOWN OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

Section 1. That the vacation of the east-west alley lying between Lots 9 and 10, Original Town of Wayne, Wayne County, Nebraska, is in the best interest of the City of Wayne.

Section 2. That the east-west alley lying between Lots 9 and 10, Original Town of Wayne, Wayne County, Nebraska, is hereby vacated

Section 3. The City of Wayne, Nebraska, shall reserve in said alley utility easements for installing and/or maintaining all utilities in the alley herein vacated.

Section 4. 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

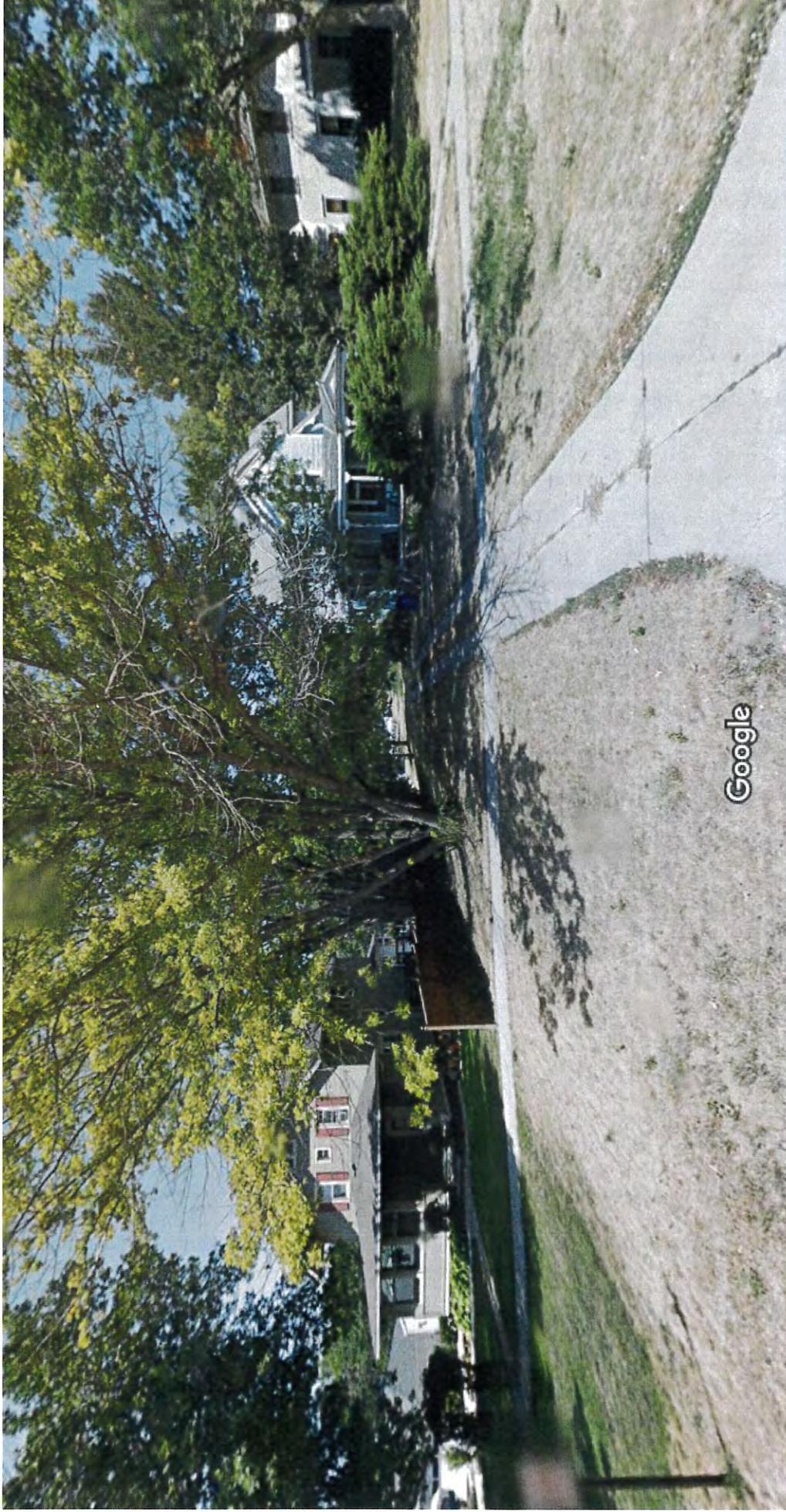


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Wayne, Nebraska



ORDINANCE NO. 2019-12

AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE AND REFUNDING BONDS, SERIES 2019 OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000) (A) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN STREET IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CITY AND (B) TO PROVIDE FOR THE PAYMENT AND REDEMPTION OF CERTAIN OUTSTANDING HIGHWAY ALLOCATION FUND PLEDGE BONDS, OF THE CITY OF WAYNE, NEBRASKA; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE INTEREST ON AND PRINCIPAL OF SUCH BONDS IF NECESSARY; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS

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

Section 1. The Mayor and Council (the “**Council**”) of the City of Wayne, Nebraska (the “**City**”) hereby find and determine as follows:

(a) The City requires the construction of certain streets and other appurtenant related improvements within the City (the “**Project**”), all as set out in the project scope of improvements as prepared by the special engineers for the City; that the City’s Engineers heretofore prepared plans, specifications and estimates of cost for the Project; that bids have been taken and the Council has awarded a contract for the construction of the aforesaid improvements; that the City has the authority to fund the project costs through issuance of highway allocation fund pledge bonds; that the City has no other funds on hand for the cost of such improvements; that funds are required by the City with respect to the Project, in an amount not less than \$2,000,000; and, that it is necessary and advisable for the City to provide financing for the Project by the issuance of its highway allocation fund pledge bonds as further described herein.

(b) The City has previously issued and there are now outstanding and unpaid the following issues:

(i) General Obligation Highway Allocation Fund Pledge Bonds, Series 2013, in the outstanding principal amount of \$420,000, dated June 21, 2013 (the “**2013 Bonds**”), and bearing interest and maturing as follows:

<u>Amount</u>	<u>Maturity (June 15)</u>	<u>Interest Rate</u>
\$40,000	2020	1.350%
130,000	2023	2.150
150,000	2026	2.650
100,000	2028	3.000

such bonds being part of an issue of \$620,000 principal amount of General Obligation Highway Allocation Fund Pledge Bonds, Series 2013 issued pursuant to an ordinance duly passed by the Council and approved by the Mayor, with such bonds being redeemable at the option of the City at any time on or after June 21, 2018, at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

(ii) Highway Allocation Fund Pledge Bonds, Series 2013B, in the outstanding principal amount of \$300,000, dated October 15, 2013 (the “**2013B Bonds**”), and bearing interest and maturing as follows:

<u>Amount</u>	<u>Maturity (June 15)</u>	<u>Interest Rate</u>
\$25,000	2020	2.250%
125,000	2023	3.150
150,000	2026	3.650

such bonds being part of an issue of \$380,000 principal amount of Highway Allocation Fund Pledge Bonds, Series 2013 issued pursuant to an ordinance duly passed by the Council and approved by the Mayor, with such bonds being redeemable at the option of the City at any time on or after October 15, 2018, at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

(c) All of the 2013 Bonds and the 2013B Bonds remain unpaid and are a legal liability against the City, provision for the payment of which may be made by the lawful issuance and sale of refunding bonds of the City pursuant to Section 10-142, Reissue Revised Statutes of Nebraska, as amended.

(d) Since the issuance of the 2013 Bonds and the 2013B Bonds, the rates of interest available in the markets have declined so that the City can effect a savings in interest costs by providing for payment and redemption of all or part of the 2013 Bonds and the 2013B Bonds (as called for redemption, the “**Refunded Bonds**”), as determined by the Mayor in accordance with the provisions of this Ordinance, through the issuance of refunding bonds of the City.

(e) By making provision for the redemption and payment of the Refunded Bonds through the issuance of refunding bonds, a savings in the amount of annual debt service on the Refunded Bonds would be made by the City.

(f) The City has authorized calling the Refunded Bonds for payment and redemption in accordance with law and the ordinance authorizing the Refunded Bonds, on a date to be determined as provided for herein (the “**Redemption Date**”).

(g) All bond sinking fund money of the City in existence with respect to the Refunded Bonds has been or will be used to pay principal and interest maturing, accruing and falling due on the Refunded Bonds on or before the Redemption Date, all of such sinking fund money being hereby appropriated and set aside for such purpose, it being found hereby that no sinking fund money is presently in existence to pay the principal of or interest on the Refunded Bonds being called for redemption on the Redemption Date, and that the City has no other funds accumulated for the payment thereof.

(h) The City’s receipts from the Nebraska Highway Allocation Fund for the audited fiscal year ending September 30, 2019 are expected to total \$551,865.00; that from and after the issuance of the Bonds, the Bonds and the unrefunded 2013 Bonds and 2013B Bonds are the only bonds the City shall have outstanding issued pursuant to Section 66-4,101, Reissue Revised Statutes of Nebraska, as amended (or any

predecessor statute thereto); that based upon the City's current receipts from the Nebraska Highway Allocation Fund, the City anticipates that future receipts will be sufficient to pay debt service on the Bonds and the unrefunded 2013 Bonds and 2013B Bonds, all as outstanding from time to time, as and when the same fall due.

(i) All conditions, acts and things required by law to exist or to be done precedent to the issuance of Highway Allocation Fund Pledge and Refunding Bonds, Series 2019 (the "**Bonds**") in the principal amount of not to exceed \$2,000,000 pursuant to Sections 66-4,101, and 10-142, Reissue Revised Statutes of Nebraska, as amended, do exist and have been done as required by law.

Section 2. (a) To provide funds for the purpose of paying a portion of the costs of the Project and refinancing the Refunded Bonds, all as set out in **Section 1** hereof, there shall be and there are hereby ordered issued the Bonds, in one or more series, in the aggregate stated principal amount of not to exceed \$2,000,000. The Bonds or any portion thereof are hereby authorized to be sold pursuant to a negotiated sale with D.A. Davidson & Co., as initial purchaser (the "**Underwriter**"). In connection with such sale, the Mayor, City Administrator and City Finance Director (each, an "**Authorized Officer**") are hereby authorized to specify, determine, designate, establish and appoint, as the case may be, in one or more written designations which may be included in a bond purchase agreement (each, a "**Designation**"), (i) the aggregate purchase price of the Bonds (including any original issue discount or premium) and the underwriting discount which shall not exceed 1.50% of the aggregate stated principal amount thereof, (ii) the form and contents of any bond purchase agreement in connection with such sale, (iii) the title (including series designation), dated date, aggregate principal amount (including the aggregate principal amounts of serial Bonds and term Bonds, if any), which aggregate stated principal amount shall not exceed \$2,000,000, and the final maturity date, which shall not be later than December 15, 2031, (iv) the principal amounts maturing in each year, (v) the rate or rates of interest to be borne by each principal maturity of the Bonds, provided that present value savings results from refunding the Refunded Bonds and provided that the true interest cost of the Bonds shall not exceed 3.25%, (vi) the principal payment dates and interest payment dates, (vii) whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption, (viii) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds, (ix) the designation of the Bond Registrar and Paying Agent (defined herein) and the form and content of any agreement between the City and such entity and (x) all other terms and provisions of the Bonds not otherwise specified or fixed by this Ordinance.

(b) The Authorized Officers, or each individually, are hereby authorized to irrevocably call any or all of the 2013 Bonds and/or the 2013B Bonds for redemption on such date(s) he or she determines appropriate, which date or dates shall be the "**Redemption Date**" hereunder. The Authorized Officers, or each individually, are hereby authorized to designate, approve, execute and deliver, as the case may be, the form, content, terms and provisions of any published and/or mailed notice of redemption with respect to the payment and redemption of the Refunded Bonds, and direct the application of such proceeds and any investment income to the payment of all of the principal of and interest on the Refunded Bonds maturing on or before each respective Redemption Date and the application of the balance of such proceeds and any investment income thereof to the redemption and retirement of the Refunded Bonds on the Redemption Date.

Section 3. Interest on the Bonds at the respective rates for each maturity is payable semiannually on dates to be determined in the Designation (each of such dates an "**Interest Payment Date**") from the Date of Original Issue or the most recent Interest Payment Date, whichever is later, until maturity or earlier redemption by check or draft mailed by the Registrar or its successor on such Interest Payment Date to the registered owner of each Bond at such registered owner's address as it appears on the Bond Register maintained by the Registrar or its successor at the close of business on the fifteenth day preceding such Interest Payment Date (the "**Record Date**") subject to the provisions of the following paragraph. The principal on the Bonds and

the interest due at maturity or upon redemption prior to maturity is payable in lawful money of the United States of America to the registered owners thereof upon presentation and surrender of such Bonds to the Registrar.

In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Registrar whenever moneys for the purpose of paying such defaulted interest become available.

If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the office of the Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 4. Bonds shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor and Clerk and shall have the City Seal impressed or imprinted on each Bond. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds and shall cease to be such officer before the delivery of the Bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Ordinance unless and until a certificate of authentication on such Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate or authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Ordinance.

Section 5. The Bonds shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF WAYNE
CITY OF WAYNE
HIGHWAY ALLOCATION FUND PLEDGE AND REFUNDING BOND, SERIES 2019**

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Issue</u>	<u>CUSIP Number</u>
	_____, 20__	_____, 2019	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

The **CITY OF WAYNE, NEBRASKA** (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner specified above or registered assigns, the Principal Amount stated above in lawful money of the United States of America on the Maturity Date specified above, with interest thereon, calculated on the basis of a 360-day year consisting of twelve 30-day months, from Date of Issue stated above at the Interest Rate per annum specified above, payable semiannually on _____

and _____ of each year, beginning _____, 20__ (each of such dates an “**Interest Payment Date**”) until maturity or earlier redemption.

The Principal Amount and the interest due at maturity or upon redemption prior to maturity is payable to the Registered Owner hereof in lawful money of the United States of America without deduction for services as paying agent at the office of the Bond Registrar and Paying Agent, _____ (the “**Registrar**”), upon presentation and surrender of this bond. Interest on this bond due prior to maturity or earlier redemption shall be paid by check or draft mailed by the Registrar on the date such interest is due and payable to the Registered Owner at such Registered Owner’s address as it appears on the registration books of the Registrar as of the close of business on the fifteenth day preceding an Interest Payment Date (the “**Record Date**”). Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the Record Date such interest was payable, and shall be payable to the person who is the Registered Owner of this bond (or of one or more predecessor bonds hereto) on such special Record Date for payment of such defaulted interest as shall be fixed by the Registrar whenever money for such purpose become available. For the prompt payment of this bond, both principal and interest at the time the same becomes due, the full faith, credit, resources and taxing powers of the City are hereby pledged.

The bonds of the series of which this bond is one maturing on or prior to _____, 20__, shall not be subject to redemption prior to their stated maturities. The bonds of the series of which this bond is one maturing on and after _____, 20__ are subject to redemption at the option of the City prior to the stated maturities thereof at any time on and after the fifth anniversary of the Date of Issue, as a whole, or in part from time to time in such principal amounts and from such maturity or maturities as the City, in its sole and absolute discretion, shall determine, and in the event that less than all the bonds of a maturity are to be called for redemption, the particular bonds of such maturity to be redeemed shall be selected by lot at the redemption price of the principal amount thereof, together with the interest accrued on such principal amount to the date fixed for redemption.

Bonds shall be redeemed in whole multiples of \$5,000 and if any bond be in a denomination in excess of \$5,000, portions of the principal amount thereof in installments of \$5,000 or any multiples thereof may be redeemed, and if less than all of the principal thereof is to be redeemed, in such case upon the surrender of such bond there shall be issued to the registered owner thereof without charge therefor, for the then unredeemed balance of the principal amount thereof, registered bonds of like series, maturity and interest rates in any of the authorized denominations provided by the Ordinance (hereinafter defined).

Notice of redemption of this bond shall be given to the Registered Owner hereof by first-class mail, postage prepaid, not less than thirty (30) days prior to the date fixed for redemption, all as more particularly set forth in the Ordinance (hereinafter defined). Notice of redemption having been given as provided in the Ordinance (hereinafter defined), or notice of redemption having been waived, and funds for the payment thereof having been deposited with the Registrar, this bond shall cease to bear interest from and after the date fixed for redemption.

This bond is one of a series of bonds numbered from 1 upwards, in order of their issuance, being in the denomination of \$5,000 and integral multiples thereof, of the total principal amount of _____ Thousand Dollars (\$ _____) all of like date and tenor except as to denomination, date of maturity, rate of interest and priority of redemption which have been issued by the City for the purpose of (a) paying the costs of certain street improvements and related improvements in the City and (b) providing for the payment and redemption of \$ _____ in principal amount of the City’s outstanding General Obligation Highway Allocation Fund Pledge Bonds, Series 2013, date of original issue – June 21, 2013 and \$ _____ in principal amount of the City’s outstanding Highway Allocation Fund Pledge Bonds, Series 2013B, date of original issue – October 15, 2013, all pursuant to Sections 66-4,101 and 10-142, Reissue Revised Statutes of Nebraska, as amended. This bond and the series of which it is one,

are issued under the authority of and in compliance with the laws of the State of Nebraska governing the City, and pursuant to Ordinance No. ____ of the City (the “**Ordinance**”) duly enacted and by proceedings duly had by the Mayor and Council.

This bond is transferable by the Registered Owner hereof in person or by such Registered Owner’s attorney duly authorized in writing, at the principal office of the Registrar but only in the manner and subject to the limitations and conditions provided in the Ordinance and upon presentation and surrender hereof to the Registrar for cancellation. Upon any such registration of transfer, the City shall execute and the Registrar shall authenticate and deliver in exchange for this bond, a new registered bond or bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the principal amount of this bond, of the same series and maturity and bearing interest at the same rate. The City and the Registrar may deem and treat the Registered Owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes.

If the date for payment of the principal of or interest on this bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the office of the Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

The City has in the Ordinance designated such issue of bonds as “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(B)(i) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond and the Refunded Bonds did exist, did happen and were done and performed in regular and due form and time as required by law. For the prompt payment of the principal and interest on this bond and the other bonds of the same issue, the City has pledged funds received and to be received from the Highway Allocation Fund of the State of Nebraska with receipts from such fund to be allocated by the City to payment of principal and interest as the same fall due. In addition, the City hereby covenants and agrees that it shall levy ad valorem taxes upon all the taxable property in the City at such rate or rates, within applicable statutory and constitutional limitations, as will provide funds which together with receipts from the Highway Allocation Fund, as pledged to the payment of such principal and interest and any other money made available and used for such purpose, will be sufficient to make payment of the principal of and interest on this Bond and the other Bonds of the same issue as the same fall due.

This bond shall not be valid or become obligatory for any purpose until it shall have been authenticated by the execution by the Registrar of the Certificate of Authentication endorsed hereon.

IN WITNESS WHEREOF, the Mayor and Council have caused this bond to be executed on behalf of the City by the manual or facsimile signatures of its Mayor and Clerk and have caused the City Seal to be impressed or imprinted hereon, all as of the Date of Issue set forth above.

CITY OF WAYNE, NEBRASKA

ATTEST:

By: _____
(Facsimile Signature)
Mayor

By: _____
(Facsimile Signature)
Clerk

[S E A L]

**BOND REGISTRAR AND PAYING AGENT'S
CERTIFICATE OF AUTHENTICATION**

This Bond is one of the series of bonds described in the within-mentioned Ordinance.

_____, Bond
Registrar and Paying Agent

By: _____

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints
_____ agent to transfer the within Bond on the books kept by the Paying Agent for the
registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must
correspond with the name of the Registered
Owner as it appears upon the face of the within
Bond in every particular.

Signature Guaranteed By:

(Name of Eligible Guarantor Institution as
defined by SEC Rule 17 Ad-15 (17 CFR 240.17
Ad-15))

By: _____
Title: _____

Section 6. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk. The Bonds shall be issued initially as “book-entry-only” bonds using the services of The Depository Trust Company (the “**Depository**”), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of understanding and representation (the “**Representation Letter**”) in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as “book-entry-only” bonds, the following provisions shall apply:

(a) The City and the Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a “**Bond Participant**”) or to any person who is an actual purchaser of a Bond from the Bond Participant while the Bonds are in book-entry form (each, a “**Beneficial Owner**”) with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds. The Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond.

(b) Upon receipt by the Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the City and the Registrar to do so, the City and the Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or Beneficial Owners of the Bonds and so notifies the Registrar in writing, the Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of certificates representing the Bonds. In such event, the City and the Registrar shall issue, transfer or exchange certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Representation Letter.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any persons, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this **Section**.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed Bond has been replaced in accordance with the provisions of **Section 3(d)** of this Ordinance, the books and records of the Registrar shall govern and establish the principal amount of such Bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed bond certificates for issuance upon the transfers from the Depository and subsequent transfer or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Registrar for issuance of replacement Bonds upon transfer or partial redemption, the City agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and Clerk. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Registrar for issuance upon transfer), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Registrar. The Bonds shall be delivered to the Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, the initial purchaser thereof, upon receipt of the full purchase price of the Bonds as set forth in the Purchase Agreement hereinafter approved. Such initial purchaser shall have the right to direct the registration of the Bonds and the denomination thereof within each maturity, subject to the restrictions of this Ordinance.

Section 7. The Authorized Officers, or any one or more of them, are hereby authorized to appoint a Bond Registrar and Paying Agent (the “**Registrar**”) for the Bonds, which Registrar may be a bank or trust company, or the City Treasurer. The Registrar shall keep the books for the registration and transfer of Bonds at its office. If the Registrar is a bank or trust company, the Registrar shall serve in such capacities under the terms of an agreement entitled “**Paying Agent and Registrar’s Agreement**” between the City and the Registrar, the form of which shall be approved by an Authorized Officer. The Mayor and Clerk are hereby authorized to execute said agreement. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. The transfer of any Bond may be registered upon the books kept for the registration and registration of transfer of Bonds upon presentation and surrender thereof to the Registrar together with an assignment duly executed by the registered owner or such registered owner’s attorney or legal representative in such form as shall be satisfactory to the Registrar. Upon any such registration of transfer, the City shall execute and the Registrar shall authenticate and deliver in exchange for such Bond, a new Bond or Bonds of any denomination or denominations authorized by this Ordinance of the same series and maturity and in the same aggregate principal amount and bearing interest at the same rate. Bonds may be exchanged at the principal office of the Registrar for a like aggregate principal amount of Bonds and the City shall execute and the Registrar shall authenticate and deliver Bonds which the owner making the exchange is entitled to receive, numbered consecutively beginning after the last number then outstanding and of the same maturity and bearing interest at the same rate as the Bonds surrendered for exchange. The Registrar may impose a charge sufficient to defray all costs and expenses incident to registrations of transfer

and exchanges. In each case the Registrar shall require the payment by the owner requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer.

The City and the Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption. The Registrar shall also be responsible for making the payments of principal and interest as the same fall due upon the Bonds from funds provided by the City for such purpose. Payments of interest due upon the Bonds prior to maturity or redemption shall be made by the Registrar by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each Bond as of the close of business on the fifteenth day of the month immediately preceding the month in which interest on the Bonds is payable, addressed to such owner's registered address as shown on the books of registration as required to be maintained under this **Section 7**. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with any accrued interest then due, shall be made by the Registrar upon presentation and surrender of such Bond at the office of the Registrar. The City and the Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for purposes of making payment thereon and for all other purposes. All payments on account of interest or principal made to the registered owner of any Bond shall be valid and effectual and shall be a discharge of the City and the Registrar in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 8. The net sale proceeds of the Bonds, along with any necessary funds of the City on hand, shall be applied to pay or reimburse costs of the Project and to the redemption of the Refunded Bonds on the Redemption Date. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest first falling due on the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds.

Section 9. After the Bonds are executed by the City they shall be delivered to the Registrar for authentication and registration as to ownership, and in the denominations designated in writing by the initial purchaser thereof hereinafter identified. After execution, authentication and registration of the Bonds, the City Treasurer is authorized and directed to deliver them to the Underwriter upon receipt of the purchase price of the Bonds as set forth in the Purchase Agreement described herein.

Section 10. For the prompt payment of the Bonds, the 2013 Bonds and the 2013B Bonds, both principal and interest as the same fall due, the City hereby pledges all receipts now or hereafter received by the City from the State of Nebraska Highway Allocation Fund (the "**Fund**"), as described and referred to in Section 66-4,101, Reissue Revised Statutes of Nebraska, as amended. The pledge provided for in this section for the Bonds provides, however, that such pledge shall not prevent the City from otherwise applying receipts from the Fund in any year so long as sufficient receipts from the Fund have been set aside for the payment of principal and interest falling due in such year on the Bonds. In addition, the City further reserves the right to issue additional highway allocation fund pledge bonds payable on a parity with the Bonds, the 2013 Bonds and the 2013B Bonds and equally and ratably secured by a pledge of receipts from the Fund. The City hereby further agrees that it shall levy ad valorem taxes upon all the taxable property in the City at such rate or rates within any applicable statutory and constitutional limitations as will provide funds which, together with receipts from the Fund, as pledged to the payment of the Bonds, the 2013 Bonds and the 2013B Bonds and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Bonds, the 2013 Bonds and the 2013B Bonds as the same fall due (including mandatory sinking fund redemptions).

Section 11. The Clerk shall make and certify one or more complete transcripts of the proceedings had and done by the City precedent to the issuance of said Bonds, a copy of which transcript shall be delivered

to the initial purchaser of the Bonds. After being executed by the Mayor and Clerk, said Bonds shall be delivered to the Underwriter.

Section 12. The City hereby covenants and agrees that it will make no use of the proceeds of the Bonds which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “**Code**”) and further covenants to comply with said Sections 103(b)(2) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates, if applicable. The City hereby covenants to take all action necessary to preserve the tax-exempt status of the interest on the Bonds for federal income tax purposes under the Code with respect to taxpayers generally. The City further agrees that it will not take any actions which would cause the Bonds to constitute “private activity bonds” within the meaning of Section 141 of the Code. The City hereby designates the Bonds as its “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue bonds or other obligations aggregating in principal amount more than \$10,000,000 during the calendar year or years in which the Bonds are issued (taking into consideration the exception for current refunding issues). The Authorized Officers, or each individually, are hereby authorized to make, or cause to be made, any and all certifications deemed necessary in connection with the designation of the Bonds as “qualified tax-exempt obligations”, including “deemed designating” the Bonds.

Section 13. The Authorized Officers of the City (or any one of them) are hereby authorized to execute a bond purchase agreement (the “**Purchase Agreement**”) for the sale of the Bonds to the Underwriter, in a form approved by such Authorized Officer(s). Sale of the Bonds to the Underwriter pursuant to the Purchase Agreement is hereby in all respects authorized, adopted, specified, accepted, ratified, approved, and confirmed.

Section 14. The City hereby (1) authorizes and directs that an Authorized Officer execute and deliver, as of date of issue of the Bonds, a Continuing Disclosure Undertaking (the “**Undertaking**”) in such form as shall be satisfactory to bond counsel for the City, and (2) covenants and agrees that it will comply with and carry out all of the provisions of the Undertaking. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Undertaking) or any Beneficial Owner or any other owner of a Bond may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section. For purposes of this section, “**Beneficial Owner**” means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

Section 15. The Authorized Officers or any one or more of them is authorized to approve, deem final and deliver a Preliminary Official Statement and a final Official Statement for and on behalf of the City, all in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 16. The City’s obligation under this Ordinance shall be fully discharged and satisfied as to the Bonds authorized and issued hereunder, and said Bonds shall no longer be deemed outstanding hereunder when payment of the principal of such Bonds plus interest thereon to the date of maturity or redemption thereof (a) shall have been made or caused to be made in accordance with the terms thereof; or (b) shall have been provided by depositing with the Registrar or in escrow with a national or state bank having trust powers, in trust solely for such payment (i) sufficient moneys to make such payment or (ii) direct general obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States of America or obligations of an agency of the United States of America (herein referred to as “**Government Obligations**”), in such amount and maturing as to principal and interest at such times, as will insure the

availability of sufficient moneys to make such payment, and such Bonds shall cease to draw interest from the date of their redemption or maturity and, except for the purposes of such payment, shall no longer be entitled to the benefits of this Ordinance; provided that, with respect to any Bonds called or to be called for redemption prior to the stated maturity thereof, notice of redemption shall have been duly given. If moneys shall have been deposited in accordance with the terms hereof with the Registrar as escrow agent in trust for that purpose sufficient to pay the principal of such Bonds, together with all interest due thereon to the due date thereof or to the date fixed for the redemption thereof, as the case may be, all liability of the City for such payment shall forthwith cease, determine and be completely discharged, and such Bonds shall no longer be considered outstanding.

Section 17. Without in any way limiting the power, authority or discretion elsewhere herein granted or delegated, the Council hereby (a) authorizes and directs the Authorized Officers, the City Clerk, the City Attorney and all other officers, officials, employees and agents of the City to carry out or cause to be carried out, and to perform such obligations of the City and such other actions as they, or any of them, in consultation with bond counsel, the initial purchaser of the bonds and its counsel, shall consider necessary, advisable, desirable or appropriate in connection with this Ordinance and issuance, sale and delivery of the Bonds, including without limitation and whenever appropriate the execution and delivery thereof and of all other related documents, instruments, certifications and opinions, and (b) delegates, authorizes and directs the Mayor the right, power and authority to exercise his own independent judgment and absolute discretion in (i) determining and finalizing the terms, provisions, form and contents of any official statement utilized in offering the Bonds for sale to the public, (ii) determining and finalizing all other terms and provisions to be carried by the Bonds not specifically set forth in this Ordinance, and (iii) the taking of all actions and the making of all arrangements necessary, proper, appropriate, advisable or desirable in order to effectuate the issuance, sale and delivery of the Bonds. The execution and delivery by the Mayor or by any such other officers, officials, employees or agents of the City of any such documents, instruments, certifications and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this Ordinance, shall constitute conclusive evidence of both the City's and their approval of the terms, provisions and contents thereof and all changes, modifications, amendments, revisions and alterations made therein and shall conclusively establish their absolute, unconditional and irrevocable authority with respect thereto from the City and the authorization, approval and ratification by the City of the documents, instruments, certifications and opinions so executed and the actions so taken.

Section 18. If any one or more of the provisions of this Ordinance should be determined by a court of competent jurisdiction to be contrary to law, then such provisions shall be deemed severable from the remaining provisions of this Ordinance and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds and the owners of the Bonds shall retain all the rights and benefits accorded to them under this Ordinance and under any applicable provisions of law. All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance are to be extent of such conflict hereby repealed.

Section 19. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED this _____ day of September, 2019.

THE CITY OF WAYNE, NEBRASKA

By: _____
Cale Giese, Mayor

ATTEST:

By: _____
Betty A. McGuire, City Clerk

[S E A L]



Pete Ricketts
Governor

STATE OF NEBRASKA

NEBRASKA LIQUOR CONTROL COMMISSION

Robert B. Rupe
Executive Director
301 Centennial Mall South, 5th Floor
P.O. Box 95046
Lincoln, Nebraska, 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814 or (402) 471-2374
TSR USER 800-833-7252 (TTY)
Web Address <http://www.lcc.nebraska.gov/>

August 20, 2019

To: CITY CLERK OF WAYNE
Email: KABRAHAM@STAABMGT.COM
Manager Name: DAVID STAAB
Licensee Name: STAAB PH UNITS LLC
Licensee Trade Name (DBA): PIZZA HUT
License Number: A-008335
Date Due: 10-04-2019

I have attached a copy of a new corporate manager application that was submitted to the Nebraska Liquor Control Commission. Please complete the following information below to indicate your recommendation. Send back to Mary Beth Olson at mary.olson@nebraska.gov or fax to (402) 471-2814. If you have questions concerning this matter, please contact our office at (402) 471-4893.

- _____ APPROVED
- _____ NO LOCAL RECOMMENDATION
- _____ DENIED

COMMENTS: (YOU MAY ATTACH MINUTES AND/OR ADDITIONAL NOTES)

Clerk Signature: _____ Date: _____

MBO

Janice M. Wiebusch
Commissioner

Bruce Bailey
Chairman
An Equal Opportunity Employer

Harry Hoch
Commissioner

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

RECEIVED

AUG 14 2019

**NEBRASKA LIQUOR
CONTROL COMMISSION**

MUST BE:

- ✓ Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form MUST be included with your application
- ✓ 21 years of age or older

Corporation/LLC information

Name of Corporation/LLC: Staab PH Units, LLC

Premise information

Liquor License Number: 008335 Class Type A (if new application leave blank)

Premise Trade Name/DBA: Pizza Hut

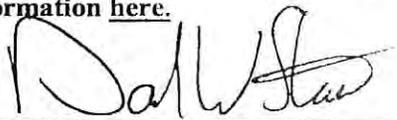
Premise Street Address: 901 E 7th St

City: Wayne County: Wayne Zip Code: 68787

Premise Phone Number: 402-375-2540

Premise Email address: kabraham@staabmgt.com

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).



SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Staab First Name: David MI: W

Home Address: 3103 Brentwood Blvd

City: Grand Island County: Hall Zip Code: 68801

Home Phone Number: 308-390-3874

Driver's License Number & State: E08057963 NE

Social Security Number: _____

Date Of Birth: 7/10/1964 Place Of Birth: Hays, KS

Email address: dstaab@staabmgt.com

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

YES NO

Spouse's information

Spouses Last Name: Staab First Name: Jill MI: K

Social Security Number: _____

Driver's License Number & State: H12366260 NE

Date Of Birth: 11/4/1965 Place Of Birth: St Paul, NE

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS
APPLICANT SPOUSE

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Grand Island, NE	1991	Present	Grand Island, NE	1991	Present

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
David Staab	1986	Aurora, NE	DUI	Guilty
David Staab	1987	Sioux Falls, SD	DUI	Guilty
David Staab	1982	Lincoln, NE	Reckless Dr 1st	Guilty
David Staab	2010	St Paul, NE	Speeding	Guilty
David Staab	2011	Valentine, NE	Speeding	Guilty

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: 05/2015 Name on Certificate: David Staab

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
David Staab	05/2015	ServSafe Alcohol

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

5. Have you enclosed form 147 regarding fingerprints?

YES NO

On file w/ state of NJ

PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non-participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

[Handwritten Signature]

Signature of Manager Applicant

Jill K. Staab

Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Hall

The foregoing instrument was acknowledged before me this

8-7-19

date

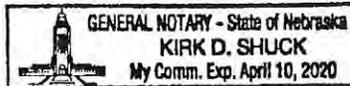
by David W. Staab Jill K. Staab

NAME OF PERSON BEING ACKNOWLEDGED

Kirk D. Shuck

Notary Public signature

Affix Seal



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov

Office Use

I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will have not have any interest, directly or indirectly in the operation or profit of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices or represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. I understand my fingerprint will not be required; however, I am obligated to sign and disclose any information on all applications needed to process this application.

Jill K. Staab
Signature of spouse asking for waiver
(Spouse of individual listed below)

Jill K Staab
Printed name of spouse asking for waiver

State of Nebraska

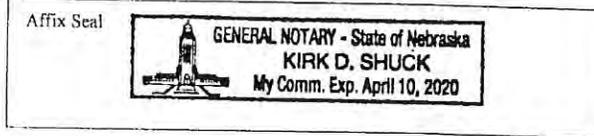
County of Hall

8-7-19
date

The foregoing instrument was acknowledged before me this

by Jill K. Staab
name of person acknowledged

Kirk D. Shuck
Notary Public signature



I acknowledge that I am the spouse of the above listed individual. I understand that my spouse and I are responsible for compliance with the conditions set out above. If it is determined that the above individual has violated (§53-125(13)) the Commission may cancel or revoke the liquor license.

David W Staab
Signature of individual involved with application
(Spouse of individual listed above)

David W Staab
Printed name of applying individual

State of Nebraska

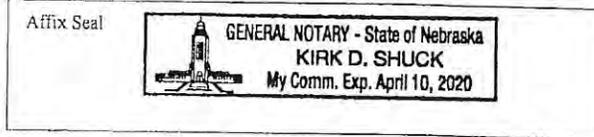
County of Hall

8-7-19
date

The foregoing instrument was acknowledged before me this

by David W. Staab
name of person acknowledged

Kirk D. Shuck
Notary Public signature



In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

CERTIFICATE OF LIVE BIRTH

(Do Not Write in This Box)

KANSAS STATE BOARD OF HEALTH
Division of Vital Statistics

AUG 7 1964

020348

90-1

Registrar's Number 296

BIRTH NUMBER

1. PLACE OF BIRTH a. County Ellis 0262		2. USUAL RESIDENCE OF MOTHER a. State Kansas b. County Ellis 0262	
b. City, Town, or Location Hays		c. City, Town, or Location Hays	
c. Name of Hospital (If Not in Hospital, Give Street Address) or Institution 2 St. Anthony 2		d. Street Address 206 West 6th	
d. Is Place of Birth Inside City Limits? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		e. Is Residence Inside City Limits? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		f. Is Residence on a Farm? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
3. FULL NAME THE CHILD			
First David		Last Staab	
4. SEX Male THIS BIRTH Boy Single <input checked="" type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/>			
5. DATE OF BIRTH (Month) (Day) (Year) 7 10 64			
6. FATHER OF CHILD			
7. FULL NAME First Kenneth Middle Wayne Last Staab		8. COLOR OR RACE White	
9. AGE (At time of this birth) 23 Years		10. USUAL OCCUPATION Salesman for Armour & Co.	
11. BIRTHPLACE (State or Foreign country) Kansas		12. FULL MAIDEN NAME Rose Mary Hammerschmidt	
13. AGE (At time of this birth) 22 Years		14. COLOR OR RACE White	
15. BIRTHPLACE (State or Foreign country) Kansas		16. PREVIOUS DELIVERIES TO MOTHER (Do NOT include this child)	
17a. MOTHER'S MAILING ADDRESS 206 West 6th Hays, Kansas		17b. How many other children are now living? 0	
17c. How many other children were born alive but are now dead? 0		17d. How many still deaths (fetuses born dead at ANY time after conception)? 0	
17e. FATHER'S VERIFICATION I hereby certify that the above information is correct to the best of my knowledge and belief.			
18a. Signature Mrs. Kenneth W. Staab		18b. Attendant At Birth M. D. <input checked="" type="checkbox"/> D. O. <input type="checkbox"/> OTHER (Specify)	
18c. Address Hays, Kans		18d. Date Signed July 15, 1964	
19. Date Rec'd By Local Registrar 8-5-64			

Important Message:
If you have recently moved, please use the **Polling Place** feature. Locate Your Polling Place with the street and city address of your new/current residence.

[HOME](#)

[REGISTRATION
INFORMATION](#)

[POLLING
PLACE](#)

[PROVISIONAL
BALLOT](#)

[ABSENTEE
BALLOT](#)

Select Language ▾

Registrant Search Information

Registrant Detail

Name: David W Staab
Party: Republican
Polling Place: St. Leo's Church (Precinct 6)
2410 S Blaine Street
Grand Island, NE 68801

Districts

DISTRICT NAME

Grand Island Public Schools
Central Com College Dist 4
County Judge Dist 9
Gr Island City Council Ward 2
District Judge, Dist 9
Supervisor District 7
Supreme Court Judge Dist 5
ESU 10 District 3
Central Platte NRD SubD 6
Legislative District 35
Board of Regents District 6
Mayor of Grand Island
Appeals Court Judge Dist 5
PSC District 5
U.S. Congressional District 3
Central Com College At Large
State Board of Education Dist6
GI School Board Ward A
Central Platte NRD At Large

DISTRICT TYPE

School District
Community College District
Judge of County Court Dist.
City Council (Ward)
Judge of District Court Dist.
County Board (Commis./Superv)
Judge of Supreme Court Dist.
ESU District
Natural Resources District
Legislative District
Board of Regents
Mayor
Judge of Appeals Court Dist.
Public Service Comm District
U.S. Congressional District
Community College District
State Board of Education
School Board Ward
Natural Resources District

[Voter View Mobile](#)

[Registration Information](#) [Polling Place](#) [Provisional Ballot](#) [Absentee Ballot](#)

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© Voter View 3.3.1480.0

RESOLUTION NO. 2019-49

A RESOLUTION TO ADOPT THE 2019-2020 BUDGET FOR THE CITY OF WAYNE.

WHEREAS, LB 989 changed budget limitation provisions regarding restricted funds for political subdivisions; and

WHEREAS, LB 1114 established levy limits for local governments; and

WHEREAS, the 2019-2020 budget document meets the requirements of the legislative laws; and

WHEREAS the Mayor and Council of the City of Wayne, Nebraska, has conducted a public hearing as prescribed by law and heard and considered comments concerning the 2019-2020 budget for the City of Wayne; 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 that the 2019-2020 budget be adopted as the "Official Budget" for the fiscal year 2019-2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the 2019-2020 budget of the City of Wayne, Nebraska, be and is hereby adopted.

PASSED AND APPROVED this 3rd day of September, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2019-50

A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FY2019-2020.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the governing body of the City of Wayne, Nebraska, passes by a majority vote a resolution or ordinance setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that:

1. The 2019-2020 property tax request be set at \$980,121.
2. The total assessed value of property differs from last year's total assessed value by 5%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.390543 per \$100 of assessed value.
4. The City of Wayne proposes to adopt a property tax request that will cause its tax rate to be \$.411663 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Wayne will exceed last year's by 17%.
6. A copy of this Resolution be certified and forwarded to the County Clerk on or before October 13, 2019.

PASSED AND APPROVED this 3rd day of September, 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

ORDINANCE NO. 2019-13

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2019, through September 30, 2020. All sums of money contained in the budget statement, as fund totals, are hereby appropriated for the necessary expenses and liabilities of the City of Wayne. A copy of the budget document shall be forwarded, as provided by law, to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Wayne County, Nebraska, for use by the levying authority.

Section 2. 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 3rd day of September, 2019.

THE CITY OF WAYNE, NEBRASKA

By: _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2019-51

**A RESOLUTION APPROVING THE ALLOWABLE 1% INCREASE IN
BASE LIMITATION OF RESTRICTED FUNDS' BUDGET 2019-2020.**

WHEREAS, Section 13-519 of Nebraska Revised Statutes places a budget limitation on governmental units; and

WHEREAS, Section 13-519(2) of Nebraska Revised Statutes allows governmental units an additional 1% increase in budget authority with a vote of at least 75% of the Council; and

WHEREAS, the Mayor and City Council of the City of Wayne, Nebraska, want to maintain maximum flexibility for future budgets.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the unused budget authority carried forward to fiscal year 2019-2020 shall contain the additional 1% increase in restricted fund authority allowed upon the affirmative vote of at least 75% of the Council.

PASSED AND APPROVED this 3rd day of September, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2019-52

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE HANK OVERIN BASEBALL FIELD LIGHTING PROJECT FOR THE CITY OF WAYNE, NEBRASKA.

WHEREAS, one bid was received on August 30, 2019, on the “Hank Overin Baseball Field Lighting Project;” and

WHEREAS, the bid has been reviewed by City Staff; and

WHEREAS, City staff is recommending that the bid outlined below be accepted as recommended.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the “Hank Overin Baseball Field Lighting Project,” as submitted by the following contractor:

<u>Bidder</u>	<u>Amount</u>
Ardent Lighting Group, LLC 1378 118 th Place Knoxville IA 50138	\$310,000.00

and filed with the City Clerk in accordance with the general terms calling for the proposals for the furnishing of labor, tools, materials, and equipment required for said project in the City of Wayne, Nebraska, be and the same is hereby accepted.

PASSED AND APPROVED this 3rd day of September, 2019.

CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



**Lighting Group,
L.L.C.**

1378 118th Place*Knoxville, Iowa 50138*Office 641-842-5969*Fax 641-842-3691
www.ardentlightinggroup.com

Proposal from Ardent Lighting Group L.L.C to City of Wayne Nebraska for New Baseball Field Lighting.

This estimate includes a new Musco Sports Lighting System including installation cost. System includes galvanized steel poles, pole length wire harnesses, and electrical components enclosures. This system also comes with a 25-year warranty, including all maintenance.

Baseball Field:

Turnkey 50/30 FC

LED (25-year warranty)

Electric included in turnkey price: **\$310,000.00**

Not to exceed Price good for 30 days from August 30, 2019

Includes anticipated equipment and installation costs and removal of current systems that maybe in place (deposal of old poles and equipment owner's responsibility) Doesn't include cost of new electrical transformer/service.

Proposal is based on standard soil conditions of 2,000 PSF, and obstructions or adverse soil conditions may require a change order.

City of Wayne Nebraska Shall:

1. Locate all privately owned utilities on the **City of Wayne** property; cost for repair of any damage or unmarked utility lines will be the responsibility of the **City of Wayne**.
2. Provide payment as mutually agreed to by both parties doing business as **Ardent Lighting Group L.L.C.** and the **City of Wayne Nebraska**. Terms: 1/3 with signed contract, 1/3 when materials are delivered, 1/3 when the project is completed.
3. Sales Tax not included, sales tax exemption certificate provided by City of Wayne Nebraska or sales tax will be added.

Ardent Lighting Group L.L.C.

Representative Print

Signed

Date

City of Wayne Nebraska

Representative Print

Signed

Date

RESOLUTION

WHEREAS, there has been signed by the CITY OF WAYNE on the 15th day of March, 2011, and the State on the 11th day of April, 2011, an agreement providing for the construction of a Federal Aid City Project at the following location: WAYNE TRAIL - PHASE2, and

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as STPB-90(4), and

WHEREAS, the above mentioned agreement provided that the City will pay costs as set forth in the agreement, and

WHEREAS, the State, on behalf of the City received bids for the construction of this project based on the final plans and specifications on August 29, 2019, at which time 2 bid(s) were received for the construction of the proposed work, and

WHEREAS, the following Contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

T. R. HARRIS CONSTRUCTION, INC., HOMER, NE 68030-0129
GRADING, CONCRETE PAVEMENT, CULVERTS, SEEDING, ELECTRICAL, SIGNING, GENERAL ITEMS
\$1,990,000.04

NOW THEREFORE, in consideration of the above facts, the City Council of the CITY OF WAYNE, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Council hereby concurs in the selection of the above mentioned Contractor(s) for the items of work listed, to whom the contract(s) should be awarded.
3. The Council hereby approves of the final plans and specifications that were used in the bidding process for this project.
4. The Council hereby authorizes the Mayor to sign the contract(s) with the above mentioned Contractor(s) for the above mentioned work on behalf of the City.

DATED THIS _____ DAY OF _____, A.D. _____

CITY OF WAYNE

(Mayor)

ATTEST:

(City Clerk)

Council Member _____
moved the adoption of said resolution.

Roll Call: _____ yea, _____ nay.
Resolution adopted, signed and billed as adopted.



BID TABULATIONS

CALL ORDER: 300 CONTRACT ID: 3777 COUNTY: WAYNE
LETTING DATE: 8/29/2019 DISTRICT: 3 PROJECT: STPB-90(4)
CONTRACT DESCRIPTION: WAYNE TRAIL - PHASE 2

VENDOR NO. BID NOTES

RANK	VENDOR NO.	VENDOR NAME	TOTAL BID	% OVER LOW BID
1	3575	T. R. HARRIS CONSTRUCTION, INC.	\$ 1,990,000.04	100.0000 %
2	2762	A & R CONSTRUCTION CO.	\$ 2,280,624.78	114.6043 %

BID TABULATIONS

CALL ORDER: 300
CONTRACT ID: 3777
PROJECT: STPB-90(4)

LINE NO / ITEM CODE ITEM DESCRIPTION QUANTITY	(1) 3575 HARRIS CONSTRUCTION, INC./T. R.		(2) 2762 A & R CONSTRUCTION CO.	
	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
0001 GROUP 1 GRADING				
0001 0030.10 1.000 LUMP	\$ 31,000.00000	\$ 31,000.00	\$ 31,000.00000	\$ 31,000.00
MOBILIZATION				
0002 1009.00 1.000 LUMP	\$ 23,250.00000	\$ 23,250.00	\$ 21,000.00000	\$ 21,000.00
GENERAL CLEARING AND GRUBBING				
0003 1011.00 70.000 MGAL	\$ 30.00000	\$ 2,100.00	\$ 30.00000	\$ 2,100.00
WATER				
0004 1030.00 4615.000 CY	\$ 21.08000	\$ 97,284.20	\$ 16.33000	\$ 75,362.95
EARTHWORK MEASURED IN EMBANKMENT				
0005 1101.00 387.000 SY	\$ 12.00000	\$ 4,644.00	\$ 8.00000	\$ 3,096.00
REMOVE PAVEMENT				
0006 1101.25 1188.000 LF	\$ 12.00000	\$ 14,256.00	\$ 12.00000	\$ 14,256.00
SAWING PAVEMENT				
0007 1106.00 362.000 SY	\$ 8.00000	\$ 2,896.00	\$ 8.00000	\$ 2,896.00
REMOVE DRIVEWAY				
0008 1107.00 719.000 SY	\$ 8.00000	\$ 5,752.00	\$ 8.00000	\$ 5,752.00
REMOVE WALK				
0009 1111.10 3.000 LF	\$ 200.00000	\$ 600.00	\$ 86.00000	\$ 258.00
REMOVE BRICK WALL				
0010 4093.80 382.000 SF	\$ 41.00000	\$ 15,662.00	\$ 37.21000	\$ 14,214.22
WALL MATERIALS				
0011 4093.85 1951.000 SF	\$ 72.00000	\$ 140,472.00	\$ 79.44000	\$ 154,987.44
GRAVITY BLOCK WALL				
0012 4095.12 356.000 LF	\$ 19.20000	\$ 6,835.20	\$ 19.00000	\$ 6,764.00
LEVELING PAD				
0013 4764.35 356.000 LF	\$ 14.45000	\$ 5,144.20	\$ 14.00000	\$ 4,984.00
4" PERFORATED PIPE UNDERDRAIN				
0014 8024.50 773.000 CY	\$ 45.40000	\$ 35,094.20	\$ 45.21000	\$ 34,947.33

CALL ORDER: 300
 CONTRACT ID: 3777
 PROJECT: STPB-90(4)

BID TABULATIONS

LINE NO / ITEM CODE ITEM DESCRIPTION QUANTITY	(1) 3575 HARRIS CONSTRUCTION, INC./T. R.		(2) 2762 A & R CONSTRUCTION CO.	
	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
SELECT GRANULAR BACKFILL FOR RETAINED EARTH STRUCTURE		\$ 384,989.80		\$ 371,617.94
SECTION TOTALS				
0002 GROUP 3 CONCRETE PAVEMENT				
0015 0002.76 1210.000 LF	\$ 1.58000	\$ 1,911.80	\$ 1.89000	\$ 2,286.90
PERMANENT PAVEMENT MARKING, PAINT				
0016 0030.30 1.000 LUMP	\$ 75,000.00000	\$ 75,000.00	\$ 89,000.00000	\$ 89,000.00
MOBILIZATION				
0017 2001.00 2.000 CY	\$ 450.00000	\$ 900.00	\$ 87.00000	\$ 174.00
GRAVEL SURFACE COURSE				
0018 3008.05 280.000 EACH	\$ 9.00000	\$ 2,520.00	\$ 12.00000	\$ 3,360.00
TIE BARS				
0019 3016.21 237.000 SY	\$ 85.00000	\$ 20,145.00	\$ 77.14000	\$ 18,282.18
CONCRETE CLASS 47B-3000 SIDEWALKS				
0020 3016.39 341.000 SF	\$ 37.00000	\$ 12,617.00	\$ 31.99000	\$ 10,908.59
DETECTABLE WARNING PANEL				
0021 3016.61 12564.000 SY	\$ 49.60000	\$ 623,174.40	\$ 77.14000	\$ 969,186.96
5" CONCRETE CLASS 47B-3000 BIKEWAY				
0022 3016.73 637.000 SY	\$ 80.20000	\$ 51,087.40	\$ 89.44000	\$ 56,973.28
8" CONCRETE CLASS 47B-3500 BIKEWAY				
0023 3020.20 437.000 SY	\$ 72.00000	\$ 31,464.00	\$ 85.36000	\$ 37,302.32
CONCRETE CLASS 47B-3500 DRIVEWAY 5"				
0024 3075.42 174.000 SY	\$ 128.55000	\$ 22,367.70	\$ 89.44000	\$ 15,562.56
9" CONCRETE PAVEMENT, CLASS 47B-3500				
0025 3075.46 217.000 SY	\$ 133.55000	\$ 28,980.35	\$ 92.11000	\$ 19,987.87
9" DOWELED CONCRETE PAVEMENT, CLASS 47B-3500				

BID TABULATIONS

CALL ORDER: 300
CONTRACT ID: 3777
PROJECT: STPB-90(4)

LINE NO / ITEM CODE ITEM DESCRIPTION QUANTITY	(1) 3575 HARRIS CONSTRUCTION, INC./T. R.		(2) 2762 A & R CONSTRUCTION CO.	
	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
0026 3089.25 571.000 SY TEMPORARY SURFACING	\$ 72.20000	\$ 41,226.20	\$ 86.14000	\$ 49,185.94
0027 4015.00 5.000 EACH ADJUST MANHOLE TO GRADE	\$ 1,050.00000	\$ 5,250.00	\$ 621.00000	\$ 3,105.00
0028 6406.00 340.000 LF PEDESTRIAN HANDRAIL	\$ 100.00000	\$ 34,000.00	\$ 87.99000	\$ 29,916.60
0029 7520.06 1.000 EACH ARROW, PERMANENT PAVEMENT MARKING	\$ 367.50000	\$ 367.50	\$ 366.00000	\$ 366.00
0030 7521.25 56.000 LF 24" WHITE PERMANENT PAVEMENT MARKING	\$ 31.50000	\$ 1,764.00	\$ 33.14000	\$ 1,855.84
0031 9009.71 42.000 SY TEMPORARY SIDEWALK	\$ 80.00000	\$ 3,360.00	\$ 88.00000	\$ 3,696.00
0032 9034.00 437.000 SY PREPARATION OF INTERSECTIONS AND DRIVEWAYS	\$ 10.00000	\$ 4,370.00	\$ 9.00000	\$ 3,933.00
0033 9111.00 5.000 MGAL WATER	\$ 100.00000	\$ 500.00	\$ 36.00000	\$ 180.00
0034 9170.00 8.242 STA EARTH SHOULDER CONSTRUCTION	\$ 1,350.00000	\$ 11,126.70	\$ 4,200.00000	\$ 34,616.40
0035 9173.20 390.000 SY SUBGRADE PREPARATION	\$ 12.00000	\$ 4,680.00	\$ 9.00000	\$ 3,510.00
0036 W600.03 4.000 EACH ADJUST VALVE BOX TO GRADE	\$ 450.00000	\$ 1,800.00	\$ 250.00000	\$ 1,000.00
SECTION TOTALS				
		\$ 978,612.05		\$ 1,354,389.44
0003 GROUP 4 CULVERTS				
0037 0030.40 1.000 LUMP MOBILIZATION	\$ 45,000.00000	\$ 45,000.00	\$ 54,000.00000	\$ 54,000.00
0038 4002.00 250.000 LB CAST IRON COVER AND FRAME	\$ 4.20000	\$ 1,050.00	\$ 5.60000	\$ 1,400.00

BID TABULATIONS

CALL ORDER: 300
CONTRACT ID: 3777
PROJECT: STPB-90(4)

LINE NO / ITEM CODE ITEM DESCRIPTION QUANTITY	(1) 3575 HARRIS CONSTRUCTION, INC./T. R.		(2) 2762 A & R CONSTRUCTION CO.	
	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
0039 4004.80 STRUCTURAL STEEL FOR FACE ARMOR 486.000 LB	\$ 6.30000	\$ 3,061.80	\$ 6.19000	\$ 3,008.34
0040 4005.00 CAST IRON RING AND COVER 345.000 LB	\$ 3.68000	\$ 1,269.60	\$ 5.60000	\$ 1,932.00
0041 4012.29 RECONSTRUCT CURB INLET 2.000 EACH	\$ 4,725.00000	\$ 9,450.00	\$ 5,200.00000	\$ 10,400.00
0042 4016.00 MANHOLE 1.000 EACH	\$ 6,300.00000	\$ 6,300.00	\$ 5,700.00000	\$ 5,700.00
0043 4035.00 REMOVE FLARED-END SECTION 1.000 EACH	\$ 787.50000	\$ 787.50	\$ 655.00000	\$ 655.00
0044 4040.10 REMOVE INLET TOP 2.000 EACH	\$ 1,050.00000	\$ 2,100.00	\$ 1,300.00000	\$ 2,600.00
0045 4050.01 EXCAVATION FOR PIPE, PIPE-ARCH CULVERTS, AND HEADWALLS 672.000 CY	\$ 21.00000	\$ 14,112.00	\$ 18.00000	\$ 12,096.00
0046 4051.01 EXCAVATION FOR BOX CULVERTS 865.000 CY	\$ 21.00000	\$ 18,165.00	\$ 12.44000	\$ 10,760.60
0047 4054.65 TEMPORARY SHORING 1.000 LUMP	\$ 52,500.00000	\$ 52,500.00	\$ 53,000.00000	\$ 53,000.00
0048 4107.04 CLASS 47B-3000 CONCRETE FOR CONCRETE COLLARS 1.350 CY	\$ 938.46000	\$ 1,266.92	\$ 1,100.00000	\$ 1,485.00
0049 4115.20 CLASS 47B-3500 CONCRETE 137.000 CY	\$ 769.23000	\$ 105,384.51	\$ 924.00000	\$ 126,588.00
0050 4115.20 CLASS 47B-3500 CONCRETE 8.750 CY	\$ 1,708.00000	\$ 14,945.00	\$ 1,498.00000	\$ 13,107.50
0051 4151.10 EPOXY COATED REINFORCING STEEL FOR BOX CULVERT 19708.000 LB	\$ 2.10000	\$ 41,386.80	\$ 1.88000	\$ 37,051.04
0052 4157.00 REINFORCING STEEL FOR COLLARS 65.000 LB	\$ 4.20000	\$ 273.00	\$ 2.44000	\$ 158.60

BID TABULATIONS

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LINE NO / ITEM CODE ITEM DESCRIPTION	QUANTITY	(1) 3575 HARRIS CONSTRUCTION, INC./T. R.		(2) 2762 A & R CONSTRUCTION CO.	
		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
0053 4159.55 EPOXY COATED REINFORCING STEEL	970.000 LB	\$ 2.10000	\$ 2,037.00	\$ 3.44000	\$ 3,336.80
0054 4310.30 30" FLARED-END SECTION	1.000 EACH	\$ 1,575.00000	\$ 1,575.00	\$ 910.00000	\$ 910.00
0055 P070.30 30" CULVERT PIPE, TYPE 2,3,4,5,6,7 OR 8	24.000 LF	\$ 155.87000	\$ 3,740.88	\$ 84.66000	\$ 2,031.84
0056 P120.36 36" CULVERT PIPE, TYPE 2	13.000 LF	\$ 175.56000	\$ 2,282.28	\$ 116.47000	\$ 1,514.11
0057 P180.12 12" CULVERT PIPE, TYPE 8	28.000 LF	\$ 113.76000	\$ 3,185.28	\$ 75.11000	\$ 2,103.08
0058 P300.42 42" CULVERT PIPE, TYPE 3,4 OR 5	29.000 LF	\$ 163.65000	\$ 4,745.85	\$ 96.46000	\$ 2,797.34
0059 P400.24 24" CULVERT PIPE, TYPE 2,5,7 OR 8	108.000 LF	\$ 140.70000	\$ 15,195.60	\$ 67.88000	\$ 7,331.04
0060 P402.12 12" CULVERT PIPE, TYPE 3,4,5 OR 6	136.000 LF	\$ 115.02000	\$ 15,642.72	\$ 54.11000	\$ 7,358.96
0061 P402.24 24" CULVERT PIPE, TYPE 3,4,5 OR 6	32.000 LF	\$ 124.54000	\$ 3,985.28	\$ 63.40000	\$ 2,028.80
0062 P402.36 36" CULVERT PIPE, TYPE 3,4,5 OR 6	55.000 LF	\$ 141.30000	\$ 7,771.50	\$ 82.69000	\$ 4,547.95
0063 W205.91 CONCRETE ENCASEMENT	14.000 LF	\$ 262.50000	\$ 3,675.00	\$ 278.00000	\$ 3,892.00
SECTION TOTALS			\$ 380,888.52		\$ 371,794.00
0004 GROUP 5 SEEDING					
0064 0030.50 MOBILIZATION	1.000 LUMP	\$ 11,000.00000	\$ 11,000.00	\$ 4,200.00000	\$ 4,200.00
0065 L001.02 SEEDING, TYPE B	3.100 ACRE	\$ 3,360.00000	\$ 10,416.00	\$ 2,798.00000	\$ 8,673.80

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LINE NO / ITEM CODE ITEM DESCRIPTION QUANTITY	(1) 3575 HARRIS CONSTRUCTION, INC./T. R.		(2) 2762 A & R CONSTRUCTION CO.	
	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
0066 L006.00 3.000 ACRE COVER CROP SEEDING	\$ 367.50000	\$ 1,102.50	\$ 654.00000	\$ 1,962.00
0067 L019.13 2523.000 SY EROSION CONTROL, CLASS 1D	\$ 2.36000	\$ 5,954.28	\$ 1.69000	\$ 4,263.87
0068 L019.20 487.000 SY EROSION CONTROL, CLASS 2A	\$ 5.78000	\$ 2,814.86	\$ 6.00000	\$ 2,922.00
0069 L021.73 4.000 EACH CURB INLET PROTECTION	\$ 183.75000	\$ 735.00	\$ 178.00000	\$ 712.00
0070 L022.14 2683.000 LF FABRIC SILT FENCE-LOW PROFILE LOW POROSITY	\$ 2.94000	\$ 7,888.02	\$ 3.00000	\$ 8,049.00
0071 L032.75 7.000 TON MULCH	\$ 367.50000	\$ 2,572.50	\$ 559.00000	\$ 3,913.00
SECTION TOTALS				
0005 GROUP 8B ELECTRICAL				
0072 0030.80 1.000 LUMP MOBILIZATION	\$ 13,500.00000	\$ 13,500.00	\$ 15,000.00000	\$ 15,000.00
0073 1137.51 1.000 EACH REMOVE AND RESET	\$ 2,625.00000	\$ 2,625.00	\$ 2,200.00000	\$ 2,200.00
0074 A001.12 1.000 EACH PULL BOX, TYPE PB-5	\$ 3,150.00000	\$ 3,150.00	\$ 1,100.00000	\$ 1,100.00
0075 A010.89 2.000 EACH UNDERDECK LUMINAIRE	\$ 2,625.00000	\$ 5,250.00	\$ 900.00000	\$ 1,800.00
0076 A070.10 166.000 LF 1 1/2-INCH CONDUIT IN TRENCH	\$ 12.60000	\$ 2,091.60	\$ 7.33000	\$ 1,216.78
0077 A080.25 975.000 LF STREET LIGHTING CABLE, NO. 6 USE	\$ 10.50000	\$ 10,237.50	\$ 2.00000	\$ 1,950.00
SECTION TOTALS				
		\$ 36,854.10		\$ 23,266.78

BID TABULATIONS

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LINE NO / ITEM CODE ITEM DESCRIPTION QUANTITY	(1) 3575 HARRIS CONSTRUCTION, INC./T. R.		(2) 2762 A & R CONSTRUCTION CO.	
	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
0006 GROUP 8C SIGNING				
0078 0030.80 1.000 LUMP	\$ 34,175.00000	\$ 34,175.00	\$ 3,400.00000	\$ 3,400.00
MOBILIZATION				
0079 7321.00 124.950 SF	\$ 26.25000	\$ 3,279.94	\$ 26.00000	\$ 3,248.70
TYPE A SIGN				
0080 7333.03 354.000 LF	\$ 12.60000	\$ 4,460.40	\$ 13.00000	\$ 4,602.00
SIGN POST				
SECTION TOTALS		\$ 41,915.34		\$ 11,250.70
0007 GROUP 10 GENERAL ITEMS				
0081 0001.08 5812.000 BDAY	\$ 0.50000	\$ 2,906.00	\$ 0.50000	\$ 2,906.00
BARRICADE, TYPE II				
0082 0001.10 222.000 BDAY	\$ 3.15000	\$ 699.30	\$ 3.11000	\$ 690.42
BARRICADE, TYPE III				
0083 0001.75 200.000 EACH	\$ 2.10000	\$ 420.00	\$ 2.44000	\$ 488.00
TEMPORARY SIGN DAY				
0084 0001.90 5000.000 EACH	\$ 4.50000	\$ 22,500.00	\$ 4.29000	\$ 21,450.00
SIGN DAY				
0085 0001.97 1088.000 EACH	\$ 2.10000	\$ 2,284.80	\$ 2.11000	\$ 2,295.68
BARRICADE SIGN DAY				
0086 0002.28 5035.000 LF	\$ 2.10000	\$ 10,573.50	\$ 2.11000	\$ 10,623.85
TEMPORARY PAVEMENT MARKING REMOVAL				
0087 0002.30 1065.000 LF	\$ 2.10000	\$ 2,236.50	\$ 2.11000	\$ 2,247.15
PAVEMENT MARKING REMOVAL				
0088 0002.44 5035.000 LF	\$ 0.85000	\$ 4,279.75	\$ 0.84000	\$ 4,229.40
TEMPORARY PAVEMENT MARKING, TYPE PAINT				
0089 0002.47 5035.000 LF	\$ 0.30000	\$ 1,510.50	\$ 0.27000	\$ 1,359.45
TEMPORARY PAVEMENT MARKING SURFACE PREPARATION				

BID TABULATIONS

CALL ORDER: 300
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LINE NO / ITEM CODE ITEM DESCRIPTION	QUANTITY	(1) 3575 HARRIS CONSTRUCTION, INC./T. R.		(2) 2762 A & R CONSTRUCTION CO.	
		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
0090 0002.85 TUBULAR POST	25,000 EACH	\$ 105.00000	\$ 2,625.00	\$ 111.00000	\$ 2,775.00
0091 0003.10 FLAGGING	10,000 DAY	\$ 500.00000	\$ 5,000.00	\$ 500.00000	\$ 5,000.00
0092 0003.50 CONCRETE PROTECTION BARRIER	388,000 LF	\$ 49.25000	\$ 19,109.00	\$ 41.38000	\$ 16,055.44
0093 0003.56 RELOCATE CONCRETE PROTECTION BARRIER	526,000 LF	\$ 7.30000	\$ 3,839.80	\$ 7.11000	\$ 3,739.86
0094 0003.57 RELOCATE INERTIAL BARRIER SYSTEM	4,000 EACH	\$ 262.50000	\$ 1,050.00	\$ 300.00000	\$ 1,200.00
0095 0003.58 INERTIAL BARRIER SYSTEM	4,000 EACH	\$ 787.50000	\$ 3,150.00	\$ 800.00000	\$ 3,200.00
0096 0020.00 TRAINING	100,000 HOUR	\$ 2.00000	\$ 200.00	\$ 2.00000	\$ 200.00
0097 0030.00 MOBILIZATION	1,000 LUMP	\$ 2,000.00000	\$ 2,000.00	\$ 18,000.00000	\$ 18,000.00
0098 9110.01 RENTAL OF LOADER, FULLY OPERATED	15,000 HOUR	\$ 150.00000	\$ 2,250.00	\$ 125.00000	\$ 1,875.00
0099 9110.03 RENTAL OF DUMP TRUCK, FULLY OPERATED	15,000 HOUR	\$ 150.00000	\$ 2,250.00	\$ 100.00000	\$ 1,500.00
0100 9110.07 RENTAL OF SKID LOADER, FULLY OPERATED	15,000 HOUR	\$ 150.00000	\$ 2,250.00	\$ 125.00000	\$ 1,875.00
0101 9110.27 RENTAL OF CRAWLER MOUNTED HYDRAULIC EXCAVATOR, FULLY OPERATED	15,000 HOUR	\$ 150.00000	\$ 2,250.00	\$ 260.00000	\$ 3,900.00
0102 L022.90 TEMPORARY SILT FENCE	1000,000 LF	\$ 2.94000	\$ 2,940.00	\$ 3.00000	\$ 3,000.00
0103 L860.24 STORM EVENT RESTORATION - INCENTIVE	14,000 EACH	\$ 423.78000	\$ 5,932.92	\$ 100.00000	\$ 1,400.00

BID TABULATIONS

CALL ORDER: 300
 CONTRACT ID: 3777
 PROJECT: STPB-90(4)

LINE NO / ITEM CODE ITEM DESCRIPTION	QUANTITY	(1) 3575 HARRIS CONSTRUCTION, INC./T. R. UNIT PRICE	AMOUNT	(2) 2762 A & R CONSTRUCTION CO. UNIT PRICE	AMOUNT
0104 L860.50 ENVIRONMENTAL COMMITMENTS - CONTRACTOR COMPLIANCE	1.000 LUMP	\$ 22,000.000000	\$ 22,000.00	\$ 3,600.000000	\$ 3,600.00
SECTION TOTALS			\$ 124,257.07		\$ 113,610.25
CONTRACT TOTALS			\$1,990,000.04		\$2,280,624.78

ORDINANCE NO. 2019-14

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 153 AIRPORT ZONING, SECTION 153.01 LOCATION, BOUNDARIES, ZONES AND HEIGHT RESTRICTIONS; SECTION 153.02 LOCATION SKETCH AND ZONING MAP; SECTION 153.03 PERMITS REQUIRED; EXCEPTIONS; APPLICATION FORMS; PERMIT FEES; SECTION 153.04 NON-CONFORMING STRUCTURES; SECTION 153.05 MARKING NON-CONFORMING STRUCTURES; SECTION 153.06 ADMINISTRATIVE AGENCY; AND SECTION 153.07 ZONING BOARD OF ADJUSTMENT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. That Title XV Land Usage, Chapter 153 Airport Zoning, Section 153.01 Location, Boundaries, Zones and Height Restrictions; Section 153.02 Location Sketch and Zoning Map; Section 153.03 Permits Required; Exceptions; Application Forms; Permit Fees; Section 153.04 Non-Conforming Structures; Section 153.05 Marking Non-Conforming Structures; Section 153.06 Administrative Agency; and Section 153.07 Zoning Board of Adjustment of the Wayne Municipal Code of Wayne, Nebraska, are hereby amended as follows:

153.01 Location, Boundaries, Zones and Height Restrictions

The vicinity of the Wayne **Municipal** Airport / **Stan Morris Field**, located in Sections 8 and 9, Township 26 North, Range 4 East, in Wayne County, Nebraska, from the boundaries of such airport, to a distance of ~~three statute miles in all directions from the adjacent boundaries of the airport~~ **9,200 feet from Runway ends 5, 13 and 31 and 10,200 feet from Runway ends 18, 23 and 36**, is hereby declared an Airport Hazard Area and is hereby zoned as follows. **The Airport Hazard Area is further limited to the area within the city of Wayne's zoning jurisdiction.**

(A) *Hazard Area description.* The Hazard Area consists of ~~Operation~~ **Primary Surface** Zones, Approach Zones, ~~Turning~~ **Horizontal Surface** Zones, **Conical Surface** Zones, and **Transitional Surface** Zones. The outer boundary of the Hazard Area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the ~~Approach and Turning Zones~~ **Conical Surface** Zone.

(B) *Zone descriptions.*

(1) The ~~Operation~~ **Primary Surface** Zones shall be located along each existing or proposed runway, landing strip or other portion of the airfield used regularly, or to be used regularly, for the landing or taking off of airplanes and shall begin or end at each end of each ~~landing strip~~ **unpaved runway** and 200 feet beyond the end of each **paved** runway and shall be ~~1,000~~ **500** feet in width for each instrument runway ~~or landing strip~~ and ~~500~~ **250** feet in width for all other runways and landing strips.

- a) **Runway 18/36 Primary Surface Zone is 4,601 feet by 500 feet.**
- b) **Runway 5/23 Primary Surface Zone is 3,806 feet by 500 feet.**
- c) **Runway 13/31 Primary Surface Zone is 2,070 feet by 250 feet**

(2) ~~(a)~~ The Approach Zones shall begin at the ends of their respective ~~Operation~~ **Primary Surface** Zones and shall extend and expand uniformly centered along the extended centerline of the respective

runway or landing strip, to the outer boundary of the Approach Zone ~~at a rate of 30 feet of width for each 100 feet of horizontal length for the instrument runway or landing strip and 20 feet of width for each 100 feet of horizontal length for all other runways~~ **as described below.**

~~(b) The inner area of each Approach Zone shall be that portion of the Approach Zone beginning at the end of the respective or proposed Operation Zone and extending to the intersection of the controlling glide angle with a plane 150 feet above the highest elevation of the end of the respective runway or landing strip.~~

~~(c) The outer area of each Approach Zone shall be the area between the outer limit of the inner area of the Approach Zone and the outer limit of the Approach Zone.~~

- a) **For Runway 18/36, the inner edge of the approach zone is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.**
- b) **For Runway 23, the inner edge of this approach zone is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.**
- c) **For Runway 5, the inner edge of this approach zone is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.**
- d) **For Runway 13/31, the inner edge of this approach zone is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.**

(3) The Transitional **Surface** Zones shall be the areas bounded by the ~~Operation~~ **Primary Surface** Zones of the Hazard Area, the sides of ~~contiguous inner areas of the~~ Approach Zones, and the outer limits of the Transitional **Surface** Zones; said outer limits of the Transitional **Surface** Zones being the intersections, at elevations of 150 feet above ~~the highest elevation at the ends or edges of the closest runway or landing strip, or proposed runway or landing strip~~ **airport elevation**, of a series of contiguous planes originating from bases established by the ~~Operation~~ **Primary Surface** Zone ~~of the Hazard Area~~ and the edges of ~~the~~ adjacent ~~inner areas of~~ Approach Zones said planes rising from their respective bases along lines perpendicular to the centerline of the landing strip or runway at the rate of one foot vertically to seven feet horizontally to the lines of intersection previously referred to.

~~(4) The Turning Zones shall compromise all portions of the Hazard Area not contained in the Operation Zones, Approach Zones and in the Transition Zones. The outer limits of the Turning Zones shall be a series of points forming a line which is the horizontal distance of three statute miles from the nearest points along the airport property lines.~~

The Horizontal Surface Zone is established by swinging arcs of 10,000 feet for Runways 18, 23 and 36 and arcs of 5,000 feet radii for Runways 5, 13 and 31 from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the Primary Surface, Approach or Transitional Surface Zones.

natural growth, within the boundary of the zoned area of said airport **hazard area** without first obtaining a permit from the Administrative Agency **defined in Section 153.06**.

(B) *Exceptions.* In ~~the outer area of Approach Zones and within the Turning~~ **Transitional Surface Zones, Horizontal Surface Zones and Conical Surface Zone**, no permit shall be required for any construction or planting which is not higher than 75 feet above the elevation of the end of the nearest runway or landing strip.

(C) *Application forms.* Application for a permit as required under these regulations shall be made upon a **form to be available** in the **office of the City Clerk** and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting (mean sea level elevation).

(D) *Permit fees.* The fee for each permit issued shall be **\$15** and all fees received by the Administrative Agency shall be paid by ~~him~~ **them** to the **City Treasurer** for deposit in the **Airport Revenue Fund**. No fee shall be charged for a permit for **any construction or repair whose estimated cost is less than \$100**.

(2002 Code, § 91-3) Penalty, see § 10.99

153.04 Non-Conforming Structures

Within the zoned area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smoke stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of ~~80~~ **51%** or more of their original condition, or abandoned for a period of 12 months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the zone regulated.

(2002 Code, § 91-4)

153.05 Marking Non-Conforming Structures

Whenever the Administrative Agency shall determine ~~or shall be notified by the Joint Zoning Board or the State Department of Aeronautics~~, that a specific non-conforming structure or objects exists and has existed prior to the passage of these regulations and within the zoned area hereinbefore described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall within a reasonable amount of time permit the marking thereof by suitable lights or other signals designated by the said agency and based on the recommendations of the State Department of **Transportation Division of** Aeronautics. The cost of such marking shall not be assessed against the owner or lessor of said premises.

(2002 Code, § 91-5)

153.06 Administrative Agency

[NOTE FROM DIANE HOFER – IS THIS SECTION NEEDED? This information may already be in another section of the city's zoning regulation.]

The **Building Inspector/Planner** of the city shall administer and enforce these regulations, and shall be in the administrative agency, and shall have all the powers and perform all the duties of the administrative

agency as provided by the _____, until otherwise ordered by the City of Wayne Zoning Board.

(2002 Code, § 91-6)

153.07 Zoning Board of Adjustment

[NOTE FROM DIANE HOFER – IS THIS SECTION NEEDED? This information may already be in another section of the city’s zoning regulation.]

The Zoning Board of Adjustment of the city shall be the _____ with respect to these regulations, to have and exercise the powers conferred by _____ and such other powers and duties as are conferred and imposed by law.

(2002 Code, § 91-7)

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

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

PASSED AND APPROVED THIS _____ day of _____, 2019.

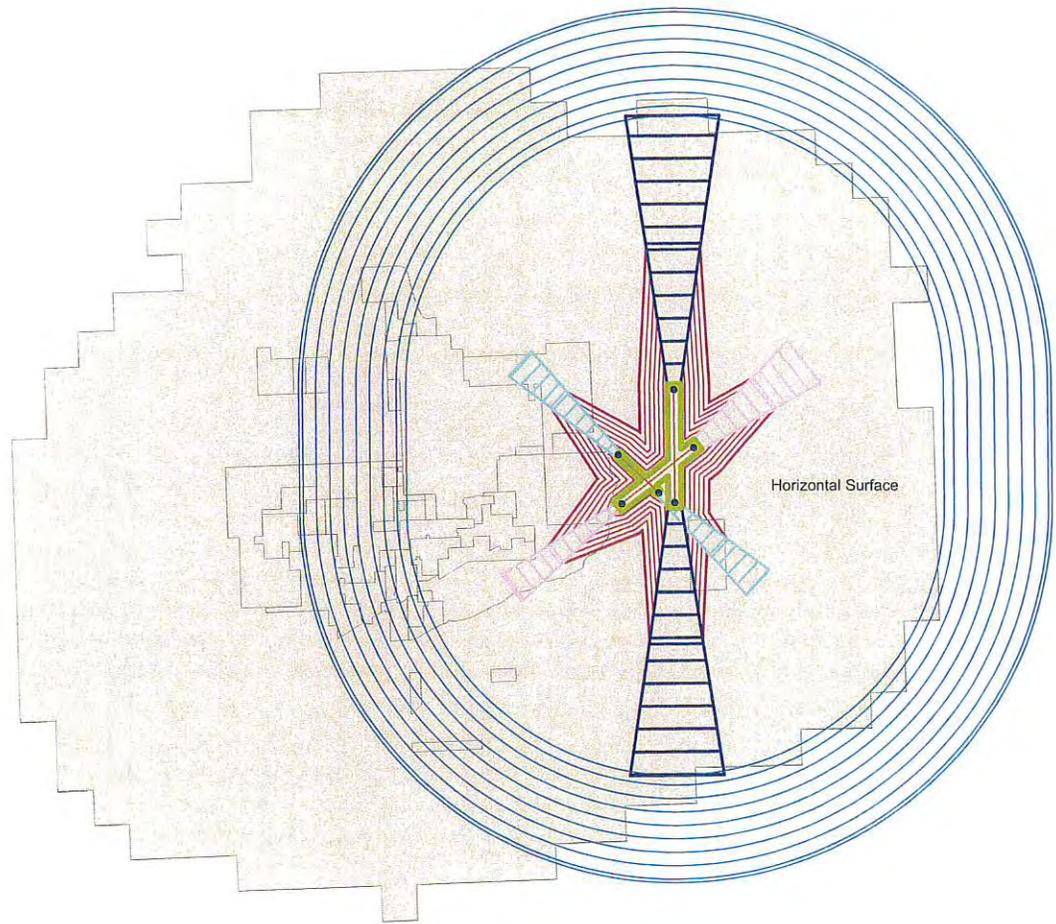
THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

F:\2019\2561-3000\19-277\45-Design\E-shield\GIS\CG Part 77.mxd PUBLISHED BY: John DATE: August 23, 2019



Legend

- Conical Surface
- Primary Surface
- RWY 18/36 Approach Surface
- RWY 5/23 Approach Surface
- RWY 13/31 Approach Surface
- Transitional Surface
- RWY End Points
- City Zoning Limits



N
0 1,400 2,800 5,600 Feet
1" = 4,074'
Original Published Resolution
NAD 1983 StatePlane Nebraska FIPS 2600 Feet
USGS Topographic Map

AIRPORT HAZARD AREA
CITY OF WAYNE

FIGURE
1



ORDINANCE NO. 2019-15

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE IX GENERAL REGULATIONS, CHAPTER 92 TREES, SECTION 92.06 REMOVAL; SECTION 92.09 ACTS DECLARED NUISANCES; NOTICE, ABATEMENT; UNLAWFUL; AND SECTION 92.10 ENFORCEMENT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. That Title IX General Regulations, Chapter 92 Trees, Section 92.06 Removal; Section 92.09 Acts declared nuisances; notice, abatement; unlawful; and Section 92.10 enforcement of the Municipal Code of Wayne, Nebraska, are hereby amended to read as follows:

§ 92.06 REMOVAL.

(A) The ~~Street Superintendent~~ **City Administrator** or his or her duly authorized agent shall remove any tree, hedge or bush and the like on the right-of-way, streets or alleys within the city which interferes with the making of improvements or with travel.
(2002 Code, § 86-37)

(B) Whenever the limbs or branches of any tree, hedge or bush and the like extend over sidewalks, streets or alleys contrary to the provisions of this code so as to interfere with the convenience of the public using the sidewalks, streets or alleys or whenever trees, hedges, bushes and the like have become diseased or damaged or whenever such trees, hedges, bushes and the like constitute a danger to the public or have been declared a nuisance, the ~~Superintendent of Public Works and Utilities~~ **City Administrator** or his or her duly authorized agent shall serve written notice to abate such nuisance upon the abutting owner, ordering the removal and abatement thereof as provided in § 92.10 of this code.
(2002 Code, § 86-38)
(Ord. 99-10, passed 9-28-1999; Ord. 2010-23, passed 10-5-2010)

§ 92.09 ACTS DECLARED NUISANCES; NOTICE, ABATEMENT; UNLAWFUL.

(A) It is declared a nuisance for any person who is required to maintain trees, hedges or bushes and the like on any property to allow or permit to stand upon the property any dead tree, hedge or bush and the like or dead part of a tree, hedge, bush, stump or any diseased or damaged tree, hedge or bush and the like or any diseased or damaged part of a tree, hedge or bush and the like or any healthy tree, hedge or bush and the like or to allow branches below 12 feet above the surface of the street or alley and below seven feet above the sidewalk when such trees, hedges or bushes and the like constitute a hazard to life and property or constitute a potential threat to other trees, hedges or bushes and the like within the city. Any such tree, hedge or bush and the like or part of a tree, hedge or bush and the like on public or private property, meeting the criteria stated in this section, may be declared to be a nuisance by the ~~Superintendent of Public Works and Utilities~~ **City Administrator** or his or her duty authorized agent.
(2002 Code, § 86-41)

(B) It is hereby declared unlawful:

(1) To permit any tree, bush or shrub or any portion thereof or any debris resulting from its removal to remain upon or in any street, alley or other public property later than one hour before sunset without placing sufficient lighted barricades to properly warn all users of such street, alley or other public property;

(2) To leave, allow to remain or abandon a felled tree or any portion thereof or any cut shrub or bush or any portion thereof upon, across or in any street, alley or other public thoroughfare or any public or private property of others. All such obstructions, together with all debris resulting from such cutting, shall forthwith be removed and the premises made broom-clean of all rubbish resulting from such operation without delay or interruption;

(3) As a normal practice, for any person or firm to top any tree on public property. **TOPPING** is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Any tree which has been topped will be considered a nuisance. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this division (B)(3) at the determination of the ~~Public Works Superintendent~~ **City Administrator**;

(4) To plant a tree or shrub closer than ten feet to any fire hydrant;

(5) To plant a tree other than a small species of tree having a mature height of 15 feet or less within 20 lateral feet of any overhead utility wire, or above or within five lateral feet of any underground water line, sewer line, transmission line or other utility;

(6) For any person required to maintain trees or shrubs on property pursuant to this chapter to allow any limbs, branches or foliage to interfere with the necessary visibility of any traffic-control device. The city may without prior notice remove or trim any limbs, branches or foliage interfering with the visibility of a traffic-control device;

(7) To plant evergreen trees on the terrace;

(8) To plant trees within 20 feet of a stop sign or 15 feet from a street light;

(9) To plant trees on the terrace where the space is eight feet or less. Exceptions may be made in business districts; and

(10) To plant or maintain shrubs or other vegetation having a height of 30 inches or more within one foot of a public sidewalk or the back of the curb of any street.

(2002 Code, § 86-42)

(Ord. 99-10, passed 9-28-1999; Ord. 2010-23, passed 10-5-2010) Penalty, see § 92.99

§ 92.10 ENFORCEMENT.

(A) The proper execution and enforcement of the provisions of this chapter are made the duty of the ~~Superintendent of Public Works and Utilities~~ **City Administrator** or his or her duly authorized agent. To that end, the ~~Superintendent of Public Works and Utilities~~ **City Administrator** or his or her duly authorized agent may enter upon public or private property at all reasonable hours for purposes of inspecting trees, hedges or bushes and the like thereon. It shall be unlawful for any person to prevent the

~~Superintendent of Public Works and Utilities~~ **City Administrator** or his or her duly authorized agent from entering on public or private property for purposes of carrying out the duties under this chapter, or to interfere with the ~~Superintendent of Public Works and Utilities~~ **City Administrator** in the lawful performance of the duties under the provisions of this chapter.

(B) The ~~Superintendent of Public Works and Utilities~~ **City Administrator** or his or her duly authorized agent shall notify the person required to maintain property pursuant to this chapter of any nuisance as described in this chapter. The notice shall require the owner to abate such nuisance within 30 days from the date thereof.

(C) The ~~Superintendent of Public Works and Utilities~~ **City Administrator** or his or her duly authorized agent shall have the power and is authorized and instructed, after the expiration of 30 days from the date of notice sent by certified mail or personal service, to determine if compliance to abate a nuisance has been attained. If compliance has not been made, the city shall abate such nuisance by causing such trees, hedges or bushes and the like, which are deemed to be a nuisance under this chapter to be removed or pruned at the expense of the owner of the land whereon the trees, hedges or bushes and the like stand or the terrace abutting thereto. If the owner fails to reimburse the city after being billed, the cost of such abatement together with a \$30 administrative fee shall be levied, equalized and assessed as are other special assessments.

(D) The ~~Superintendent of Public Works and Utilities~~ **City Administrator** or his or her duly authorized agent may order any person required to maintain property pursuant to this chapter to perform such maintenance as is required to abate interference with any public utility from any tree, hedge or bush and the like that is located on such property or the terrace, alley or dedicated right-of-way.

(E) In the case of a community disaster or emergency as declared by the Council, the city may aid the property owner in the removal, trimming and/or cleanup of trees, hedges, bushes and the like within the section of the street so abutting dedicated as a right-of-way.

(2002 Code, § 86-43) (Ord. 99-10, passed 9-28-1999; Ord. 2010-23, passed 10-5-2010)

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](#)**Betty McGuire - Change Order No. 2 - Wayne Ped Curb Ramps**

From: Jon Mooberry <jmooberry@jeo.com>
To: "Wes Blecke (wblecke@cityofwayne.org)" <wblecke@cityofwayne.org>
Date: 8/28/2019 1:47 PM
Subject: Change Order No. 2 - Wayne Ped Curb Ramps
Cc: Joel Hansen <jhansen@cityofwayne.org>, "jan@nenedd.org" <jan@nenedd.org>...
Attachments: 180182_ChangeOrder2_TimeExtension(PartiallyExecuted)_2018.08.28.pdf

Wes,

Attached is Change Order No. 2 for a time extension revising the substantial completion date to 9/27/19 and final completion date to 10/11/2019. This request was made by I&A and in consideration of requirement of having the project closed out by 11/1/2019. I have also discussed these revised completion dates with Jan and she is good with them. FYI, I&A should be pretty close to finishing all concrete work this week or early next week. They've stated that they will be following up with grading/fine grading and seeding immediately. The intent is to have this Change Order No. 2 approved by Council next Tuesday and then followed by certification of substantial completion/payment approved by Council at the meeting on 10/1. The final payment and project closeout would then be approved by Council at the meeting on 10/15. I&A should not have any issues meeting these revised completion dates and closing the project out by 10/15, with the exception of final acceptance of seeding. I've informed I&A that any seeding that is not established to an acceptable state by 10/15 will be monitored and require corrective action next spring. This is covered under the 1-yr project warranty period. Let me know if you have any questions.

FYI, Betty had emailed me asking what is needing to be on agenda for next Tuesdays meeting. She is copied on this email.



JON W. MOOBERRY, PE | Project Manager
JEO CONSULTING GROUP INC
d: [402.443.7487](tel:402.443.7487) | m: [402.405.4772](tel:402.405.4772) |
jmooberry@jeo.com – www.jeo.com

Date of Issuance:	August 27, 2019	Effective Date:	Per Owner Acceptance Date
Owner:	City of Wayne	Owner's Contract No.:	
Contractor:	I&A Construction, LLP	Contractor's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	180182.00
Project:	2018 Pedestrian Curb Ramps	Contract Name:	2018 Pedestrian Curb Ramps

The Contract is modified as follows upon execution of this Change Order:
 Description: **Contract time extension only. Zero dollar change order.**

Attachments: **None**

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>168,483.61</u>	Original Contract Times: _____ Substantial Completion: <u>September 1, 2019</u> Ready for Final Payment: <u>October 1, 2019</u> dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>1</u> : \$ <u>48,086.84</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>1</u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days or dates
Contract Price prior to this Change Order: \$ <u>216,570.45</u>	Contract Times prior to this Change Order: Substantial Completion: <u>September 1, 2019</u> Ready for Final Payment: <u>October 1, 2019</u> days or dates
[Increase] [Decrease] of this Change Order: \$ <u>0.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>September 27, 2019</u> Ready for Final Payment: <u>October 11, 2019</u> days or dates
Contract Price incorporating this Change Order: \$ <u>216,570.45</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>September 27, 2019</u> Ready for Final Payment: <u>October 11, 2019</u> days or dates

RECOMMENDED: By: <u>[Signature]</u> Engineer (if required)	ACCEPTED: By: _____ Owner (Authorized Signature)	ACCEPTED: By: <u>[Signature]</u> Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: _____	Title: <u>manager</u>
Date: <u>8/28/2019</u>	Date: _____	Date: <u>8/27/2019</u>