

**AGENDA
CITY COUNCIL MEETING
COUNCIL CHAMBERS – CITY HALL
306 PEARL STREET
September 6, 2022**

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 16, 2022 and August 30, 2022](#)
4. [Approval of Claims](#)
5. [Action on the request to close westbound traffic on 3rd Street between Pearl and Lincoln Streets and change it to two lanes of eastbound traffic only on Saturday, September 24, 2022, from 7:00 a.m. to 10:00 a.m. and prohibit parking on 3rd Street between Pearl and Lincoln Streets beginning Friday, September 23, 2022, for the Electronic Recycling Event — Sandy Brown, Wayne Green Team](#)
6. [Action on Change Order No. 1 in the amount of \\$19,002.75 to Philip Carkoski Construction and Trenching, Inc. for the “2022 Aquarius Tank Diffuser Replacement Project” — Roger Protzman, JEO Consulting Group, Inc.](#)

Background: This Change Order represents additional labor for repairs of media racks and weir replacement. In addition, it represents a one-month delay in the contract times (August 1st to September 1st).

7. [Action on Contractor’s Application for Payment No. 1 \(Final\) in the amount of \\$408,722.75 to Philip Carkoski Construction and Trenching, Inc. for the “2022 Aquarius Tank Diffuser Replacement Project” — Roger Protzman, JEO Consulting Group, Inc.](#)

Background: This is for work completed and approved by the Project Engineer.

8. [Action to approve Certificate of Substantial Completion on the “2022 Aquarius Tank Diffuser Replacement Project”](#)

9. Public Hearing: Acquisition of Real Estate – Lot 9, Block 29, Original Town of Wayne, Wayne County, Nebraska; and Tax Lot 57, Pt SW1/4NW1/4 Wayne Tracts, 18-26-4, Wayne County, Nebraska (Final Touch Property-Vakoc Construction Company) (Advertised Time: 5:30 p.m.)
10. Resolution 2022-55: Approving the acquisition of real estate located in the City of Wayne, Wayne County, Nebraska, from Vakoc Construction Company
11. Public Hearing: Tax Asking/Property Tax Levy (Advertised Time: 5:30 p.m.)

The total of the FY 2022-2023 budget is \$42,437,986. The property tax proposal for the General Fund operation is \$1,009,364.56, which compares to the 2021 tax asking of \$983,869.00. 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 \$1,111,864.56 or \$0.384371 per \$100 of property valuation, which is lower than last year - \$0.413148. The valuation in the community, as reported by the County Assessor for 2022, is \$289,268,676, which is up \$26,319,499 from last year. The 2022 operating budget is \$40,484,352; the 2021 operating budget was \$36,174,658. The combined levy from 2021 to 2022 has decreased from \$0.449046 to \$0.419053.

12. Resolution 2022-56: Setting the Property Tax Request for 2022-2023
13. Resolution 2022-57: Approving the Allowable 1% Increase in Base Limitation of Restricted Funds' Budget
14. Resolution 2022-58: Adopting the 2022-2023 Budget
15. Ordinance 2022-18: Approving Annual Appropriation Bill
16. Ordinance 2022-16: Amending Wayne Municipal Code, Title VII Traffic Code, Chapter 70 General Provisions — Prohibitions and Enforcement, Sec. 78-132 Prohibited Parking; Southwest Quadrant of the City (Second Reading)
17. Ordinance 2022-17: Amending Wayne Municipal Code, Title VII Traffic Code, Chapter 70 General Provisions – Prohibitions and Enforcement, Sec. 78-133 Restricted Parking 12:00 midnight to 5:00 a.m.; Southwest Quadrant of the City (Second Reading)

Background: Joel Hansen, Street and Planning Director, pursuant to direction from the last meeting, added restricted parking on the west side of the centerline of Lincoln Street from the north line of West 1st Street to north to the south line of West 5th Street for consideration.

18. Reminder of Chamber Coffee at the Library/Senior Center on Friday, September 16, 2022, at 10:00 a.m. for their 25th Anniversary
19. Update on the Bradley J. Woehler and Bradley F. Roberts vs. City of Wayne litigation matter
20. Adjourn

**MINUTES
CITY COUNCIL MEETING
August 16, 2022**

The Wayne City Council met in regular session at City Hall on August 16, 2022, 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 Brendon Pick, Terri Buck, Nick Muir, Dallas Dorey, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance 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 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 Brodersen made a motion, which was seconded by Councilmember Woehler, to approve the minutes of the meeting of August 2, 2022, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMERITAS, SE, 161.94; AMERITAS, SE, 35.00; AMERITAS, SE, 94.18; AMERITAS, SE, 72.00; AMERITAS, SE, 2977.08; APPEARA, SE, 120.76; APX, FE, 65.85; ARC-HEALTH & SAFETY, SU, 513.29; BATTERY SOLUTIONS, SU, 204.00; BEIERMANN ELECTRIC, SE,

680.00; BLACK HILLS ENERGY, SE, 352.86; BRODERS, COLEMAN, RE, 408.00; CITY EMPLOYEE, RE, 652.60; CITY EMPLOYEE, RE, 218.25; CITY EMPLOYEE, RE, 105.20; CITY EMPLOYEE, RE, 178.19; CITY EMPLOYEE, RE, 170.40; CITY OF WAYNE, PY, 100612.02; CITY OF WAYNE, RE, 2077.25; CONTINENTAL FIRE SPRINKLER, SE, 215.00; COPY WRITE PUBLISHING, SU, 187.00; COPY WRITE PUBLISHING, SE, 91.59; COTTONWOOD WIND PROJECT, SE, 11078.51; DANKO EMERGENCY EQUIPMENT, SU, 334.00; DAVE'S DRY CLEANING, SE, 37.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2820.65; DEMCO, SU, 279.77; DUTTON-LAINSON COMPANY, SU, 14907.24; ED M. FELD EQUIPMENT, SU, 28.34; EGAN SUPPLY, SE, 3109.00; ELECTRO-TEST AND MAINTENANCE, SU, 23559.00; ELLIS HOME SERVICES, SE, 2428.00; FIRST CONCORD GROUP, FE, 5869.11; FIRST SOURCE TITLE & ESCROW, SE, -457.50; FIRST SOURCE TITLE & ESCROW, SE, 457.50; GAPP, TIFFANY, RE, 20.00; GENERAL TRAFFIC CONTROLS, SU, 73.00; GERHOLD CONCRETE, SU, 11926.91; GLOBAL PAYMENTS INTEGRATED, SE, 670.62; GRAINLAND ESTATES, RE, 1732.77; GRAPHIC CONTROLS ACQUISITION CORP, SU, 1008.20; HAWKINS, SU, 1084.08; HILAND DAIRY, SE, 310.12; ICMA, RE, 35.42; ICMA, RE, 175.17; ICMA, RE, 154.18; ICMA, RE, 339.92; ICMA, RE, 105.79; ICMA, RE, 1443.86; ICMA, RE, 119.12; ICMA, RE, 65.00; ICMA, RE, 132.97; ICMA, RE, 387.46; ICMA, RE, 8654.82; INGRAM LIBRARY SERVICES, SU, 834.48; INTERSTATE BATTERY SYSTEM, SU, 186.70; IRS, TX, 16753.42; IRS, TX, 11549.55; IRS, TX, 3918.20; JOHN'S WELDING AND TOOL, SU, 211.63; KELLY SUPPLY COMPANY, SU, 99.38; KTCH, SE, 250.00; LIBRARY SKILLS, SU, 1486.95; LUTT OIL, SU, 8591.46; MAIN STREET GARAGE, SE, 220.00; MARX REPAIR, RE, 1000.00; MATHESON-LINWELD, SU, 35.06; MERCHANT SERVICES, SE, 99.44; MERCHANT SERVICES, SE, 3785.12; MERCHANT SERVICES, SE, 1303.82; MICHAEL TODD & CO, SU, 981.08; MIDWEST ALARM SERVICES, SE, 791.14; MIDWEST LABORATORIES, SE, 819.00; NDEE-FISCAL SERVICES, FE, 430.35; NDEE-FISCAL SERVICES, FE, -430.35; NE DEPT OF REVENUE, TX, 5127.76; NE LIBRARY ASSOCIATION, FE, 40.00; NPPD, SE, 7684.04; NPPD, SE, 31.00; NOLTE, SHANDI, RE, 15.00; NNEDD, SE, 1743.75; NORTHEAST POWER, SE, 8504.00; ONE CALL CONCEPTS, SE, 142.00; O'REILLY AUTOMOTIVE STORES, SU, 85.94; OVERDRIVE, SU, 1952.97; PAC N SAVE, SU, 4.70; PAC N SAVE, SU, 1123.96; PAC N SAVE, SU, 5.18; PROGRESSIVE PROPERTIES, RE, 1588.95; PROGRESSIVE PROPERTIES, RE, 4425.53; PROGRESSIVE PROPERTIES, RE, 5099.31; QUADIANT FINANCE, SU, 1000.00; QUALITY FOOD CENTER, SU, 17.79; REHAB SYSTEMS, SE, 37284.80; SEBADE HOUSING, RE, 2409.91; SEBADE HOUSING, RE, 8209.25; SKARSHAUG TESTING LAB, SE, 246.30; STATE NEBRASKA BANK & TRUST, SE, 61.76; TEMME, NATE, RE, 500.00; TIMPERLY CONSTRUCTION, SE, 1650.00; TITAN MACHINERY, SU, 232.02; TOM'S BODY & PAINT SHOP, SE, 1385.80; TYLER TECHNOLOGIES, SE, 2152.93; US FOODSERVICE, SU, 2180.56; UTILITY EQUIPMENT, SU, 311.50; VAKOC, SU, 108.24; VERIZON, SE, 584.93; WAYNE AUTO PARTS, SU, 317.88; WAYNE HERALD, SE, 438.50; WAYNE HERALD, SE, 1720.15; WAYNE HERALD, SE, 95.00; WESCO, SU, 1091.40; WAPA, SE, 21039.83; WINSUPPLY, SU, 50.96; WISNER WEST, SU, 121.78; WRIEDT PROPERTIES, RE, 500.00; ACE HARDWARE & HOME, SU, 853.07; BINSWANGER GLASS, SU, 20092.00; BROWN SUPPLY, SU, 183.00; CITY EMPLOYEE, RE, 2686.87; CITY EMPLOYEE, RE, 154.98; CITY OF WAYNE, RE, 54.09; CITY OF WAYNE, RE, -54.09; COUNTRY NURSERY, SU, 240.00; ED M. FELD EQUIPMENT, SU, 1200.00; FAITH REGIONAL PHYSICIAN SERV, SE, 129.50; FLOOR MAINTENANCE, SU, 1330.63; GERHOLD CONCRETE, SU, 1368.79; JACK'S UNIFORMS, SU, 19.50; MUNICIPAL SUPPLY, SU, 2244.22; NE AIR FILTER, SU, 65.56; NED PORN CONSTRUCTION, SE, 17000.00; PLUNKETT'S PEST CONTROL, SE, 104.15; STAPLES, SU, 347.53

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

Mike Powicki, Director of Athletics at Wayne State College, was present requesting Council consideration to allowing them to have a fireworks display at the College after the “Family Day” football game on Saturday, September 24, 2022.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the request of Mike Powicki, Director of Athletics at Wayne State College, to have a fireworks display at the College after the “Family Day” football game on Saturday, September 24, 2022. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Hannah Rathjen was present asking for Council consideration to allowing her to keep a blue tongue skink (lizard) inside City limits. It would be with her in her dorm room at Neihardt Hall on the Wayne State College campus. It will occasionally be out of its cage. Because this is not on the list of domesticated animals that can reside within city limits, she must get Council approval.

Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving the request of Hannah Rathjen to keep a blue tongue skink inside city limits. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Agenda Item No. 7 – Discussion and possible action to temporarily allow parking along Providence Road was stricken from the agenda. Administrator Blecke stated that Providence Medical Center has made other arrangements so this does not need to be discussed.

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

The City of Wayne is requesting \$433,000 in CDBG Public Works (PW) funding for continued implementation of the City’s phased recreational trail that has been a long-term progressive goal that will link up with an existing sidewalk/trail underpass and extend to the west and connect to another trail segment that will run by the 7-12 school, Wayne Activity Center, Park and Cemetery. \$400,000 will be used for park and recreational activities, \$25,000 will be used for general administration and \$8,000 will be used for construction management. The City will provide a minimum of \$135,333 in matching funds, for a total

project cost of \$568,333. The project will benefit low-to-moderate income persons in the community. No persons, businesses, or farms will be displaced as a result of this project.

Riah Deane with the Northeast Nebraska Economic Development District was present to answer questions.

Administrator Blecke stated that JEO Consulting Group, Inc., prepared an engineer's estimate for this project and grouped the same into four different segments. He reviewed the four different segments of the project.

The engineer has estimated all four segments to be \$875,000. This is a viable project and the City has been successful in applying for this grant before because Wayne has demonstrated a good capacity to be able to implement these projects.

Roger Protzman, engineer with JEO Consulting Group, Inc., stated when this was put together with staff, it was very conceptual at that point.

This project would get funded partially out of the Street budget and partially out of the Parks budget. After discussion, the consensus was to move forward with the grant application.

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 Brodersen introduced Resolution 2022-51, and moved for its approval; Councilmember Woehler seconded.

RESOLUTION NO. 2022-51

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – PUBLIC WORKS FUNDS (\$433,000).

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

The following Municipal Annual Certification of Program Compliance Form 2022 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, 2022.

Councilmember Eischeid introduced Resolution No. 2022-52 and moved for its approval, Councilmember Buck seconded.

RESOLUTION NO. 2022-52

A RESOLUTION AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2022.

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

The following Resolution would approve the Scope of Services and Task Order No. 221215.00 (which is part of the Master Services Agreement) with JEO Consulting Group, Inc., for the “Wastewater Treatment Facility Ultraviolet Light Improvement Project.” This Task Order is for engineering, design, bidding, and construction phase services to remove and replace the existing UV system at the Wastewater Treatment Plant. The engineering fees for design and bidding services will be a lump sum fee of \$30,000 and \$14,200 (hourly) will be for construction management and project oversight services. It was noted that in accordance with the Master Services Agreement, a 5% discount would be given on these fees, which would then bring the fees down to \$28,500 and \$13,490 respectively, for a total of \$41,990.

Roger Protzman, Engineer with JEO Consulting Group, Inc., was present to answer questions.

Councilmember Eischeid introduced Resolution 2022-53, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2022-53

A RESOLUTION APPROVING SCOPE OF SERVICES AND TASK ORDER NO. 221215.00 WITH JEO CONSULTING GROUP, INC., FOR THE “WASTEWATER TREATMENT FACILITY ULTRAVIOLET LIGHT IMPROVEMENT PROJECT” — LUMP SUM FEE OF \$28,500 AND HOURLY FEE OF \$13,490 – TOTAL OF \$41,990.

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

Roger Protzman, representing JEO Consulting Group, Inc., the City's engineer on the "2022 Golf Course Sanitary Sewer Extension Project" updated the Council on the project. He presented Change Order No. 1 in the amount of \$5,984.35 to Kay Contracting, Inc. This change order is for the contractor having to complete the following additional work: modify a manhole; extended the sewer line; and additional work and pipe to connect to the service line.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 1 in the amount of \$5,984.35 on behalf of Kay Contracting, Inc., for the "2022 Golf Course Sanitary Sewer Extension Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Protzman then presented Contractor's Application for Payment No. 1 in the amount of \$66,663.70 to Kay Contracting, Inc., for the "2022 Golf Course Sanitary Sewer Extension Project." The 5% retainage of \$3,508.62 is the remaining balance still due on the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Pick, approving Certificate of Payment No. 1 for \$66,663.70 to Kay Contracting, Inc., for the "2022 Golf Course Sanitary Sewer Extension Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Jason Karsky, representing the Stool To Cool Task Force, presented the "Conceptual Master Plan" for the proposed lake/lagoon project. There will be 17 campsites with full hook-up (water, sewer & electric). There is a playground, additional fields, parking, and a bathhouse. This will be a 4 acre lake and includes jetties to fish from, etc. The dog park would still be located in this area.

Matthew Smith, Engineer with Olsson, was present via zoom, to answer questions.

Administrator Blecke noted that on the Conceptual Plan, the area is named "Prairie Park."

Councilmember Eischeid made a motion, which was seconded by Councilmember Woehler, approving the "Conceptual Master Plan" presented by the Stool To Cool Task Force for the proposed lake/lagoon project. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution would approve Letter Agreement Amendment #1 for services on the Phase II Lagoon Project. This agreement provides for a grading plan along with a preliminary design of water and sanitary sewer (storm sewer to be included in grading plan). The fee for said services would be a lump sum fee of \$33,950.

Councilmember Brodersen introduced Resolution 2022-54, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2022-54

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #1 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL SERVICES ON THE "PHASE II LAGOON – FAIRGROUNDS AVENUE/RECREATIONAL DEVELOPMENT PROJECT."

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

Matthew Smith, Engineer with Olsson, presented Certificate of Payment No. 1 on the "Lincoln Street Improvements Project" for \$38,221.31 to Robert Woehler & Sons Construction, Inc.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving Certificate of Payment No. 1 for \$38,221.31 to Robert Woehler & Sons Construction, Inc., for the "Lincoln Street Improvements Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Mayor declared the motion carried.

Matthew Smith, Engineer with Olsson, presented Certificate of Payment No. 3 on the "Chicago Street Improvements Project" for \$127,633.41 to Robert Woehler & Sons Construction, Inc.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, approving Certificate of Payment No. 3 for \$127,633.41 to Robert Woehler & Sons Construction, Inc., for the "Chicago Street Improvements Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, stated the following two ordinances will amend Wayne Municipal Code Sections 78-132 Prohibited Parking and 78-133 Restricted Parking 12:00 midnight to 5:00 a.m. on Chicago Street. This is in anticipation of Chicago Street opening up to have uniform enforcement when it is opened.

Councilmember Brodersen introduced Ordinance No. 2022-16, and moved for approval thereof; Councilmember Buck seconded.

ORDINANCE NO. 2022-16

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – PROHIBITIONS AND ENFORCEMENT, SECTION 78-132 PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY; 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Joel Hansen, Street Superintendent stated, recommended when the following ordinance comes forward at the next meeting for its second reading that it be amended to include restricted parking on Lincoln Street from 2nd Street north.

Councilmember Eischeid introduced Ordinance No. 2022-17, and moved for approval thereof; Councilmember Woehler seconded.

ORDINANCE NO. 2022-17

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – PROHIBITIONS AND ENFORCEMENT, SECTION 78-133 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHWEST QUADRANT OF THE CITY; 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Mayor Giese advised the Council that he has received the resignation of Councilmember Dallas Dorey effective August 21, 2022. Mayor Giese requested Council to accept the same and then declare a “Notice of Vacancy” in Ward 3 and authorize the City Clerk to publish notice.

Councilmember Dorey advised the Council that he is moving out of his ward.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to accept the resignation of Councilmember Dallas Dorey effective August 21, 2022, and to declare a “Notice of Vacancy” in Ward 3 and authorize the City Clerk to publish notice. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Giese stated the next item on the agenda is an update on the R. Perry Construction, Inc., project and potential litigation matter.

Councilmember Muir made a motion, which was seconded by Councilmember Dorey, to enter into executive/closed session for the purpose of protecting the public interest to discuss the litigation matter and to allow Administrator Blecke, Attorney Miller, and City Clerk McGuire, to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive/closed session began at 6:49 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to a litigation matter.

Councilmember Muir made a motion, which was seconded by Councilmember Pick, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 6:54 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:54 p.m.

MINUTES
CITY COUNCIL MEETING
August 30, 2022

The Wayne City Council met in special session at the Wayne Fire Hall on Tuesday, August 30, 2022, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order with the following in attendance: Councilmembers Terri Buck, Nick Muir, Brittany Webber, Chris Woehler, Jason Karsky, and Matt Eischeid; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Brent Pick and Jill Brodersen.

Notice of the convening meeting was given in advance thereof by posting in three places. 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. 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 northwest wall of the Wayne Fire Hall, 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.

Mayor Giese declared the time was at hand for the public hearing on the proposed FY 2022-2023 budget.

Finance Director Beth Porter stated these numbers are based on the final numbers set at the budget work session. In addition, she stated because of the passage of LB148, the following changes are being made this year:

- The budget hearing must be held separately from regularly scheduled meetings and cannot be limited by time;
- At least 3 copies of the proposed budget must be available to the public;
- A presentation must be given outlining the key provisions of the proposed budget, including a comparison with the prior year's budget;

- Any member of the public desiring to speak must be allowed to address the governing body and given a reasonable amount of time to do so; and
- The methods and dates of meeting notices must be recorded in the meeting minutes.

The total of the FY 2022-2023 budget is \$42,437,986. The property tax proposal for the General Fund operation is \$1,009,364.56, which compares to the 2021 tax asking of \$983,869.00. 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 \$1,111,864.56 or \$0.384371 per \$100 of property valuation, which is lower than last year - \$0.413148. The valuation in the community, as reported by the County Assessor for 2022, is \$289,268,676, which is up \$26,319,499 or 10% from last year.

The 2022 operating budget is \$40,484,352; the 2021 operating budget was \$36,174,658. The combined levy from 2021 to 2022 has decreased from \$0.4490043 to \$0.419053.

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.

Mayor Giese requested Council consideration to the appointment of Brittany Webber as Councilmember for Ward 3.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the mayoral appointment of Brittany Webber as Councilmember for Ward 3. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick and Brodersen who were absent, the Mayor declared the motion carried.

Attorney Miller then gave the Oath of Office to Brittany Webber as Councilmember for Ward 3.

The Council then discussed the following retreat items:

➤ **Future Council Priorities**

Housing — should the City be more active in developing property or more active in incentivizing developers to build (e.g. providing water and sewer improvements)? How important is it to incentivize a developer if they are unable to get tax increment financing? Would lot prices be reduced to reflect this incentive? Council consensus was that maybe something could be worked out that would be beneficial to both the City and developers.

4th Street; 21st Street; Centennial Road – The County participated one-third in the engineering costs for these proposed street improvements. The City Administrator was

directed to contact the County Commissioners regarding these street improvements and the future thereof.

➤ New Topics

CRA Funding

Continue to rethink and discuss how the City will fund the CRA (e.g. come before Council every time they would like to do a project; ask for a levy which would generate around \$86,000/yr.; implementing a fee for tax increment financing; and discuss wiping their slate clean for a fresh start). At this time, they have a \$300,000 loan and a \$400,000 line of credit. The City could allocate a portion of sales tax to the CRA for development. Hopefully, their balance sheet will look different a year from now.

Skate Park

David Lindner has inquired whether or not the City has any interest in moving forward with building a skate park. Councilmember Muir has reached out to the City's insurance carrier, and he was advised that the way the State Legislature has rewritten this, a skate park is considered to be more like a park now and would fall under the insurance we have for parks. There are guidelines that would need to be followed with EMC to insure safety and coverage on the liability side. There is no additional cost to the City's for adding a skate park to their policy. Possible locations discussed could be at the CAC, old pool area, Prairie Park complex, East Park or Nebraska Street Park. Discussions would continue on the matter, as well as pursuing funding options.

Ameritas Building — Discussions have taken place for several years regarding the current City Hall building and the challenges with the building. The Ameritas building is now for sale, along with the parking lot on Logan Street. Consensus was that the Facility Committee consisting of Councilmembers Brent Pick, Matt Eischeid, and Jill Brodersen should look at the building for a possible location to move City Hall.

Emergency Vehicle Parking

Consensus was to **not** modify the parking restrictions to allow emergency vehicles to park overnight on the street.

Lagoon/Lake Conceptual Plan

The Council was updated on the project. The engineer is working on the grading design/plan. They have until December 31st to complete the same.

Allowing chickens inside city limits

Council was provided excerpts of minutes of previous Council minutes regarding chickens/poultry being allowed in city limits. Several communities in Nebraska allow chickens and there are stipulations and requirements for the same. Staff would resurrect the previous proposed ordinance for Council. After discussion, consensus was to continue conversations on this matter.

Mayor Giese stated the next item on the agenda is an update on the litigation matter.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to enter into executive/closed session for the purpose of protecting the public interest to discuss the litigation matter and to allow Administrator Blecke, Attorney Miller, and City Clerk McGuire, to be in attendance. Mayor

Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick and Brodersen who were absent, the Mayor declared the motion carried, and executive/closed session began at 7:50 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to a litigation matter.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, with the exception of Councilmembers Pick and Brodersen who were absent, and open session resumed at 7:57 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:57 p.m.



Vendor	Payable Description	Payment Total
AMAZON.COM, LLC	BOOKS/DVD'S/PRINTER/OFFICE SUPPLIES	1,494.11
AMERITAS LIFE INSURANCE	AMERITAS ROTH	161.94
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	97.82
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
AMERITAS LIFE INSURANCE	AMERITAS ROTH	35.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	3,151.76
APPEARA	LINEN & MAT SERVICE	126.42
APPEARA	LINEN & MAT SERVICE	59.77
ARC-HEALTH & SAFETY	BASIC LIFE SUPPORT CLASS	253.00
ARDENT LIGHTING GROUP LLC	LIGHT BULBS	1,218.50
BAKER & TAYLOR BOOKS	BOOKS	642.89
BERGERS CONSTRUCTION	RIGHT OF WAY DEPOSIT REFUND	500.00
BERNAL, GEORGINA	INTERPRETER SERVICES	70.00
BIG RIVERS ELECTRIC CORPORATION	ELECTRICITY	290,088.95
BLACK HILLS ENERGY	GAS BILLS	354.90
BLUE CROSS BLUE SHIELD	HEALTH PREMIUMS	48,458.53
BOK FINANCIAL	SWIMMING POOL SALES TAX REV BONDS SERIES 21	189,890.00
BOMGAARS	TOOLS/SPRAY PAINT/FASTENERS/SOFTENER SALT/TORDON	1,570.08
CARHART LUMBER COMPANY	WOOD/FASTENER/FILTERS/DRAIN BASIN	93.65
CENTURYLINK	TELEPHONE CHARGES	401.12
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	468.50
CITY EMPLOYEE	VISION REIMBURSEMENT	105.20
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	790.22
CITY EMPLOYEE	SAFETY BOOT REIMBURSEMENT	175.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	1,118.88
CITY EMPLOYEE	SAFETY BOOT REIMBURSEMENT	175.00
CITY OF WAYNE	PAYROLL	102,953.08
CITY OF WAYNE	UTILITY REFUNDS	3,225.24
CITY OF WAYNE	WAED MEDICAL REIMBURSEMENT	790.22
COMMUNITY REDEVELOPMENT AUTHORITY	LINE OF CREDIT DRAW	17,000.00
DANKO EMERGENCY EQUIPMENT	HURST MAINTENANCE - SERVICE PUMP ENGINE	2,000.00
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DEARBORN LIFE INSURANCE COMPANY	VFD INSURANCE	96.32
DGR & ASSOCIATES CO	ELECTRICAL ENGINEERING SERVICES	100.00
DUTTON-LAINSON COMPANY	CABLE SPLICE KITS	379.63
DUTTON-LAINSON COMPANY	WATER METERS	1,325.44
ED M. FELD EQUIPMENT CO INC	EXTINGUISHER RECHARGE/HYDROTEST	449.72
ELKINS PORTABLE RESTROOMS, LLC	BOY SCOUT PARK/GOLF COURSE PORTABLE RESTROOMS	560.00
ELLIS HOME SERVICES	SEWER MAIN PLUGGED	235.00
EXHAUST PROS TOTAL CAR CARE	TOWING CHARGE	80.25
FASTENAL CO	BOLTS	51.00
FIRST CONCORD GROUP LLC	FLEX FEES	3,947.74

Vendor	Payable Description	Payment Total
FLOOR MAINTENANCE	JANITORIAL SUPPLIES/FOAM CONTAINERS	2,506.47
FRIENDS OF THE LIBRARY	AUDITORIUM DEPOSIT REFUND	200.00
GALE/CENGAGE LEARNING	BOOKS	123.45
GERHOLD CONCRETE CO INC.	CONCRETE	364.49
GERHOLD CONCRETE CO INC.	TRANSFER STATION CONCRETE/BLOCK	8,026.98
GOTCHA COVERED OF SIOUXLAND	MOTORIZED SOLAR SHADE DEPOSIT	1,179.44
GROSSENBURG IMPLEMENT INC	JOHN DEERE PICKER PIN	0.66
GROSSENBURG IMPLEMENT INC	PUSH MOWER CABLE	27.54
HAWKINS, INC	FLUORIDE/CHLORINE	3,304.47
HEIKES AUTOMOTIVE LLC	TOWING CHARGES	130.00
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	181.63
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	254.60
HORIZON CONSTRUCTION	WATERLINE - CURB STOP TO WATER MAIN	2,071.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	35.42
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	339.92
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	174.75
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	113.73
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	1,443.86
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	8,600.14
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	154.18
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	132.14
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	65.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	119.12
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	387.46
IRS	FICA WITHHOLDING	17,006.42
IRS	MEDICARE WITHHOLDING	3,977.38
IRS	FICA WITHHOLDING	99.32
IRS	MEDICARE WITHHOLDING	23.24
IRS	FEDERAL WITHHOLDING	11,693.21
JACK'S UNIFORMS	HOLSTER	125.95
JEO CONSULTING GROUP	AQUARIUS TANK DIFFUSER	2,023.75
JEO CONSULTING GROUP	TRANSFER STATION PERMIT RENEWAL	521.31
JEO CONSULTING GROUP	MASTER AGREEMENT	5,252.31
KAUP FORAGE & TURF	GRASS SEED	1,710.00
KAY CONTRACTING, INC	2022 GOLF COURSE SANITARY SEWER EXTENSION	66,663.70
KEPCO ENGRAVING	NAMEPLATE	21.10
KNOX, SADIE	AUDITORIUM DEPOSIT REFUND	200.00
KOUATIL, ZAYNAB	ART CAMP SESSION 4	150.00
LAMP, MACKENZIE	ART CAMP SESSION 4	250.00
LEAGUE OF NEBRASKA MUNICIPALITIES	MEMBERSHIP DUES	11,046.00
MARCO INC	COPIER LEASE	175.92
MARCO TECHNOLOGIES LLC	COPIER LEASE	180.50
MICHAEL TODD & CO INC	STREET SIGNS/POSTS	511.31
MILLER LAW	ATTORNEY FEE	5,416.67
MUNICIPAL SUPPLY INC	WATER METERS	4,494.90
MURPHY TRACTOR & EQUIPMENT	OIL DRAIN PAN VALVE	1,115.63

Vendor	Payable Description	Payment Total
NE DEPT OF REVENUE	STATE WITHHOLDING	5,101.35
NE DEPT OF REVENUE	STATE WITHHOLDING	4.52
NE HARVESTORE	FILTERS	361.65
NE PUBLIC HEALTH ENVIRONMENTAL LAB	FLUORIDE/COLIFORM TESTING	876.00
NERC	NERC/MRO REGION ASSESSMENTS	930.77
NORTHEAST MACHINE & MANUFACTURING, INC.	AQUARIUS LASER CUT STAINLESS STEEL PLATE	1,434.63
NORTHEAST NE INS AGENCY INC	CYBER INSURANCE	5,033.70
NORTHEAST POWER	WHEELING CHARGES	18,478.29
NORTHWEST ELECTRIC LLC	INSPECTION FEE	35.00
NORTHWEST ELECTRIC LLC	CAC AIR EXCHANGE MOTOR	578.65
OLSSON	CHICAGO STREET/FAIRGROUNDS AVE REC DEVEL	15,780.52
ONE OFFICE SOLUTION	20 CASES OF COPY PAPER	999.80
O'REILLY AUTOMOTIVE STORES, INC.	BATTERY/OIL/FILTERS/BLOWER MOTOR/RESISTOR	413.66
O'REILLY AUTOMOTIVE STORES, INC.	BATTERY/BRAKE CLEANER	309.46
OVERDRIVE, INC.	E BOOK	29.99
POSTMASTER	POSTAGE ON UTILITY BILLS	999.68
QHA CLEANING LLC	JANITORIAL CLEANING SERVICE	650.00
RASMUSSEN, TONI	FENCE PERMIT REFUND	25.00
RESCO	SINGLE PHASE SECTIONALIZING CABINET	1,122.95
ROBERT WOehler & SONS	CHICAGO STREET	127,633.41
ROBERT WOehler & SONS	LINCOLN STREET	38,221.31
SCHMITZ, CINDY	FIREHALL CUSTODIAN FEE	45.00
TOM'S BODY & PAINT SHOP	DOOR TRIM PANEL/VENT	171.00
US BANK	REC FOOTBALL SUPPLIES/TECH SUPPLIES/TOOLS	7,589.25
	VACUUMS/MEMBERSHIPS/DIFFUSER/FIRE RESISTANT	
	CLOTHING/POLICE CAMERAS	
US FOODSERVICE, INC.	SENIOR CENTER NOON MEAL SUPPLIES	2,866.73
UTILITIES SECTION	MEMBERSHIP DUES	3,230.00
UTILITY EQUIPMENT CO	HEX KEYS	63.13
VERA, CLAUDIA	AUDITORIUM DEPOSIT REFUND	200.00
VIAERO WIRELESS	CELL PHONE	67.36
WAYNE AREA ECONOMIC DEVELOPMENT	CONTRIBUTION/LEADERSHIP CLASS FEES	8,990.41
WAYNE VETERINARY CLINIC	DOG/CAT IMPOUND	84.00
WESCO DISTRIBUTION INC	SCOTCHKOTE ELECTRICAL COATING/COUPLINGS	320.95
ZIMCO SUPPLY	GRASS SEED - SEWER EXTENSION PROJECT	2,227.50
ZIMCO SUPPLY	GOLF COURSE FERTILIZER	1,905.00
	Grand Total:	1,084,590.62



August 29, 2022

Chief of Police, Mayor, City Council
City of Wayne
306 Pearl St
Wayne, NE 68787

Dear Wayne City Officials:

On behalf of the Wayne Green Team, this letter is a request for street closure and change in traffic flow for our 9th Electronics Recycling Event on Saturday, September 24, 2022, 8am to 10am.

Street Closure Requested:

- Close westbound 3rd Street between Lincoln and Pearl Streets to regular traffic by 7am Saturday, September 24, for set up. Street should reopen by noon or earlier once the truck is fully loaded.
- Prohibit parking on 3rd Street between Lincoln and Pearl Streets beginning Friday, September 23, 2022. This is where the vendor will park its 53-foot truck and place pallets for electronics.
- Allow two lanes of one-way traffic heading eastbound on 3rd Street, with cars entering at Lincoln Street and exiting at Pearl Street for the event.

Assistance from City Requested:

- Post no parking signs in advance of event on 3rd Street.
- Provide a forklift and operator to move pallets into the vendor's truck at the event.
- Provide barricades to place at event to reroute traffic and manage flow.
- Tow any unlawfully parked cars if needed.
- Provide safety vests for volunteers at the event.

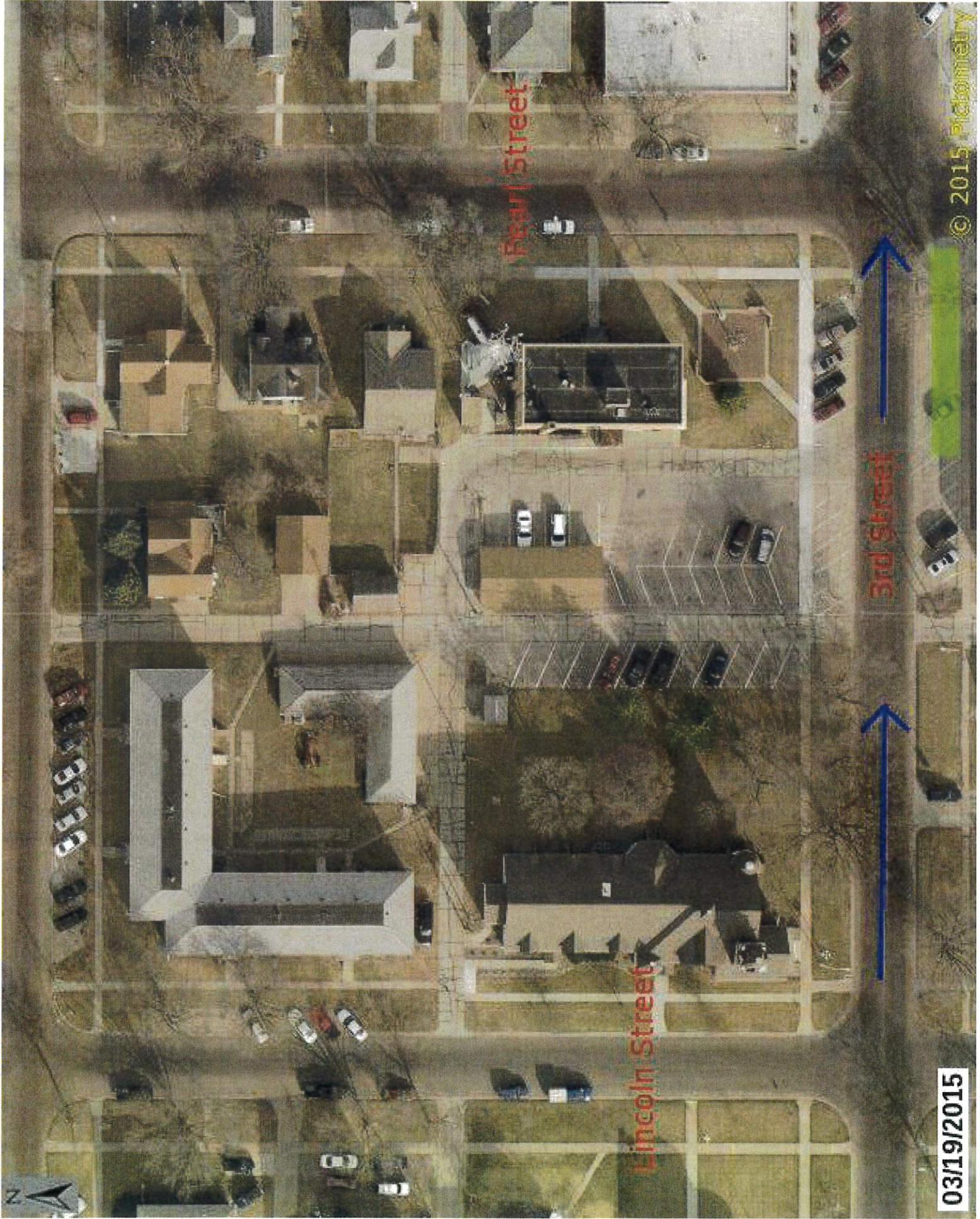
The Wayne Green Team will provide volunteers to direct traffic, collect fees, and unload cars. Students from Wayne State Mens Basketball & Womens Soccer will also assist at the event. We are using the same vendor from last year (Retrofit) and expect 20,000 pounds of electronics.

Since 2013, our community has recycled over 145,000 pounds of electronics at these collection events. Your assistance is greatly appreciated. Thank you for supporting electronics recycling in Wayne!

Sincerely,



Sandy Brown



03/19/2015

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August 30, 2022

Mayor and Council Members
City of Wayne
306 Pearl Street
PO Box 8
Wayne, NE 68787

RE: Wayne, Nebraska
Wayne Aquarius Diffuser Replacement
JEO Project No. 190287.03

Mayor and Council Members:

The Wayne Aquarius Diffuser Replacement project is complete. The facility is operational some minor additional repairs were needed once the tank was opened where it could be more thoroughly inspected.

Change Order No. 1 is the result of the additional work necessary to correct noted deficiencies during the diffuser replacement project. A labor rate of \$225 per media sheet repair was established with the contractor. Approximately 44 sheets were replaced due to various reasons. We observed Tank No. 1 in both trains needed the most sheets repaired and the subsequent tanks needed notably less repairs. The media and media racks in fair condition and should serve another 10 years. In addition, the project was delayed a week because not all of the diffuser membranes were received. We recommend approval of Change Order No. 1 in the amount of **\$19,002.75** to Phillip Carkoski Construction and Trenching Inc.

Pay Application No. 1 (Final) represents work for the entire project. Work was completed as planned. Pay Application No. 1 includes Change Order No. 1 and JEO recommend approval of Pay Application No. 1 (Final) in the amount of **\$408,722.75** to Phillip Carkoski Construction and Trenching Inc.

Lastly, included is the **Certificate of Substantial Completion** for signature which initiates the one-year warranty period for the work completed.

If you have any questions or concerns, please feel free to contact me at 402-371-6416.

Sincerely,

A handwritten signature in blue ink that reads 'Roger S. Protzman'.

Roger S. Protzman, P.E.
Senior Project Engineer

RSP
Enclosures
190287.03LTR220830a-Pay App1 Final.docx

Contractor's Application for Payment

Owner: <u>City of Wayne, NE</u>	Owner's Project No.: _____
Engineer: <u>JEO Consulting Group, Inc.</u>	Engineer's Project No.: <u>190287.03</u>
Contractor: <u>Philip Carkoski Construction & Trenching I</u>	Contractor's Project No.: _____
Project: <u>2022 Aquarius Tank Diffuser Replacement</u>	
Contract: <u>2022 Aquarius Tank Diffuser Replacement</u>	
Application No.: <u>1 (Final)</u>	Application Date: <u>8/25/2022</u>
Application Period: From <u>7/1/2022</u> to <u>8/25/2022</u>	

1. Original Contract Price	\$ 389,720.00
2. Net change by Change Orders	\$ 19,002.75
3. Current Contract Price (Line 1 + Line 2)	\$ 408,722.75
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 408,722.75
5. Retainage	
a. _____ X \$ 408,722.75 Work Completed =	\$ -
b. _____ X \$ - Stored Materials =	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ -
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 408,722.75
7. Less previous payments (Line 6 from prior application)	
8. Amount due this application	\$ 408,722.75
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ -

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: Philip Carkoski Construction and Trenching Inc.

Signature: _____ **Date:** 8-28-2022

Recommended by Engineer	Approved by Owner
By: <u>Roger S. Pedersen</u>	By: _____
Title: <u>Proj. Eng.</u>	Title: _____
Date: <u>8/30/22</u>	Date: _____
Approved by Funding Agency	
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner: City of Wayne, NE
Engineer: JEO Consulting Group, Inc.
Contractor: Philip Carkoski Construction & Trenching Inc
Project: 2022 Aquarius Tank Diffuser Replacement
Contract: 2022 Aquarius Tank Diffuser Replacement

Owner's Project No.: _____
Engineer's Project No.: 190287.03
Contractor's Project No.: _____

Application No.:		Application Period:		From		to		Application Date:	
1 (Final)		07/01/22		08/25/22		08/25/22		08/25/22	
A	B	C	D	E	F	G	H	I	
Item No.	Description	Scheduled Value (\$)	(D + E) From Previous Application (\$)	Work Completed This Period (\$)	Materials Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)	
1	Mobilization	22,500.00	Original Contract	22,500.00	-	22,500.00	100%	-	
2	Bonding and Insurance	8,700.00		8,700.00	-	8,700.00	100%	-	
3	Replace Aquarius Tank Diffuser Membranes	32,725.00		32,725.00	-	32,725.00	100%	-	
4	Removal of Sludge at the Bottom of Tank	247,255.00		247,255.00	-	247,255.00	100%	-	
5	Remove and Reinstall All Necessary Equipment	78,540.00		78,540.00	-	78,540.00	100%	-	
Original Contract Totals		\$ 389,720.00	\$ -	\$ 389,720.00	\$ -	\$ 389,720.00	100%	\$ -	

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: City of Wayne, NE Owner's Project No.:
Engineer: **JEO Consulting Group, Inc.** Engineer's Project No.: 190287.03
Contractor: Phillip Carkoski Construction Contractor's Project No.:
Project: **2022 Wayne Aquarius Tank Diffuser Replacement**
Contract Name: 2022 Wayne Aquarius Tank Diffuser Replacement

This Preliminary Final Certificate of Substantial Completion applies to:

All Work The following specified portions of the Work:

Diffuser Replacement and other misc. repairs

Date of Substantial Completion: **8/25/2022**

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work must be as provided in the Contract, except as amended as follows:

Amendments to Owner's Responsibilities: None As follows:

Amendments to Contractor's Responsibilities: None As follows:

The following documents are attached to and made a part of this Certificate: None

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

EXECUTED BY ENGINEER:		RECEIVED:		RECEIVED:	
By: <u><i>Robert S. Prodzman</i></u>	By: _____	By: <u><i>Phillip Carkoski</i></u>	By: <u><i>Phillip Carkoski</i></u>	By: <u><i>Phillip Carkoski</i></u>	By: <u><i>Phillip Carkoski</i></u>
(Authorized signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)	Contractor (Authorized Signature)	Contractor (Authorized Signature)	Contractor (Authorized Signature)
Title: <u><i>Prof. Eng.</i></u>	Title: _____	Title: <u><i>owner / President</i></u>			
Date: <u><i>8/30/22</i></u>	Date: _____	Date: <u><i>8-23-22</i></u>	Date: <u><i>8-23-22</i></u>	Date: <u><i>8-23-22</i></u>	Date: <u><i>8-23-22</i></u>

RESOLUTION NO. 2022-55

**A RESOLUTION APPROVING THE ACQUISITION OF REAL ESTATE
LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM
VAKOC CONSTRUCTION COMPANY.**

WHEREAS, City staff has concluded negotiations for the acquisition of land located in the City of Wayne, Wayne County, Nebraska, legally described as follows:

Lot 9, Block 29, Original Town of Wayne, Wayne County, Nebraska; and

Tax Lot 57, Pt SW1/4NW1/4 Wayne Tracts, 18-26-4, Wayne County, Nebraska,

from Vakoc Construction Company for the sum of \$315,000.00 and other valuable consideration, and that the Mayor is hereby authorized to execute the necessary documents to carry out the acquisition thereof.

PASSED AND APPROVED this 6th day of September, 2022.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2022-56

A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FY2022-2023.

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 2022-2023 property tax request be set at \$1,111,864.56.
2. The total assessed value of property differs from last year's total assessed value by 10.01%.
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 \$.375557 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 \$.384371 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 be an increase from last year's by 11.91%.
6. A copy of this Resolution be certified and forwarded to the County Clerk on or before September 30, 2022.

PASSED AND APPROVED this 6th day of September, 2021.

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

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RESOLUTION NO. 2022-57

**A RESOLUTION APPROVING THE ALLOWABLE 1% INCREASE IN
BASE LIMITATION OF RESTRICTED FUNDS' BUDGET 2022-2023.**

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 2022-2023 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 6th day of September, 2022.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2022-58

A RESOLUTION TO ADOPT THE 2022-2023 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 2022-2023 budget document meets the requirements of the legislative laws; and

WHEREAS the Mayor and Council of the City of Wayne, Nebraska, have conducted a public hearing as prescribed by law and heard and considered comments concerning the 2022-2023 budget for the City of Wayne; and

WHEREAS, the Mayor and Council of the City of Wayne, Nebraska, hereby find and determine that it is in the best interest of the City that the 2022-2023 budget be adopted as the "Official Budget" for the fiscal year 2022-2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the 2022-2023 budget of the City of Wayne, Nebraska, be and is hereby adopted.

PASSED AND APPROVED this 6th day of September, 2022.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

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ORDINANCE NO. 2022-18

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, 2022, through September 30, 2023. 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 6th day of September, 2022.

THE CITY OF WAYNE, NEBRASKA

By: _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2022-16

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – PROHIBITIONS AND ENFORCEMENT, SECTION 78-132 PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY; 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 VII Traffic Code, Chapter 70 General Provisions – Prohibitions and Enforcement, Section 78-132 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-132 PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY.

(A) No person shall, at any time, park a vehicle upon the following described streets or parts of streets:

The east side of the centerline of Wilcliff Drive from the north line of West 1 st Street north to the south line of West 3 rd Street
The east side of the centerline of Donner Pass from the south line of West 7 th Street south to the south line end of Donner Pass
The east side of the centerline of Pearl Street from the north line of West 5 th Street north to the south line of West 7 th Street
The east side of the centerline of Lincoln Street from the south line of West 7 th Street south to the city limits
The east side of the centerline of Douglas Street from the south line of West 7 th Street south to the city limits
The east side of the centerline of Sherman Street from the south line of West 7 th Street south to the north line of West 4 th Street and from the south line of West 3 rd Street south to the city limits
The east side of the centerline of Blaine Street from the north line of Grainland Road north to the south line of West 3 rd Street
The east side of the centerline of Maple Street from the north line of Grainland Road north to the south line of 2 nd Avenue
The east side of the centerline of Oak Drive from the north line of 2 nd Avenue north to the south line of West 7 th Street
The north side of the centerline of Second Avenue from the west line of Maple Street west to the east line of Birch Street

The north side of the centerline of West 6 th Street from the west line of Main Street west to the east line of the north-south alley between Main Street and Pearl Street
The south side of the centerline of Grainland Road from the west line of Sherman Street west to the city limits
The south side of the centerline of 1 st Avenue from the west line of Maple Street west to the east line of Birch Street
The south side of the centerline of West 7 th Street from the west line of Main Street west to the city limits
The south side of the centerline of West 1 st Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Wilcliff Drive
The south side of the centerline of West 2 nd Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Blaine Street
The south side of the centerline of West 3 rd Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Oak Drive
The south side of the centerline of West 4 th Street from the west line of Pearl Street west to the east line of the elementary school
The south side of the centerline of West 5 th Street from the west line of Pearl Street west to the east line of Schoolview Drive
The south side of the centerline of West 6 th Street from the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street
The south side of the centerline of Clark Street from the west line of Main Street west to the east line of Pearl Street
The south side of the centerline of 3 rd Avenue from the west line of Oak Drive west to the city limits
The west side of the centerline of Pearl Street from the north line of 6 th Street north to the south line of West 7 th Street
The west side of the centerline of Birch Street from the north line of 1 st Avenue north to the south line of 2 nd Avenue
The west side of the centerline of Sherman Street from the south line of West 4 th Street south to the north line of West 3 rd Street
The west side of the centerline of Main Street from the north line of West 6 th Street north to the south line of 7 th Street
The west side of the centerline of Lincoln Street from the north line of West 1 st Street north 50 feet
The south side of the centerline of Chicago Street from the west line of South Sherman Street east to the east line of South Lincoln Street

(B) Appropriate signs shall be placed to advise the public of these prohibited parking regulations.

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 _____, 2022.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2022-17

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – PROHIBITIONS AND ENFORCEMENT, SECTION 78-133 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHWEST QUADRANT OF THE CITY; 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 VII Traffic Code, Chapter 70 General Provisions – Prohibitions and Enforcement, Section 78-133 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-133 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHWEST QUADRANT OF THE CITY.

(A) No person shall, at any time, park a vehicle between the hours of 12:00 midnight and 5:00 a.m. upon any of the following described streets or parts of streets:

The east side of the centerline of Sherman Street from the south line of West 4 th Street south to the north line of West 3 rd Street
The north side of the centerline of West 3 rd Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Oak Drive
The north side of the centerline of West 5 th Street from the west line of Main Street west to the east line of the elementary school
The north side of the centerline of West 2 nd Street from the west line of Pearl Street to the east line of Blaine Street
The north side of the centerline of West 6 th Street from the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street
The north side of the centerline of Grainland Road from the west line of Sherman Street west to the city limits
The north side of the centerline of 3 rd Avenue from the west line of Oak Drive west to the city limits
The north side of the centerline of West 4 th Street from the west line of Main Street west to the east line of the elementary school
The west side of the centerline of Blaine Street from the south line of West 2 nd Street south to the north line of Grainland Road
The west side of the centerline of Sherman Street from the south line of West 7 th Street south to the north line West 4 th Street and from the south line of West 3 rd Street south to the city limits
The west side of the centerline of Douglas Street from the south line of West 7 th Street south to the city limits

The north side of the centerline of Clark Street from the west line of South Main Street west to the east line of South Pearl Street

The north side of the centerline of Chicago Street from the east line of South Sherman Street east to the west line of South Lincoln Street

The west side of the centerline of Lincoln Street from the north line of West 1st Street north to the south line of West 5th Street

(B) Appropriate signs shall be placed to advise the public of these prohibited parking regulations.

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 _____, 2022.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk