

**AGENDA  
CITY COUNCIL MEETING  
COUNCIL CHAMBERS – CITY HALL  
306 PEARL STREET  
August 17, 2021**

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 as well as on the City of Wayne website.

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 3, 2021
4. Approval of Claims
5. Action on a request to close westbound traffic on 3<sup>rd</sup> Street in between Pearl and Lincoln Streets and change it to two lanes of eastbound traffic only for the Electronic Recycling Event to be held Saturday, September 18, 2021, from 8:00 a.m. to 10:00 a.m. — Sandy Brown, Wayne Green Team
6. Action on the Wayne Volunteer Fire Department Application for Membership of Hannah Keatts — Phil Monahan, Fire Chief
7. Action on the Wayne Volunteer Fire Department Application for Membership of Alexandra Harrell — Phil Monahan, Fire Chief
8. Action on the Wayne Volunteer Fire Department Application for Membership of Alexander McCarty — Phil Monahan, Fire Chief
9. Resolution 2021-41: Approving Northeast Nebraska Mutual Aid Agreement

**Background:** This is a “Mutual Aid Agreement” with the communities and rural fire districts of Allen, Bancroft, Concord, Dakota City, Dixon, Emerson, Homer, Laurel, Martinsburg, Newcastle, Pender, Ponca, Rosalie, South Sioux City, Thurston, Wakefield, Walthill and Winnebago known as the “Northeast Nebraska Mutual Aid District,” to respond to other members’ emergency fire calls if there is a fire or disaster too big for the local firefighters to control.
10. Update from Pam Adams, Marketing Manager with American Broadband, on their “Build Out Timeline”
11. Action on the request of Juan Zazveta and Fernand Lopez to allow a pit bull inside city limits for the purpose of being an “emotional support animal”

**Background:** We have received a request from Juan and Fernand to allow them to keep their pit bull inside city limits for the purpose of being an “emotional support animal.” In this packet is a copy of the registration, as well as a copy of the certificate of registration for Rocky.

12. [Resolution 2021-39: Accepting proposal submitted by Olsson for a “Pond Feasibility Study” \(Tabled from last meeting\)](#)

**Background:** This action item was tabled at last meeting. Olsson has been asked to submit a cost to add a soils test to this proposal. The Council can decide to act on the original proposal or act on the additional soils proposal. The City hopes to have this from Olsson by Tuesday.

13. [Resolution 2021-42: Adopting Procurement Procedures and Code of Conduct](#)

**Background:** The Department of Economic Development (DED) has updated a couple of their requirements or grant guidelines when obtaining CDBG funds. The last time the City adopted DED Procurement Procedures and Code of Conduct was on October 16, 2007.

14. [Resolution 2021-43: Adopting a policy prohibiting the use of excessive force by the Police Department against nonviolent civil rights demonstrators](#)

**Background:** Another update DED is now requiring is an “Excessive Force Certification” stating that the City Council has adopted a policy prohibiting the use of excessive force by the Police Department against nonviolent civil rights demonstrators. Staff has conferred with the City Attorney and Northeast Nebraska Economic Development regarding the proposed Resolution and find the same to be acceptable for purposes of submitting the same to DED.

15. [Resolution 2021-44: Authorizing the signing of the Municipal Annual Certification of Program Compliance Form 2021 – Nebraska Board of Public Roads Classifications and Standards](#)

**Background:** This Municipal Annual Certification of Program Compliance Form 2021 and Resolution replaces the annual filing of the One and Six Year Plan or Program and the former standardized system of annual report with the Nebraska Board of Public Roads Classification and Standards. This must be adopted and returned to the NDOT by October 31, 2021.

16. [Adjourn](#)

**MINUTES  
CITY COUNCIL MEETING  
August 3, 2021**

The Wayne City Council met in regular session at City Hall on August 3, 2021, 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, Nick Muir, Yasuko Taoka, Chris Woehler, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jason Karsky.

Notice of the convening meeting was given in advance thereof by publication in the Wayne Herald, Wayne, Nebraska, the designated method of giving notice, as shown by Affidavit of Publication. In addition, notice was given to the Mayor and all members of the City Council, and a copy of their acknowledgement of receipt of notice and agenda is on file with the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. 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, as well as on the City of Wayne website 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 Spieker made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of July 20, 2021, 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 Karsky who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** ACES, SE, 956.14; AHLERS CLOCKS, SE, 150.00; AMAZON, SU, 955.91; APPEARA, SE, 97.90; ASSOCIATION FOR RURAL & SMALL LIBRARIES, FE, 49.00; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1495.00; BIO-ELECTRONICS, SU, 116.35; BLUE

CROSS BLUE SHIELD, SE, 48904.74; BOMGAARS, SU, 2405.09; BORDER STATES INDUSTRIES, SU, 1987.37; BROWN, SANDY, RE, 109.42; BRUMMOND, SCOTT, RE, 854.00; CARHART LUMBER COMPANY, SU, 47.25; CENTURYLINK, SE, 426.59; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 443.82; CITY EMPLOYEE, RE, 191.20; CITY EMPLOYEE, RE, 175.00; CITY OF WAYNE, RE, 222.64; COMFORT INN, SE, 359.85; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 113.52; DEMCO, SU, 251.57; FLOOR MAINTENANCE, SU, 204.84; FRANCO, ELDA, RE, 200.00; GALE/CENGAGE LEARNING, SU, 49.38; GROSSENBURG IMPLEMENT, SU, 64.01; HACH COMPANY, SU, 123.09; HAWKINS, SU, 417.40; HELENA AGRI-ENTERPRISES, SU, 428.00; HILAND DAIRY, SE, 60.85; JEO CONSULTING GROUP, SE, 2793.00; MARCO, SE, 195.92; MILLER LAW, SE, 5416.67; NE AIR FILTER, SU, 349.57; NORTHEAST POWER, SE, 13882.96; ODEYS, SU, 5496.04; O'REILLY AUTOMOTIVE STORES, SU, 60.06; OSNES, JULIE, RE, 40.00; OVERDRIVE, SU, 706.80; OVERHEAD DOOR, SE, 93.25; PEERLESS WIPING CLOTH, SU, 475.00; PLUNKETT'S PEST CONTROL, SE, 80.25; THOMPSON, LUCAS, RE, 100.00; VIAERO, SE, 67.00; WAED, SE, 8592.41; WAYNE COUNTY COURT, RE, 400.00; WAYNE STATER, SE, 382.50; WAYNE STATER, SE, -382.50; WESCO, SU, 1789.15; WILLIAMS FORM ENGINEERS, RE, -100.00; WISNER WEST, SU, 331.37; WYNIA, KATIE, SE, 130.00; AMERICAN BROADBAND, SE, 2476.80; AMERITAS, SE, 162.40; AMERITAS, SE, 2750.98; AMERITAS, SE, 72.00; AMERITAS, SE, 101.77; ASCAP, FE, 367.00; AXON ENTERPRISE, SU, 144.20; BARCO MUN PRODUCTS, SU, 369.87; BLACK HILLS ENERGY, SE, 316.24; CITY EMPLOYEE, RE, 464.30; CITY OF WAYNE, PY, 95484.54; CITY OF WAYNE, RE, 411.02; FIREMAN, RE, 548.24; EASYPERMIT POSTAGE, SU, 883.09; ELLIS HOME SERVICES, SE, 80.00; EXHAUST PROS TOTAL CAR CARE, SE, 69.55; FIRST CONCORD GROUP, SE, 5151.82; GERHOLD CONCRETE, SU, 87.75; GLOBAL PAYMENTS INTEGRATED, FE, 284.79; HAWKINS, SU, 1482.14; HILAND DAIRY, SE, 137.42; HOMETOWN LEASING, SE, 436.02; ICMA, SE, 34.38; ICMA, SE, 372.47; ICMA, SE, 145.28; ICMA, SE, 159.20; ICMA, SE, 8143.72; ICMA, SE, 112.52; ICMA, SE, 147.00; ICMA, SE, 124.70; ICMA, SE, 1450.04; ICMA, SE, 366.40; IOWA PUMP WORKS, FE, 85.00; IRS, TX, 16009.34; IRS, TX, 10910.13; IRS, TX, 3744.16; JOHN'S WELDING AND TOOL, SU, 43.85; LG EVERIST, SU, 722.88; MERCHANT SERVICES, SE, 3994.30; MERCHANT SERVICES, SE, 82.91; MERCHANT SERVICES, SE, 1282.54; MUNICIPAL SUPPLY, SU, 5228.26; NE AIR FILTER, SU, 223.55; NE DEPT OF REVENUE, TX, 4830.06; NE LIBRARY ASSO, FE, 160.00; NORTHEAST POWER, SE, 8175.00; NOVA FITNESS EQUIPMENT, SU, 53.93; ONE CALL CONCEPTS, SE, 190.41; O'REILLY AUTOMOTIVE STORES, SU, 12.97; PAC N SAVE, SU, 1141.21; PLUNKETT'S PEST CONTROL, SE, 95.80; QHA CLEANING, SE, 1375.00; QUALITY FOOD CENTER, SU, 29.60; SARGENT DRILLING, SE, 900.00; STADIUM SPORTING GOODS, SE, 24.00; STATE NEBRASKA BANK & TRUST, SE, 62.56; TINT SPECIALTIES, SU, 450.00; TYLER TECHNOLOGIES, SE, 200.00; TYLER TECHNOLOGIES, SE, 25808.51; US BANK, SU, 7279.78; UTILITIES SECTION, FE, 3230.00; WAYNE AUTO PARTS, SU, 144.60; WAYNE SOFTBALL ASSOCIATION, SU, 65.81; WAPA, SE, 21039.83; WIGMAN COMPANY, SU, 1302.00

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

A Corporate Manager Application was received from the Nebraska Liquor Commission on behalf of Krystal Carter for the Casey's General Store #2738, Wayne NE. Ms. Carter was unable to be in

attendance at the Council meeting, and it was noted Council can approve, deny or make no recommendation on said application.

Councilmember Spieker made a motion, which was seconded by Councilmember Eischeid, approving the Corporate Manager Application of Krystal M. Carter in connection with Casey's Retail Company, d/b/a Casey's General Store 2738, Wayne, NE. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Luke Virgil, Director of Wayne Area Economic Development, gave his semi-annual LB840 report to the Council. Mr. Virgil advised the Council only one request has come forward for revolving loan funds during the past six months, and that was for an \$85,000 low interest loan to DSF Wayne Short Stop.

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

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

The Wayne City Council is requesting \$303,000 of CDBG Public Works (PW) funds, of which \$268,000 will be used to repurpose the shower house which will be used by the community as a four-season recreational facility and will become the trailhead for the City's trail system. The project will also include a pathway that will be in compliance with the Americans with Disabilities Act (ADA) that will connect the facility with the trail. \$25,000 will be used for general administration and \$10,000 for construction management. The total project costs are estimated at \$383,400, and local matching funds of \$80,400 will be provided by the City. The project site is College Hill Park, formerly City Pool Park, located at the corner of West 13th and Lincoln Streets in Wayne, NE. All CDBG funds will benefit low-to-moderate income persons in the community. No persons or businesses will be displaced as a result of this project.

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

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

Councilmember Eischeid introduced Resolution 2021-37, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2021-37

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

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

Administrator Blecke presented Contractor's Application for Payment No. 1 in the amount of \$58,059.75 to Meyers Construction, Inc., for the "Pine Heights Road & Utility Improvements Project – CDBG No. 19-PW-017." The engineer has approved the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving Contractor's Application for Payment No. 1 in the amount of \$58,059.75 to Meyers Construction, Inc., for the "Pine Heights Road & Utility Improvements Project – CDBG No. 19-PW-017." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

The following Resolution would allocate \$63,408 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. Last year's allocation was \$76,800.

Councilmember Brodersen introduced Resolution No. 2021-38 and moved for its approval, Councilmember Buck seconded.

RESOLUTION NO. 2021-38

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY (\$63,408).

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

Discussion took place regarding the "Pond Feasibility Study" proposal submitted by Olsson. The proposed fee for said study was \$11,800.

Administrator Blecke provided some background information on how the proposal was obtained.

Mayor Giese had reservations on going forward with this study. He had concerns about the location of the pond, as well as having to pump fresh drinking water into it to fill it. He did not think the demand was there, nor did he want to pay for the scope of services as outlined in the Olsson proposal.

Luke Virgil, Director of Wayne Area Economic Development, was present and asked that the Council pursue the study. The proposed water feature is something a lot of communities already have; it is something that will bring people into the community; and it is something to do.

After some discussion, Joel Hansen, Street and Planning Director, was directed to contact Steve Meyer to obtain additional information.

Upon further discussion, Councilmember Eischeid did not think this could be compared to the Ike's pond north of town. Councilmember Eischeid also questioned why this was brought before Council if it was not what the Mayor wanted.

Mayor Giese wanted to know the quantity of water the City would be pumping into this pond/lake. However, in order to figure that out, the engineering firm needs to know the shape, depth and size of the pond/lake. The rest of the information will come from someone who builds lakes.

Councilmember Spieker thought those questions should be added to the proposal and then given back to Olsson. In addition, a question should be asked if there are other options for filling a pond besides pumping drinking water into it.

After discussion, Councilmember Spieker made a motion to table Resolution 2021-39 and to direct staff to obtain answers to the Council and Mayor's concerns.

After discussion, Councilmember Spieker withdrew his motion.

Upon further discussion, it was thought by some that this matter was brought before Council prematurely. The first question that needed to be answered and on the agenda was whether or not the Council wanted a lake.

Mayor Giese asked Council to table the matter until the next meeting until his questions can be answered.

After discussion, Councilmember Spieker made a motion to table Resolution 2021-29 for two weeks; Councilmember Woehler seconded the motion. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Marlen Chinn, Police Chief, stated he received the State Bid from Arnie's Ford for the purchase of a 2021 Chevrolet Tahoe through the State Bid system for \$38,837. This would replace the 2006 Ford Expedition. He also obtained a quote on a 2021 Ford Expedition, but it was approximately \$6,000 more than the Tahoe.

Councilmember Spieker introduced Resolution No. 2021-40 and moved for its approval; Councilmember Yasuko seconded.

#### RESOLUTION NO. 2021-40

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A 2021 CHEVROLET TAHOE THROUGH THE STATE BID SYSTEM AS PER THE BID PROPOSAL RECEIVED FROM ARNIE'S FORD (\$38,837).

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to set the Mini-Retreat date for Tuesday, August 31<sup>st</sup> at 5:30 p.m. at the Wayne Fire Hall to discuss public facilities/buildings. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

The budget work session continued. Those budgets discussed were:

Library: They would like to move a part-time employee position to a full-time employee position. They would also like to build an addition onto their portion of the building, similar to what the Senior Center has done for storage.

Street: \$110,000 was allocated to the Centennial Road project line item. They would also like to build an addition onto their building.

LB840: The current balance in that account is around \$400,000. The LB840 fund will not have any outstanding debt once the \$40,000 bond payment is made to the electric fund next fiscal year.

Electric: There was no increase in the WAED request.

Electric Production: They want to move to 4 full-time employees with a limited part-time employee.

Electric Distribution: A pickup purchase is proposed in this budget.

Technology: Proposed in this budget is the replacement of the phone system in City Hall, as well as upgrades to the sound system in the Council Chambers.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:40 p.m.

**Corrections to Claims 7/28/21**

CITY OF WAYNE – VOIDED PAYROLL CHECK - 743.89

Vendor	Payable Description	Payment Total
ACE HARDWARE & HOME	FILTERS/DRY WALL SEALER/TRIMMER STRING	856.21
AMERICAN BROADBAND NE COMM	TELEPHONE CHARGES/FIBER LINE LEASE VOID	-2,476.80
AMERICAN BROADBAND NE COMM	TELEPHONE CHARGES	1,486.80
AMERICAN PUBLIC POWER ASSOCIATION	POWER PLANT DUES	1,878.53
APPEARA	LINEN & MAT SERVICES	111.53
ARNIE'S FORD INC	CATALYTIC CONVERTER/O2 SENSORS/BALL JOINT	2,313.39
BAKER & TAYLOR BOOKS	BOOKS	135.37
BELT, CRYSTAL	VICTOR PARK LODGING OVERPAYMENT	210.00
BLACKSTONE PUBLISHING	AUDIO BOOKS	107.64
BORDER STATES INDUSTRIES, INC	PHOTOCELL	420.92
CERTIFIED TESTING SERVICES INC	PINE HEIGHTS ROAD	369.75
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	57.13
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	624.87
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	34.84
CITY OF WAYNE	UTILITY REFUNDS	504.50
CITY OF WAYNE	PAYROLL CHECK REISSUED	743.89
CITY OF WAYNE	WAED MEDICAL REIMBURSEMENT	2,019.33
COLONIAL RESEARCH	SAFETY PAINT	166.99
COPY WRITE PUBLISHING	BUSINESS CARDS/SHIPPING CHARGES	170.81
COTTONWOOD WIND PROJECT, LLC	WIND ENERGY	10,896.73
DAS STATE ACCTG-CENTRAL FINANCE	WSC INTERNET CHARGES	67.79
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	93.00
DEARBORN LIFE INSURANCE COMPANY	LIFE/DISABILITY INSURANCE	2,653.24
DEARBORN LIFE INSURANCE COMPANY	LIFE/DISABILITY INSURANCE	2,601.77
DUTTON-LAINSON COMPANY	ELECTRIC METERS	946.96
ECHO GROUP INC JESCO	ELEMENT FUSES/FUSE PULLER	166.45
EGAN SUPPLY CO	AUDITORIUM GYM FLOOR RESURFACED	609.00
ELLIS HOME SERVICES	KITCHEN FAUCET/DRINKING FOUNTAIN VALVE REPAIRS	272.50
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	1,252.42
GERHOLD CONCRETE CO INC.	CONCRETE/CAULK	2,804.80
GROSSENBURG IMPLEMENT INC	WALK BEHIND BROOM/FITTINGS/WHEELS	3,802.12
HAWKINS, INC	CHLORINE	1,923.73
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	252.67
INGRAM LIBRARY SERVICES	BOOKS	874.71
INTERSTATE BATTERY SYSTEM	BATTERIES	105.00
JEO CONSULTING GROUP	PINE HEIGHTS ROAD	1,919.00
LAMP, MACKENZIE	ART CAMP COORDINATOR	300.00
LUTT OIL	GASOLINE	6,281.96
MAIN STREET GARAGE, LLC	TOWING CHARGES	190.00
MATHESON-LINWELD	OXYGEN	35.06

<b>Vendor</b>	<b>Payable Description</b>	<b>Total Payment</b>
MIDWEST ALARM SERVICES	FIRE ALARM INSPECTIONS	740.42
MIDWEST LABORATORIES, INC	WASTEWATER ANALYSIS	189.00
MUNICIPAL SUPPLY INC	WATER METERS/FITTINGS	1,234.31
MYERS CONSTRUCTION COMPANY	PINE HEIGHTS ROAD	58,059.75
NE HARVESTORE	TURF TIRE	567.64
NE NOTARY ASSOC	NOTARY STAMP	173.32
NEBRASKA PUBLIC POWER DIST	ELECTRICITY	38,862.08
NORFOLK HOUSING DEVELOPMENT CORP	MEAL	10.00
NORFOLK HOUSING DEVELOPMENT CORP	FAIR HOUSING CONFERENCE	40.00
NORTHEAST NE ECONOMIC DEV DIST	APRIL-JUNE 21 19-PW-017 SERVICES	570.00
NOVA FITNESS EQUIPMENT	PREVENTATIVE MAINTENANCE ON FITNESS EQUIPMENT	573.50
OMAHA WORLD-HERALD	LIBRARY SUBSCRIPTION RENEWAL	624.00
PAC N SAVE	JANITORIAL SUPPLIES	6.50
PEPSI COLA OF SIOUXLAND INC	CAC POP	320.60
POLLARD PUMPING	PORT A POTTY RENTALS	1,000.00
QUALITY FOOD CENTER	SENIOR CENTER NOON MEAL SUPPLIES	18.55
RONHOVDE, ANNE	RAZING PERMIT DEPOSIT REFUND	768.00
STAPLES, INC	OFFICE SUPPLIES	176.51
T & S TRUCKING	TRANSPORT ROCK	232.31
US FOODSERVICE, INC.	SENIOR CENTER NOON MEAL SUPPLIES	1,911.09
VERIZON WIRELESS SERVICES LLC	CELL PHONES	536.12
WAYNE AUTO PARTS	BATTERY/BOLTS/FILTERS	245.93
WAYNE COUNTY CLERK	FILING FEES	44.00
WAYNE HERALD	ADS AND NOTICES	958.32
WAYNE HERALD	TRANSIT ADS	13.00
WAYNE HERALD	CAC ADS	256.50
WAYNE HERALD	GREEN TEAM ADS	190.00
WAYNE SENIOR CENTER	9 SENIOR CENTER MEALS-III E PROGRAM	44.55
WAYNE VETERINARY CLINIC	DOG/CAT IMPOUND	266.00
WISNER WEST	FD GASOLINE	109.85
ZACH HEATING & COOLING	AIR CONDITIONER REPAIRS/FILTERS	1,146.88
	<b>Grand Total:</b>	<b>157,673.34</b>

WAYNE VOLUNTEER FIRE DEPARTMENT  
And Rural Fire District No. 2  
510 Tomar Drive, Wayne, NE 68787

APPLICATION FOR MEMBERSHIP

This form is to be completed by the Applicant and filed with the Secretary at a regular meeting of the Wayne Volunteer Fire Department.

Name Hannah Keatts Address 202 A Main st.  
Phone Number 402-278-2482 Social Security # \_\_\_\_\_  
Driver's License Number and Issuing State \_\_\_\_\_  
Employer Good Shepard Occupation CNA  
How long have you been employed by your present employer? 1 month  
Previous Employer and Address \_\_\_\_\_

Have you previously been a member of a Fire Department? yes  
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. Blair

Do you have any physical ailments or disabilities that could affect your performance on the department?

NO

- As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? yes
- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? yes
- Have you read the Bylaws of the Department, and do you understand them? yes Do you agree to abide by them? yes
- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Hannah Keatts Date 6/24/21

.....  
I agree to a background check with information provided by the Wayne Police Department.

Applicant's Signature Hannah Keatts Date 6/24/21

We, the undersigned representing the Standing Membership Committee, having investigated the background of the applicant, feel that he/she would be an asset to the Department and hereby recommend him/her for membership.

[Signature] [Signature] [Signature]

Secretary's Signature Thomas R. Schmitz Date 8-3-2021

Chief's Signature Phillip Mauler Date 8-3-2021

.....  
Council approved on \_\_\_\_\_ certified by City Clerk \_\_\_\_\_

.....  
For record purposes only: Date of Birth 10-11-2002 revised August 4, 2015

WAYNE VOLUNTEER FIRE DEPARTMENT  
And Rural Fire District No. 2  
510 Tomar Drive, Wayne, NE 68787

APPLICATION FOR MEMBERSHIP

This form is to be completed by the Applicant and filed with the Secretary at a regular meeting of the Wayne Volunteer Fire Department.

Name Alexandra Havrell Address 861207 5074 Ave  
Phone Number 402-518-8390 Social Security # \_\_\_\_\_  
Driver's License Number and Issuing State \_\_\_\_\_  
Employer Dairy Queen Occupation COOK  
How long have you been employed by your present employer? 1 year  
Previous Employer and Address \_\_\_\_\_

Have you previously been a member of a Fire Department? NO  
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. \_\_\_\_\_

Do you have any physical ailments or disabilities that could affect your performance on the department?  
\_\_\_\_\_

- As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? YES
- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? YES
- Have you read the Bylaws of the Department, and do you understand them? YES Do you agree to abide by them? YES
- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Alexandra Havrell Date 4/29/2021

.....  
I agree to a background check with information provided by the Wayne Police Department.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

We, the undersigned representing the Standing Membership Committee, having investigated the background of the applicant, feel that he/she would be an asset to the Department and hereby recommend him/her for membership.

[Signature] [Signature] [Signature]  
Secretary's Signature Thomas R. Schmidt Date 8-3-2021

Chief's Signature [Signature] Date 8-3-2021

.....  
Council approved on \_\_\_\_\_ certified by City Clerk \_\_\_\_\_

.....  
For record purposes only: Date of Birth 01-05-04 revised August 4, 2015

WAYNE VOLUNTEER FIRE DEPARTMENT  
And Rural Fire District No. 2  
510 Tomar Drive, Wayne, NE 68787

APPLICATION FOR MEMBERSHIP

This form is to be completed by the Applicant and filed with the Secretary at a regular meeting of the Wayne Volunteer Fire Department.

Name Alexander Mcarty Address 1202 Main Street Apt # 2  
Phone Number 402-810-2539 Social Security # \_\_\_\_\_

Driver's License Number and Issuing State \_\_\_\_\_

Employer Bomgers / State of NE. Occupation Retail associate / conservation tech. I

How long have you been employed by your present employer? 5 Years / 3 4 months

Previous Employer and Address \_\_\_\_\_

Have you previously been a member of a Fire Department? Yes

If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. Techonah VFD (Fireman) High Rollis VFD (Auxiliary)

Do you have any physical ailments or disabilities that could affect your performance on the department?

None

-As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? Yes

- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? Yes

-Have you read the Bylaws of the Department, and do you understand them? Yes Do you agree to abide by them? Yes

- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature [Signature] Date 7-5-21

.....  
I agree to a background check with information provided by the Wayne Police Department.

Applicant's Signature [Signature] Date 7-5-21

We, the undersigned representing the Standing Membership Committee, having investigated the background of the applicant, feel that he/she would be an asset to the Department and hereby recommend him/her for membership.

Secretary's Signature [Signature] Date 8-3-2021

Chief's Signature [Signature] Date 8-3-2021

.....  
Council approved on \_\_\_\_\_ certified by City Clerk \_\_\_\_\_

.....  
For record purposes only: Date of Birth 2-24-1999 revised August 4, 2015

**RESOLUTION NO. 2021-41**

**A RESOLUTION APPROVING A MUTUAL AID AGREEMENT  
BETWEEN THE CITY OF WAYNE VOLUNTEER FIRE DEPARTMENT  
AND THE NORTHEAST NEBRASKA MUTUAL AID DISTRICT.**

WHEREAS, the City of Wayne Volunteer Fire Department wishes to enter into a Mutual Aid Agreement with the Northeast Nebraska Mutual Aid District.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Mutual Aid Agreement with the Northeast Nebraska Mutual Aid District, a copy of which is attached hereto, be approved as written, and the Mayor is authorized and directed to execute said Agreement on behalf of the City.

PASSED AND APPROVED this 17<sup>th</sup> day of August, 2021.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**NORTHEAST NEBRASKA MUTUAL AID AGREEMENT**

YEAR 2021

For the purpose of better insuring the safety of the lives and property of our citizens from fire loss, medical emergencies, and natural disasters, these communities and rural fire protection districts of; Allen, Bancroft, Concord, Dakota City, Dixon, Emerson, Homer, Laurel, Martinsburg, Newcastle, Pender, Ponca, Rosalie, South Sioux City, Thurston, Wakefield, Walthill, Wayne, and Winnebago, which shall be known as the Northeast Nebraska Mutual Aid District (heretofore abbreviated NNMAD), pledge our mutual cooperation in fighting fires and other emergencies which consumes or threatens to consume proportions beyond the capacity of the fire defenses of any individual town or rural fire protection district, or of any community or mutual aid association adjoining the NNMAD from which a request for assistance has been made. To this purpose, we pledge our assistance to each other in the use of fire and rescue equipment and/or personnel, and any other items of firefighting or rescue equipment required to control the fire or emergency, whatever may be its cause.

The Association shall be governed by a Board of Directors appointed by the member departments of the Association as provided by the Constitution and By-laws of the NNMAD. It shall be understood that each member fire department of the NNMAD shall retain control of its own forces and that the fire chief or designated representative of the local fire department requesting mutual aid shall be coordinator in charge of the entire task force for the duration of the emergency requiring the use of mutual aid. Each member department of the NNMAD shall be responsible for its own expenses. This agreement shall remain in effect as to all of the parties until terminated by any of the parties hereto upon thirty (30) days written notice setting forth the date of such termination. Withdrawal from this agreement by one party shall not terminate this agreement among the remaining parties.

In earnest of our intention to extend our full cooperation, we affix the signatures of our chief executive official, the president of the rural fire protection district Board of Directors, and fire chief in accordance with the authority vested in Nebraska State Statute 23-2204, R.R.S. 1943, Inter-local Cooperative Act.

City/Village, and/or District of Wayne, Nebraska

Mayor or Board Chairman Cale Stone

Dated 7-29-2021

Rural Board President [Signature]

Dated 29 July 21

Fire Chief [Signature]

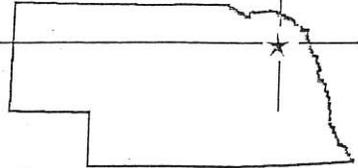
Dated 7-29-2021

# City of Wayne

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

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

Incorporated - February 2, 1884



## REQUEST FOR FUTURE AGENDA ITEM

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

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

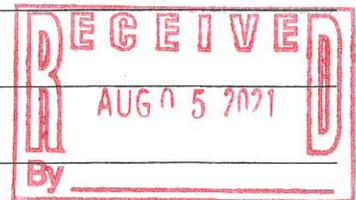
Name: JUAN ZAZUETA + FERNAND LOPEZ

Address: 402 EAST 6<sup>th</sup> ST

Telephone No.: 402-992-6483

Date of Request: AUGUST 17, 2021

Description of Requested Topic: REGUARDING MY SERVICE DOG  
AND THE ISSUE OF HIM BEING A PIT BULL.



## EMOTIONAL SUPPORT ANIMAL



### Rocky

**Registration #:** ES-2658434

**Breed:** Pitbull Mix

**DOB:** 01/20/2020

**Registered Since:** 08/04/2021

**Owner:** Juan Zazueta

Wayne, NE



**US SERVICE ANIMALS**  
OFFICIAL SERVICE & SUPPORT ANIMAL REGISTRATION

I am a disabled person and my rights as such are protected under Federal and State law. Violation of these rules of law can incur substantial penalties.

This emotional support animal was prescribed by a physician or mental health provider as an integral part of a treatment plan for its handler. Federal law specifically allow emotional support animals to travel and live with their handlers. The Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 generally require that a buyer or renter of a residence be granted a reasonable accommodation for an emotional support animal which allows the animal to live with the buyer or renter regardless of the landlord's pet policy. The Air Carrier Access Act (49 U.S.C. 41705) requires that airlines accommodate reasonable requests to fly with an emotional support animal. The Equal Employment Opportunity Commission generally requires employers to reasonably accommodate an emotional support animal in the workplace. Many states reinforce these federally granted rights through their own applicable laws. If you have questions concerning your legal responsibility to the bearer of this card you should consult with the U.S. Department of Justice, your state's Attorney General, or your attorney.

The handler of this emotional support animal may contact [legal@usserviceanimals.org](mailto:legal@usserviceanimals.org) with any legal questions concerning his/her rights and responsibilities.

For registration information, you may enter the registration number (see reverse) at [USServiceAnimals.org](http://USServiceAnimals.org).



Registration Number: **ES-2658434**

# Certificate of Registration

This to certify that

## Rocky

is duly registered at [USServiceAnimals.org](http://USServiceAnimals.org) Service Animal Registry. Registration can be verified electronically by entering the registration number shown on this certificate on the registry's website. Registration is valid for the lifetime of the animal.

On this 4th of August 2021

  
Registration Chairman

**RESOLUTION NO. 2021-39**

**A RESOLUTION ACCEPTING PROPOSAL SUBMITTED BY OLSSON FOR A  
“POND FEASIBILITY STUDY.”**

WHEREAS, a proposal has been received from Olsson to conduct a “Pond Feasibility Study” for a lump sum fee \$\_\_\_\_\_; and

WHEREAS, said proposal has been reviewed by city staff; and

WHEREAS, city staff is recommending that the proposal of Olsson for a lump sum fee of \$\_\_\_\_\_ be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the proposal for engineering services for the “Pond Feasibility Study,” as submitted by Olsson, is reasonable, and the same is hereby accepted.

PASSED AND APPROVED this 17<sup>th</sup> day of August, 2021.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

## **POND FEASIBILITY STUDY PROPOSAL**

### **Pond Feasibility Study** **Wayne, Nebraska**

Quote for services dated July 19, 2021. The Basic Services of Olsson are as indicated below.

#### **PROJECT GOAL**

The goal of this project is to develop a concept-level grading plan for the proposed pond, as shown in the attached figure, provided by the City of Wayne. The proposed pond would be part of a larger development. This scope and fee focuses on the proposed pond. Olsson will develop a concept-level plan for the proposed pond, including preliminary estimates of quantities and opinions of cost for construction of the pond. The intended use for the pond is fishing and non-motorized boats, such as paddleboats or kayaks.

The proposed pond and larger development all appear to be outside the regulatory floodway of South Logan Creek. This scope is based on the assumption that none of the potential work would be in the regulatory floodway of South Logan Creek. This includes the current regulatory floodway, and the proposed floodway, under development by NDNR.

#### **SCOPE OF SERVICES**

##### **Preliminary Design Services**

Olsson will provide services for the following:

1. Data Collection – Olsson will gather together the models, GIS data, and other relevant information from previous Olsson review of the DNR floodplain mapping (2020). Olsson will also assemble updated aerial photography, LiDAR topography, available utility information, and other basemap data from the City of Wayne, or other readily available public source.
2. Develop Concept Design – Olsson will develop a concept grading plan, shoreline stabilization measures, determine contributing drainage area to keep pond filled (if necessary, look at pumping), and initial recommendations for the placement of spoil materials. Olsson will also perform preliminary hydraulic analysis to determine potential impacts to the South Logan Creek floodplain.
3. Develop Quantity Estimates and Preliminary Opinions of Cost – Olsson will develop figures showing the concept design developed above. Olsson will also develop preliminary estimates of the material quantities and preliminary opinion of cost for construction of the proposed improvements. Olsson will provide preliminary findings in the form of a brief memo, the figures, and the preliminary quantity estimate and cost of opinions to the Client, for review and comment.

### **FUTURE PHASES**

If a practicable concept design can be developed above, the phases listed below would need to be completed. The scope and fee for these phases is not included herein, as it depends partly on the findings of the Preliminary Design Services, above. The scope and fee for the future phases will need to be negotiated as an addendum to this contract.

- 1. Design & Permitting**
- 2. Bidding & Contractor Selection**
- 3. Construction Services**

### **PROJECT EXCLUSIONS**

The following items, in addition to any items not specifically listed above are not included in this proposal but can be provided under a supplemental agreement:

- Future Phases
- Site Survey/Utility Locates
- Geotechnical Investigation
- Coordination with outside agencies

### **SCHEDULE FOR OLSSON'S SERVICES**

Unless otherwise agreed, Olsson expects to perform its services under the Agreement as follows:

Anticipated Start Date: August 2, 2021  
Anticipated Completion Date: October 1, 2021 (10 weeks after signed contract)

Olsson will endeavor to start its services on the Anticipated Start Date and to complete its services on the Anticipated Completion Date. However, the Anticipated Start Date, the Anticipated Completion Date, and any milestone dates are approximate only, and Olsson reserves the right to adjust its schedule and any or all of those dates at its sole discretion, for any reason, including, but not limited to, delays caused by Client or delays caused by third parties.

**COMPENSATION**

The fee for the **Preliminary Design Services** listed is a lump sum, **Eleven Thousand, Eight Hundred Dollars (\$11,800.00)**.

Olsson's travel and mileage expenses are included in the lump sum. Olsson shall submit invoices on a monthly basis and payment is due within 30 calendar days of invoice date.

Should Client request work in addition to the above Scope of Services, Olsson will invoice Client for such additional services at the current standard hourly billing labor rate charged for those employees actually performing the work, plus reimbursable expenses, if any.

For questions regarding this proposal, please call Matthew Smith at 402.494.3059.

Sincerely,

A handwritten signature in blue ink that reads "Matthew Smith". The signature is written in a cursive style with a long horizontal stroke at the end.

Matthew Smith, PE

# SCOPE OF SERVICES

## SCOPE OF SERVICES

Olsson will provide the following services (Scope of Services) to Client for the Project:

### Phase 100 – Geotechnical Exploration

#### Task 101 – Drilling Services

##### 1. Coordination and General Notes

- a. Olsson will contact Diggers Hotline of Nebraska to locate underground utilities. To ensure the safety of the crew on site, Owner must inform Olsson of the location of all private utilities and private utility service connections. The cost of locating private utility lines and private service connections through private locating services and/or hydroexcavation is the Owner's responsibility. Olsson is not responsible or liable for damage to any private utilities or private service connections. If requested, Olsson can coordinate private locating or hydroexcavation services for an additional fee.
- b. All boring locations must be readily accessible. Any fees resulting from the use of mud-matting or clearing operations to achieve access to boring locations is Owner's responsibility and not included in this scope of work. Olsson will not perform field work until access to boring locations is satisfactory to Olsson.
- c. Drilling equipment may cause disturbance to natural surroundings including but not limited to soil indentations, concrete cracking, and damage to underground sprinkler systems. Olsson will not be liable or responsible for any site disturbance that may occur as a result of bringing equipment on site. The Owner accepts full responsibility for site disturbance.

##### 2. Field Exploration

- a. We propose to use a truck-mounted drill rig to complete the following soil test borings for the geotechnical exploration:
  - Three (3) soil test borings to a depth of 15 feet each.The soil borings will be advanced to the depths proposed, or to refusal, whichever is shallower. This proposal is based on a total drilling footage of 45 linear feet.
- b. Soils will be sampled in general accordance with ASTM D1586 and ASTM D1587.
- c. We will obtain groundwater levels in the test borings at the time of drilling and upon completion of the drilling operations.
- d. After obtaining groundwater level readings, we will backfill the borings with soil cuttings.

#### Task 102 – Geotechnical Services

##### 1. Laboratory Services

As soil conditions dictate, laboratory testing may include visual soil classification (ASTM D2488), thin-walled tube density tests (ASTM D7263), moisture content tests (ASTM D2216), Atterberg limit tests (ASTM D4318), P200 wash sieves (ASTM D1140), and flexible wall permeability tests (ASTM D3080).

## **2. Engineering Analysis and Report Preparation**

Olsson will perform engineering analyses and provide conclusions and recommendations regarding soil permeability properties. We will also work with other Olsson design team members to provide input on the anticipated seepage/recharge rates for the proposed lake.

We will present our conclusions and recommendations in a written report that will include a map of boring locations, soil boring logs, and a summary of laboratory tests.

### **FEE ESTIMATE AND CLOSURE**

**Task 101 - The fee for Drilling Services listed above will be invoiced on a lump sum basis of \$2,500.00.**

**Task 102 - The fee for the Geotechnical Report and Laboratory Services listed above will be invoiced on a lump sum basis of \$5,200.00.**

**TOTAL COST OF DRILLING AND GEOTECHNICAL REPORT SERVICES: \$7,700.00**

If you have any questions or concerns, please call Tom Kettler at 402-458-5077 (office). We look forward to hearing from you and working with you on this project.

G:\Lincoln\Admin\LETPROP\GTEC\Proposals\2021\Lagoons & Storage Ponds\Wayne Lake\Wayne Lake Geotech Scope of Service and Fee 8.13.21.docx

**RESOLUTION NO. 2021-42**

**A RESOLUTION ADOPTING PROCUREMENT PROCEDURES AND  
CODE OF CONDUCT.**

WHEREAS, due to Community Development Block Grant Guidelines, it is necessary to adopt "Procurement Procedures and Code of Conduct," pursuant to Federal Regulation 2 C.F.R. Section 200.320 or current state statutes, for the City of Wayne, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the "Procurement Procedures and Code of Conduct," a copy of which is attached hereto and incorporated herein by reference, are hereby adopted by the City of Wayne, Nebraska.

PASSED AND APPROVED this 17<sup>th</sup> day of August, 2021.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**CITY OF WAYNE NEBRASKA**  
**PROCUREMENT PROCEDURES AND CODE OF CONDUCT**

The City of Wayne, Nebraska, will, in all cases of procurement for professional services construction services and materials needed for Community Development Block Grant (CDBG) Programs, adhere to Code of Federal Regulation 2 C.F.R. Section 200.320 or current state statutes; in all cases the stricter shall apply. The following procedures summarize said laws and regulations.

- A. Procurement shall be made by one of the following methods:
- 1) **Micro Purchase Procedures [2 C.F.R. Section 200.320 (a)]** – This method will generally be used to obtain very small quantities of supplies. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (**2 CFR Section 200.67**), currently set at \$3,000 except as otherwise discussed in Subpart 2.1 of that regulation, but this threshold is periodically adjusted for inflation. To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
  - 2) **Small Purchase Procedures [2 C.F.R. Section 200.320 (b)]** – This method will generally be used to obtain small quantities of supplies. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C.1908 (currently set at \$150,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.
  - 3) **Competitive Sealed Bids [2 C.F.R. Section 200.320 (c)]** - This method will generally be used to obtain contractors for construction projects and for large quantities of goods or materials. Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.
  - 4) **Competitive Proposals [2 C.F.R. Section 200.320 (d)]** - **This method will generally be used to obtain professional services.** This method has two sub-parts—the Request for Proposal and the Request for Qualifications. Request for Proposals – The Request for Proposals (RFP) must clearly and accurately state the technical requirements for the goods and services required; The grantee must publicize the RFP, and to the maximum extent practicable, honor reasonable requests by parties to have an opportunity to compete; Proposals must be solicited from an adequate number of qualified sources, consistent with the nature and requirements of the procurement; The grantee must conduct a technical evaluation of the submitted proposals to identify the responsible offerors; As necessary, the grantee must conduct negotiations with those offerors who are deemed responsive and responsible and fall within a competitive price range, based on the grantee’s evaluation of the bidders’ pricing and technical proposals. After negotiations, these bidders may be given the opportunity to submit a “best and final” offer; and The grantee must award the contract to the most responsive and responsible offeror after price and other factors are considered through scoring the proposals or “best and final” offers according to predetermined evaluation criteria. The successful proposal/offeror must clearly be the most advantageous source of the goods and services. Request for Qualifications - Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

- 5) Non-Competitive Proposals/Sole Source [2 C.F.R. Section 200.320 (f)] – This method will only be used after approval from the Department of Economic Development. When requesting permission to use this method, the grantee will have to show that another method of procurement was not feasible because: the item or service was only available from a single source; a public emergency or condition requiring urgency existed which did not permit the use of competitive procurement; or competition was determined to be inadequate after solicitation of proposals from a number of sources.
- B. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- C. The City of Wayne shall maintain records sufficient to detail the significant history of a procurement. These records shall include at a minimum: rationale for the method of procurement; selection of contract type; contractor selection or rejection; and the basis for the cost or price.
- D. The following contract provisions or conditions shall be included in all procurement contracts and subcontracts:

**General Administrative Provisions**

- Effective date of the contract.
- Names and addresses of the firm and the grantee.
- Citation of the authority of the grantee under which the contract is entered into and the source of the funds.
- Conditions and terms under which the contract may be terminated by either party and remedies for violation/breach of contract.
- Procedures for amending or revising the contract.

**Scope of Services**

- Detailed description of the extent and character of the work to be performed.
- Time for performance and completion of contract services, including project milestones, if any.
- Specification of materials or other services to be provided (i.e. maps, reports, etc.)

**Method of Compensation**

- Provisions for compensation for services including fee and or payment schedules and specification of maximum amount payable under the contract.

**Federal Standard Provisions**

- Compliance with Executive Order 11246, as amended (Required for service contractors only if the contractor has 50 or more employees and the contract is for more than \$50,000)
- Title VI of the Civil Rights Act of 1964 clause
- Section 109 of the Housing and Community Development Act of 1974 clause
- Section 3 compliance clause (Required only if the contract exceeds \$100,000)
- Access to Records/Maintenance of Records clause
- When required, all construction contracts exceeding \$2,000 shall include provisions for compliance with the Davis-Bacon Act (DBA), the Contract Work Hours and Safety Standards Act (CWHSSA), The Copeland Act (Anti-Kickback Act) clause, and the Fair Labor Standards Act (FLSA) clause.

This Code of Conduct shall govern the performance of the elected or appointed officials or member of any board or commission employees or agents of the City of Wayne of Nebraska engaged in the award and administration of contracts supported by Federal funds under Community Development Block Grant.

- I. The provisions and requirements of the *Conflicts of Interest, at subpart (d)* of the Nebraska Political Accountability and Disclosure Act [such subpart (d) encompassing Sections 49-1493 through 49-14,104 of the Nebraska Revised Statutes], are incorporated in this Code of Conduct by this reference. The provisions and requirements of 2 C.F.R. Section 200.320 (f) are also incorporated in this Code of Conduct by this reference. The requirements of these Nebraska state statutes and federal regulations will be adhered to, and in the event of a conflict in the requirements of any of such state and federal requirements, the stricter of any conflicting provisions will be adhered to.
- II. No employee, officer or agent of the municipality shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when an employee or agent; any member of his or her immediate family; his or her partner; or an organization, which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.
- III. The municipal employees, officers or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.
- IV. Violations of this Code of Conduct will invoke penalties and sanctions consistent with applicable Federal and State laws.

[This area is to be used to show the governing body's adoption and signatures.]

Signed

Cale Giese \_\_\_\_\_

Mayor \_\_\_\_\_

Date \_\_\_\_\_

Signed

Betty A McGuire \_\_\_\_\_

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

Date \_\_\_\_\_

**RESOLUTION 2021-43**

**A RESOLUTION ADOPTING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY THE POLICE DEPARTMENT AGAINST NONVIOLENT CIVIL RIGHTS DEMONSTRATORS.**

WHEREAS the Congress of the United States has passed the Armstrong/Walker “Excessive Force” Amendment (Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended) prohibiting the use of excessive force by a local law enforcement agency against any individual engaged in nonviolent civil rights demonstration within its jurisdiction; and

WHEREAS, the City of Wayne has received a Nebraska Community Development Block Grant and is required to comply with the Armstrong/Walker “Excessive Force” Amendment; and

WHEREAS, the use of excessive force against demonstrators may cause the City to lose its grant or eligibility for future federal grants;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, THAT:

- a. It is the policy of the City of Wayne that the use of excessive force is prohibited by local law enforcement agencies against individuals engaged in lawful and nonviolent civil rights demonstrations within the City.
- b. The City of Wayne will adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.
- c. The City Council directs the Police Chief to implement this Resolution by amending applicable police department procedures.

PASSED AND APPROVED this 17<sup>th</sup> day of August, 2021.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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



## EXCESSIVE FORCE CERTIFICATION

On this 17th day of August, 20 2021, the

Cale Giese, Mayor of City of Wayne  
(Title and Name of Chief Elected Official) (Name of Local Government Unit)

does hereby certify to the Nebraska Department of Economic Development that the

City of Wayne has adopted a policy of enforcing applicable State and local  
(Name of Local Government Unit)

laws against the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations.

\_\_\_\_\_  
(Chief Elected Official Signature)

306 Pearl Street  
Wayne, NE 68787

402.375.1733

cityofwayne.org

Nebraska Department of Economic Development

**HISTORIC | HEART | HOME**

Revised December 2015

**Do not recreate or revise the pages of this document**, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31) may result in the suspension of Highway Allocation funds until the documents are filed.

**RESOLUTION**

**SIGNING OF THE  
MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE  
2021**

Resolution No. \_\_\_\_\_

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

**Whereas:** State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

**Be it resolved** that the Mayor  Village Board Chairperson  of \_\_\_\_\_  
*(Check one box)* *(Print name of municipality)*  
is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ Nebraska.  
*(Month)*

City Council/Village Board Members

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

City Council/Village Board Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call: \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Abstained \_\_\_\_ Absent  
Resolution adopted, signed and billed as adopted.

Attest:

\_\_\_\_\_  
*(Signature of Clerk)*

**Do not recreate or revise the pages of this document**, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31) may result in the suspension of Highway Allocation funds until the documents are filed.

**MUNICIPAL  
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE  
TO  
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS  
AND STANDARDS  
2021**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads Classifications and Standards, the City  Village  of \_\_\_\_\_  
(Check one box) (Print name of municipality)

hereby certifies that it:

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



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

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

**Return the completed original signing resolution and annual certification of program compliance by October 31, 2021 to:**

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