

**AGENDA  
CITY COUNCIL MEETING  
COUNCIL CHAMBERS – CITY HALL  
306 PEARL STREET  
April 4, 2023**

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 – March 21, 2023](#)
4. [Approval of Claims](#)
5. [Proclamation – April 28<sup>th</sup> as “Arbor Day”](#)
6. Public Hearing: [Class C Liquor License Application of McLaulvis LLC d/b/a “Good ‘Nuff Bar,” 111 E 3<sup>rd</sup> Street \(Advertised Time: 5:30 p.m.\)](#)

**Background:** McLaulvis, LLC (Stefanie McLagan, Scot Saul and Cassie Davis), d/b/a “Good ‘Nuff Bar” is making application for a Class C Liquor License for the former “Broken Antler” establishment at 111 E 3<sup>rd</sup> Street. Their full application is in the packet.

7. [Resolution 2023-25: Approving Class C Liquor License for McLaulvis LLC d/b/a “Good ‘Nuff Bar”](#)
8. [Action on a request to approve a “Partial Deed of Reconveyance” for the Wayne Area Event Center – Josie Broders](#)

**Background:** Josie Broders is selling the east side of the parcel she owns where the Beaumont is located. To do so and provide clear title to the Buyers, the City must approve a Partial Deed of Reconveyance for the LB840 loan associated with this parcel. Josie or a representative will be present to answer any questions you may have.

9. [Resolution 2023-26: Approving Agreement with McLaurry Engineering for professional engineering services relating to the “4<sup>th</sup> Street & Thorman Street Paving Project; Storm Sewer Redesign; and Design and Plan Production Projects”](#)

**Background:** This Agreement with McLaurry Engineering is for the “4<sup>th</sup> Street & Thorman Street Paving Project, Storm Sewer Redesign and Design and Plan Production Projects.” In 2022, McLaurry completed a design and plan set for paving and utility construction on 4<sup>th</sup> Street up to Centennial Road and on Thorman Street from Erin Street to 4<sup>th</sup> Street. No

bidding or construction took place on that project. In the existing design, the storm sewer trunk line was proposed to run east along the south side of 4<sup>th</sup> Street up to Centennial Road. It would then flow south along the west side of Centennial Road up to South Logan Creek where it would discharge. In an effort to coordinate with construction taking place to the south and east of this project, the City is proposing to redesign the storm sewer system to carry the water to the west along 4<sup>th</sup> Street where it will then be taken south along the existing Lot 6 and discharged into South Logan Creek via a discharge structure. The estimated total task fee for the redesign services is \$20,700.

10. [Resolution 2023-27: To approve becoming a participant of the Nebraska Cooperative Liquid Assets Securities System Trust \(“Nebraska CLASS Trust”\)](#)

**Background:** Staff has been approached by Nebraska CLASS Trust to be able to submit a bid when the City is investing funds. Nebraska CLASS or “Nebraska Cooperative Liquid Asset Security System” is an investment pool that allows all Nebraska governmental entities a secure place to invest their idle cash to make a higher rate of return while also keeping their capital liquid and accessible. Nebraska CLASS also allows local governments to pool their capital together across the state to utilize economies of scale to achieve a higher yield for their community.”

11. [Resolution 2023-28: Amending Investment and Portfolio Policy for the City of Wayne](#)

**Background:** If you approve Nebraska CLASS Trust as an entity to invest City funds, then the Investment Policy needs to be amended to include them therein.

12. [Resolution 2023-29: Authorizing the sale of 204 S Lincoln Street, 208 S Lincoln Street and 401 S Sherman Street to the Wayne Community Redevelopment Authority](#)

**Background:** The following background information is from Joel Hansen, Street and Planning Director: 401 S Sherman Street will require a Floodplain Development Permit to add a significant amount of fill before any house can be moved onto the lot since it is in the 100-year floodplain. There will also be costs for an engineer to help prepare the request to FEMA to remove the structure from the floodplain and a fee that is paid by the developer to FEMA. If there is a basement put under that house, the basement floor has to be one foot above the base flood elevation, so you are essentially building a two-story house to do that or putting it slab on grade like the other houses Kelby Herman has built down there.

In addition, per the as-built plans, the centerline of Chicago Street has an elevation of 1446 at the west end of the lot. The new base flood elevation for that area with the preliminary mapping is 1448.9. We would need to raise the lot to 1449.9, which is almost 4' above the center of that street. The current lot appears to be similar to the street in elevation, but may be slightly lower.

13. [Ordinance 2023-8: Directing the sale of 204 S Lincoln Street, 208 S Lincoln Street and 401 S Sherman Street to the Wayne Community Redevelopment Authority](#)

14. [Ordinance 2023-4: Amending Wayne Municipal Code Title XV, Land Usage, Chapter 150 Building Regulations; Construction, Section 150.31 Property Maintenance Code; to provide for the repeal of conflicting ordinances](#)

or sections; to provide for an effective date; and to provide that said ordinance be published in pamphlet form (Second Reading)

15. Ordinance 2023-5: Amending Wayne Municipal Code, Section 150.17 One- and Two-Family Dwelling Code to allow a temporary occupancy permit in A1 and A2 (remove siding requirement in these two districts) (Second Reading)
16. Ordinance 2023-6: Authorizing the issuance of Tax Supported Municipal Improvement Bonds, Series 2023, of the City of Wayne, Nebraska, in the principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000) for the purpose of paying the costs of certain capital improvements to be owned by the City; and to provide that said ordinance be published in pamphlet form (Second Reading)

**Background:** Recommendation would be to waive the third and final reading on this ordinance.

17. Ordinance 2023-7: Amending Wayne Municipal Code Title XI Business Regulations, Chapter 110 Occupation Taxes, Section 110.02 Alcoholic Liquors
18. Update on 513 Main Street (New Police and City Municipal Building Renovation Project)
19. Adjourn

**MINUTES  
CITY COUNCIL MEETING  
March 21, 2023**

The Wayne City Council met in regular session at City Hall on March 21, 2023, 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 Terri Buck, Brittany Webber, Clayton Bratcher, Jason Karsky and Matt Eischeid; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmembers Brendon Pick, Nick Muir and Jill Brodersen.

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 Eischeid made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting of March 7, 2023, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, Muir and Brodersen who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**APPROVED:** March 7, 2023: Otte Construction, Se 19566.00

**VARIOUS FUNDS:** ACE HARDWARE & HOME, SU, 735.73; AMERITAS, SE, 178.96; AMERITAS, SE, 35.00; AMERITAS, SE, 3185.88; AMERITAS, SE, 72.00; AMERITAS, SE, 99.98; APPEARA, SE, 118.02; ARC-HEALTH & SAFETY, SE, 288.00; BAKER & TAYLOR BOOKS, SU, 942.35; BIG RIVERS ELECTRIC CORPORATION, SE, 133117.73; CINTAS, SU, 246.29; CITY EMPLOYEE, RE, 133.20; CITY EMPLOYEE, RE, 227.56; CITY EMPLOYEE, RE, 101.80; CITY EMPLOYEE, RE, 268.44; CITY EMPLOYEE, RE, 46.06; CITY OF KEARNEY PUBLIC LIBRARY, SU, 6.00; CITY OF WAYNE, PY, 99338.42; COPY WRITE PUBLISHING, SE, 15.57; DANKO EMERGENCY EQUIPMENT, SE, 214.93; DAS STATE ACCTG-CENTRAL FINANCE, SE, 62.36; DINKEL'S, SU, 1254.00; FIREMAN, RE, 75.00; EAKES OFFICE PLUS, SE, 210.75; FAITH REGIONAL PHYSICIAN SERV, SE, 60.00; FASTENAL, SU, 82.35; FIREMAN, RE, 225.85; FLOOR MAINTENANCE, SU, 889.68; GALE/CENGAGE LEARNING, SU, 74.07; GRAINLAND ESTATES, RE, 1827.51; GROSSENBURG IMPLEMENT, SU, 566.85; HAWKINS, SU, 696.67; HEIKES AUTOMOTIVE, SE, 661.99; HILAND DAIRY, SE, 302.21; HYPERION, SE, 84.24; ICMA, SE, 36.84; ICMA, SE, 186.63; ICMA, SE, 160.32; ICMA, SE, 372.24; ICMA, SE, 226.66; ICMA, SE, 9299.34; ICMA, SE, 127.36; ICMA, SE, 1401.78; ICMA, SE, 70.00; ICMA, SE, 137.38; ICMA, SE, 413.68; INGRAM LIBRARY SERVICES, SU, 831.73; IOWA PUMP WORKS, SE, 5405.42; IRS, TX, 16723.18; IRS, TX, 11746.48; IRS, TX, 3911.14; JOHN'S WELDING AND TOOL, SE, 157.14; L.G. EVERIST, SU, 888.40; LUNDAHL, EARL, RE, 350.00; MICRO FOCUS, SE, 3075.75; MIDWEST TAPE, SU, 4535.17; NE DEPT OF REVENUE, TX, 5417.52; NE HARVESTORE, SU, 1273.11; NEW PIG CORPORATION, SU, 194.37; NEXT LEVEL WRESTING, RE, 150.00; OMAHA FIGHT CLUB, RE, 150.00; O'REILLY AUTOMOTIVE STORES, SU, 147.33; OVERDRIVE, SU, 495.60; PREMIER BIOTECH, SE, 102.36; SEBADE HOUSING, RE, 4783.19; US FOODSERVICE, SU, 3212.17; VARLEY, MICHAEL, RE, 35.00; VERIZON, SE, 584.28; WAYNE COUNTRY CLUB, RE, 10165.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE VETERINARY CLINIC, SE, 70.00; BLACK HILLS ENERGY, SE, 4443.46; BOMGAARS, SU, 472.61; BORDER STATES INDUSTRIES, SU, 1587.60; CARPENTER PAPER COMPANY, SU, 739.22; CITY EMPLOYEE, RE, 4200.00; CITY EMPLOYEE, RE, 81.62; CITY OF WAYNE, RE, 300.00; CORNERSTONE CONCRETE, SE, 7993.00; ED M. FELD EQUIPMENT, SU, 408.29; FASTWYRE BROADBAND, SE, 1512.16; FLOOR MAINTENANCE, SU, 108.88; HILAND DAIRY, SE, 93.02; HUBER TECHNOLOGY, SU, 1344.09; JEO CONSULTING GROUP, SE, 2610.12; MACQUEEN EQUIPMENT, SU, 1136.48; MARC JONES CONSTRUCTION, RE, 500.00; NE DEPT OF TRANSPORTATION, SE, 4935.00; NNEDD, SE, 468.75; NORTHEAST NEBRASKA NEWS, SU, 43.50; NORTHEAST POWER, SE, 18978.90; OLSSON, SE, 4200.00; STAPLES, SU, 123.13; THE MAJESTIC THEATER, SE, 800.00; TITAN MACHINERY, SU, 640.09; WAED, SE, 280.00

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

The following Ordinance will authorize the issuance of "Municipal Improvement Bonds" in the principal amount of not-to-exceed \$7,500,000.00 to use towards the cost of capital improvements.

Andy Forney, Senior Vice President Public Finance Banker with D.A. Davidson & Co., was present to explain what he referred to as a "parameters ordinance," which is specified as a not-to- exceed amount of \$7.5 million. This bond can function as a drawdown loan. When you have the actual construction costs

for any of the capital projects done, you can do permanent financing at that time. Municipal Improvement Bonds can be payable from any source of revenue that is available. They are subject to the levy limitations, but they provide municipalities with a little more flexibility. He noted that interest rates are good at this time.

Administrator Blecke advised the Council that the different projects staff is looking at are:

- Prairie Park;
- New park maintenance building;
- New city hall renovation; and
- Redesigning the 4<sup>th</sup> Street storm sewer.

Councilmember Eischeid introduced Ordinance No. 2023-6, and moved for approval thereof;

Councilmember Webber seconded.

#### ORDINANCE NO. 2023-6

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX SUPPORTED MUNICIPAL IMPROVEMENT BONDS, SERIES 2023, OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS TO BE OWNED BY THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY A SALES AND USE TAX AND PROPERTY TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF SAID TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.

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

Allison Szantor was present regarding the claim she submitted to the City's insurance carrier, EMC, in the amount of \$24,054.03 for damages sustained in the lower level of her home at 713 Pine Heights Road as a result of the City's sewer main being plugged.

The damage sustained to her basement was from a blockage that occurred several hundred feet from her house. Ms. Szantor noted that because of the length of time this has taken, ServiceMaster is now

charging interest on her unpaid bill — \$275.99. She advised the Council she now has a sewer backup rider policy that covers only up to \$10,000.

Ms. Szantor also presented an estimate for repairs to the basement in the amount of \$12,325.14.

The City's insurance carrier, EMC, after review of the same, denied her claim, as they found the City was not negligent or at fault in this incident.

Administrator Blecke further explained that in November, the City was called that there was a sewer backup at 713 Pine Heights Road. The City crew got the same unplugged, but there was damage done to Allison's basement. The plug was in the City's sewer main. About 10 days later, it started to back up again. Casey Junck, Water/Wastewater Superintendent, assumed it was tree roots. He then contacted a company to televisc the line. The company did find tree roots in the main, they cut the same, and then foamed the line. Since then, the line has been clear.

Casey Junck stated they initially got through the clog with their jetter, but tree roots act like a filter or screen, so as time goes by, the roots still catch things and plug up. You have to physically remove the tree roots to clear the line. He intends to have the company or crew that comes back in the summer to camera that line again just to make sure the roots are still gone. Every four years, the entire town is televised. The company does one-fourth of the town per year. Annually, they do a physical inspection of every manhole. He noted they have a handful of problem areas in town that they look at annually. This line was last jetted in 2020.

To prevent occurrences like this, Mr. Junck stated that homeowners can install check valves in their line. This is now required by the building code on all new homes. Another alternative is to make sure you have additional backup sewer coverage on your homeowners' insurance policy.

Attorney Miller advised the Council that if you decide to pay it in full or a portion of it, be prepared if this happens again for other citizens to come before you. If you decide to deny the claim, Ms. Szantor can always sue the City for damages.

After some discussion on the estimate presented from ServiceMaster for repairs (\$12,325.14), Council would feel more comfortable if Ms. Szantor provided them with three estimates from three

contractors for the damages/repairs to get her basement back to pre-damage condition. Ms. Szantor was advised that providing estimates did not necessarily mean that Council was going to agree to pay the same. Ms. Szantor was also asked to provide proof of her sewer backup coverage at this time.

Councilmember Bratcher had concerns in regard to approving the claim.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving to pay the sum of \$8,386.88 to ServiceMaster (initial bill and interest).

Councilmember Eischeid stated this is what he was comfortable with right now. This amount is an actual or hard number. The other number (\$12,325.14) is an estimate. In regard to the property loss, the City has nothing in writing showing that this is what each item cost. In response to Mayor Giese's question, Councilmember Eischeid stated that he was open to reimbursing Ms. Szantor for damages, but he would have to see hard numbers for material, labor, etc. Is that a guarantee that the City will take care of everything? No it is not. It is hard to come up with an exact dollar amount without having true costs.

Attorney Miller advised Council she would feel comfortable with them advising Ms. Szantor to get estimates in a timely manner and bring the same back to Council for consideration.

Mayor Giese then stated the motion. The result of roll call was all Yeas, with the exception of Councilmembers Pick, Muir and Brodersen who were absent, and Councilmember Bratcher who voted Nay. The Mayor then cast his vote in the affirmative and declared the motion carried.

Mayor Giese requested Council consideration to the appointment of Marian Clark (Resident Commissioner) to the Wayne Housing Authority.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, approving the appointment of Marian Clark (Resident Commissioner) to the Wayne Housing Authority. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, Muir and Brodersen who were absent, the Mayor declared the motion carried.

Diane Bertrand, Senior Center Director, gave a report on what is taking place at the Senior Center. George Burcham, President of the Senior Center Board, was also present.

Diane Bertand, Senior Center Coordinator, requested Council consideration to approving the submission of the Senior Center Budget to the Northeast Nebraska Area Agency on Aging. The Senior Center must apply for State funding for the meal program, and Council must approve the budget to be submitted to the Northeast Nebraska Area Agency on Aging. In addition, she requested Council action on acceptance of the new fiscal year Service Awards that have been awarded by the Area Agency and approval of any revisions made during the fiscal year to the Service Awards.

Councilmember Karsky made a motion, which was seconded by Councilmember Bratcher, approving the submission of the Wayne Senior Center's Fiscal Year 2023 detailed plan of operation and budget to the Northeast Nebraska Area Agency on Aging; acceptance of new fiscal year Service Awards that have been awarded by the Area Agency; and approval of any revisions made during the fiscal year to the Service Awards. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, Muir and Brodersen who were absent, the Mayor declared the motion carried.

The following Resolution is an annual requirement to obtain funding from the Nebraska Department of Transportation to help pay for the operating costs of the local public transportation program.

Councilmember Eischeid introduced Resolution 2023-21, and moved for its approval; Councilmember Karsky seconded.

#### RESOLUTION NO. 2023-21

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS FOR THE OPERATION OF THE WAYNE PUBLIC TRANSPORTATION SYSTEM.

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

The following Resolution is needed for the grant funds received by the State of Nebraska for the Senior Center transit program.

Councilmember Eischeid introduced Resolution 2023-22, and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-22

A RESOLUTION SUPPORTING THE APPLICATION FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS AND APPROVING LOCAL MATCH (\$41,066).

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

The following Resolution would adopt the Title VI Non-Discrimination Plan – 2023 for the City of Wayne Public Transit Program. This is a requirement to receive funding for the transit program. The last time the same was amended/adopted was in 2015.

Councilmember Karsky introduced Resolution No. 2023-23 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-23

A RESOLUTION ADOPTING TITLE VI – NON-DISCRIMINATION PLAN – 2023 FOR THE CITY OF WAYNE PUBLIC TRANSIT PROGRAM.

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

Administrator Blecke stated the following Resolution would approve an Interlocal Cooperation Act Agreement between the City and Wayne State College that pertains to the installation of a new sewer line and manholes which will serve the future college athletic and recreation dome, as well as connect to the sewer line to the southeast portion of the area where an existing lift station will be eliminated. The portions that the City will be responsible for comes to \$72,700.39. That amount represents a new sewer line extension for future city expansion, 4” of the 12” line material cost, and 50% of the installation cost.

Councilmember Eischeid introduced Resolution No. 2023-24 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-24

A RESOLUTION APPROVING INTERLOCAL COOPERATION ACT AGREEMENT BY AND BETWEEN THE CITY OF WAYNE AND THE BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES, D/B/A WAYNE STATE COLLEGE FOR THE REIMBURSEMENT OF SEWER LINE EXTENSION COSTS (\$72,700.39).

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

Mayor Giese declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Future Land Use Map of the Comprehensive Plan for the City of Wayne.

Joel Hansen, Street & Planning Director, stated the Planning Commission met on March 6, 2023, to review the "Future Land Use Map of the Comprehensive Plan." The Planning Commission has begun the process of reviewing the "Future Land Use Map" annually. The only changes from last year's review are the addition of the five industrial properties that were annexed in 2022 by Centennial Road.

Mr. Hansen noted that there is a gentleman (Harry Lindner) in the audience that wanted to address the Council in regard to a house on Main Street that is in a commercial area that is currently zoned B-1. If that house were to be damaged beyond 60% of the assessed value by fire, wind, etc., the property owner would not be able to rebuild. Mr. Lindner would like to amend the zoning. He was advised that right now, they cannot rezone that to something like a mixed use because of the future land use map.

Harry Lindner explained why he would like to change the zoning. They inherited the house (223 S Main Street) and would like to sell it. They have a buyer who is trying to get a VA loan for his family and his business (Stanley Steamer). The problem the buyer has run into is that the VA will not give him a loan because the property is zoned commercial. The VA has said that they do not loan for commercial properties, so he would like the Council to change the zoning for this property to B-3.

Trisha Peters, real estate agent with White Farmhouse Realty, explained the situation with the VA and with any lender for that matter. When a lender looks at the zoning for a property, they see it as it is zoned. In this case, the house would not be able to be rebuilt if it burned down or got destroyed past 60% of its standing value. That is a concern for a lender.

Outside of that, all of the qualifications have been met for the buyer and the other restrictions for the financing. They are requesting that the zoning be changed to B-3 or B-2 to allow for the mixed use of residential and commercial.

There was concern that this would be spot zoning. However, the main concern is that the future land use map would have to be modified, because at this time, it is shown as commercial, and B-3 is a mixed use. The first step would be amending the future land use map. Right now, the City's zoning, as well as the future land use map, are reflecting the City wants business in this area.

Street and Planning Director Hansen also noted he was just made aware of the home occupation business, so he was unsure whether or not it would be allowed. He noted that this issue came about after the Planning Commission approved the Land Use Map. He cautioned the Council not to confuse the zoning map with the future land use map.

Mayor Giese stated this is a complex issue for the Council to make a decision this evening.

Discussion concerning the amendment of the Future Land Use Map should go back before the Planning Commission. The rezoning request could go hand in hand with that at the Planning Commission meeting. It was noted that the soonest this could be heard by the Planning Commission would be at their May meeting.

To continue with the public hearing matter, it was noted the Planning Commission recommended approval of this Future Land Use Map, with the "Finding of Fact" being staff's recommendation.

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

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

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to table action on Ordinance No. 2023-3 until the Planning Commission has an opportunity to review some of the previously addressed concerns. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, Muir and Brodersen who were absent, the Mayor declared the motion carried.

The following ordinance would add a "violation penalty" provision to the Property Maintenance Code. Joel Hansen, Street and Planning Director, stated adding this provision will provide the Problem

Resolution Team with some leverage when property owners do not follow through with the complaint process.

Councilmember Eischeid, who is a member of the Problem Resolution Team, was in favor of this amendment.

Councilmember Karsky introduced Ordinance No. 2023-4, and moved for approval thereof; Councilmember Webber seconded.

#### ORDINANCE NO. 2023-4

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.31 PROPERTY MAINTENANCE CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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

The following Ordinance would amend the City Code to remove siding requirements in the A-1 and A-2 zoning districts when getting a temporary occupancy permit. Exterior siding will only be required in any R or B District.

Councilmember Eischeid introduced Ordinance No. 2023-5, and moved for approval thereof; Councilmember Karsky seconded.

#### ORDINANCE NO. 2023-5

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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

Greg Ptacek, representing Johnnie Byrd Brewing Company, was present to request Council consideration to amending the City Code regarding liquor license occupation taxes that are collected by the City. Johnny Byrd Brewing Company now has three liquor licenses: Class C (on and off sale), Class LK (Craft Brewery) and Class Z (Microdistillery). The license fees for the same are \$300, \$350 and \$250 respectively. This is the first year he will have three licenses. The City, by State Statute and City Code, collects an occupation tax double the license fee, which means an additional \$600, \$700 and \$500 respectively. Mr. Ptacek has requested that Council give consideration to reducing the amount of the occupation taxes.

Staff is proposing City Code be amended to add the following language:

**If a liquor license holder of the city has more than one type of liquor license for the establishment at the same address, the occupation tax for said liquor license will be two times the amount of the highest license fee established by the State Liquor Control Commission.**

If approved, Johnnie Byrd would pay \$700 instead of \$1,800. The City cannot do anything regarding the license fee, only the occupation tax.

Councilmember Karsky introduced Ordinance No. 2023-7, and moved for approval thereof; Councilmember Bratcher seconded.

#### ORDINANCE NO. 2023-7

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XI BUSINESS REGULATIONS, CHAPTER 110 OCCUPATION TAXES, SECTION 110.02 ALCOHOLIC LIQUORS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Discussion took place regarding the request of the Community Redevelopment Authority (CRA) to purchase the following properties upon which to place three houses that are being given to them by Wayne State College: 204 S Lincoln Street, 208 S Lincoln Street and 401 S Sherman Street.

Administrator Blecke stated Wayne State College has three houses on campus that the Foundation currently owns. The Foundation will be transferring that property to the College so the College can put up a suite-style dormitory. The Foundation has approached the CRA and asked if they would like those houses at no cost and then move them, at their cost, to a different location. The CRA has talked about this at a couple of meetings. At the CRA's meeting today, they voted to pursue the houses, contingent upon finding a moving company that would move up to three houses in the timeframe that the College is wanting. What the CRA is asking from the City is if the City is open to the idea of gifting them some of the lots on Chicago Street.

Mayor Giese stated there are three houses currently on the tax rolls. If the City/CRA does nothing, they are not only going to be demolished, but their land will also be taken over for a dormitory which means that the land itself will not be on the tax roll. If the CRA does get all three, there will be moving costs and construction costs. However, the infrastructure is in place, and there is no tax increment financing associated with this. Is the City willing to lend money to the CRA in a gamble that they would break even or lose enough money that it would be worth it to them in future revenue to do so?

Mr. Ptacek, a member of the CRA, stated that Jon Meyer estimated it would cost around \$210,000 per house to get the houses moved and a basement dug so they are ready to sell. The CRA has met their 3-5 year plan in a year and a half. The nicest house (the Alumni House), might fit on a lot across the street from the College (old armory property) that the CRA owns. He noted that the CRA will be looking for different funding sources at budget time so they can become a little more self-sufficient.

Administrator Blecke stated he will work on a proposal to send to some moving companies.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to entertain the idea to sell these properties (204 S Lincoln Street, 208 S Lincoln Street and 401 S Sherman Street) to the Community Redevelopment Authority. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, Muir and Brodersen who were absent, the Mayor declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:58 p.m.



Vendor	Payable Description	Payment Total
ACES	WIND ENERGY SERVICE AGREEMENT	1,093.66
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	3,292.14
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	115.00
AMERITAS LIFE INSURANCE	AMERITAS ROTH	35.00
AMERITAS LIFE INSURANCE	AMERITAS ROTH	178.46
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
APPEARA	LINEN & MAT SERVICE	73.50
APPEARA	MAT SERVICE	39.16
CARHART LUMBER COMPANY	WET/DRY FILTER/BATTERIES/RIVET SWIVEL	68.10
CIRBA SOLUTIONS SERVICES	BATTERY BUCKET	102.00
CITY EMPLOYEE	VISION REIMBURSEMENT	38.00
CITY EMPLOYEE	SAFETY BOOT REIMBURSEMENT	175.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	1,757.66
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	81.68
CITY EMPLOYEE	SAFETY BOOTS REIMBURSEMENT	159.44
CITY OF WAYNE	PAYROLL	99,229.98
CITY OF WAYNE	UTILITY REFUND	652.10
COMMUNITY REDEVELOPMENT AUTHORITY	LINE OF CREDIT DRAW	12,000.00
CORE & MAIN LP	REMOTE WIRE	466.08
CUB SCOUTS PACK 174	AUDITORIUM DEPOSIT REFUND	200.00
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DEARBORN LIFE INSURANCE COMPANY	VFD INSURANCE	86.00
DICKEY, BILL	AUDITORIUM DEPOSIT REFUND	200.00
DUTTON-LAINSON COMPANY	BACK PLATE FOR WATER ERT	133.53
EAKES OFFICE PLUS	COPY CHARGES	2,556.02
ED M. FELD EQUIPMENT CO INC	FIRE GLOVES	105.50
ELLIS HOME SERVICES	LIBRARY SINK/WATER HEATER REPAIR	832.93
FAIRFIELD INN - KEARNEY	LODGING-RURAL WATER CONFERENCE	659.70
FASTENAL CO	EAR PLUGS	73.33
FIRST CONCORD GROUP LLC	FLEX FEES	4,284.64
GALE/CENGAGE LEARNING	BOOKS	50.03
GLOVER PAINTING LLC	PATCH,CAULK AND PAINT WALLS	8,968.05
GROSSENBURG IMPLEMENT INC	WHEEL/BOLTS/VALVE	78.46
GROSSENBURG IMPLEMENT INC	HONDA LAWN MOWER/V-BELTS	1,226.77
HAWKINS, INC	BIO-KAT POLYMER SEWAGE ADDITIVE	2,352.02
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	173.37
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	131.64
HYDRO OPTIMIZATION	WELL 9 PCL	1,932.24
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	9,178.70
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	2,199.73
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	166.28
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	186.63

Vendor	Payable Description	Payment Total
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	137.38
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	36.84
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	127.36
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	372.24
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	413.68
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	70.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	226.66
IRS	MEDICARE WITHHOLDING	3,935.62
IRS	FEDERAL WITHHOLDING	12,075.10
IRS	FICA WITHHOLDING	16,828.20
J.P. COOKE COMPANY	CAT/DOG LICENSE TAGS	221.95
JEO CONSULTING GROUP	WHOLESALE POWER & GENERATION CAPACITY OPTIONS	2,790.00
KAI, STACEY	SOCCER REFUND	30.00
L.G. EVERIST	CRUSHED QUARTZITE	863.48
MAIN STREET GARAGE, LLC	2018 CARAVAN AIR BAG SENIOR REPAIRS	714.76
MARCO INC	COPIER LEASE	175.92
MARCO TECHNOLOGIES LLC	COPIER LEASE	180.50
MARRIOTT HOTELS	LODGING MMPP ENERGY CONFERENCE	440.00
MIDWEST TAPE LLC	AUDIO BOOKS	227.96
MILLER PAINTING & DECORATING, INC.	50% DEPOSIT ON SANDBLASTING & PAINTING PIPE	9,712.50
MUNICIPAL SUPPLY INC	FITTINGS	515.81
NDEE-FISCAL SERVICES	POOL OPERATOR CERTIFICATE	40.00
NE DEPT OF REVENUE	STATE WITHHOLDING	5,476.51
NE HARVESTORE	FLEX PINS FOR BUCKET TEETH	68.80
NE PUBLIC HEALTH ENVIRONMENTAL LAB	FLUORIDE/COLIFORM TESTING	142.00
O'REILLY AUTOMOTIVE STORES, INC.	TENSIONER/V-BELT	89.55
PIP MARKETING, SIGNS & PRINT	25,000 UTILITY ENVELOPES	2,197.06
POSTMASTER	POSTAGE ON UTILITY BILLS	1,032.00
ROBERT WOehler & SONS	BUILDING PERMIT DEPOSIT REFUND	500.00
SARGENT DRILLING	WEST HIGH SERVICE PUMP REPAIRS	19,249.84
ServiceMASTER Of Sooland	SEWER CLAIM	8,110.89
STATE NEBRASKA BANK-PETTY CASH	LIBRARY PETTY CASH	108.53
STURM, MIKE	BUILDING PERMIT & DEPOSIT REFUND	195.00
T & S TRUCKING	TRANSPORT CRUSHED QUARTZITE ROCK	562.40
TEEL, EMMA	AUDITORIUM DEPOSIT REFUND	200.00
TOM'S BODY & PAINT SHOP	HANDIVAN DOOR HINGE	201.87
VEL'S BAKERY	WASTE WATER TRAINING MEETING -DONUTS	75.00
VIAERO WIRELESS	TRANSIT VAN CELL PHONE	69.88
VOLKMAN PLUMBING & HEAT	HEATING REPAIRS	294.00
WAYNE DIRT DEVILS	AUDITORIUM DEPOSIT REFUND	200.00
WISNER WEST	FD GASOLINE	169.56
	<b>Grand Total:</b>	<b>244,931.38</b>

CITY OF WAYNE  
OFFICE OF THE MAYOR

**Proclamation**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Wayne has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

NOW, THEREFORE, I, Cale Giese, Mayor of the City of Wayne, Nebraska, do hereby proclaim

**April 28, 2023, as ARBOR DAY**

in the City of Wayne, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands and to support our City's urban forestry program.

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Wayne, Nebraska, to be affixed this 4<sup>th</sup> day of April, 2023.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Cale Giese, Mayor

ATTEST:

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

**RESOLUTION NO. 2023-25**

WHEREAS, McLaulvis, LLC, d/b/a “Good ‘Nuff Bar,” made application to the Nebraska Liquor Control Commission for a Retail Class C Liquor License at 111 E. 3<sup>rd</sup> Street, Wayne, Wayne County, Nebraska; and

WHEREAS, said application has been forwarded to the City of Wayne for public hearing and recommendation by the City Council; and

WHEREAS, notice of hearing on said application was published in one issue of the Wayne Herald on March 23, 2023; and

WHEREAS, a hearing was held on April 4, 2023, and all persons desiring to present evidence for or against said application were heard.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the application of the license aforementioned be recommended for approval to the Nebraska Liquor Control Commission.

PASSED AND APPROVED this 4<sup>th</sup> day of April, 2023.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

RECOMMENDATION OF THE NEBRASKA LIQUOR CONTROL COMMISSION

**KF**

Date Mailed from Commission Office: 3-10-2023

I, \_\_\_\_\_ Clerk of \_\_\_\_\_  
(City, Village or County)

Nebraska, hereby report to the Nebraska Liquor Control Commission in accordance with Revised Statutes of Nebraska, Chapter 53, Sec. 134 (7) the recommendation of said city, village or county, as the case may be relative to the application for a license under the provisions of the Nebraska Liquor Control Act as applied for by:

MCLAULVIS LLC dba GOOD 'NUFF BAR  
111 E 3RD ST, WAYNE / WAYNE County, 68787

Application for Class C 125568  
45 days – 4-24-2023

1. Notice of local hearing was published in a legal newspaper in or of general circulation in city, village or county, one time not less than 7 nor more than 14 days before time of hearing.

Check one Yes  No

The Statutes require that such hearing shall be held not more than 45 days after the date of receipt of this notice from the Commission.

2. Local hearing was held not more that 45 days after receipt of notice from the Nebraska Liquor Control Commission.

Check one Yes  No

3. Date of hearing of Governing Body: \_\_\_\_\_

4. Type or write the Motion as voted upon by the Governing Body. If additional Motions are made by the Governing Body, then use an additional page and follow same format.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Motion was made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

6. Roll Call Vote: \_\_\_\_\_

7. Check one: The motion passed: \_\_\_\_\_ The motion failed: \_\_\_\_\_

8. If the motion is for recommendation of denial of the applicant, then list the reasons of the governing body upon which the motion was made.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attached additional page if necessary)

\_\_\_\_\_  
Clerk's name DATE \_\_\_\_\_

# APPLICATION FOR LIQUOR LICENSE CHECKLIST RETAIL

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
EMAIL: [lcc.frontdesk@nebraska.gov](mailto:lcc.frontdesk@nebraska.gov)  
WEBSITE: [www.lcc.nebraska.gov](http://www.lcc.nebraska.gov)

License Class: C

License Number:  
**125568**



**Office Use Only**

NEW  REPLACING \_\_\_\_\_ TOP Yes  No

Hot List Yes / No 200001624 Hearing Costs Initial: KF

## PLEASE READ CAREFULLY

See directions on the next page. Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

APPLICANT NAME McLaulvis LLC

TRADE (DBA) NAME Good 'Nuff Bar

PREVIOUS TRADE (DBA) NAME \_\_\_\_\_

CONTACT NAME AND PHONE NUMBER Scot Saul

CONTACT EMAIL ADDRESS goodnuffbar23@gmail.com

Crum hx Purch Agree  
Hotlist #0176

PAYMENT TYPE <u>Payport</u> AMOUNT <u>\$400.00</u> RECEIVED <u>3/3/23</u> DATE DEPOSITED _____	<p>2300002328</p>
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# DIRECTIONS

Each item must be included with your application

1. Application fee of \$400 (nonrefundable), please pay online thru our PAYPORT system or enclose payment made payable to the Nebraska Liquor Control Commission
2. Enclose the appropriate application forms
  - Individual License (Form 104)
  - Partnership License (Form 105)
  - Corporate License (Form 101 & Form 103)
  - Limited Liability Company (LLC) (Form 102 & Form 103)Corporation or Limited Liability Company (LLC) must be active with the Nebraska Secretary of State
3. For citizenship enclose U.S. birth certificate; U.S. passport or naturalization paper
  - a. For residency enclose proof of registered voter in Nebraska
  - b. If permanent resident include Employment Authorization Card or Permanent Resident Card
  - c. See Applicant Guidelines for further assistance
4. Form 147 - Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures".
5. If purchasing an already licensed business; include Form 125—Temporary Operating Permit (TOP)
  - a. Form 125 must be signed by the seller (current licensee) and the buyer (applicant)
  - b. Provide a copy of the business purchase agreement from the seller (current licensee sells "the business currently licensed" to applicant)
  - c. Provide a copy of alcohol inventory being purchased (must include quantity, brand name and container size)
  - d. Enclose a list of the assets being purchased (furniture, fixtures and equipment)
6. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
7. If building is being leased, send a copy of signed lease in the name of the applicant. Lease term must run through the license year being applied for.
8. Submit a copy of your business plan.

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES  
CHECK DESIRED CLASS**

RETAIL LICENSE(S) Application Fee \$400 (nonrefundable)

**CLASS C LICENSE TERM IS FROM NOVEMBER 1 – OCTOBER 31**

**ALL OTHER CLASSES TERM IS MAY 1 – APRIL 30**

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY\*\*
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE\*\*  
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(4) YES  NO
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY\*\*
- F BOTTLE CLUB,
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY  
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(5) YES  NO
- J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- Class K Catering endorsement (Submit Form 106) – Catering license (K) expires same as underlying retail license
- Class G Growler endorsement (Submit Form 165) – Class C licenses only

\*\*Class B, Class C, Class D license do you intend to allow drive through services under Neb Rev. Statute 53-178.01(2) YES  NO

**ADDITIONAL FEES WILL BE ASSESSED AT THE CITY/VILLAGE OR COUNTY LEVEL WHEN THE LICENSE IS ISSUED**

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**CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING**

- Individual License (requires insert FORM 104)
- Partnership License (requires insert FORM 105)
- Corporate License (requires FORM 101 & FORM 103)
- Limited Liability Company (LLC) (requires FORM 102 & FORM 103)

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)**

Name \_\_\_\_\_ Phone Number \_\_\_\_\_

Firm Name \_\_\_\_\_

Email address \_\_\_\_\_

Should we contact you with any questions on the application? YES \_\_\_\_\_ NO \_\_\_\_\_

**PREMISES INFORMATION**

Trade Name (doing business as) Good 'Nuff Bar

Street Address 111 E 3rd St

City Wayne County Wayne 27 Zip Code 68787

Premises Telephone number TBD

Business e-mail address goodnuffbar23@gmail.com

Is this location inside the city/village corporate limits YES X NO \_\_\_\_\_

+ 2038

**MAILING ADDRESS (where you want to receive mail from the Commission)**

Check if same as premises

Name McLaulvis LLC

Street Address 1016 W 2nd Ave

City Wayne State NE Zip Code 68787

+1623

**DESCRIPTION AND DIAGRAM OF THE AREA TO BE LICENSED**

IN THE SPACE PROVIDED BELOW DRAW OR ATTACH A DIAGRAM OF THE AREA TO BE LICENSED  
DO NOT SEND BLUEPRINTS, ARCHITECT OR CONSTRUCTION DRAWINGS  
PROVIDE LENGTH X WIDTH IN FEET (NOT SQUARE FOOTAGE)  
INDICATE THE DIRECTION OF NORTH

Building length 40 x width 25 in feet

Is there a basement? Yes X No \_\_\_\_\_ If yes, length 40 x width 25 in feet

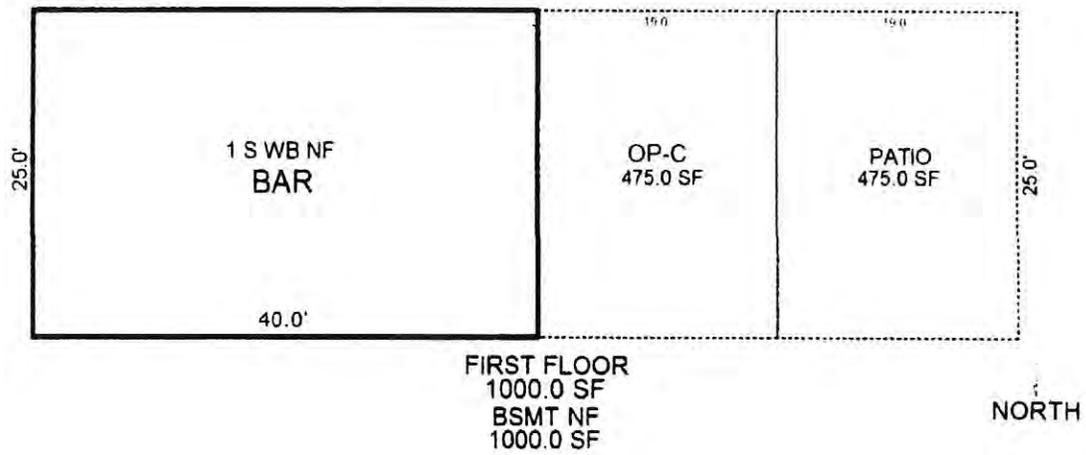
Is there an outdoor area? Yes X No \_\_\_\_\_ If yes, length 38 x width 25 in feet+

\*If including an outdoor area permanent fencing is required. Please contact the local governing body for other requirements regarding fencing

Number of floors of the building 1

**PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET**

see attached



OP-C = Outdoor Patio - Covered

**APPLICANT INFORMATION**

**1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES  NO If yes, please explain below or attach a separate page

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
Scot Saul	06/2007	Ord, NE	Speeding	guilty

2. Was this premise licensed as liquor licensed business within the last two (2) years?

YES  NO

If yes, provide business name and license number M Hammer LLC 123688

3. Are you buying the business of a current retail liquor license?

YES  NO

If yes, give name of business and liquor license number \_\_\_\_\_

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

YES  NO

If yes

a) Attach temporary operating permit (TOP) (Form 125)

a) Submit a copy of the business purchase agreement \_\_\_\_\_

b) Include a list of alcohol being purchased, list the name brand, container size and how many \_\_\_\_\_

c) Submit a list of the furniture, fixtures and equipment \_\_\_\_\_

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

YES  NO

If yes, list the lender(s) Elkhorn Valley Bank & Trust

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES  NO

If yes, explain. (all involved persons must be disclosed on application)

**No silent partners** 019.01E Silent Partners; Profit Sharing: No licensee or partner, principal, agent or employee of any Retail Liquor License shall permit any other person not licensed or included as a partner, principal, or stockholder of any Retail Liquor License to participate in the sharing of profits or liabilities arising from any Retail Liquor License. (53-1,100)

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES  NO

If yes, list such item(s) and the owner. \_\_\_\_\_

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for indigent persons or for veterans, their wives, and children; or within 300 feet of a college or university campus?

YES  NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Nebraska Revised Statute 53-177(1) **AND PROVIDE FORM 134 – CHURCH OR FORM 135 – CAMPUS AND LETTER OF SUPPORT FROM CHURCH OR CAMPUS**

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties. (Nebraska Revised Statute 53-125(15))

YES  NO

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.

a) List the individual(s) who are authorized to write checks and/or withdrawals on accounts at this institution.

F&M Bank, Auth Signers: Scot Saul, Stefanie McLagan, Cassie Davis

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

Cassie Davis ID - 080658 - termination due to divorce & closing bar  
McLock, WEE@ La Cocina

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

**NLCC certified training program completed**

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

**Experience**

Applicant Name/Job Title	Date of Employment	Name & Location of Business
Cassie Davis	2003	The Saloon Too, Laurel, NE
Cassie Davis	2011	La Cocina, McCook, NE

13. If the property is owned, submit a copy of the deed or proof of ownership. If leased, submit a copy of the lease covering the entire license year.

**Documents must be in the name of applicant as owner or lessee**

Lease expiration date \_\_\_\_\_  
 Deed \_\_\_\_\_  
 Purchase Agreement \_\_\_\_\_

14. When do you intend to open for business? April 2023

15. What will be the main nature of business? alcohol sales

16. What are the anticipated hours of operation? 5pm - 2am

17. List the principal residence(s) for the past 10 years for **ALL** persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS					
APPLICANT CITY & STATE	YEAR		SPOUSE CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Cassie Davis, Wayne, NE	2013	2023			
Scot Saul, Wayne, NE	2013	2023			
Stefanie McLagan, Wayne, NE	2013	2022			
Stefanie McLagan, Mechanicsville, IA	2022	2022			
Stefanie McLagan, Wayne, NE	2022	2023			

If necessary, attach a separate sheet

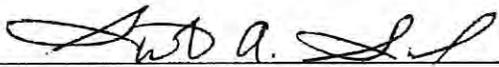
**PERSONAL OATH AND CONSENT OF INVESTIGATION  
SIGNATURE PAGE – PLEASE READ CAREFULLY**

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

***Applicant Notification and Record Challenge:** Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.*

**Must be signed by all applicant(s) and spouse(s) owning more than 25%  
(YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)**

  
\_\_\_\_\_  
Signature of **APPLICANT**

Scot A. Saul  
\_\_\_\_\_  
Printed Name of **APPLICANT**

\_\_\_\_\_  
Signature of **SPOUSE**

\_\_\_\_\_  
Printed Name of **SPOUSE**

  
\_\_\_\_\_  
Signature of **APPLICANT**

Stefanie McLagan  
\_\_\_\_\_  
Printed Name of **APPLICANT**

\_\_\_\_\_  
Signature of **SPOUSE**

\_\_\_\_\_  
Printed Name of **SPOUSE**

**PERSONAL OATH AND CONSENT OF INVESTIGATION  
SIGNATURE PAGE – PLEASE READ CAREFULLY**

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

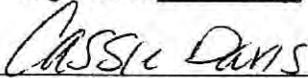
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(YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)**



Signature of APPLICANT



Printed Name of APPLICANT

Signature of SPOUSE

Printed Name of SPOUSE

Signature of APPLICANT

Printed Name of APPLICANT

Signature of SPOUSE

Printed Name of SPOUSE

**LIMITED LIABILITY COMPANY (LLC)**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
EMAIL: [lcc.frontdesk@nebraska.gov](mailto:lcc.frontdesk@nebraska.gov)  
WEBSITE: [www.lcc.nebraska.gov](http://www.lcc.nebraska.gov)

License  
Class: \_\_\_\_\_

License Number: \_\_\_\_\_



**INSTRUCTIONS**

1. All members and spouses must be listed
2. Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the application
3. Managing/Contact member and all members holding over 25% interest and their spouses must submit fingerprints. See Form 147 for further information
4. Attach copy of Articles of Organization

**Name of Limited Liability Company that will hold license as listed on the Articles of Organization**

**McLaulvis LLC**

Name of Registered Agent: Scot Saul

LLC Address: 1016 W 2nd Ave

City: Wayne State: NE Zip Code: 68787 +1623

LLC Phone Number: 402-613-9951 LLC Fax Number: N/A

**Name of Managing/Contact Member**

Name and information of contact member must be listed on following page

Last Name: Saul First Name: Scot MI: A

Home Address: 1016 W 2nd Ave City: Wayne

State: NE Zip Code: 68787 +1623 Home Phone Number: 402-613-9951

Signature of Managing/Contact Member

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Saul First Name: Scot MI: A  
Social Security Number: [REDACTED] Date of Birth: [REDACTED]  
Spouse Full Name (indicate N/A if single): N/A  
Spouse Social Security Number: N/A Date of Birth: N/A  
Percentage of member ownership 33.33%

---

Last Name: Davis First Name: Cassie MI: J  
Social Security Number: [REDACTED] Date of Birth: [REDACTED]  
Spouse Full Name (indicate N/A if single): N/A  
Spouse Social Security Number: N/A Date of Birth: N/A  
Percentage of member ownership 33.33%

---

Last Name: McLagan First Name: Stefanie MI: L  
Social Security Number: [REDACTED] Date of Birth: [REDACTED]  
Spouse Full Name (indicate N/A if single): N/A  
Spouse Social Security Number: N/A Date of Birth: N/A  
Percentage of member ownership 33.33%

---

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Spouse Full Name (indicate N/A if single): \_\_\_\_\_  
Spouse Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Percentage of member ownership \_\_\_\_\_

Is the applying Limited Liability Company owned 100% by another corporation/LLC?

YES  NO

If yes, Form 185 is required

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non Profit Corporation?

YES  NO

If yes, provide the Federal ID #. \_\_\_\_\_

# Nebraska Secretary of State

## MCLAULVIS, LLC

Fri Mar 10 11:23:40 2023

<b>SOS Account Number</b>
2302078113
<b>Status</b>
Active

**Principal Office Address**

No address on file

**Registered Agent and Office Address**

SCOT SAUL  
1016 WEST 2ND AVE.  
WAYNE, NE 68787

**Designated Office Address**

1016 WEST 2ND AVE.  
WAYNE, NE 68787

**Nature of Business**

Not Available

**Entity Type**

Domestic LLC  
Qualifying State: NE

**Date Filed**

Feb 13 2023

**Next Report Due Date**

Jan 01 2025

### Associated Entities

Account Number	Name	Type	Status
2303099072	GOOD 'NUFF BAR	Trade Name	Active

### Filed Documents

Filed documents for MCLAULVIS, LLC may be available for purchase and downloading by selecting the Purchase Now button. Your Nebraska.gov account will be charged the indicated amount for each item you view. If no Purchase Now button appears, please contact Secretary of State's office to request document(s).

Document	Date Filed	Price	
Certificate of Organization	Feb 13 2023	\$0.45 = 1 page(s) @ \$0.45 per page	<input type="button" value="Purchase Now"/>
Proof of Publication	Mar 08 2023	\$0.45 = 1 page(s) @ \$0.45 per page	<input type="button" value="Purchase Now"/>

### Good Standing Documents

- If you need your Certificate of Good Standing Apostilled or Authenticated for use in another country, you must contact the Nebraska Secretary of State's office directly for information and instructions. Documents obtained from this site cannot be Apostilled or Authenticated.

**Online Certificate of Good Standing with Electronic Validation**

**\$6.50**

This certificate is available for immediate viewing/printing from your desktop. A Verification ID is provided on the certificate to validate authenticity online at the Secretary of State's website.

[Purchase Now](#)

---

**Certificate of Good Standing - USPS Mail Delivery**

**\$10.00**

This is a paper certificate mailed to you from the Secretary of State's office within 2-3 business days.

[Continue to Order](#)

[↑ Back to Top](#)

**MANAGER APPLICATION  
FORM 103**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
EMAIL: [lcc.frontdesk@nebraska.gov](mailto:lcc.frontdesk@nebraska.gov)  
WEBSITE: [www.lcc.nebraska.gov](http://www.lcc.nebraska.gov)

License  
Class: \_\_\_\_\_

License Number: \_\_\_\_\_



**MANAGER MUST:**

- Be at least 21-years of age
- Complete all sections of the application.
- Form must be signed by a **member or corporate officer**
- Include Form 147 –Fingerprints are required
- Provide a copy of one of the following: US birth certificate. US Passport or naturalization papers
- Be a resident of the state of Nebraska and be a registered voter in the State of Nebraska.
- Spouse who **will** participate in the business, the **spouse must meet the same requirements as the manager applicant:**

Spouse who **will not** participate in the business

- Complete the Spousal Affidavit of Non Participation (Form 116). **Be sure to complete both halves of this form.**

**CORPORATION/LLC INFORMATION**

Name of Corporation/LLC: McLaulvis, LLC

**PREMISES INFORMATION**

Premises Trade Name/DBA: Good 'Nuff Bar

Premises Street Address: 111 E 3rd St

City: Wayne County: Wayne Zip Code: 68787 +2038

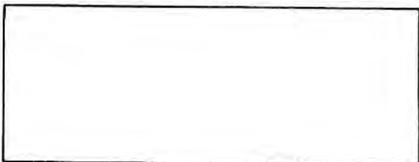
Premises Phone Number: tbd

Premises Email address: goodnuffbar23@gmail.com

A handwritten signature in black ink, appearing to be "J. D. G.", written over a horizontal line.

**SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER**

The individual whose name is listed as a corporate officer or managing member as reported or listed with the Commission.



**MANAGER INFORMATION**

Last Name: Saul First Name: Scot MI: A

Home Address: 1016 W 2nd Ave

City: Wayne County: Wayne Zip Code: 68787 +1623

Home Phone Number: 402-613-9951

Driver's License Number: [REDACTED]

Social Security Number: [REDACTED]

Date of Birth: [REDACTED] Place of Birth: Tilden, NE

Email address: scotsaul82@gmail.com

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

YES  NO

**Spouse's information**

Spouses Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

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

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Wayne, NE	2012	2023			

**MANAGER'S LAST TWO EMPLOYERS**

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2010	2023	F&M Bank	Tim Keller / Matt Jones	402-375-2043
2005	2010	TierOne Bank	Judy Vitosh-Wallman	402-239-2320

**1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

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

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

YES       NO

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

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Scot A Saul	06/2007	Ord, NE	Speeding	guilty

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

YES       NO

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

\_\_\_\_\_

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

YES       NO

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

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

\*For list of NLCC Certified Training Programs see [training](#)

Experience:

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

5. Have you enclosed Form 147 regarding fingerprints?

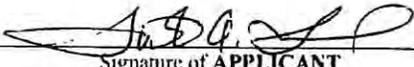
YES       NO

**PERSONAL OATH AND CONSENT OF INVESTIGATION  
SIGNATURE PAGE – PLEASE READ CAREFULLY**

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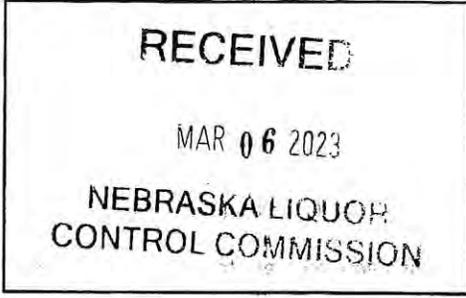
**Must be signed by applicant and spouse.**

  
\_\_\_\_\_  
Signature of **APPLICANT**  
  
Scott A. Saul  
\_\_\_\_\_  
Printed Name of **APPLICANT**

N/A  
\_\_\_\_\_  
Signature of **SPOUSE**  
  
N/A  
\_\_\_\_\_  
Printed Name of **SPOUSE**

**PRIVACY ACT STATEMENT/  
SUBMISSION OF FINGERPRINTS /  
PAYMENT OF FEES TO NSP-CID**

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



**THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:  
DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of **\$45.25 per person** **MUST** be made **DIRECTLY** to the Nebraska State Patrol;  
It is recommended to make payment through the **NSP PayPort** online system at [www.ne.gov/go/nsp](http://www.ne.gov/go/nsp)  
Or a check made payable to **NSP** can be mailed directly to the following address:  
**\*\*\*Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License\*\*\***  
The Nebraska State Patrol – CID Division  
4600 Innovation Drive  
Lincoln, NE 68521

- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID  
*Applicant(s) will not have cards to include with license application.*
- Fingerprints taken at local law enforcement offices may be released to the applicants;  
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**\*\*\*\*Please Submit this form with your completed application to the Liquor Control Commission\*\*\*\***

Trade Name Good 'Nuff Bar

Name of Person Being Fingerprinted: Scot A Saul

Date of Birth: [REDACTED] Last 4 SSN: [REDACTED]

Date fingerprints were taken: 2-21-23

Location where fingerprints were taken: NSP - Norfolk, NE

How was payment made to NSP?  
 NSP PAYPORT     CASH     CHECK SENT TO NSP CK # \_\_\_\_\_

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

[Signature]

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

Deb Finn  
1402J 373-2288  
County Clerk  
510 N Pearl, Ste 5  
Wayne, NE 68787

**Return Service Requested**



**Acknowledgement & Verification of Registration**

**Precinct:** Fourth Ward  
**Polling Place:** Party: REP  
Dist 1 County Shop - Ward 4  
515 Thorman  
Wayne

U.S. Congressional District 3  
Legislative District 17  
Lower Elkhorn NRD SubD 5  
Wayne Community Schools  
Wayne Council Ward 4  
Commissioner Dist #3

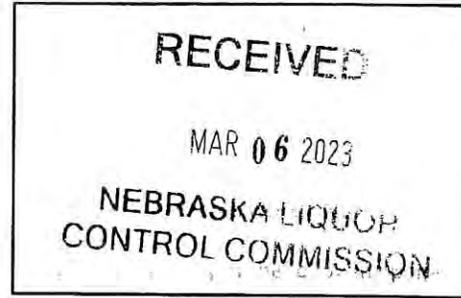
Wayne County, State of Nebraska

718860

Scot A Saul  
1016 W 2nd Ave  
Wayne, NE 68787

**PRIVACY ACT STATEMENT/  
SUBMISSION OF FINGERPRINTS /  
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
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The Nebraska State Patrol – CID Division  
4600 Innovation Drive  
Lincoln, NE 68521

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*Fingerprint cards should be submitted with the application.*

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\*\*\*\*Please Submit this form with your completed application to the Liquor Control Commission\*\*\*\*

Trade Name Good 'Nuff Bar

Name of Person Being Fingerprinted: Cassie J Davis

Date of Birth:                      Last 4 SSN:                     

Date fingerprints were taken: 2-21-23

Location where fingerprints were taken: NSP - Norfolk, NE

How was payment made to NSP?

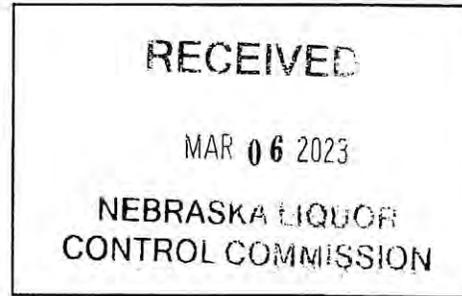
NSP PAYPORT  CASH  CHECK SENT TO NSP CK #                     

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

**PRIVACY ACT STATEMENT/  
SUBMISSION OF FINGERPRINTS /  
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
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\*\*\*\*Please Submit this form with your completed application to the Liquor Control Commission\*\*\*\*

Trade Name Good 'Nuff Bar

Name of Person Being Fingerprinted: Stefanie L McLagan

Date of Birth:                      Last 4 SSN                     

Date fingerprints were taken: 2-21-23

Location where fingerprints were taken: NSP - Norfolk, NE

How was payment made to NSP?

NSP PAYPORT  CASH  CHECK SENT TO NSP CK #                     

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

Good 'Nuff Bar is a place that's good enough for us, good enough for you. It's a place where anyone and everyone, of age, can come in and feel at home. We want to accommodate everyone as much as we can. We are going to offer many different types of liquor, beer, and seltzers and also daily drink specials. We will have themed nights to bring people in, such as game nights, dress up themes, and celebrate people's birthdays, also live music. We are looking to bring in every kind of patron, young and old, nerds and geeks, and all social classes.

Good 'Nuff Bar is under McLaulvis, LLC. Owners are Stefanie McLagan, Scot Saul and Cassie Davis. Our hours of operation are open every day of the week, 5 p.m. to 2 a.m. We will offer snack foods such as popcorn and chips. We will have cigarettes to sell, as well as t shirts with our logo. With high credit cards fees, we feel it will be beneficial to have an ATM available to patrons during business hours, for them to use cash and not credit/debit cards. We also have an enclosed patio to the west that will be where people can smoke, just sit outside and enjoy the nice weather, or listen to live music.

We will be looking for 4-5 bartenders to start and increase as needed. We, as owners, will be working as well, when we are available. We will have training sessions on bartending, cleaning, and the opening and closing of the bar. We want our staff to be trained on every shift, in case coverage is needed on a shift they are not used to working. Knowing as much as you can, makes the job that much easier for everyone.

Improvements we would like to make to the establishment right away include, new flooring, expanding the bar counter to the east, a new camera system, and a new fence for the patio area. The flooring now is old carpet, we would like to put in a vinyl plank to make it easier to clean and more sanitary. Expanding the bar to the east, would add more space for the patrons to sit and also add room for another under counter cooler and another sink station, to keep things flowing when busy. We would like to have an updated camera system to keep track of people going in and out, be able to see what's going on in case of an accident or theft, and one will be above the cash register/bar area to be insure we are protected from theft of money or product. We will be changing the locks on the building as well. We want to update the fence and have a little more security out there. Possibly looking at a vinyl fence, instead of the wooden style. Updates the building a little bit and looks nicer.

The startup costs will be purchasing product to sell, glassware, and miscellaneous items to serve drinks and snacks. We will need to purchase a new sign for the front of the bar with our logo, popcorn machine, and a dehumidifier for the basement. The wages for training the staff and their wages for a period of time, until we get going are included as well.

## PURCHASE AGREEMENT

This Agreement is made and entered into by and between **MARCUS BERNS**, a Nebraska Limited Liability Company, hereinafter referred to as "Seller", and **MCLAULVIS, LLC**, a Nebraska Limited Liability Company, hereinafter referred to as "Buyer".

Seller and Buyer agree as follows:

**1. Property Purchased.** Seller agrees to sell to Buyer and Buyer agrees to purchase from Seller all real and personal property, including tangible and intangible, used by the Seller in the business known as the Broken Antler, including but not limited to the following:

- A. All of Seller's furniture, fixtures and equipment, used in the business, including but not limited to that shown on Exhibit "C" attached hereto.
- B. The real estate described as: Lot 1, Block 13 and the West 40.73 feet of the East 80.73 feet of Lot 1, Block 13 all in the Original Town of Wayne, Wayne County, Nebraska, also described as Tract C and Tract B Administrative Subdivision of Lot 1, Block 13, Original Town of Wayne, Wayne County, Nebraska.
- C. All intellectual property used in the business including by not limited to the name "Broken Antler" including any state or federal trade names, trademarks or copyrights), website, internet domains, social media accounts, registrations, transferable computer software, source or object codes, telephone number(s), signage, and advertisement(s), if any.
- D. Any service agreements, lease agreements, and all contracts created or used by Seller in operating the business or for the business' benefit at any time prior to the closing date along with the form and content of any of the above. Additionally, Seller agrees to assign Seller's unemployment account balance with the Nebraska Department of Labor, if any.

**2. Purchase Price.** The Buyer agrees to pay the Seller as full consideration for the above-described assets the sum of \$250,000.00. Buyer acknowledges that Seller does not have any inventory and no inventory is sold with the purchase of this business.

The allocation of the purchase price to the various assets are as follows:

A. Building	\$ 52,610.00
B. Land	\$ 4,050.00
C. Furniture, Fixtures and Equipment	\$ 29,250.00

D. Covenant not to compete	\$ 0.00
E. Goodwill	\$ 164,090.00
Total	\$ 250,000.00

**3. Payment.** The total purchase price consisting of \$250,000.00 shall be paid as follows:

A. \$ 0.00 upon execution hereof which shall be held in escrow in Kate M. Jorgensen's Trust Account.

B. The balance remaining thereafter, being the sum of \$250,000.00, shall be paid in full by certified funds at closing.

**4. Condition.** This entire purchase agreement is conditioned upon Buyer being able to obtain the necessary permits and licenses required to operate the existing business, including a Class C Liquor License.

**5. Title Insurance.** Seller shall provide proof of marketable title in fee simple and furnish a commitment for title insurance insuring merchantability. The cost of an owner's title insurance policy shall be paid one-half by each party. Any lender's policy shall be entirely at Buyer's expense. Buyer agrees that should a valid defect exist, Seller shall have a reasonable time to correct said defect, not to exceed 30 days from the date of the title commitment. If there are defects that cannot be reasonably corrected within 30 days, this agreement may be terminated by either party in which case the earnest money paid upon execution shall be refunded.

**6. Conveyance.** Seller agrees to convey at final closing marketable title to the above-described real property by good and sufficient warranty deed free and clear of all liens and encumbrances and subject to all easements and restrictions of record. Personal property and inventory will be conveyed by Seller by bill of sale free and clear of all liens and encumbrances. The bill of sale shall contain warranty of title and be satisfactory to Buyer's attorney.

**7. Taxes.** Seller shall pay all taxes, both real and personal, up to and including 2022. Seller shall be responsible for personal property taxes for 2022, which are due upon closing. Buyer shall be responsible for personal property taxes for 2023 and subsequent years. Real estate taxes for 2023 shall be prorated to the date of possession. Taxes shall be prorated on the basis of the prior year's taxes unless the current tax rate is available, in which case taxes shall be prorated on the basis of the current valuation and tax rate. Seller shall pay the revenue stamps required upon recording of the deed.

**8. Risk of Loss.** This agreement shall in no manner be construed to convey any of the real or personal property or give any right to possession except to the extent set forth herein. Risk of loss or damage to the property prior to final closing date shall rest with the Seller. If prior to final closing, any improvements on the real property or any of the personal property, including inventory, is materially damaged by fire, explosion, or other cause, either party shall have the right to rescind this agreement and the earnest money refunded.

**9. Final Closing.** The final closing of the sale shall take place at the office of Kate M. Jorgensen, attorney for Seller, on April 25, 2023, or not more than five days after Buyer receives a Class C Liquor License whichever date occurs sooner. At closing, Seller will deliver to Buyer bills of sale with covenants of warranty, assignments, endorsements, and other good and sufficient instruments of transfer and conveyance as in the opinion of Buyer's counsel shall be effective to vest in Buyer good and marketable title to all non-real estate assets being sold hereby. Title to the real estate shall be transferred to Buyer by warranty deed.

**10. Litigation.** Seller warrants there is no litigation proceeding or pending or to the knowledge of Seller, threatened against or relating to Seller, Seller's property or business, nor does Seller know or have any reasonable grounds to know of any basis for such action or any government investigation relating to Seller, Seller's property, or Seller's business.

**11. Reliance by Buyer on Seller's Representations.** Seller agrees and understands that the representations and warranties made by Seller herein are with the knowledge and expectation that the Buyer places complete reliance thereon.

**12. Loss or Damage.** In the event, prior to final closing, there is loss or damage from any cause whatsoever to any property of the business materially and adversely affecting Seller's business, either party shall have the option of terminating this agreement and the earnest money deposit will be refunded to the Buyer and the escrow checking account will be disbursed as set forth previously.

**13. Title to Property.** The Seller warrants that they have good and marketable title to the properties and assets sold hereunder; and at closing the assets sold shall be subject to no mortgage, pledge, lien encumbrance, security interest or charge, except those recited hereinabove as to which Buyer is, pursuant to the terms hereof, taking subject to and assuming.

**14. Termite Inspection.** Buyer may, at Buyer's expense, have a termite and wood destroying insect inspection of the building conducted. Should evidence of termite or

wood destroying insects be found, the building shall be treated at Seller's expense. Buyer agrees to accept the treated property. If there is visible evidence of previously treated infestation which is now inactive, treatment shall not be required. Should damage from such insects be found, the damage shall be corrected at Seller's expense, however, if the costs required for treatment and/or repairs exceeds \$500.00, and Seller does not elect to pay the additional costs, Buyer shall have the option of declaring this agreement null and void and shall be entitled to a refund of the earnest money. If the Buyer has not obtained such inspection prior to closing, Buyer shall have waived the inspection.

**15. Binding Agreement.** This agreement shall be binding upon the heirs, personal representatives, successors and assigns of each party.

**16. Liquidated Damages.** If Buyer wrongfully fails to consummate this purchase according to the terms of this agreement, Seller may, at Seller's option, retain the earnest money as liquidated damages for such failure, or utilize such other legal remedies as are available to Seller by reason of such failure.

**17. Insurance.** Pending final closing, all existing insurance policies, including liability and casualty shall remain in place. Buyer understands that Seller is not representing to Buyer that the present insurance is or is not adequate.

**18. Role of Attorney.** This Agreement was drafted by Kate M. Jorgensen, Attorney, who is representing the Seller.

**19. Facsimile.** Photocopies and facsimiles of this agreement and the signatures thereon shall be equally binding as an original.

**20. Assignment.** Neither Buyer nor Seller shall, prior to closing, assign or in any manner transfer this Agreement, or any interest therein, without the prior written consent of the other party, except as may be necessary to obtain financing prior to the execution of this Agreement. Provided however, Seller hereby authorizes Buyer to assign Buyer's interest in this Agreement, as to the Purchased Property in Section 1.A., B., D., and E., to a limited liability company or corporation controlled by Buyer. Additionally, Buyer hereby authorizes Seller to assign Seller's rights to payment in this Agreement to a member of Seller and Seller authorizes Buyer to rely on Seller's member's direction to do so.

In witness whereof, the parties have hereunto set their hands on this 3<sup>rd</sup> day of March, 2023.

Marcus Berns  
\_\_\_\_\_  
Marcus Berns, Seller

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF WAYNE    )

The foregoing instrument was acknowledged before me a Notary Public on March 3,  
2023, by Marcus Berns.

Kate M. Jorgensen  
\_\_\_\_\_  
Notary Public



McLaulvis, LLC, Buyer

By Scot Saul  
\_\_\_\_\_  
Scot Saul, Member

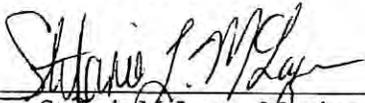
STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF WAYNE    )

The foregoing instrument was acknowledged before me a Notary Public on March 3,  
2023, by Scot Saul, member of McLaulvis, LLC, a Nebraska Limited Liability Company.

Megan K. Muller  
\_\_\_\_\_  
Notary Public



McLaulvis, LLC, Buyer

By   
Stefanie McLagan, Member

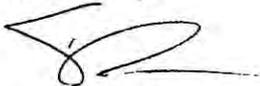
STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF WAYNE    )

The foregoing instrument was acknowledged before me a Notary Public on March 3<sup>rd</sup>, 2023, by Stefanie McLagan, member of McLaulvis, LLC, a Nebraska Limited Liability Company.

  
Notary Public

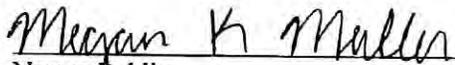


McLaulvis, LLC, Buyer

By   
Cassie Davis, Member

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF WAYNE    )

The foregoing instrument was acknowledged before me a Notary Public on March 3<sup>rd</sup>, 2023, by Cassie Davis, member of McLaulvis, LLC, a Nebraska Limited Liability Company.

  
Notary Public





**RESOLUTION NO. 2023-26**

**A RESOLUTION ACCEPTING PROPOSAL AND APPROVING AGREEMENT BETWEEN THE CITY OF WAYNE AND MCLAURY ENGINEERING FOR ENGINEERING SERVICES RELATING TO THE “4<sup>TH</sup> STREET & THORMAN STREET PAVING PROJECT; STORM SEWER REDESIGN; AND DESIGN AND PLAN PRODUCTION PROJECTS.”**

WHEREAS, a proposal has been received from McLaury Engineering for engineering services for the “4<sup>th</sup> Street & Thorman Street Paving Project; Storm Sewer Redesign; and Design and Plan Production Projects;” and

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

WHEREAS, city staff is recommending that the proposal of McLaury Engineering, which has an estimated total task fee of \$20,700, be accepted and approved.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the Agreement for engineering services for the “4<sup>th</sup> Street & Thorman Street Paving Project; Storm Sewer Redesign; and Design and Plan Production Projects” be accepted as recommended, and the Mayor be, and he hereby is instructed and authorized to execute the Agreement for said services on behalf of the City.

PASSED AND APPROVED this 4<sup>th</sup> day of April, 2023.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

March 22, 2023

Wes Blecke  
City of Wayne, City Administrator  
306 Pearl Street  
Wayne, NE68787



**RE: CITY OF WAYNE – 4TH STREET & THORMAN STREET PAVING PROJECT  
STORM SEWER REDESIGN  
DESIGN AND PLAN PRODUCTION**

Dear Mr. Blecke:

Thank you for the opportunity to provide professional services pertaining to storm sewer redesign and plan production for the City of Wayne – 4th Street & Thorman Street Paving Project. Enclosed you will find our proposal to the City of Wayne.

Our team takes pride in the professional services we provide to our clients, and we appreciate the chance to provide you with this proposal. We look forward to working with you on this project. Please feel free to call me at 402-316-2625 if you have any questions.

Sincerely,  
McLaury Engineering, Inc.

A handwritten signature in blue ink that reads 'Josh Larson'.

Josh Larson, PE  
President



McLauryEngineering.com

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**NORFOLK**

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Norfolk, NE 68701  
(402) 316-2625

## ATTACHMENT A

### PROJECT UNDERSTANDING

In 2022, McLaury Engineering completed a design and plan set for paving and utility construction on 4th Street up to Centennial Road and on Thorman Street from Erin Street to 4th Street. No bidding or construction has yet taken place on this project. In the existing design, the storm sewer trunk line was proposed to run east along the south side of 4th Street up to Centennial Road. It would then flow south along the west side of Centennial Road up to South Logan Creek where it would discharge. In an effort to coordinate with construction taking place to the south and east of this project, the City of Wayne is proposing to redesign the storm sewer system to carry the water to the west along 4th street where it will then be taken south along existing Lot 6 and discharged into South Logan Creek via a discharge structure. The piping along Lot 6 and the discharge structure will be designed by Olsson. McLaury Engineering will design the storm sewer piping along Thorman and 4th Streets and will update the existing plan set accordingly.



Storm sewer redesign will include modifications to storm sewer inlet locations as necessary and piping updates. Drainage modeling will be completed to ensure compliance with City of Wayne standards. No changes will be made to the roadway grading design. No changes will be made to the water main except where it may conflict with the updated storm sewer design. Sanitary sewer was not included as a part of this design. No additional survey is planned as a part of this project.

McLaury Engineering will coordinate with Olsson to provide the storm flow information and proposed pipe connection elevations for them to utilize in the design of the Lot 6 piping and outlet structure.



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McLaury Engineering understands the importance of not only achieving the desired outcome of each of the following tasks, but also completing them on time and within budget. It is our commitment to facilitate a successful project for the City of Wayne.

### **PROJECT TEAM**

McLaury Engineering is proposing a project team with extensive experience in municipal design and project management. Ryan Murtha, PE will serve as the Project Manager for McLaury Engineering. He will be assisted by Josh Larson, PE, and Joe Poppenga, PLS and Katie Krummen, EI to perform the infrastructure design and preparation of plans and specifications.

### **SCOPE OF SERVICES**

#### **TASK 1: PROJECT MANAGEMENT**

- a. Preparation of monthly invoices and status reports
- b. Correspondence for project related phone calls, emails, and /or any version of communication deemed necessary during the course of the project
- c. Time required to adequately coordinate with City of Wayne staff for respective project items and City utilities.
- d. Facilitation of one (1) City meeting including coordinating the meeting time and location with City staff, preparation of exhibits, and presenting information to the public with an anticipation of two (2) staff members from McLaury Engineering present at the meeting.

#### **TASK 2: PRELIMINARY (50%) DESIGN REVIEW**

- a. Update storm sewer layout and modeling
- b. Prepare preliminary design and plans for review by City Staff.
- c. Coordinate meeting time and location with City of Wayne.
- d. Attend and facilitate meeting - McLaury Engineering will have up to two (2) representatives at the meeting.
- e. Prepare follow-up notes.

#### **TASK 3: FINAL (95%) PLANS, SPECIFICATIONS, AND BIDDING DOCUMENTS**

- a. Refine general plan already started as part of previous task efforts.
- b. Update final plans including:
  - i. Title and Legend
  - ii. Estimate of Quantities & General Notes
  - iii. Grading Plan
  - iv. Typical Street Sections
  - v. Traffic Control
  - vi. Plan and Profiles
  - vii. Water Main and Storm Sewer
  - viii. Erosion Control



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- ix. Details/Standard Plates
- x. Cross Sections
- c. Prepare construction specifications
- d. Prepare bidding documents
- e. Submit documents to City of Wayne for final review
- f. Submit documents to State Agencies for approval

**TASK 4: DOCUMENTS FOR BID LETTING**

- a. Revise final plans, specifications, and bid letting documents per City of Wayne and State Agency final review efforts.
- b. Submit Final Bid Letting Documents to City of Wayne.

**TASK 5: BID LETTING**

- a. Coordinate advertisement of project for bid letting
- b. Host bid letting including distribution of bid documents and management of planholders lists
- c. Answer bid letting questions
- d. Facilitate bid opening
- e. Prepare bid summary
- f. Provide recommendation of award

**DELIVERABLES**

Items delivered to the Owner with the project include:

- Preliminary (50%) Plans for design review
- Final (95%) Plans and Specifications for design review
- Plans and Specifications for Bid Letting
- Storm flow information for discharge design

**SCHEDULE**

Below is a proposed schedule for project completion. This schedule is based on a reasonable turnaround for the notice to proceed and prompt review times by the City of Wayne. The schedule does not account for additional time that may be needed to resolve complications associated with the discovery of potential unknowns beyond the control of McLaury Engineering.

- Notice to Proceed: April 2023
- Preliminary (50%) Plans for Review: June 2023
- Final (95%) Plans and Specifications for Review & Storm Discharge to Logan Creek for City Consultant: July 2023
- Submit Plans and Specifications for Bid Letting: August 2023



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### ADDITIONAL SERVICES

The following items are not included in the scope of services, but can be completed if authorized under a supplemental agreement:

- Outlet/Discharge Structure design
- Geotechnical Exploration and Recommendations
- Subsurface Utility Exploration
- Additional public outreach including mailing lists and letters
- Construction Administration
- Construction Staking

### GENERAL PROVISIONS

- The proposal outlined in this letter is valid for thirty (30) days.

### FEE

McLaury Engineering proposes to be compensated for the scope of services outlined in the Agreement on an hourly basis. McLaury Engineering will provide the scope of services for a total fee not to exceed **\$20,700**. If the need for additional services arises due to changes in project scope, schedule, or other unforeseen circumstances, the additional services will be negotiated with the City of Wayne.

ITEM	ESTIMATED TOTAL TASK FEE
Task 1 - Project Management	\$2,000
Task 2 - Preliminary (50%) Design	\$7,600
Task 3 - Final (95%) Design	\$3,800
Task 4 - Documents for Bid Letting	\$1,800
Task 5 - Bid Letting	\$5,500
<b>Total</b>	<b>\$20,700</b>



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**ACCEPTANCE**

If you concur with the proposal outlined in this Letter of Agreement, please execute, and return to MCLAURY ENGINEERING, INC. Unless otherwise instructed by you in writing at the time you return the executed copy of this Letter Agreement, MCLAURY ENGINEERING, INC. will consider the executed Letter of Agreement as our notice to proceed.

AGREED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: Josh Larson Date: 3/22/2023

PRINTED NAME: Josh Larson

TITLE: President



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**RESOLUTION NO. 2023-27**

**A RESOLUTION TO APPROVE BECOMING A PARTICIPANT OF THE NEBRASKA COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM TRUST (“Nebraska CLASS Trust”).**

WHEREAS, NEB. Const. art. XV, § 18(1) authorizes local government entities to exercise their powers and functions, including financing, jointly or in cooperation with other governmental entities, and Nebraska law expressly allows public agencies to invest surplus or excess funds; and

WHEREAS, NEB. REV. STAT. § 13-804 authorizes public agencies to enter into interlocal agreements in order for such agencies to take joint or cooperative action; and

WHEREAS, the Nebraska Cooperative Liquid Assets Securities System Trust (“Nebraska CLASS Trust”) has been formed pursuant to the provisions of the Interlocal Cooperation Act, NEB. REV. STAT. §§ 13-801 to 13-827; and

WHEREAS, the Declaration of Trust and Interlocal Agreement and an Information Statement relating to the Nebraska CLASS Trust have been presented to this Governing Body; and

WHEREAS, the Declaration of Trust authorizes public agencies to adopt and enter into the Declaration of Trust and become Participants of such trust; and

WHEREAS, this Governing Body deems it advisable for this Public Agency to adopt and enter into the Declaration of Trust and become a participant of the Nebraska CLASS Trust for the purpose of the joint investment of this Public Agency’s money with those other public agencies so as to enhance the investment earnings accruing to each such public agency.

NOW THEREFORE, be it resolved as follows:

1. This Public Agency shall and does hereby join with other Nebraska public agencies in accordance with the provisions of Nebraska law and in accordance with the Interlocal Cooperative Act, as applicable, by becoming a Participant of the Nebraska CLASS Trust, and the Declaration of Trust and Interlocal Agreement, as amended from time to time, is hereby adopted by this reference with the same effect as if it had been set out verbatim in this Resolution. A copy of the Declaration of Trust is attached hereto and incorporated herein by this reference and shall be filed with the minutes of the meeting at which this Resolution was adopted.
2. The Trustees of the Nebraska CLASS Trust are hereby designated as having official custody of this Public Agency’s monies which are invested in accordance with the Declaration of Trust.

3. Authorization is hereby given for members of this Governing Body and officials of this Public Agency to serve as Trustees of the Nebraska CLASS Trust from time to time if elected as such pursuant to the Declaration of Trust.
4. The Key Contact and Authorized Signatories are those persons listed on the Trust Registration Form attached hereto and incorporated herein. The Authorized Signatories are authorized by the Participant to direct the investment of such Participants' investment funds and to take all such actions deemed necessary or desirable to carry out the activities otherwise authorized by this Resolution, subject to the Authorized Signatories' obligation to take such actions only in the name of and for the benefit of this Participant.
5. The Key Contact and Authorized Signatories may be changed from time to time by written notice to Nebraska CLASS.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution being the same are hereby rescinded.

PASSED AND APPROVED this 4<sup>th</sup> day of April, 2023.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

### What is Nebraska CLASS?

Nebraska Cooperative Liquid Assets Securities System (Nebraska CLASS) is a commingled investment pool established by interlocal agreement in accordance with Nebraska law permitting local governments to pool idle funds in order to invest such funds and earn interest in accordance with, and as permitted by, the provisions of the Nebraska R.S. §§ 13-801 to 13-827 (Interlocal Cooperation Act) or other laws of the State of Nebraska governing the investment of monies of a local government. Nebraska CLASS was organized in 2023 and provides a professionally managed investment program. Funds of the Participants are invested in prime or high-grade, short-term fixed income instruments selected with the goal of providing program safety, liquidity, and competitive rates of return as further defined within the Nebraska CLASS Information Statement.

### Who oversees and manages Nebraska CLASS?

Investments made on behalf of the Participants are subject to the overall direction of the Nebraska CLASS Board of Trustees which is comprised of public finance professionals who represent Nebraska local governments that participate in Nebraska CLASS. The Board of Trustees has entered into an Investment Advisor and Administrator Agreement with Public Trust Advisors, LLC (Public Trust). Public Trust is responsible to the Board for all program investment and administrative activities as well as the many services provided on behalf of the Participants.

### How can you participate in Nebraska CLASS?

Enrolling in Nebraska CLASS is simple. After reading the Declaration of Trust and Interlocal Agreement and the Information Statement available at [www.nebraskaclass.com](http://www.nebraskaclass.com), follow these steps:

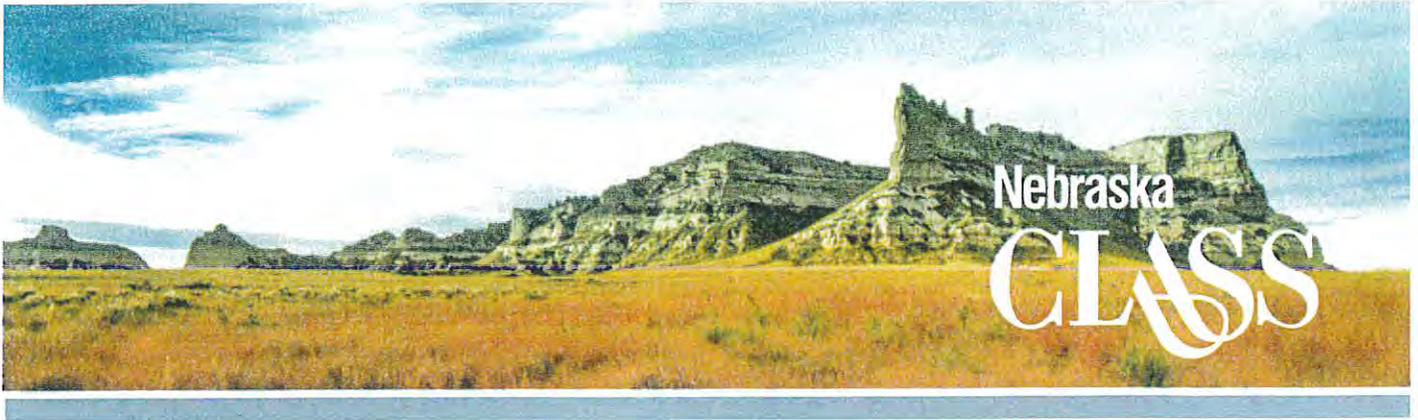
- 1 Pass a resolution authorizing participation in Nebraska CLASS (a model resolution is provided in the registration packet for your convenience).
- 2 Complete the Nebraska CLASS registration packet.
- 3 Submit your local government's completed registration packet to the Nebraska CLASS Client Service team for processing at [clientservices@nebraskaclass.com](mailto:clientservices@nebraskaclass.com).
- 4 Upon review and approval, you will receive confirmation that you have been accepted as a Nebraska CLASS Participant.

### Nebraska CLASS FEATURES

As a Nebraska CLASS Participant, you have access to many convenient features:

- Same-day availability of funds (1:00 p.m. CT cut-off)
- Deposits by wire or ACH
- Professionally managed portfolio
- Competitive daily yields
- Unlimited subaccounts
- No minimum balance requirements
- No transaction fees\*
- Dedicated client service representatives available via phone, fax, or email on any business day
- Audited annually by an independent auditing firm\*\*
- Direct deposit of state payments

\*You may incur fees associated with wires and/or ACH transactions by your bank, but there will be no transaction fees charged from Nebraska CLASS for such transactions. \*\*External audits may not catch all instances of accounting errors and do not provide an absolute guarantee of accuracy.



## What are the objectives of Nebraska CLASS?

### Safety

The primary investment objective of Nebraska CLASS is the safety of public funds. The Nebraska CLASS portfolio is professionally managed by a team of investment professionals who are solely focused on the management of public funds nationwide. The custodian for all Nebraska CLASS investment holdings is UMB Bank, N.A.

### Liquidity

When you invest with Nebraska CLASS, you have access to your funds on any business day. You must notify Nebraska CLASS of your transaction requests by 1:00 p.m. CT via the Nebraska CLASS Participant Portal. By offering daily liquidity, we provide you with the flexibility you need to meet your daily cash needs.

### Convenience

To make cash management simple and efficient, Nebraska CLASS includes many features that make it easy to access account information and simplify record keeping. Participants may make account transactions on any business day via the Nebraska CLASS Online Transaction Portal at [www.nebraskaclass.com](http://www.nebraskaclass.com). Our dedicated Client Service team is available to assist you with your unique investment needs and can be reached by email at [clientservices@nebraskaclass.com](mailto:clientservices@nebraskaclass.com) or by phone number at (866) 256-6460.

### Flexibility

You may establish multiple Nebraska CLASS accounts to track and parallel your own internal fund accounting structures. You will receive email notification of the availability of your comprehensive monthly statement via email. Statements show all of your transaction

activity, interest postings, and rate summaries. These statements have been specifically designed to facilitate public sector fund accounting and to establish a clear accounting and audit trail for your investment records.

### Competitive Returns

While adhering to the primary objectives of safety and liquidity, Nebraska CLASS strives to provide competitive returns. Participants will receive daily interest on each individual Nebraska CLASS account that has been established. Accrued dividends are reinvested at month-end.

### Legality

Nebraska CLASS investments are limited to those qualifying for investment under the Nebraska Investment Act.

### Have Questions?

Contact us or visit [www.nebraskaclass.com](http://www.nebraskaclass.com) for more information.



**Aaron Bos**

Director, Investment Services

[aaron.bos@nebraskaclass.com](mailto:aaron.bos@nebraskaclass.com)

(402) 960-7711

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Any financial and/or investment decision should be made only after considerable research, consideration, and involvement with an experienced professional engaged for the specific purpose. The information presented should not be used in making any investment decisions. This material is not a recommendation to buy, sell, implement, or change any securities or investment strategy, function, or process. All comments and discussion presented are purely based on opinion and assumptions, not fact. These assumptions may or may not be correct based on foreseen and unforeseen events. **Past performance is not an indication of future performance. Any financial and/or investment decision may incur losses.** Please see the Information Statement for further details on the fee calculation and other key aspects about Nebraska CLASS.

**RESOLUTION NO. 2023-28**

**A RESOLUTION AMENDING INVESTMENT AND PORTFOLIO POLICY FOR THE CITY OF WAYNE.**

WHEREAS, the City of Wayne adopted an “Investment and Portfolio Policy” which applies to activities of the City of Wayne, Nebraska, with regard to investing the financial assets of all funds of the City on April 24, 2007, per the recommendation of the City’s Auditor; and

WHEREAS, the City Council amended said Investment and Portfolio Policy for the City of Wayne on May 6, 2008, July 1, 2008, and on March 5, 2018; and

WHEREAS, the City Council wishes to amend the Investment and Portfolio Policy.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the Investment and Portfolio Policy, which is attached hereto, is hereby approved as amended, and shall be effective upon the passage of this Resolution.

APPROVED AND ADOPTED this 4<sup>th</sup> day of April, 2023.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**CITY OF WAYNE, NEBRASKA  
INVESTMENT AND PORTFOLIO POLICIES**

**SCOPE:**

This investment policy applies to activities of the City of Wayne, Nebraska with regard to investing the financial assets of all funds of the city including but not limited to the following City funds:

General Fund	Street Fund
City Sales Tax Fund	Transfer Station Fund
Electric Fund	Sewer Fund
Water Fund	Self Funding Insurance Fund
Trust & Agency Fund	Community Development Fund
911 Fund	Capital Projects Fund
Debt Service Fund	Various TIF Funds

**OBJECTIVES:**

Funds of the city will be invested in accordance with Nebraska Revised Statute 17-607, these policies and written administrative procedures. The City's investment portfolio shall be managed in a manner to attain a market rate of return throughout budgetary and economic cycles while preserving and protecting capital in the overall portfolio. Investments shall be made based on statutory constraints and subject to available designated staffing capabilities.

Funds held for future capital projects (i.e., bond proceeds) shall be invested to produce enough income to offset increases in construction costs due to inflation. Where possible, prepayment funds for long-term debt service shall be invested to ensure a rate of return at least equal to the interest being paid on the bonds. Investment of bond reserves shall be monitored (with reviewing auditors as required) to assure compliance with current bond covenants and current IRS regulations, if any.

**DELEGATION OF AUTHORITY:**

The City Treasurer, also referred to as the investment officer, is the custodian of all money belonging to the City of Wayne. (Statute 16.318) The investment officer is responsible for investment decisions and activities in accordance with the written procedures. The investment officer shall develop and maintain written administrative procedures for the operation of the investment program, consistent with these policies. This commitment of resources shall include financial and staffing considerations.

**PRUDENCE:**

The standard of prudence to be applied by the investment officer shall be the "prudent investor" rule, which states, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for

investment, considering the probable safety of their capital as well as the probable income to be derived." The prudent investor rule shall be applied in the context of managing the overall portfolio.

The investment officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price change.

#### **ETHICS AND CONFLICTS OF INTEREST:**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Administrator any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any personal financial/investment positions that could be related to the performance of this jurisdiction's portfolio. Employees and officers shall subordinate their personal investment transactions to those of this jurisdiction, particularly with regard to the timing of purchases and sales. Any employee is required to disclose any employment relationship that could cause a potential conflict of interest.

#### **MONITORING AND ADJUSTING THE PORTFOLIO:**

The investment officer will routinely monitor the securities of the portfolio, the available markets and the relative values of competing instruments, and will adjust the portfolio according to the written investment procedures.

#### **INTERNAL CONTROLS:**

The investment officer shall establish a system of written internal controls. The controls shall be designed to prevent loss of public funds due to fraud, employee error, and misrepresentation by any third parties, unanticipated market changes or imprudent actions by employees and officers of the City.

#### **PORTFOLIO DIVERSIFICATION:**

The city will diversify use of investment instruments to avoid incurring unreasonable risks inherent to over investing in specific instruments, including financial institutions or maturities.

Nebraska Revised State Statute 14.564 states:

"Notwithstanding any provision of home rule charter, funds of the city available for such purpose may be invested in securities of the United States, the State of Nebraska, metropolitan city, county in which such metropolitan city is located, or school district of such city, in the securities of municipally owned and operated public utility property and plant of such city, or in the same manner as funds of the State of Nebraska are invested, except that the city treasurer may purchase certificates of deposit from and make time deposits in banks selected as depositories of city funds."

The funds of the city shall be in compliance with any restrictive bond covenants.

The current investments of the city are:

U.S. Treasury Obligations (Bills, notes and bonds)  
U.S. Government Agency Securities and Instrumentalities, CD's, Government  
Sponsored Certificates of Deposits in Commercial Banks

The current approved Financial Institution (banks) and Investment Firms (brokers) used by the City of Wayne are:

Elkhorn Valley Bank & Trust, Wayne, Nebraska  
State Nebraska Bank, Wayne, Nebraska  
F&M Bank, Wayne, Nebraska  
BankFirst, Wayne, Nebraska  
Edward Jones of Wayne, Nebraska  
Nebraska Public Agency Investment Trust  
Ameriprise Financial of Wayne, Nebraska (Rath Walling & Associates)  
**Nebraska Cooperative Liquid Assets Securities System Trust (Nebraska CLASS Trust)**

#### **INVESTMENT POLICY:**

The City of Wayne has established a six - ten year investment ladder. By using the ladder, the City is able to earn higher yields usually provided over time by longer term investments. When using ladders, the investment officer normally, unless the funds are needed, reinvests in the longer term instrument, thereby, over time, taking advantage of the higher yields.

The risk of reinvesting a sizable amount of money when rates are below average is also reduced by using the investment ladder. Because the ladder involves periodic purchase of new investments, the City avoids the risk of reinvesting the entire portfolio when rates are below average. Over time, the ladder will earn a yield similar to the average yield. Since the City will be earning average yields they will have a more stable income since only a small portion of the portfolio changing each year.

It is the policy of the City of Wayne that investing city reserve funds in local lending institutions provides an economic benefit to the community that generated the funds by supplementing the pool of loan funds available for business development and expansion.

#### **COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS:**

Before the city invests any funds, a competitive "bid" process shall be conducted. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, bids will be requested for instruments which meet the maturity requirement.

Bids will be requested from approved financial institutions (banks) and investment firms (brokers) for various options with regards to term and instrument. The city will accept the bid from the local (bank) financial institution which provides the highest rate of return within the maturity required and within the parameters of these policies, unless that rate of return is 75 bps or more lower than the rate available through the other listed investment firm (brokers) for an equal or better instrument and term.

Records will be kept of the bids offered, the bids accepted and a brief explanation of the decision which was made regarding the investment. Risk, concentration of credit, date of settlement and date of delivery are among the factors which may allow accepting bids or quotes other than considering the stated investment yield.

**SAFEKEEPING AND COLLATERALIZATION:**

As in accordance with Nebraska Revised State Statute 15.848, 77.2328, and all other statutes related to investment security or collateralization, the city treasurer shall comply with the laws of the State of Nebraska regarding the investment of the city.

All investment securities purchased by the city shall be held in segregated third-party safekeeping by an institution designated as primary agent. The safekeeping receipts shall be issued to the city listing the specific instrument, rate, maturity and other pertinent information.

**REPORT REQUIREMENTS:**

The investment officer shall generate such reports as may from time to time be required or needed for management purpose. In addition, the City Council will be provided quarterly reports which will include data on investment instruments being held, as well as such narrative as the investment officer determines necessary for clarification.

**RESOLUTION NO. 2023-29**

**A RESOLUTION AUTHORIZING THE SALE OF 204 S LINCOLN STREET, 208 S LINCOLN STREET AND 401 S SHERMAN STREET OF WAYNE, WAYNE COUNTY, NEBRASKA, TO THE WAYNE COMMUNITY REDEVELOPMENT AUTHORITY.**

**WHEREAS**, the City of Wayne is the owner of the following described property, to-wit:

**204 S Lincoln Street: Lot 22, Southview II Addition**

**208 S Lincoln Street:**

**401 S Sherman Street: Lot 1, Southview III Addition; and**

**WHEREAS**, there are no current delinquent real estate taxes or special assessments payable to Wayne County, Nebraska.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and the Council of the City of Wayne, Nebraska, that the City Clerk is directed to prepare an ordinance directing the sale of the following parcels of real estate legally described as follows:

**204 S Lincoln Street: Lot 22, Southview II Addition**

**208 S Lincoln Street:**

**401 S Sherman Street: Lot 1, Southview III Addition**

to the Wayne Community Redevelopment Authority for the sum of \$1.00 and other valuable consideration.

PASSED AND APPROVED this 4<sup>th</sup> day of April, 2023.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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



**ORDINANCE NO. 2023-8**

**AN ORDINANCE DIRECTING THE SALE OF 204 S LINCOLN STREET, 208 S LINCOLN STREET AND 401 S SHERMAN STREET OF WAYNE, WAYNE COUNTY, NEBRASKA, TO THE WAYNE COMMUNITY REDEVELOPMENT AUTHORITY.**

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

Section 1. The Mayor and City Council are directed to convey by Warranty Deed to the Wayne Community Redevelopment Authority the following parcels of real estate legally described as:

**204 S Lincoln Street: Lot 22, Southview II Addition**

**208 S Lincoln Street:**

**401 S Sherman Street: Lot 1, Southview III Addition; and**

for the sum of \$1.00 and other valuable consideration.

Section 2. Notice of the sale and the terms contained in Section 1 shall be published for three consecutive weeks in the Wayne Herald, provided that if a remonstrance against said sale signed by legal electors thereof equal in number to 30% of the electors of the City voting at the last regular municipal election held therein, be filed with the governing body within thirty days of the passage and publication of this ordinance, said property shall not then, nor within one year thereafter, be sold.

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 4<sup>th</sup> day of April, 2023.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**ORDINANCE NO. 2023-4**

**AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.31 PROPERTY MAINTENANCE CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.**

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

Section 1. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.31 Property Maintenance Code is amended to read as follows:

**§ 150.31 PROPERTY MAINTENANCE CODE.**

(A) Adopted by reference. To provide certain minimum maintenance standards, provisions, and requirements for existing buildings the 2018 International Property Maintenance Code, as published by the International Code Council, Inc., is hereby adopted as the property maintenance code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (C) of this section. One copy of the Code adopted in this section is on file at the public library and is available for publication inspection at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(B) Conflicts. In the event of a conflict between the provisions of the publication adopted by reference in this subchapter and any other provisions of this code, such other provisions shall be controlling.

(2002 Code, § 18-243) (Ord. 2011-8, passed 8-16-2011)

Additions, insertions, and changes. The following sections of the property maintenance code adopted in Section 150.31 (A) of this chapter are hereby revised as follows:

*Section 101.1 Title.* Insert: the City of Wayne, Nebraska.

*Section 103.5 Fees.* Amend section to read as follows:

The fees for activities and services performed by the department in carrying out its responsibilities under **this code shall be charged as necessary to reasonably recover costs.**

***Section 106.4 Violation penalties.* Amend section to read as follows:**

**Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of a Class III Misdemeanor, punishable by a fine of up to \$500 per day for each day that a violation continues after due notice has been served. Each day shall be deemed a separate violation.**

*Section 110.1 General.* Amend section to read as follows:

The Code Official shall order the owner of any structure or the owner of the premises upon which any structure is located that has been condemned by the Code Official pursuant to this code, or in the Code Official's judgment is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the structure owner's or property owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal.

*Section 110.3 Failure to comply.* Amend section to read as follows:

Any person who fails to comply with a demolition order within the time prescribed shall be deemed guilty of an offense punishable by a fine of not less than five hundred dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The Code Official may cause the structure to be demolished and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

*Section 111.1 Application for appeal.* Amend section to read as follows:

Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. A fee set forth by the city Council shall accompany each application for appeal to the board of appeals; and a schedule of such fees is on file and available in the City Clerk's office. Such fee shall be refunded to the applicant in the event the board of appeals finds in favor of the applicant. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

*Section 111.3 Notice of meeting.* Amend section to read as follows:

"The board shall meet upon notice from the chairperson, within 60 days of the filing of an appeal, or at stated periodic board meetings."

*Section 112.4 Failure to comply.* Insert: 100 and 500

*Section 302.4 Weeds.* Insert: twelve (12) inches

*Section 304.14 Insect Screens.* Insert: April 1 to November 1.

*Section 602.3 Heat Supply.* Amend section to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 F. (20 C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

*Section 602.4 Occupiable work spaces.* Amend section to read as follows:

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 F. (18 C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

*Section (F) 704.6.2 Interconnection.* Add the following to the end of the section:

"Upon change of occupant/tenant or change of ownership/offer to sell a property, the owner of the property shall verify that interconnected smoke alarms are provided as per R314.2.2 of the 2018 International Residential Code as amended by the City of Wayne. Smoke alarms installed after June 1, 2021 shall be interconnected."

Section 2. That the original Sections and all ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. This ordinance may be published in pamphlet form as authorized by law.

PASSED AND APPROVED this 4<sup>th</sup> day of April, 2023.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**ORDINANCE NO. 2023-5**

**AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.**

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

Section 1. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.17 One- and Two-Family Dwelling Code of the Wayne Municipal Code is amended to read as follows:

**§ 150.17 ONE- AND TWO-FAMILY DWELLING CODE.**

(A) Adopted by reference. To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction, and uses of materials in houses erected, constructed, enlarged, altered, repaired, relocated and converted, the 2018 International Residential Code for One- and Two-Family Dwellings," as published by International Code Council, Inc., is hereby adopted as the one- and two-family dwelling code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (B) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(2002 Code, § 18-151) (Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2017-29, passed 9-19-17)

*Statutory reference:*

*Authority to adopt codes by reference, see Neb. RS 18-132*

(B) *Additions, insertions, and changes.* The following sections of the one- and two-family dwelling code adopted in Section 15.17 (A) are hereby revised as follows:

*Section R101.1. Title.* Insert: the City of Wayne, Nebraska

*Section R105.2 Work exempt from permit.* Amend to read as follows:

Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. One-story detached accessory structures, provided the floor area does not exceed 64 square feet.
2. Fences not over 8 feet high.
3. Retaining walls that are not over 4 feet in height measured from the top of finished grade to top of wall.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated above ground swimming pools.
8. Swings and other playground equipment accessory to a one- or two-family dwelling.
9. Window awnings supported by an exterior wall.
10. Replacement of existing windows with like size windows where no structural alteration is required to affect said change. Window opening size shall not be substantially diminished by replacement and in no instance shall a casement or slider style window be replaced with a double-hung window style, unless minimum egress standard is met.

*Section 105.5 Expiration.* Add the following text to the end of this section:

Every permit shall expire 2 years from the date of initial written approval and any remaining work will require a new permit including a new fee and deposit. At such time the original deposit will be forfeited to the City along with the original permit fee. The two years shall include any temporary occupancy of the building.

*Section R106.3.1. Approval of construction documents.* Delete this section.

*Section R108.2. Schedule of permit fees.* Insert the Building Permit Fees as set forth by the City Council and a copy shall be on file at the City Clerk's office.

*Section 110.2 Change in Use.* Delete this section.

*Section 110.4 Temporary Occupancy.* Add the following text to the end of this section:

The owner of the building shall provide an additional cash deposit in the amount of \$1,000 that will be returned upon issuance of a final certificate of occupancy. If at any time the building permit is revoked or becomes invalid the deposit will be forfeited to the City.

In order to obtain a temporary occupancy the following items shall be completed:

1. House numbers on the front of the building.
2. Exterior siding (not just moisture barrier) placed on the building **in any R or B District.**
3. Driveway surfaced as required by the zoning code.
4. All smoke/carbon monoxide detectors installed per code.
5. Handrails on all stairs as required by code.
6. Hot water available as required by code.
7. One working sink.
8. One working toilet.
9. One working tub or shower.
10. Front stoop/stairs completed.

11. Any deck over 30" above the adjacent grade must have guardrails installed as required by code or access to the deck denied by removing operational hardware from any exterior door entering the deck, or by other means that prevent the door from being unlocked and opened. Also any access from the ground level may not be put in place without guardrails on the deck for temporary occupancy to be allowed.

12. Final approval by the State Electrical Inspector.

*Section R112.1. General.* Amend to read as follows:

Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this article may appeal such decision, notice or order to the board of appeals established pursuant to the current building code in force and effect in the jurisdiction of the City of Wayne, Nebraska. The procedure for said appeal shall be as published in said building code then currently in force and effect.

*Section R113.4. Violation penalties.* Amend to read as follows:

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of an offense and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or allowed, and upon conviction of any such violation, such person shall be punishable by a fine or not more than five hundred dollars (\$500.00).

*Section R114.1 Notice to owner.* Amend to read as follows:

Upon notice from the code official that work on any building or structure is being done contrary to the provisions of this code, such work shall immediately be stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to be resumed.

Section R202 Definitions. Add definitions of "Crawl Space", "Sleeping Room" and Building Envelope" as follows:

**CRAWL SPACE.** An underfloor space that is not a basement. A crawl space shall have a minimum height of 30" from the bottom of floor joists to top of concrete floor. Floor shall not be less than 3" thick. Supply and return HVAC system shall be provided in each crawl space area.

**SLEEPING ROOM.** Any room in a house that is greater than 70 square feet and has built-in closet space and typically could be used as a bedroom. This does not include rooms used for cooking, eating, family living, gathering, bathrooms, toilet rooms and halls.

**BUILDING ENVELOPE.** Building sections which separate inside, conditioned spaces from outside air.

Table R301.2(1): CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA. Insert the following design criteria information.

Roof Snow Load:	30 lbs. per square foot
Ground Snow Load:	25 lbs. per square foot
Wind Speed:	115 mph
Seismic Design Category	B
Subject to Damage from Weathering:	Severe
Subject to Damage from Frost Line Depth:	42 inches
Subject to Damage from Termite:	Moderate to Heavy
Subject to Damage from Decay:	None to Slight
Winter Design Temp:	4 Degrees
Flood Hazards:	Not Available

*Section R301.5 Table R301.5* Amend all 30 pound live loads to 40 pounds.

*Section R302.5.1 Opening protection.* Amend. Delete "equipped with a self-closing device."

*Section R302.7 Under-stair protection.* Delete this section.

*Section R302.12 Draftstopping.* Delete this section.

*Section R302.12.1 Materials.* Delete this section.

*Section R302.13 Fire protection of floors.* Delete this section.

*Section R303.7 Stairway illumination.* Amend to read as follows:

All interior and exterior stairways, serving a means of egress, shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. Exterior stairways shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom of the landing of the stairway.

*Section R309.5 Fire Sprinklers.* Delete this text. Add "Garages located less than 10 feet from a dwelling unit on the same lot shall be protected with no less than 5/8" gypsum board applied to the interior and exterior walls."

*Section R311.7.5.1 Risers.* Add Exception: 1. Secondary stairways serving only storage and utility areas need not comply with rise height and tread depth.

*Section R311.7.8.1 Height.* Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 30 inches and not more than 38 inches.

*Section R313 Automatic Fire Sprinkler Systems.* Delete this section.

*Section R314.2.2 Alterations, repairs and additions.* Delete text and exceptions. Replace with "All dwelling units shall have operational interconnected smoke detectors. Smoke detectors shall be located as required by Section R314.3."

*Section R317.1(1)* Amend to "Wood joists or the bottom of a wood structural floor where closer than 30" to the top of the concrete crawl space floor."

*Section R402.2 Concrete.* Add the following sentence: "Garage floors and driveways or unreinforced concrete shall be a minimum of 4" thick."

*Section R402.1.1 Minimum size.* Add "Spread footings shall not be less than 16" wide or less than 8" thick with 2 courses of 1/2" rebar."

*Section R501.3 Fire protection of floors.* Delete this section.

*Section R502.3 Allowable joist spans.* Amend to read as follows:

Spans for floor joists shall be in accordance with Table R502.3.1(2). For other grades and species and for other loading conditions, refer to the AF & PA Span Tables for Joints and Rafters.

*Section R502.3.1 Sleeping areas and attic joists.* Delete this section.

*Section R502.3.2 Other floor joists.* Amend to read as follows:

*Table R502.3.1(2)* shall be utilized to determine the maximum allowable span of floor joists that support all areas of the building, provided that the design live load does not exceed 40 psf and the design dead load does not exceed 10 psf.

*Section R506.2.3 Vapor retarder.* Delete this section.

*Chapter 11:* Remove this chapter from the one- and two- family dwelling code; however, retain the language therefrom and adopt it as Appendix R with the following notation:

"[This appendix is informative and is not part of the code and words or phrases that indicate mandatory action (i.e. "shall") in this Appendix R shall be read and construed as words or phrases that indicate recommended action (i.e. "should)]."

*Section M1305.1 Appliance access for inspection service, repair and replacement.* Amend to add after last sentence: "Mechanical rooms containing two or more appliances shall not be less than 40 square feet in area no less than 4 feet in width or depth."

*Section 1502.4.1 Material and size.* Add after.....(No. 28 gauge): "or material approved by code official."

*Section G2409.1 (308.1) Scope.* Amend to read as follows:

This section shall govern the reduction in required clearances to combustible materials and combustible assemblies for chimneys, vents, appliances, devices and equipment. Clearance requirements for air-conditioning equipment and central heating boilers and furnaces shall comply with Sections G2049.3 and G2409.4.

*Section P2603.5.1 Sewer depth.* Insert "48" inches in two locations.

*Section P2904 Dwelling Unit Fire Sprinkler Systems.* Delete this section

Adopt Appendix F – Radon Control Methods.

*Section AF103.1 General.* Amend to add after last sentence: "Alternative system designs may be installed when approved by the code official."

*Section AF103.8.1 Vent fan location.* The vent fan shall be located within three feet of an attic access opening.

1. Exception: An elevated walkway above insulation is provided from attic access to vent piping. Walkway shall be elevated a minimum of 30" above bottom of ceiling joists and a minimum of 30" below bottom of rafters. Walkway shall be a minimum of 24" wide.
2. Exception: Attic access and radon vent are both located within the garage footprint. Radon vent shall be exposed with the garage footprint and within 6 feet of an electrical outlet.

Delete AF103.3 Soil-gas-retarder.

Delete AF103.5.2 Soil-gas-retarder.

Adopt Appendix G – Swimming Pools, Spas and Hot Tubs.

Section 2. That the original Sections and all ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. This ordinance may be published in pamphlet form as authorized by law.

PASSED AND APPROVED this 4<sup>th</sup> day of April, 2023.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

ORDINANCE NO. 2023-6

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX SUPPORTED MUNICIPAL IMPROVEMENT BONDS, SERIES 2023, OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS TO BE OWNED BY THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY A SALES AND USE TAX AND PROPERTY TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF SAID TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.**

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

Section 1. The Mayor and City Council (the "Council") of the City of Wayne, Nebraska (the "City"), hereby find and determine that:

- (a) The City imposes a sales and use tax in the amount of 1.50% (the "Sales Tax") upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax pursuant to the Local Option Revenue Act (Sections 77-27,142 to 77-27,148, R.R.S. Neb., as amended, the "Act").
- (b) Pursuant to Ordinance No. 2023-1 of the City adopted on March 7, 2023, the Sales Tax has been continued until June 30, 2039, unless further extended, and when collected shall be deposited in the general fund of the City of Wayne, Nebraska, and divided as follows:
  - 1) for the first 1.0%:
    - i. until July 1, 2024, three-fifths of one percent (0.6%) for general capital improvements over \$5,000.00 initial cost and having a useful life expectancy of more than seven years (such as fire trucks, swimming pool); two-fifths of one percent (0.4%) to fund economic activities under the Wayne Economic Development Program as described in its adopted Wayne Economic Development Plan; and
    - ii. from and after July 1, 2024, eighty-five hundredths of one percent (0.85%) for general capital expenditures to include, but not limited to, property development, infrastructure, fire, police, and street improvements, and fifteen hundredths of one percent (0.15%) to fund economic activities under the Wayne Economic Development Program as described in its adopted Wayne Economic Development Plan;
  - 2) for the last 0.5%:
    - i. until all of the indebtedness evidenced by bonds of the City approved by the voters of the City of Wayne, Nebraska on November 4, 2014 (including refunding bonds issued to refund such indebtedness) are no longer outstanding and unpaid, for the

purpose of paying the principal and interest of the City of Wayne, Nebraska bonds approved by the voters on November 4, 2014, in the principal amount not to exceed \$2,900,000.00 and paying costs related to such purpose; and

- ii. from and after such date, for parks and recreation purposes for the City.

The portion of the Sales Tax which may be used for capital improvements and capital expenditures, and which may be used for parks and recreation purposes for the City, are herein referred to as the “**Pledged Sales Tax.**”

- (c) The City is authorized to issue bonds pursuant to the Act for any municipal purpose, including payment of the cost of park and recreation improvements, infrastructure improvements and other capital expenditures for property to be owned by the City, (together, the “**Project**”) and to pledge receipts of the Pledged Sales Tax and dedicate a portion of its property tax levy authority as provided in Section 77-3442, R.R.S. Neb., as amended, for payment of such bonds.
- (d) All conditions, acts and things required to exist or to be done precedent to the issuance of Tax Supported Municipal Improvement Bonds, Series 2023, (or such other title as determined in a Designation as described below, the “**Bonds**”) of the City of Wayne, Nebraska, in one or more series in the aggregate principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000) pursuant to the Act to provide financing for a portion of the cost of the Project do exist and have been done as required by law.

Section 2. (a) To provide funds for the purpose of paying and reimbursing the costs of the Project as set forth in Section 1 hereof, there shall be and there are hereby ordered issued the Tax Supported Municipal Improvement Bonds of the City in one or more series, in the aggregate stated principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000); provided, however, such amount may be increased as necessary to the extent the Bonds are sold at a net original issue discount.

(b) The Bonds or any portion thereof are hereby authorized to be sold pursuant to a negotiated sale with D.A. Davidson & Co., as initial purchaser (the “**Underwriter**”). In connection with such sale, the Mayor, City Clerk, Finance Director and City Administrator (each, an “**Authorized Officer**”) are hereby authorized to specify, determine, designate, establish and appoint, as the case may be, in one or more written designations which may be included in a bond purchase agreement (each, a “**Designation**”), the following with respect to the Bonds: (i) the aggregate purchase price of the Bonds and the underwriting discount which shall not exceed 1.00% of the aggregate stated principal amount thereof; (ii) the form and contents of any bond purchase agreement in connection with such sale; (iii) for each series, the title, dated date, aggregate principal amount (which aggregate stated principal amount shall not exceed \$7,500,000; provided, however,

such amount may be increased as necessary to the extent the Bonds are sold at a net original issue discount); (iv) the final maturity date, which shall not be later than December 15, 2026, provided that any or all portions of the maturity schedules may be structured such that the amortization period and future repayment schedule (after refinancing) is longer than the initial term of the financing (commonly referred to as a balloon payment); (v) the principal amounts maturing in each year and whether maturities will be issued as serial or term bonds; (vi) the rate or rates of interest to be borne by each principal maturity, and any original issue premium or original issue discount, provided that the true interest cost of the Bonds shall not exceed 4.5%; (vii) the principal payment dates and interest payment dates; (viii) whether to establish a debt service reserve fund for each series of Bonds, and the amount and provisions related such debt service reserve fund; (ix) the prepayment provisions whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption; (x) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds; (xi) the designation of the Paying Agent and Registrar and the form and content of any agreement between the City and such entity; and (xii) all other terms and provisions of the Bonds not otherwise specified or fixed by this Ordinance.

(c) The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable on such dates as determined in the Designation, each an "Interest Payment Date", and the Bonds shall bear interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest

due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. BOKF, National Association, Lincoln, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds, provided that the City reserves the right to designate a bank or trust company to serve in such capacity and upon such agreed terms as may be determined in the Designation by one or more Authorized Officers or at any time by the Mayor at the Mayor's discretion. If a bank or trust company is designated, such bank or trust company shall serve as Paying Agent and Registrar in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City in the form as an Authorized Officer shall deem appropriate on behalf of the City. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its office. The names and registered addresses of registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be

transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one such bond may be transferred for several such bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such bonds may be transferred for one or several such bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City as said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof at par plus accrued interest on the principal amount redeemed to the date fixed for redemption (or such other date as may be determined in the Designation). The City may select the Bonds to be redeemed for optional redemption in its sole discretion.

Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 6. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in Wayne, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 7. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF NEBRASKA  
COUNTY OF WAYNE

CITY OF WAYNE, NEBRASKA  
TAX SUPPORTED MUNICIPAL IMPROVEMENT BOND, SERIES 2023

No. R-\_\_ \$ \_\_\_\_\_

Interest Rate                      Maturity Date                      Date of Original Issue                      CUSIP  
%    , 20\_\_    , 2023

Registered Owner:      Cede & Co.  
   13-2555119

Principal Amount:      \_\_\_\_\_ DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Wayne, Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable on \_\_\_\_\_, 20\_\_, and semiannually thereafter on \_\_\_\_\_ and \_\_\_\_\_ of each year (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal of this bond is payable upon presentation and surrender of the bond at the office of BOKF, National Association, Lincoln, Nebraska, as Paying Agent and Registrar. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purposes become available.

This bond is one of an issue of fully registered bonds of the total principal amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City to pay the costs to construct, acquire, improve, furnish, and equip public infrastructure improvements of the City as more fully described in Ordinance No. \_\_\_\_ (the "Ordinance") legally passed and approved by the Mayor and City Council of said City on \_\_\_\_\_, 2023. The issuance of this bond and the bonds of this issue has been authorized by proceedings duly had and the Ordinance.

All Bonds of this issue are subject to redemption at the option of the City, in whole or in part, at any time on or after \_\_\_\_\_ years after the date of delivery, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption.

Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed at said registered owner's address in the manner specified in the Ordinance authorizing said issue of bonds. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This bond is transferable by the registered owner or such owner's attorney duly authorizing in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

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

For the prompt payment of the principal and interest on this bond and the other bonds of the same issue, as described in the Ordinance, the City of Wayne, Nebraska, has pledged funds received and to be received from revenues from the City's Pledged Sales Tax as defined and described in the Ordinance, with receipts from such Pledged Sales Tax to be allocated by the City to payment of principal and interest as the same fall due. In addition, the City has covenanted and agreed in the Ordinance that it shall designate a portion of its property tax authority pursuant to Section 77-3442, R.R.S. Neb., as amended, in such amount as will provide funds which, together with receipts from the Pledged Sales Tax as pledged to the payment of such principal and interest and any other money made available and used for such purpose, will be sufficient to make payment of the principal of and interest on this bond and the other bonds of the same issue as the same fall due.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and City Council of the City of Wayne, Nebraska, have caused this bond to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

THE CITY OF WAYNE, NEBRASKA

\_\_\_\_\_  
(facsimile signature)  
Mayor

ATTEST:

\_\_\_\_\_  
(facsimile signature)  
City Clerk

(SEAL)

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the bonds authorized by Ordinance of the Mayor and City Council of the City of Wayne, Nebraska, described in the foregoing bond.

BOKF, NATIONAL ASSOCIATION, LINCOLN,  
NEBRASKA  
as Paying Agent and Registrar

By: \_\_\_\_\_  
Authorized Signature

**ASSIGNMENT**

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

---

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

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

Dated: \_\_\_\_\_

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

Medallion Signature Guarantee:

Section 8. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City. The Bonds shall be issued initially as “book-entry-only” bonds using the services of The Depository Trust Company (the “Depository”), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the “Letter of Representations”) in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as “book-entry-only” bonds, the following provisions shall apply:

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

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

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

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds.

The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (c) below.

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

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

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

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Series 2022 Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

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

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

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. After being executed by the Mayor and City Clerk, said Bonds shall be delivered to

the Treasurer of the City who shall be responsible therefor under his/her official bond and such Treasurer shall maintain a record of information with respect to said Bonds in accordance with the requirements of Section 10-140, R.R.S. Neb., as amended, and shall cause the same to be filed with the Auditor of Public Accounts of the State of Nebraska. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as initial purchaser thereof, upon receipt of the purchase price thereof plus accrued interest thereon to date of payment of the Bonds. Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel (including the City's bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Bond Purchase Agreement (the "Purchase Agreement") to be entered into between the City and the Underwriter with respect to the purchase of the Bonds from the City, in such form as the Authorized Officer executing the Purchase Agreement shall in the exercise of his or her own independent judgment and absolute discretion determine to be necessary, proper, appropriate, advisable, or desirable in order to effectuate the issuance, sale, and delivery of the Bonds, be and the same is hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

Section 9. The City Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and City Council precedent to the issuance of said Bonds, a copy of which shall be delivered to the Underwriter.

Section 10. The proceeds of the Bonds shall be applied to the costs of the Project as described in Section 1 hereof, including payment of any related warrant indebtedness and issuance expenses for the Bonds. Pending such application the City Treasurer shall hold such proceeds.

Section 11. The Bonds are special obligations of the City payable from, and secured as to the payment of principal and interest by a pledge of the Pledged Sales Tax, as defined and described in Section 1 of this Ordinance. The City hereby pledges the Pledged Sales Tax to the payment of the principal of and interest on the Bonds. The City hereby further agrees that it shall dedicate such portion of its property tax levy authority (as provided in Section 77-3442, R.R.S. Neb., as amended) as is necessary to provide funds which, together with receipts from the Pledged Sales Tax as pledged to the payment of the Bonds and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Bonds as the same fall due (including mandatory sinking fund redemptions). The pledge of the Pledged Sales Tax provided for in this Section 11 for the Bonds shall not prevent the City from otherwise applying receipts from the Pledged Sales Tax in any year so long as sufficient receipts from such fund have been set aside for the payment of principal and interest falling due in such year on the Bonds. In addition, the City further reserves the right to issue additional bonds payable on par with the Bonds equally and ratably secured by a pledge of receipts from the Pledged Sales Tax.

Section 12. The Mayor and City Council hereby authorize the Authorized Officers, or each individually, to approve and deem final, within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended, a Preliminary Official Statement with respect to the Bonds and the information therein contained and to approve and deliver a final Official Statement for and on behalf of the City. The Authorized Officers, or any one or more of them, are hereby further authorized to take any and all actions and enter into any and all agreements and execute any documents deemed necessary or appropriate in connection with the issuance and sale of the Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 13. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, a continuing disclosure undertaking (the "Continuing Disclosure Undertaking") in such form as shall be satisfactory to the City and in compliance with Rule 15c2-12 of the Securities and Exchange Commission, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this

resolution, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 14. The City hereby covenants with the purchasers and holders of the Bonds herein authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the payment of principal and interest on said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103 and 148 and other related sections of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103 and 148 and related sections and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby authorizes the Authorized Officers, or any one or more of them, as, if and to the extent appropriate, to designate the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenant and warrant on behalf of the City that the City does not reasonably expect to issue tax-exempt bonds or other tax-exempt interest bearing obligations aggregating in principal amount more than \$10,000,000 during the calendar year in which the Bonds are issued (taking into consideration the exception for current refunding issues). The City agrees to take all further actions, if any, necessary and appropriate to qualify the Bonds herein authorized as such "qualified tax-exempt obligations" as and to the extent permitted by law.

Section 15. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have

been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16. All documents, agreements, certificates, and instruments related to the Bonds shall be valid, binding, and enforceable against the City when executed and delivered by means of (i) an original manual signature; (ii) a faxed, scanned, or photocopied manual signature, or (iii) any other electronic signature permitted by electronic signatures laws, including any relevant provisions of the Uniform Commercial Code, in each case to the extent applicable. Each faxed, scanned, or photocopied manual signature, or other electronic signature, shall for all purposes have the same validity, legal effect, and admissibility in evidence as an original manual signature. Each document, agreement, certificate, and instrument related to the Bonds may be executed in any number of counterparts, each of which shall be deemed to be an original, but such counterparts shall, together, constitute one and the same document, agreement, certificate, or instrument, as applicable.

Section 17. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet or electronic form as provided by law.

PASSED AND APPROVED this 4<sup>th</sup> day of April March, 2023.

THE CITY OF WAYNE, NEBRASKA

By: \_\_\_\_\_  
Cale Giese, Mayor

ATTEST:

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

**ORDINANCE NO. 2023-7**

**AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XI BUSINESS REGULATIONS, CHAPTER 110 OCCUPATION TAXES, SECTION 110.02 ALCOHOLIC LIQUORS; 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 Wayne Municipal Code Title XI, Chapter 110, Section 110.02 is hereby amended to read as follows:

**§ 110.02 ALCOHOLIC LIQUORS.**

For the purpose of raising revenue, an occupation tax is levied on the business regarding alcoholic liquors in the amount as authorized by Neb. RS § 53-132(4) of the State Liquor Control Act. Said occupation taxes for liquor license holders of the city will be two times the amount of the license fees established by the State Liquor Control Commission; provided, however, a non-profit corporation doing business under this section shall pay an occupation tax of \$150 for a Class C liquor license. A ***NON-PROFIT CORPORATION*** shall mean and be a non-profit corporation as defined by Neb. RS Ch. 53, as amended. For new licenses that are applied for and received on dates other than the renewal dates, the fees will be prorated on a quarterly basis as outlined by the State Liquor Control Commission.

**In addition, if a liquor license holder of the city has more than one type of liquor license for the establishment at the same address, the occupation tax for said liquor license will be two times the amount of the highest license fee established by the State Liquor Control Commission.**

(2002 Code, § 22-32) (Ord. 2005-28, passed 9-13-2005; Ord. 2011-17, passed 10-18-2011)

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

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

PASSED AND APPROVED this 4<sup>th</sup> day of April, 2023.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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