

(Amended: 9/1/17)

**AGENDA
CITY COUNCIL MEETING
September 5, 2017**

1. [Approval of Minutes – August 15, 2017 and August 29, 2017](#)

2. [Approval of Claims](#)

The City Council will be hearing public comments on the following agenda items: _____

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the south wall of the Council Chambers.

The City Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

3. [Appointment of Heather Headley as Library Director](#)
4. [Proclamation — “September” as National Senior Center Month](#)
5. [Action on a request to approve a Fireworks Display for Wayne State College after their “Family Day Football Game” on Saturday, September 9, 2017 — Christin Dalaviris, Director of Student Activities](#)

Background: Wayne State College is planning another fireworks display this year on September 9th after their “Family Day Football Game.” This requires both State and local approval.

6. [Action on the recommendation of Bryce Meyer, Recreation Director, to reduce hours at the Community Activity Center](#)

Background: Bryce has submitted his recommendations for reducing hours at the Community Activity Center, starting on Labor Day, September, 4th. A copy of his recommendation is included in this packet.

7. [Action on a Wayne Volunteer Fire Department Membership Application for Randall Robertson — Phil Monahan, Fire Chief](#)
8. [Public Hearing: Application for Class LK \(Craft Brewery/Catering\) Liquor License – Johnnie Byrd Brewing Company \(Greg Ptacek\), 117 W. 2nd Street \(Advertised Time: 5:30 p.m.\)](#)
9. [Resolution 2017-78: Approving Application for Class LK Liquor License — Johnnie Byrd Brewing Company](#)

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

Background: Staff anticipated that the City valuation would be \$212,904,365. The final valuation from the County Assessor's office was \$217,869,565. The County Assessor states that \$5,048,797 of the change in valuation was due to growth (2.42%). The levy was left the same as last year (\$0.449995 – this includes debt service and airport), and this results in an increase in property tax revenue of \$22,490. These funds were added to the reserve balances in the General Fund.

11. **Resolution 2017-79: Adopting 2017-2018 Budget**
12. **Public Hearing:** Tax Asking/Property Tax Levy (Advertised Time: 5:30 p.m.)
13. **Resolution 2017-80: Approving Final Property Tax Request for 2017-2018**
14. **Ordinance 2017-30: Approving Annual Appropriation Bill**
15. Action on Approving Allowable 1% Increase in Base Limitation of Restricted Funds Budget
16. **Resolution 2017-76: Accepting bid and awarding contract on the "City Auditorium Door Replacement Project" — Binswanger Glass - \$19,991.00 (Tabled from last meeting)**

Background: Jill Brodersen contacted the Nebraska State Historical Society to see if changing the doors on the City Auditorium would have a negative effect on the historical designation of the building. She received a response, via email which is attached to this packet, which stated that we can do whatever needs to be done, and that they (Historical Society) do not go out of their way to remove properties from the National Register unless they have been moved or demolished.

Recommendation: The recommendation of City Staff and Jill is to approve the bids from Binswanger Glass, including the beveled glass, and the bronze color.

17. **Resolution 2017-81: Approving Supplemental Agreement No. 7 to the Professional Service Agreement for Preliminary Engineering Services between the City of Wayne and Olsson Associates for the Wayne Trail – Phase 2 Project (Additional \$17,195.96 in engineering fees, bringing total engineering fees to \$168,217.46)**

Background: This supplemental agreement was prepared to allow NDOR to cover 80% of the additional engineering costs to redesign the trail, including the re-writing of legal descriptions. Every time there is a change in this project, a new Supplemental Agreement must be signed between the City, the Engineer and NDOR. This additional work increases the total agreement amount with Olsson Associates from \$151,021.50 to \$168,217.46.

Nancy has confirmed we have adequate local match set aside for this project.

Recommendation: The recommendation of City Staff is to approve the agreement to avoid delays in the project.

18. [Resolution 2017-82: Approving Agreement between the City of Wayne and Providence Medical Center for Ambulance Service](#)

Background: We received an updated contract for ambulance services between the City and Providence Medical Center (PMC) from Jim Frank last month. PMC worked with their attorney to develop a more formalized contract. It has the same terms as were proposed in the original document, but expands on the obligations of PMC and the City, in addition to including other provisions in the document.

Recommendation: Staff recommendation is to approve the same.

19. [Ordinance 2017-29: Amending the Wayne Municipal Code, Title XV Land Usage, Chapter 150 Building Regulations; Construction; more specifically Sec. 150.15 Building Code; Building Permits; Sec. 150.16 Electrical Code; Sec. 150.17 One and Two Family Dwelling Code; Sec. 150.18 Plumbing Code; Plumbers; Sec. 150.19 Mechanical Code; Sec. 150.31 Property Maintenance Code; Sec. 150.32 Energy Conservation Code; and 150.33 Structures Damaged by Fire, Flood, Wind, Disaster or other Calamity \(Second Reading\)](#)
20. [Action to transfer the former “Old Armory Property” \(previously owned by Wayne State College\) to the Community Redevelopment Authority \(CRA\) — Lots 22, 23, and 24, Block 10, College Hill Addition to the City of Wayne, Wayne County, Nebraska](#)

Background: The Board of Trustees of the Nebraska State Colleges quitclaimed this property over to the City on June 16, 2017. This was one of the “College Obligations” that was outlined in the interlocal agreement approved on May 2, 2017. The CRA is not under the same restrictions as the City when selling property, but will pay property tax on the same. This is a Council decision on whether to transfer to the CRA or retain the property for future use.

21. [Update/recap of the joint meeting that took place between the City of Wayne, Northeast Public Power and the City of Wakefield on August 29, 2017](#)
22. [Adjourn](#)

**MINUTES
CITY COUNCIL MEETING
August 15, 2017**

The Wayne City Council met in regular session at City Hall on Tuesday, August 15, 2017, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Terri Buck, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 3, 2017, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Haase made a motion, which was seconded by Councilmember Sievers, whereas, the Clerk has prepared copies of the Minutes of the meeting of August 1, 2017, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACE REFRIGERATION CO, SU, 11864.30; AJQUI, ANGEL, RE, 184.04; ALT, ASHTIN, RE, 69.37; AMERICAN BROADBAND, SE, 990.00; AMERITAS, SE, 56.54; AMERITAS, SE, 72.00; AMERITAS, SE, 102.53; AMERITAS, SE, 2376.82; APPEARA, SE, 111.11; APPEARA, SE, 57.49; AUTO ANATOMY ALTERNATIVES, SU, 260.93; BAKER & TAYLOR BOOKS, SU, 1203.19; BENSON, BRANDI, RE, 176.11; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1500.00; BOK FINANCIAL, RE, 158530.63; BOMGAARS, SU, 1572.79; BROWN SUPPLYM, SE, 9219.90; BRUHA, BAILEY, RE, 15.41; BUSZ, RYAN, RE, 44.40; CARHART LUMBER CO, SU, 595.59; CDW GOVERNMENT, SE, 650.01; CITY EMPLOYEE, FE, 75.00; CITY EMPLOYEE, RE, 127.50; CITY EMPLOYEE, RE, 3104.30; COLONIAL RESEARCH, SU, 188.85; CRESCENT ELECTRIC SUPPLY, SU, 2117.94; CRESCENT ELECTRIC SUPPLY, SU, 627.28; D & K PRODUCTS, SU, 40.35; DANKO EMERGENCY EQUIP, SU, 1301.81; DAVE'S DRY CLEANING, SE, 132.00; DAVIS, JENNIFER, RE, 367.80; DIAMOND VOGEL PAINTS, SU, 244.80; EASYPERMIT POSTAGE, SU, 1793.54; ECHO GROUP, SE, 564.70; ECKMANN, JULIA, RE, 201.56; ECKSTEIN, SARAH, RE, 77.18; ED. M FELD EQUIPMENT, SU, 1311.50;

EGAN SUPPLY, SE, 787.78; FANTA, ANNE, RE, 34.79; FASTENAL, SU, 33.73; FELD FIRE, SE, 776.64; FLOOR MAINTENANCE, SU, 317.43; FREDRICKSON OIL, SE, 120.00; GERHOLD CONCRETE, SU, 1577.40; GILL HAULING, SE, 170.50; GREENE, KYLE, RE, 192.43; GROSSENBURG IMPLEMENT, SU, 43.82; GROSSENBURG IMPLEMENT, SU, 8.99; HARRIS, JOHN, RE, 204.84; HAWKINS, INC, SU, 1105.91; HAYS, BRYAN, RE, 8.74; HENDERSON, JESSICA, RE, 64.72; HILAND DAIRY, SE, 72.47; HOCHSTEIN, SABRINA, RE, 89.73; HP INC, SU, 1172.80; INGRAM LIBRARY SERVICES, SU, 534.57; INTERSTATE ALL BATTERY, SU, 155.40; IRS, TX, 3370.26; IRS, TX, 14410.94; IRS, TX, 12488.38; IRS, TX, 14.74; IRS, TX, 63.02; IRS, TX, 45.04; JASEMINE WOLDT, RE, 280.00; JEREZ, CYNTHIA, RE, 60.51; JOHNSON SERVICE CO, SU, 31585.00; KARIAN PETERSON POWER LINE CONTRACTING, LLC, SE, 66879.24; KAY CONTRACTING, SE, 13147.50; KRIZ-DAVIS, SU, 556.40; KTCH, SE, 1244.00; L.G. EVERIST, SU, 679.89; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 7726.00; LIERMAN, SHELBY, RE, 111.47; LUTT OIL, SU, 5866.27; MAIN STREET AUTO CARE, SE, 200.00; MARCO INC, SE, 126.36; MATHESON-LINWELD, SU, 20.15; MATT NELSON, RE, 500.00; MATT SCHAUB, RE, 319.50; METERING & TECHNOLOGY SOLUTIONS, SE, 863.98; MIDWEST LABORATORIES, INC, SE, 598.00; MILLER LAW, RE, 831.48; MOSS, JACQUELINE, RE, 116.74; MSC INDUSTRIAL, SU, 302.56; MUNICIPAL SUPPLY, SU, 459.12; NE DEPT OF REVENUE, TX, 11.76; NE DEPT OF REVENUE, TX, 4116.29; NE LIBRARY ASSOCIATION, FE, 75.00; NORFOLK DAILY NEWS, SE, 286.20; NORFOLK DAILY NEWS, SE, 45.00; ONE CALL CONCEPTS, INC, SE, 110.58; O'REILLY AUTOMOTIVE STORES, SU, 25.47; OSUNA, DAVID, RE, 38.17; PAC N SAVE, SU, 198.20; PAC N SAVE, SU, 411.50; PENGUIN RANDOM HOUSE LLC, SU, 60.00; PETERSEN, JACKSON, RE, 259.99; PITNEY BOWES, SE, 253.85; POUTRE, GARRY, RE, 105.00; QUALITY FOOD, SU, 417.78; QUALITY FOOD, SU, 37.04; REHAB SYSTEMS, SE, 45463.10; ROBERT WOehler & SONS, SE, 12292.75; SHOPKO, SU, 117.47; SOUTH DAKOTA MUNICIPAL LEAGUE, SE, 50.00; SPARKLING KLEAN, SE, 2940.12; STAPLES ADVANTAGE, SU, 76.45; STRAFELDA, JOSHUA, RE, 161.93; TIGHE, JACK, RE, 15.41; TROTTER, LINDSEY, RE, 109.48; TYLER TECHNOLOGIES, SE, 21659.80; UNITED WAY, RE, 5.00; US BANK, SU, 5824.90; US FOODSERVICE, INC., SE, 364.20; UTILITIES SECTION, FE, 2986.00; VAN DIEST SUPPLY, SU, 420.00; VAN WALL EQUIPMENT, SU, 29947.00; VIAERO, SE, 133.07; WASTE CONNECTIONS, SE, 140.80; WAYNE AUTO PARTS, SU, 207.40; WAYNE COUNTY CLERK, SE, 356.00; WAYNE HERALD, SE, 544.00; WAYNE HERALD, SE, 1255.13; WAYNE VETERINARY CLINIC, SE, 210.00; WIENHOFF, ADAM, RE, 80.94; WIMMER, MEGAN, RE, 112.75; WISNER WEST, SU, 92.27; WYNN, ALEC, RE, 124.50; ZACH HEATING & COOLING, SE, 6379.61; 4IMPRINT, INC, SU, 1637.04; ADAMSON, TOM, SU, 8.00; ARC-HEALTH & SAFETY, SE, 270.00; C. H. GUERNSEY & CO, SE, 13109.84; CITY EMPLOYEE, RE, 136.63; CITY EMPLOYEE, RE, 775.70; CITY EMPLOYEE, RE, 722.51; COREY DOORLAG, RE, -150.00; COREY DOORLAG, RE, 150.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 67.73; ECHO GROUP, SU, 1.35; ELECTRO-TEST AND MAINTENANCE, INC, SE, 52381.89; ELLIS HOME SERVICES, SE, 407.03; FLOOR MAINTENANCE, SU, 135.04; FREDRICKSON OIL, SU, 0.30; GERHOLD CONCRETE, SU, 3633.75; GFOA, FE, 170.00; GROSSENBURG IMPLEMENT, SU, 183.72; HAUFF MID-AMERICAN SPORTS, SU, 164.00; HAWKINS, INC, SU, 2399.72; HEARTLAND FIRE PROTECTION, SE, 51.40; HILAND DAIRY, SU, 48.74; HTM SALES, SU, 1586.77; IZABEL CHAVEZ, SE, 22.00; KRIZ-DAVIS, SU, 1594.30; MAIN STREET AUTO CARE, SE, 100.00; MARCO TECHNOLOGIES, SE, 174.61; MICHAEL BIGLEY, RE, 20.00; MUNICIPAL SUPPLY, SU, 754.36; NAPA OF WAYNE, SU, 689.16; NE DEPARTMENT OF TRANSPORTATION, FE, 15.00; NE DEPT OF ROAD, FE, 500.00; NE LIBRARY COM, SU, 854.00; NPPD, SE, 406303.20; NORTHEAST POWER, SE, 12842.38; OCLC, SU, 250.00; PROPERTY EXCHANGE, RE, 19.52; QUALITY 1 GRAPHIC, SU, 150.00; REPCO MARKETING, SU, 40.75; ROBERT WOehler & SONS, SE, 8190.00; RON'S RADIO, SU,

1202.10; STAPLES ADVANTAGE, SU, 59.20; STATE NEBRASKA BANK-PETTY CASH, RE, 482.44; STATE NEBRASKA BANK-PETTY CASH, RE, 103.52; THE CAROM HOUSE, SE, 752.00; US FOODSERVICE, SE, 94.25; WAYNE COUNTY COURT, RE, 300.00; WAYNE MOTORS, SU, 2500.00; WESCO, SU, 2344.37; WESTERN SECTION IAEI, FE, 590.00; WIGMAN COMPANY, SU, 38.25; WIMMER, MEGAN, RE, 20.06

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

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Sandy Brown, representing the Wayne Green Team was present to request Council consideration to allowing them to close or change the traffic pattern on 3rd Street between Pearl and Lincoln Streets for the Electronic Recycling Event to be held on Saturday, September 23, 2017, from 8:00 a.m. to 11:00 a.m. The first event took place in 2012. This is the 4th year in a row that they have received grant funding from NDEQ (\$4,800) for this event.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, approving the request of the Wayne Green Team to close or change the traffic pattern on 3rd Street between Pearl and Lincoln Streets for the Electronic Recycling Event to be held on Saturday, September 23, 2017. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Rusty Parker, representing the Wayne Country Club, was present to review the Lease Agreement between the City of Wayne and the Wayne Country Club. The City will be leasing property to the Wayne Country Club for \$1.00 annually. Some of the terms therein are as follows:

- The Wayne Country Club will pay the property taxes thereon;

- Will be responsible for maintaining and improving all aspects of the property during the lease term, except as otherwise noted or agreed upon by the parties in writing; and
- Will maintain property and liability insurance for the property at their expense.

Mr. Parker also brought with him an easement and quitclaim deed for the Mayor's signature.

Councilmember Eischeid introduced Resolution No. 2017-77 and moved for its approval; Councilmember Brodersen seconded the motion.

RESOLUTION NO. 2017-77

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF WAYNE AND THE WAYNE COUNTRY CLUB, LLC.

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

Mayor Chamberlain requested Council consideration to approving the following appointments to the "Design-Build Selection Committee" for the Wayne Country Club Clubhouse Remodel Project:

Joel Hansen, City Representative
Jill Brodersen and Matt Eischeid, City Council Representatives
Dave Hix, Steve Meyer, Lowell Heggemeyer, Troy harder, Darrell Miller, Rusty Parker and Adam Severson, the current Wayne Country Club Building Committee

Councilmember Giese made a motion, which was seconded by Councilmember Greve, approving the following appointments to the "Design-Build Selection Committee" for the Wayne Country Club Clubhouse Remodel Project:

Joel Hansen, City Representative
Jill Brodersen and Matt Eischeid, City Council Representatives
Dave Hix, Steve Meyer, Lowell Heggemeyer, Troy harder, Darrell Miller, Rusty Parker and Adam Severson, the current Wayne Country Club Building Committee

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

Pastor Mike Feldman, on behalf of Grace Lutheran Church, was present requesting Council consideration to allowing them to close off a one-block section of 10th Street from Main

Street to Logan Street on Sunday, September 10, 2017, from 8:00 a.m. to 1:00 p.m. for a “Sunday School Rally Day Festival.” They will provide the necessary Certificate of Insurance with \$1,000,000 liability coverage and naming the City as an additional insured.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving the request of Grace Lutheran Church to close off a one-block section of 10th Street from Main Street to Logan Street on Sunday, September 10, 2017, from 8:00 a.m. to 1:00 p.m. for a “Sunday School Rally Day Festival.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Agenda item no. 7 – Action on Wayne Volunteer Fire Department Application for Membership for Jacob Curran was pulled from the agenda.

Phil Lorenzen, representing D.A. Davidson & Co., the City’s bond underwriter, was present to go over the issuance of Electric Revenue Bond Anticipation Notes, Series 2017, for the City of Wayne. This action is needed to help finance the Electric Distribution West Inner and East Inner Conversion Project. His recommendation is to clean up the audit for fiscal year end 2017 by issuing bond anticipation notes to replace the cash that has been transferred temporarily. This will look better on the City’s balance sheet and bode well in going forward in terms of setting up the stage for the next wave of financing. He is recommending a 3-year term for bond anticipation notes that would range somewhere in the mid 1% to around 1.75%. His recommendation is to issue bond anticipation notes in an amount not to exceed \$1,320,000 to replace the cash that has been advanced to pay for the costs of the transaction.

A bond anticipation note is a short-term note that is issued in anticipation of the future issuance of bonds. It allows you to go ahead and do a replacement of the funds you have already advanced for this project to replace those funds for other uses.

Councilmember Giese introduced Ordinance No. 2017-28, and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2017-28

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC REVENUE BOND ANTICIPATION NOTES, SERIES 2017, OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$1,320,000), FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS TO THE ELECTRIC SYSTEM OWNED AND OPERATED BY THE CITY; PENDING THE ISSUANCE OF PERMANENT ELECTRIC REVENUE BONDS; AGREEING TO ISSUE SUCH BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; PRESCRIBING THE FORM OF SAID NOTES; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE ELECTRIC SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID NOTES AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID ELECTRIC SYSTEM; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, to move for final approval of Ordinance No. 2017-28. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Jan Merrill, Community Planner, with Northeast Nebraska Economic Development District, presented the 2017 Comprehensive Development Program Phase I Pre-Development Executive Summary to the Council.

Mayor Chamberlain declared the time was at hand for the second public hearing to obtain public input on the application for the Community Development Block Grant Comprehensive Investment and Stabilization Grant (CIS) Phase II, Year Two Funds – No. 14-CIS-005.

Jan Merrill with the Northeast Nebraska Economic Development District was present to answer questions. She advised the Council that a second public hearing is required for each CDBG funded project to obtain citizen input, comments, or opinions with regard to the program performance.

The City of Wayne requested \$130,000 of CDBG Comprehensive Investment and Stabilization (CIS) Phase II, Year Two funds, of which \$31,500 was used for clearance/demolition; \$25,000 for single-family, owner-occupied rehabilitation; \$7,500 for housing management and risk assessment/testing; and \$13,000 for general administration of the grant. Local matching funds of \$200,000 were provided by the City of Wayne to make water system improvements, for a total project cost of \$330,000. All activities were conducted within the target area (southeastern quadrant) reviewed through the CIS Phase I Needs Assessment/Strategy. All CDBG funds were to benefit low-to-moderate income persons in the community. No persons were displaced as a result of this project.

No action was needed on the matter.

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

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

Since no action was needed on this matter, Resolution No. 2017-68 was not used.

Mayor Chamberlain declared the time was at hand for the second public hearing to obtain public input on the application for the Community Development Block Grant – 16-CD-008.

Jan Merrill with the Northeast Nebraska Economic Development District was present to answer questions. She advised the Council that a second public hearing is required for each CDBG funded project to obtain citizen input, comments, or opinions with regard to the program performance.

The City of Wayne requested \$26,400 of CDBG Comprehensive Development (CD) Phase I funds, of which \$23,400 was used to conduct a planning study and \$3,000 was used for

general administration of the grant. Local matching funds of \$12,600 were provided by the City of Wayne. The total project cost was \$39,000. All activities were conducted within the LMI target area. All CDBG funds benefited low-to-moderate income persons in the community. No persons were displaced as a result of this project. The grant will also require an additional leverage of \$12,600 within the target area and must benefit LMI persons.

No action was needed on the matter.

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

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

Since no action was needed on this matter, Resolution No. 2017-69 was not used.

Mayor Chamberlain declared the time was at hand for the public hearing on the application for the Community Development Block Grant Comprehensive Development (CD) Phase II Funds.

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

The City of Wayne is requesting \$350,000 of CDBG Comprehensive Development (CD) Phase II funds, of which \$307,000 will be used to install approximately 175 ADA ramps at pedestrian crossings; \$35,000 will be used for general administration; and \$8,000 will be used for construction management. Local matching funds of \$76,750 and \$76,750 in leveraged funds will be provided by the City of Wayne and will come from the 2nd Street paving and storm sewer project. The total program cost is \$503,500. All activities will be conducted within the LMI target area. All CDBG funds will benefit low-to-moderate income persons in the community. No persons will be displaced as a result of this project.

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

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

Councilmember Brodersen introduced Resolution No. 2017-70 and moved for its approval; Councilmember Eischeid seconded the motion.

RESOLUTION NO. 2017-70

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

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding a Use by Exception Request, specifically for Sec. 152.082 B-3 Neighborhood Commercial District (E) Special Conditions and Conditions for Granting Exceptions (7) Drive-up, Drive-through or Drive-In. The applicant, State Nebraska Bank, wishes to expand the current drive-through location located at 1002 Main Street.

The Planning Commission reviewed this matter at their public hearing on August 7, 2017, and recommended approval thereof, subject to the following "Finding of Fact:"

1. Staff's recommendation;

Joel Hansen, Zoning Administrator, stated that at the Planning Commission's public hearing, one of the neighbors requested that the City Council require the alley to be paved, and that that be made a condition of approving the permit.

It was noted that State Nebraska Bank did not make this request; it was a neighbor.

It was also noted that Matt Ley requested the paving of the alley not be made a condition of this permit.

There was some discussion regarding the exit/entrance onto the property off Main Street, the design and layout of the building and property, and customer parking.

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 Chamberlain closed the public hearing.

Councilmember Eischeid introduced Resolution 2017-71, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2017-71

A RESOLUTION APPROVING THE APPLICATION OF STATE NEBRASKA BANK FOR A ZONING USE BY EXCEPTION PERMIT TO EXPAND ITS CURRENT DRIVE-THROUGH LOCATION AT 1002 MAIN STREET.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who abstained due to a conflict of interest, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation concerning the Amended "Final Plat for the Southview II Addition." The applicants, Brent Pick and Kelby Herman, are seeking the request.

The Final Plat for Southview II Addition is being amended to add a lot. Wayne County has decided to be included in the plat to have a clearer defined lot should they decide to sell the same in the future.

The Planning Commission reviewed the matter at their public hearing on August 7, 2017, and forwarded a recommendation to approve the same subject to the following "Finding of Fact:"

- 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 Chamberlain closed the public hearing.

Councilmember Brodersen introduced Resolution 2017-72, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2017-72

A RESOLUTION APPROVING THE AMENDED FINAL PLAT FOR THE "SOUTHVIEW II ADDITION" OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation concerning the Final Plat for the "Grace Acres Addition." The applicant is the City of Wayne.

A plat for the "Grace Acres Addition" has been prepared to better define the area in question and clean up some old tax lots.

The Planning Commission reviewed the matter at their public hearing on August 7, 2017, and forwarded a recommendation to approve the same subject to the following "Finding of Fact:"

- 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 Chamberlain closed the public hearing.

Councilmember Eischeid introduced Resolution 2017-73, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-73

A RESOLUTION APPROVING THE FINAL PLAT FOR "GRACE ACRES ADDITION" OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

The following matter comes back on the agenda for Council consideration. Alternate #2, which is Rugby Road, would cost \$103,204. Alternate #3, which is paving 4th Street to the fence, would cost \$66,968. Council held off on approving these two alternates to see what public feedback might be, at least on where Rugby Road should go.

The City previously signed an agreement with McLaury Engineering to create a plat of the area around this project and south to the lagoon, etc. Before we have the engineer create this plat, we need to know the intentions of the Council for roads. Although the 1 & 6 Year Street

Improvement Plan was approved at an earlier meeting this year, there is still some uncertainty if the Council wants Rugby Road at the proposed location. No matter if Rugby Road is approved to be paved or not at this meeting, we can still add it to the plat.

Lou Bencoter was present to request that Council approve Alternate 3 to pave/finish 4th Street at this time.

Discussion took place on where Rugby Road should go.

After discussion, Councilmember Giese introduced Resolution No. 2017-74 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-74

A RESOLUTION REJECTING BID ALTERNATE 2 (\$103,204 – RUGBY ROAD) AND ACCEPTING BID ALTERNATE 3 (\$66,968 – EXTEND 4TH STREET) ON THE “4TH STREET PAVING PROJECT.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Greve who voted Nay, the Mayor declared the motion carried.

The following Resolution would allocate \$71,400 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. Last year’s allocation was \$70,669.

Councilmember Giese introduced Resolution No. 2017-75 and moved for its approval, Councilmember Greve seconded.

RESOLUTION NO. 2017-75

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY (\$71,400).

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

The following Resolution would accept the bid of Binswanger Glass to replace the east doors on the front of the City Auditorium for a total cost of \$19,991.

Gene Hansen, Electric Production Superintendent, sought and received three bids to replace the front doors of the City Auditorium. Binswanger Glass had the low bid of \$11,770. Glass Edge was at \$18,988, and Custom Glass, LLC, came in at \$14,500. Mr. Hansen was then asked to get a bid from Binswanger Glass to replace the north and south meeting room front doors, along with the door going to the apartment upstairs. That bid came in at \$8,221, bringing the total project cost to \$19,991. There was \$15,698 placed in this year's budget for this project. There are monies in the Sales Tax Capital Project Fund to cover the \$3,000 difference between what was budgeted and bid.

These doors were refurbished when the auditorium was remodeled several years ago, but it did not change the fact that the doors are antiquated and do not seal up or lock properly.

Council had concerns about whether or not this would have an effect or interfere with the historical designation. Councilmember Brodersen stated she would contact the Nebraska State Historical Society to see if this would have an impact on the historical register designation of the City Auditorium.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid to table action on Resolution No. 2017-76 until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2017-24 and moved for approval of the third and final reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2017-24

AN ORDINANCE TO AMEND SECTION 78-133 OF TITLE VII TRAFFIC CODE, OF THE WAYNE MUNICIPAL CODE RELATING TO RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Eischeid introduced Ordinance 2017-25 and moved for approval of the third and final reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2017-25

AN ORDINANCE TO AMEND SECTION 78-174 OF TITLE VII TRAFFIC CODE OF THE WAYNE MUNICIPAL CODE RELATING TO TRUCK PARKING; WHERE DESIGNATED; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Joel Hansen, Zoning Administrator, brought forward an ordinance for Council consideration regarding changes to the building codes. He stated the City went through a Building Department review with the ISO in 2016, which takes place every 5 years. The City is currently on the 2006 I-codes. Since we are more than two editions past the latest version (2015), the City's rating has dropped from a 5 to a 9. In order to improve the rating, he is proposing that the City adopt the 2012 I-codes. Most of the other communities in Nebraska are facing the same issue. Norfolk will be adopting the 2012 codes soon, as well. The ISO rating for the Building Department does not affect homeowner's insurance like the ISO rating for the Fire Department, but it can have an impact if we ever have a house that requires flood insurance. The ISO has contacted Mr. Hansen and given the City until the middle of September to adopt newer codes in order to raise our rating. This is an extension from a March deadline.

Mr. Hansen also attended a Nebraska Code Officials Association quarterly meeting in June where communities discussed potential amendments, insertions, and deletions they proposed to the 2012 I-codes, and he has incorporated many of those in this ordinance. Major items include:

- The removal of the requirements for sprinklers in one- and two-family dwellings, fire protection on the bottom of floor joists in basements of one- and two-family dwellings;
- Adding penalties of \$500 per day for violations,
- Reducing the size of accessory buildings that can be built without a permit from 120 square feet to 64 square feet; and

- Removing the residential chapter of the energy code and replacing it with a prescriptive list of R-values along with the option to use Res-check as is currently done as a deviation that can be approved by the Building Inspector.

The replacement of the energy code matches what is currently done in Norfolk and will eliminate the need for costly door tests and the need to install mechanical ventilation in each home.

Councilmember Eischeid introduced Ordinance 2017-29, and moved for its approval; Councilmember Brodersen seconded.

ORDINANCE NO. 2017-29

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.15 BUILDING CODE; BUILDING PERMITS; SECTION 150.16 ELECTRICAL CODE; SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; SECTION 150.18 PLUMBING CODE; PLUMBERS; SECTION 150.19 MECHANICAL CODE; SECTION 150.31 PROPERTY MAINTENANCE CODE; SECTION 150.32 ENERGY CONSERVATION CODE; AND SECTION 150.33 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; 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 Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

JEO Consulting Group, Inc., presented Application for Payment No. 16 (Final) for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project” for \$38,569.00 to Eriksen Construction, Co., Inc. They have found the work to date completed in accordance with the plans and specifications, and recommend approval of the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving Application for Payment No. 16 (Final) for \$38,569.00 to Eriksen Construction, Co., Inc., for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen requested that agenda item no. 29 - Action to consider allowing adult beverages for an event called "Bressler Fest" to be held at Bressler Park on September 10, 17, 24 and October 1, 2017, from 6:00 p.m. to 8:00 p.m. be pulled from the agenda.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:18 p.m.

MINUTES
CITY COUNCIL MEETING
August 29, 2017

The Wayne City Council met in special session at the Wayne Fire Hall on Tuesday, August 29, 2017, at 7:00 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jennifer Sievers, Terri Buck, Jason Karsky, and Jill Brodersen; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Jon Haase and Matt Eischeid.

Notice of the convening meeting was given in advance by posting in three places on August 24, 2017, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

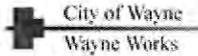
Mayor Chamberlain read for the record the questions to be discussed on the agenda.

Bernie Cevera of C. H. Guernsey & Company, and Mark Shults, General Manager of Northeast Power, presented the benefits of being a part of the Southwest Power Pool with its reliability and markets. Mr. Cevera presented an overview of the environment Wayne is in with the Southwest Power Pool. He also talked about a report that was just released Thursday by the Secretary of Energy from the Department of Energy about the transmission grid, its reliability and the market. Wayne has been a part of the SPP since April, 2007, when Nebraska Public Power District expanded and became a part of the SPP. The SPP assists in joint planning to get the most value out of your investment. Since March of 2014, the SPP has averaged about one hundred million dollars in net savings per year. The Department of Energy has validated these numbers. There is no arguing that being in an RTO saves a lot of money if you are participating actively. (An RTO "**regional transmission organization**" in the United States is an electric power transmission system operator (TSO) which coordinates, controls and monitors a multi-state electric grid.) The SPP does this by looking at the next day market and Big Rivers will be doing that for the City of Wayne in the future.

Mr. Shults then addressed the questions on the agenda. In addition, he explained the importance of the SPP and the importance of competition, and also some of the barriers they are facing in order to get their facilities into the SPP.

- Should Wayne and Wakefield order 69kv or 115kv transformers for their substations?
Answer: Wayne and Wakefield should order the 69kv transfer. To convert to a 115 would be a decade long project and would cost millions. He did not know if they could impose that upon the ratepayers.
 - Is the 69kv line voltage transmission line adequate?
Answer: It is. There is no need for additional voltage.
 - Is our expected load growth sufficient to justify a voltage increase to 115kv and several city substation upgrades yet? If not, then when?
Answer: 69 is an adequate voltage for the service Wayne is being delivered.
 - If there is a voltage upgrade based on mutual benefits, how will such benefits be shared and assigned?
Answer: He did not think they were really looking yet at a voltage upgrade, but who knows.
- What methods would we, as a group, use to gain access to the SPP?
 - Is NNPPD going to be okay to put the Wayne/Wakefield transmission line into the SPP system if it reduces all of our costs?
Answer: They were more than okay from the very beginning.
 - Who would benefit and how would we allocate our costs to access the SPP?
Answer: Everybody in this room would benefit.
- Should we jointly complete an IRP?
Answer: Probably. He has not given this much thought right now, for the reason that he does not think they have to do it until a year after they start taking service from the SPP.
- The Wayne Capital Projects' Plan calls for a second substation. Does Wakefield need that also? When should we do that? Who would build and own that?
- How would we handle a 30-day regional power outage in the Midwest?
Answer: He did not know. It depends on what your citizens expect and what they are willing to pay for. This is not anything they can plan for at Northeast.
- Should we memorialize these discussions into an interlocal agreement?
Answer: Yes, whether through a memorandum of understanding or a letter agreement. To him, an interlocal agreement comes into play when everyone is going to jointly spend some money together for a common project.

There being no further discussion, Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase and Eischeid who were absent, the Mayor declared the motion carried and the meeting adjourned at 8:29 p.m.



Vendor	Payable Description	Payment Total
ALTONA FINISHING INC.	CITY HALL REMODEL	2,406.60
AMAZON.COM, LLC	DVDS/SUPPLIES	606.93
AMERICAN BROADBAND NE COMM	FIBER LINE LEASE	990.00
AMERICAN PUBLIC POWER ASSOCIATION	2ND HALF POWER PLANT DUES	1,493.97
AMERITAS LIFE INSURANCE	AMERITAS ROTH	64.11
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,201.76
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	84.44
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	7,760.00
APPEARA	LINEN & MAT SERVICE	141.57
ARNIE'S FORD INC	BLINKER SWITCH REPAIR/DETAIL SENIOR CENTER VEHICLES	1,029.67
BEHLEN MFG CO	BENCHES	1,558.00
BENSCOTER INC	BUILDING PERMIT DEPOSIT REFUND	250.00
BINSWANGER GLASS	POLICE DEPT WINDOW GLASS	2,510.00
BLACK HILLS ENERGY	GAS BILLS	299.91
BLUE CROSS BLUE SHIELD	HEALTH PREMIUMS	36,414.87
BOMGAARS	TOOLS/SOFTENER SALT/PAINT	987.20
BROWN SUPPLY CO	HOSE/BIT/CAP/MANHOLE RISER	1,374.97
BSN SPORTS, INC	HOCKEY TABLE/CUE STICKS/BASKETBALL NETS/FOOTBALLS	808.91
CARHART LUMBER COMPANY	FASTENERS/TAPE/GLUE/TOOLS	517.32
CARISSA SOKOL	AUDITORIUM DEPOSIT REFUND	150.00
CARROLL DISTRIBUTING	SCREED/CHALK/SEALER	296.09
CENTURYLINK	TELEPHONE CHARGES	416.59
CHAMBERLAIN, KE	MILEAGE REIMBURSEMENT	41.73
CHEMQUEST, INC.	QUARTERLY MONITORING	595.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	1,365.20
CITY EMPLOYEE	VISION REIMBURSEMENT	16.25
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	1,588.98
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	492.56
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	42.94
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	1,899.80
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	96.03
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	486.08
CITY EMPLOYEE	SAFETY BOOTS	150.00
CITY OF WAYNE	FAIR BOARD CREDIT	1,164.79
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
DANKO EMERGENCY EQUIPMENT	FIRE COAT/PANTS/SLING/HARNES	4,393.55
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DEARBORN NATIONAL LIFE	VFD INSURANCE	89.44

Vendor	Payable Description	Payment Total
DGR & ASSOCIATES CO	WEST/EAST INNER CONVERSION	1,333.26
DISCOUNT PLAYGROUND SUPPLY, INC.	PLASTIC BOARDER	2,417.25
DUGAN BUSINESS FORMS	10,000 PAYABLE CHECKS	548.50
ECHO GROUP INC JESCO	3M TAPE	62.16
ERIKSEN CONSTRUCTION CO, INC	WWTP-BIOSOLIDS	38,569.00
FIRST CONCORD GROUP LLC	FLEX FEES	2,694.16
FLOOR MAINTENANCE	PLATES/FOIL/LIDS/GLOVES/JANITORIAL SUPPLIES	477.14
FRAHM, KODY	UTILITY DEPOSIT REFUND	153.29
GARVIN, CALEB	UTILITY DEPOSIT REFUND	39.62
GEMPLER'S INC	FLOW CONTROL VALVE	42.99
GERHOLD CONCRETE CO INC.	CONCRETE-9TH ST	1,947.50
GROSSENBURG IMPLEMENT INC	FILTERS/OIL/SCREWS/WASHERS	47.81
HART, APRIL	UTILITY DEPOSIT REFUND	4.52
HAWKINS, INC	POOL CHEMICALS	18.70
HILAND DAIRY	FOOD SERVICE SUPPLIES	41.97
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	72.11
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	76.96
HP INC.	ADAPTER	19.75
HTM SALES INC	WEB BASE MONITORING	1,981.67
HYDRO OPTIMIZATION	CONNECT WISE	150.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	10,980.02
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	9,487.39
INTERSTATE ALL BATTERY	BATTERIES	318.15
IRS	MEDICARE WITHHOLDING	3,953.72
IRS	FEDERAL WITHHOLDING	15,242.64
IRS	FICA WITHHOLDING	16,905.32
JASON SEARS	AMERITAS RETIREMENT CORRECTION	8.13
JEO CONSULTING GROUP	SLUDGE ENGINEERING	700.00
JUAN, FEDERICO	UTILITY DEPOSIT REFUND	124.79
K.C. PETERSON CONSTRUCTION	BUILDING PERMIT DEPOSIT REFUND	250.00
KALEENA HEITHOLD	VOLLEYBALL REFUND	30.00
KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE	PAYROLL DEDUCTION	243.00
KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE	PAYROLL DEDUCTION	243.00
KELLY SUPPLY COMPANY	FLANGE GASKET/CHECK VALVE	466.57
KRIZ-DAVIS COMPANY	OVERPAYMENT CORRECTION	27.82
LAURA ZAVALA	AUDITORIUM DEPOSIT REFUND	150.00
LEE, ARMANDO	UTILITY DEPOSIT REFUND	62.91
LOUIS BENSOTER	TIF PRINCIPAL & INTEREST	2,738.45
LOUIS BENSOTER	BUILDING PERMIT DEPOSIT REFUND	250.00
LUCAS THOMPSON	BUILDING PERMIT DEPOSIT REFUND	100.00
MSC INDUSTRIAL	SWING VALVE	170.49
NAIDENOFF, ANDREY	UTILITY DEPOSIT REFUND	84.67
NAPA OF WAYNE	BATTERY	110.49
NE DEPT OF REVENUE	STATE WITHHOLDING	5,075.88
NE PUBLIC HEALTH ENVIRONMENTAL LAB	FLUORIDE/COLIFORM TESTING	262.00
NE SAFETY COUNCIL	MEMBERSHIP DUES	310.00

Vendor	Payable Description	Payment Total
NLA	MEMBERSHIP DUES	255.00
NORTHEAST NE ECONOMIC DEV DIST	WRLF JULY 17 ADMIN FEES	60.00
NORTHEAST NE INS AGENCY INC	SENIOR CENTER KITCHEN EQUIPMENT	46.00
NORTHWEST ELECTRIC LLC	ROOF UNIT	244.42
OCC BUILDERS LLC	BUILDING PERMIT DEPOSIT REFUND	250.00
OCC BUILDERS LLC	WASTE/WATER STORAGE BUILDING	4,931.00
ONE OFFICE SOLUTION	40 CASES OF COPY PAPER	1,220.00
PLUNKETT'S PEST CONTROL	PEST CONTROL	88.58
POLLARD PUMPING	BOY SCOUT PARK PORT A POTTIE	195.00
REHAB SYSTEMS	PIPE/MANHOLE REPAIR	1,375.00
RESCO	ELBOW ARRESTER	722.26
ROBERT WOehler & SONS	SANITARY SEWER REPAIR	10,539.31
ROBERT WOehler & SONS	10TH ST SEWER LINE REPAIR	3,897.41
ROBERT WOehler & SONS	SEWER MAINTENANCE 1ST STREET	4,640.00
ROBERT WOehler & SONS	MANHOLE CLEAN OUT	9,469.33
SIGNS BY TOMORROW	DECALS FOR POLICE CAR	162.00
STAPLES ADVANTAGE	OFFICE SUPPLIES	136.33
STEECE, KRISTINA	CAC MEMBERSHIP OVERPAYMENT	8.60
TOM'S BODY & PAINT SHOP	UNIT 11 BUMPER REPAIR	2,024.00
UNITED WAY	UNITED WAY DEDUCTION	10.00
US BANK	CONFERENCE PHONE/VALVES/MONITORS/SPEAKERS REGISTRATIONS/TRAMPOLINE ETC	4,975.97
UTILITY EQUIPMENT CO	PVC PIPE	1,503.70
VERIZON WIRELESS SERVICES LLC	CELL PHONES	92.90
WAYNE AREA ECONOMIC DEVELOPMENT	LEADERSHIP CLASS	477.00
WAYNE COUNTY COURT	BOND	150.00
WAYNE SWIM TEAM	SWIM TEAM REVENUES	2,121.25
WINDOM RIDGE	TIF PRINCIPAL & INTEREST	1,169.25
ZEE MEDICAL SERVICE CO	FIRST AID SUPPLIES	142.60
Grand Total:		245,211.97

National Senior Center Month Proclamation

Whereas, older Americans are significant members of our society, investing their wisdom and experience to help enrich and better the lives of younger generations; and

Whereas, the Wayne Senior Center & Nutrition Program has acted as a catalyst for mobilizing the creativity, energy, vitality, and commitment of the older residents of Wayne, Nebraska and Wayne County; and

Whereas, through a wide array of services, programs, and activities, the Wayne Senior Center & Nutrition Program empowers older adults to contribute to their own health and well-being and the well-being of their fellow citizens of all ages; and

Whereas, the Wayne Senior Center & Nutrition Program in the City of Wayne, Nebraska affirm the dignity, self-worth, and independence of older persons by facilitating their decisions and actions; tapping their experiences, skills, and knowledge; and enabling their continued contributions to the community;

Whereas, the Wayne Senior Center & Nutrition Program provides opportunities for seniors to stay active and healthy, continue learning, share experiences and stay connected with friends and community members.

NOW, THEREFORE BE IT RESOLVED that in an effort to acknowledge the importance and the many contributions of the Wayne Senior Center & Nutrition Program, and call upon all citizens to recognize the special contributions of the senior center participants and the special efforts of the staff and volunteers who work every day to enhance the well-being of the older adults of our community. I, Ken Chamberlain, Mayor of the City of Wayne, Nebraska, hereby proudly proclaim September as National Senior Center Month in the city of Wayne.

Respectfully submitted and approved, on this the: _____

Mayor, Ken Chamberlain

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Wayne State College

August 22, 2017

City of Wayne
306 Pearl Street
PO Box 8
Wayne, NE 68787

To whom it may concern;

On behalf of the Office of Student Activities at Wayne State College, I am writing to request permission to do a short 5-10 minute fireworks display after our Family Day Football game on Saturday, September 9th, 2017.

We would like to do a fireworks display as a grand ending to our Family Day Activities. We are using a licensed fireworks company to provide us with our fireworks display which will occur shortly after the WSC home football game ends (approximately 8:45 pm).

The Wayne State Campus Security and Student Activities Staff will assist the Wayne Volunteer Fire Department with securing the fireworks site. Fireworks will be set off from a grassy area off of the walking path behind the football stadium. Please contact me by email at chdalav1@wsc.edu or by phone at 402-375-7589 if you have any questions or concerns regarding our request.

Thank you for your time and consideration. We look forward to working with the City of Wayne to facilitate another eventful event.

Respectfully,

Christin Dalaviras
Director of Student Activities
Wayne State College
Chdalav1@wsc.edu
402-375-7589

NEBRASKA STATE FIRE MARSHAL
Public Firework Display

Permit # 2017-DP-25312364-398

Receipt # 25312364

Date Received August 24, 2017 03:09 PM

Sponsoring Organization/Individual

Name 1 Wayne State College

Name 2 Donald Wisnieski

Address 56022 E Hwy 275

City Norfolk

Daytime Phone 402-841-2000

State NE

Zip Code 68701

Email wiz@wisnieski.com

Public Display Operator

License # 17-05/082

Name BOSSHART, RYAN JOHN

Address 1 8268 CO RD 3

Address 2

City ARLINGTON

Daytime Phone 402-478-4949

State NE

Zip Code 68002

Email

Location/Dates

Display Location Wayne State College Campus N.E. of Football Field

Display City Wayne

Display County Wayne

Display Date September 09, 2017

Rain Date October 12, 2017

Display Time 06:00 PM

Rain Time 07:00 PM

Public Display Yes

Storage Information

How Stored Approved ATF/NSP Bunker

Distributor(s) J & M Displays, Inc. (2017-RP-22906976-10)

Mortar/Distances (in feet)/Ground Display

Largest Mortar (Inches) 4.0

Residential 280

Health Care Facilities N/A

Penal Facilities N/A

Power Lines N/A

Phone Lines N/A

Ground Display Stat. **Parking** 75

Electronically Fired? Yes

Spectators 280

Parking 280

Hwys/Streets/Alleys 280

Hazardous Materials N/A

Trees N/A

Spectactors 75

Approval

Approved By Jim Heine, SFM

Date Approved/Issued August 28, 2017

Fire Chief Signature

Recommended change of hours – YEAR ROUND

May 1st – Labor Day (Pool Season)

Monday – Friday 5:30am-9pm

Saturday 8am – 9pm

Sunday 12:30pm – 9pm

Labor Day – May 1st (Non-Pool Season)

Monday – Friday 5:30am-9pm

Saturday 8am – 6pm

Sunday 12:30pm – 6pm

This recommended was approved by the Recreation Board which shows we need to stay open until 9pm on Saturday's and Sunday's due to the pool being open. Once Labor Day hits and the pool is no longer open, we adjust hours whereas we don't need staff in the building that late on the weekends and can utilize our 24 hours access during those times.

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

APPLICATION FOR MEMBERSHIP

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

Name Randall Robertson Address 907 Wightman Cir Wayne ne 68788
Phone Number _____ Social Security # _____
Employer Great Dane Occupation Trailer builder
How long have you been employed by your present employer? 7 months
Previous Employer and Address _____

Have you previously been a member of a Fire Department? Yes
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. Fire fighting Phase I Basic/intermediate
Wildland fire course Hawkins VFD Texas
Do you have any physical ailments or disabilities that could affect your performance on the department?
No

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

Applicant's Signature Randall Robertson Date 6/25/17
Sponsor's Signature (if applicable) _____ Date _____

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

Applicant's Signature Randall Robertson Date 6/25/17

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

Secretary's Signature _____ Date _____
Chief's Signature Billy Manda Date 8-1-2017

Council approved on _____ certified by City Clerk _____

For record purposes only: Date of Birth March 17, 1992 revised February 4, 2006

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**APPLICATION FOR LIQUOR LICENSE
CRAFT BREWERY (BREW PUB)
CHECKLIST**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH, 5th FLOOR
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

RECEIVED JUL 14 2017 NEBRASKA LIQUOR CONTROL COMMISSION		
HOT LIST: YES/NO NEW/REPLACING #		
CLASS TYPE <u>LK</u>	121870	INITIAL <u>RS</u>

Applicant Name Johnnie Byrd Brewing Company

E-Mail Address: Greg@johnniebyrd.beer

Web Site Address: www.johnniebyrd.beer

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 state.

REQUIRED ATTACHMENTS

- 1) Application fee \$400 plus licensee fee \$250
Total \$650 (check payable to Nebraska Liquor Control Commission)
- 2) Copy of Brewers Notice Application – entire application including the diagram of Federal Bonded Area to be approved by Alcohol and Tobacco Tax and Trade Bureau (TTB)
- 3) Alcoholic Liquor Tax Bond, \$1,000 minimum including the Power of Attorney documentation
(May use form 115)
- 4) Submit diagram to include:
 - a. Facility dimensions and description
 - b. Identify production area
 - c. Any storage area

Office use only
PAYMENT TYPE <u>CK No#</u>
AMOUNT <u>750</u>
RECEIVED <u>jm</u>



RECEIVED
JUL 14 2017

5) Copy of business plan

6) Name of Brew Master Greg Ptacek

a. Phone number of Brew Master 402.640.1989

7) Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Applicant Guidelines". See Form 147 for further information, this form **MUST** be included with your application.

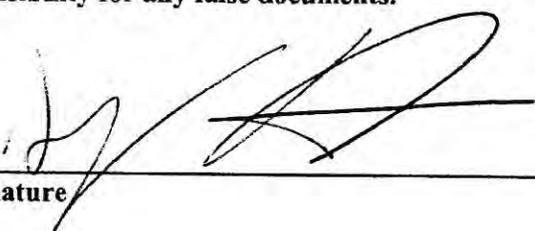
Sub C 8) Enclose the appropriate application forms
Individual License (requires insert form 1)
Partnership License (requires insert form 2)
Corporate License (requires insert form 3a & 3c)
Limited Liability Company (LLC) (requires form 3b & 3c)

9) If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the applicant either as individual, partnership, corporation (Inc) or limited liability company (LLC) making application. Lease term must run through the license year being applied for (May 1 – April 30).

10) Corporation or Limited Liability Company must enclose a copy of articles of incorporation; as filed with the Nebraska Secretary of State's Office.

11) License will not be issued until we are in receipt of a copy of your Brewers Notice issued by TTB.

I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.



Authorized Signature

Greg Ptacek

Print Name

402.640.1989

Contact Phone Number

6/20/17

Date

**APPLICATION FOR CATERING (K)
TO LIQUOR LICENSE**

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

Office Use

Include application fee of \$100 check made payable to the Nebraska Liquor Control Commission or you may pay online at www.ne.gov/go/NLCCpayport

- **Copy of this application will be forwarded to your local governing body for recommendation per Neb. Rev. Stat. §53-134(7), after receipt of recommendation there is a 10 day holding period for any citizen protests**
- **Processing may take approx. 45-60 days from receipt of application by the Nebraska Liquor Control Commission**
- **The holder of a catering license may deliver, sell, or dispense alcoholic liquor, including beer, for consumption at premises designed in a special designed license (SDL) issued pursuant to section §53-124.11**
- **SDL must be applied for and received 10 working days prior to the day of each event**
- **A holder of a catering license shall not cater an event unless such licensee receives a SDL**
- **SDL application form 108 may be found at this link:
<http://www.lcc.nebraska.gov/LicensingForms/108%20SDL%206-2013a.pdf>**
- **Only twelve (12) SDLs will be issued at any specific location that could otherwise hold a liquor license Rules and Regulations Chapter 2-013.06**
- **Renewal fee is \$100 payable at time of underlying liquor license**

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LIQUOR LICENSE # _____ CLASS TYPE _____

LICENSEE NAME Johnnie Byrd Brewing Company

TRADE NAME Johnnie Byrd Brewing Company

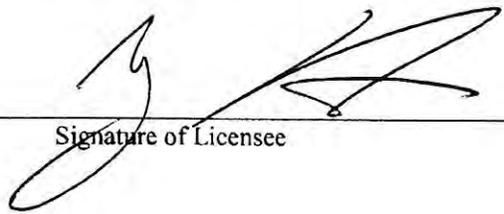
PREMISE ADDRESS 117 W. 2nd Street

CITY Wayne, NE 68787

CONTACT PERSON Greg Ptacek

PHONE NUMBER OF CONTACT PERSON 402-640-1989

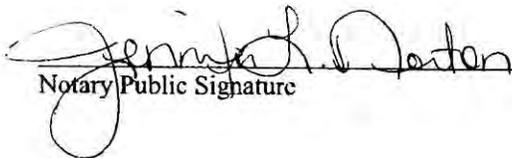
EMAIL ADDRESS OF CONTACT PERSON Greg@johnniebyrd.beer



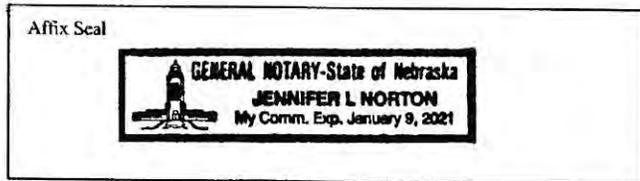
Signature of Licensee

State of Nebraska
County of Antelope The foregoing instrument was acknowledged before me this

June 29, 2017 by Greg Ptacek
Date name of person acknowledged signing document



Notary Public Signature



PREMISE INFORMATION

Trade Name (doing business as) Johnnie Byrd Brewing Company

Street Address #1 117 West 2nd Street

Street Address #2 _____

City Wayne County Wayne Zip Code 68787

Premise Telephone number 402.933.1912

Business e-mail address greg@johnniebyrd.beer

Is this location inside the city/village corporate limits: YES NO _____

Mailing address (where you want to receive mail from the Commission)

Name Johnnie Byrd Brewing Company

Street Address #1 117 West 2nd Street

Street Address #2 _____

City Wayne State NE Zip Code 68787

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

READ CAREFULLY

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and **number of floors** of the building.

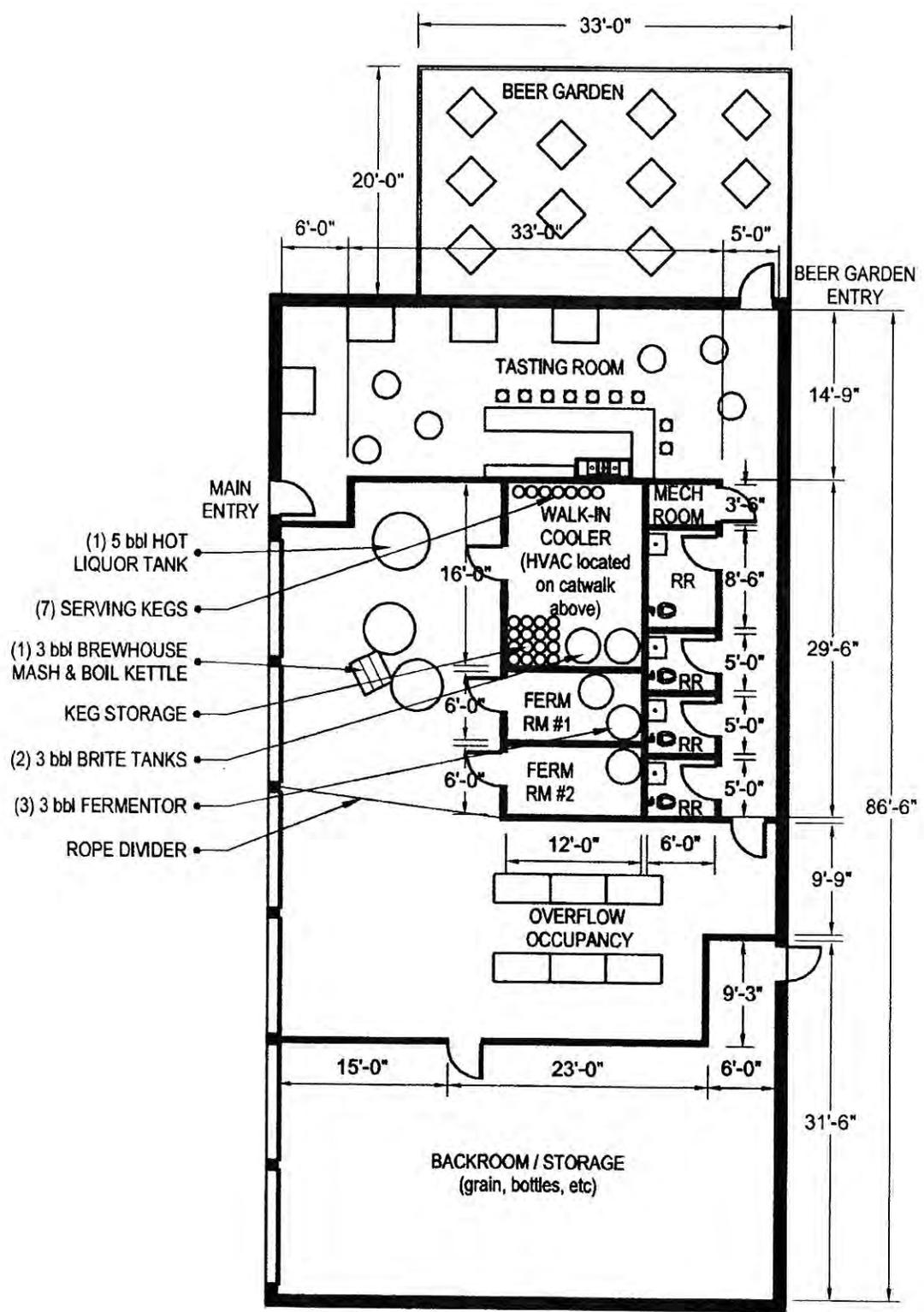
****For on premise consumption liquor licenses minimum standards must be met by providing at least two restrooms**

Building: length 86.5 x width 44 in feet

Is there a basement? Yes _____ No If yes, length _____ x width _____ in feet

Is there an outdoor area? Yes No _____ If yes, length ²⁰ _____ x width ³³ _____ in feet

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



Conceptual Floor Plan - Greg Ptacek
Wayne Nebraska

N
↑
floor plan
not to scale

APPLICANT INFORMATION

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

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
Greg Ptacek	07/2010	Ashland, NE	Traffic Violation - Speeding	Fine

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

YES NO

If yes, give name of business and liquor license number _____

- a) Submit a copy of the sales 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

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

YES NO

If yes, give name and license number _____

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

YES NO

If yes:

- a) Attach temporary operating permit (TOP)(form 125)
- b) TOP will only be accepted at a location that currently holds a valid liquor license.

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 State Nebraska Bank

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

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 premise to be licensed within 150 feet of a church, school, hospital, home for the aged or 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 (Neb. Rev. Stat. 53-177)

9. Is anyone listed on this application a law enforcement officer?

YES NO

If yes, list the person, the law enforcement agency involved and the person's exact duties

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

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

State Nebraska Bank

Greg + Kelly Pucek

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.

NONE

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)
Greg Ptacek	06/2017	TIPS Training
Kelly Ptacek	06/2017	TIPS Training

For list of NLCC certified training programs Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business
Greg Ptacek / cook-server	04/2011 - 11/2011	Antelope Country Club - Neligh, NE
Kelly Ptacek / server	04/2011 - 11/2014	Antelope Country Club - Neligh, NE

13. If the property for which this license is sought 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 show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

- Lease: expiration date March 15, 2020
- Deed
- Purchase Agreement

14. When do you intend to open for business? September 2017

15. What will be the main nature of business? Brewery with onsite retail

16. What are the anticipated hours of operation? Th-F: 4-11; Sa: 11-11; Su: 1-11

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 AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Wayne, NE	07	08	Wayne, NE	07	09
Omaha, NE	08	09	Ashland, NE	09	11
Ashland, NE	09	11	Neligh, NE	11	Present
Neligh, NE	11	Present			

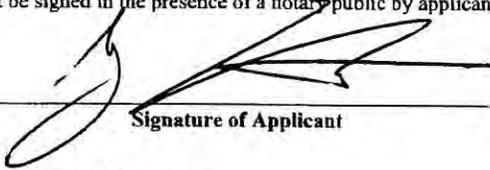
If necessary attach a separate sheet.

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 in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures.



 Signature of Applicant

Greg Ptacek

 Print Name



 Signature of Spouse

Kelly Ptacek

 Print Name

 Signature of Applicant

 Print Name

 Signature of Spouse

 Print Name

ACKNOWLEDGEMENT

State of Nebraska
 County of Antelope

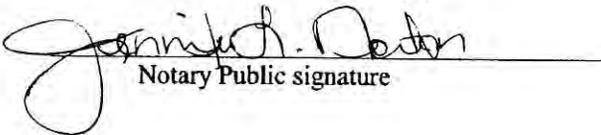
The foregoing instrument was acknowledged before me this

June 29, 2017

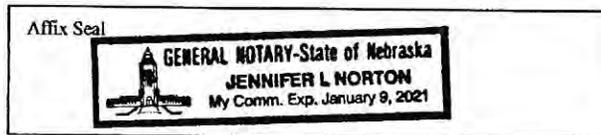
 date

by Greg and Kelly Ptacek

 name of person(s) acknowledged (individual(s) signing)



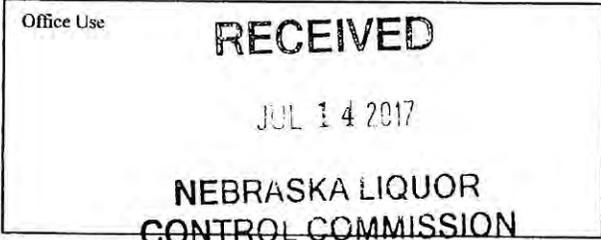
 Notary Public signature



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

APPLICATION FOR LIQUOR LICENSE CORPORATION INSERT - FORM 3a

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



Officers, directors and stockholders holding over 25% shares of stock, including spouses, are required to adhere to the following requirements:

- 1) All officers, directors and stockholders must be listed
- 2) President/CEO and stockholders holding over 25% and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Officers, directors and stockholders holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License Form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Incorporation

Name of Registered Agent: _____

Name of Corporation that will hold license as listed on the Articles

Johnnie Byrd Brewing Company 010238519

Corporation Address: P.O. Box 427

City: Wayne State: NE Zip Code: 68787

Corporation Phone Number: 402.640.1989 Fax Number: _____

Total Number of Corporation Shares Issued: 10,000

Name and notarized signature of President/CEO (Information of president must be listed on following page)

Last Name: Ptacek First Name: Greg MI: _____

Home Address: 911 East 2nd Street City: Neligh

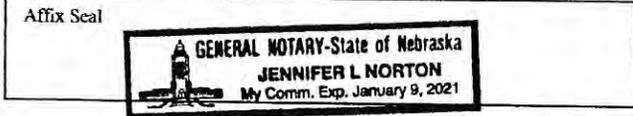
State: NE Zip Code: 68756 Home Phone Number: 402.640.1989

Signature of President/CEO

ACKNOWLEDGEMENT

State of Nebraska
County of Antelope
June 29, 2017
Date

The foregoing instrument was acknowledged before me this
by Greg Ptacek
name of person acknowledge



List names of all officers, directors and stockholders including spouses (even if a spousal affidavit has been submitted)

Last Name: Ptacek First Name: Kelly MI: _____
Social Security Number: _____ Date of Birth: 02-15-1987
Title: Spouse Number of Shares _____
Spouse Full Name (indicate N/A if single): Greg Ptacek
Spouse Social Security Number: _____ Date of Birth: 02-15-1986

Last Name: Ptacek First Name: Greg MI: _____
Social Security Number: _____ Date of Birth: 02-15-1986
Title: President Number of Shares 10,000
Spouse Full Name (indicate N/A if single): Kelly Ptacek
Spouse Social Security Number: _____ Date of Birth: 02-15-1987

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Title: _____ Number of Shares _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Title: _____ Number of Shares _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____

Is the applying corporation controlled by another corporation/company?

YES

NO

If yes, complete controlling corporation insert form 185

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

Starting Date: January Ending Date: December

Is this a Non-Profit Corporation?

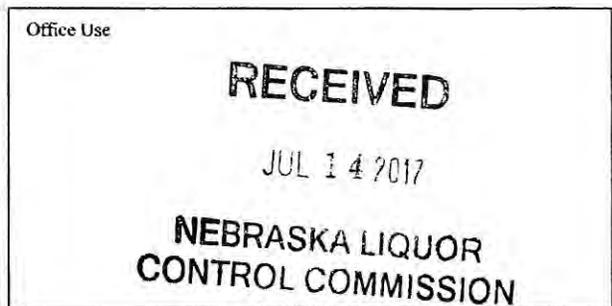
YES

NO

If yes, provide the Federal ID # _____

**MANAGER APPLICATION
INSERT - FORM 3c**

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



FORM MUST BE COMPLETELY FILLED OUT IN ORDER FOR APPLICATION TO BE PROCESSED

MANAGER MUST:

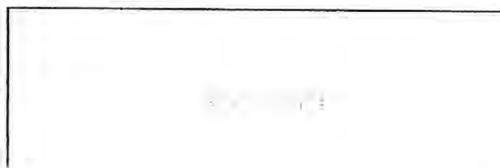
- Complete all sections of the application. Be sure it is signed by a **member or corporate officer**, corporate officer or member must be an individual on file with the Liquor Control Commission
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: US birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the State of Nebraska, include a copy of voter card or print document from Secretary of State website with application

Spouse who **will not** participate in the business, spouse must:

- Complete the Spousal Affidavit of Non Participation Insert (must be notarized). The non-participating spouse completes the top half; the manager completes the bottom half. **Be sure to complete both halves of this form.**
- Need not answer question #1 of the application

Spouse who **will** participate in the business, the spouse must:

- Sign the application
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the state of Nebraska, include a copy of voter card with application
- Spousal Affidavit of Non Participation Insert **not** required



**MANAGER APPLICATION
INSERT - FORM 3c**

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

Office Use

MUST BE:

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

Corporation/LLC information

Name of Corporation/LLC: Johnnie Byrd Brewing Company

Premises information

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

Premises Trade Name/DBA: Johnnie Byrd Brewing Company

Premises Street Address: 117 W. 2nd Street

City: Wayne County: Wayne Zip Code: 68787

Premises Phone Number: 402-833-1912

Premises Email address: greg@johnniebyrd.beer

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

Applicant

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Ptacek First Name: Greg MI: M

Home Address: 911 East 2nd Street

City: Neligh County: Antelope Zip Code: 68756

Home Phone Number: 402-640-1989

Driver's License Number & State: _____

Social Security Number: _____

Date Of Birth: 02-15-1986 Place Of Birth: David City

Email address: greg@johnniebyrd.beer

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: Ptacek First Name: Kelly MI: L

Social Security Number: _____

Driver's License Number & State: _____

Date Of Birth: 02-15-1987 Place Of Birth: Neligh

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	07	08	Wayne, NE	07	09
Omaha, NE	08	09	Ashland	09	11
Ashland, NE	09	11	Neligh	11	present
Neligh, NE	11	present			

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
09	13	Target	Andy Riefer	402-379-9933
13	17	City of Neligh	Joe Hartz	402-887-4066

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

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

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

YES NO

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

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Greg Ptacek	07/2010	Ashland, NE	Traffic violation - speeding	fine

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

YES NO

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

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

YES NO

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

*NLCC Training Certificate Issued: _____ Name on Certificate: _____

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Greg Ptacek	06/2017	TIPS Training
Kelly Ptacek	06/2017	TIPS Training

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

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Greg Ptacek / cash-server	04/2011-11/2011	Antelope Country Club - Neligh, NE
Kelly Ptacek / server	04/2011/11/2011	Antelope Country Club - Neligh, NE

5. Have you enclosed [form 147](#) regarding fingerprints?

YES
gp

NO

RESOLUTION NO. 2017-78

WHEREAS, Johnnie Byrd Brewing Company made application to the Nebraska Liquor Control Commission for a Retail Class LK Liquor License at 117 W. 2nd 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 August 24, 2017; and

WHEREAS, a hearing was held on September 5, 2017, 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 5th day of September, 2017.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2017-79

A RESOLUTION TO ADOPT THE 2017-2018 BUDGET FOR THE CITY OF WAYNE.

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

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

WHEREAS, the 2017-2018 budget document meets the requirements of the legislative laws; and

WHEREAS the Mayor and Council of the City of Wayne, Nebraska, has conducted a public hearing as prescribed by law and heard and considered comments concerning the 2017-2018 budget for the City of Wayne; and

WHEREAS, the Mayor and Council of the City of Wayne, Nebraska, hereby finds and determines that it is in the best interest of the City that the 2017-2018 budget be adopted as the "Official Budget" for the fiscal year 2017-2018.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the 2017-2018 budget of the City of Wayne, Nebraska, be and is hereby adopted.

PASSED AND APPROVED this 5th day of September, 2017.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2017-80

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY2017-2018.

WHEREAS, Nebraska Revised Statute 77-16-01.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Wayne passes, by a majority vote, a Resolution or Ordinance setting the tax request at a different amount; and

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

WHEREAS, it is in the best interests of the City of Wayne that the property tax request for the current year be different than the property tax request for the prior year.

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

1. The 2017-2018 property tax request be set at \$894,321.67; said calculated levy being \$.410485; and
2. A copy of this Resolution be certified and forwarded to the County Clerk prior to October 1, 2017.

PASSED AND APPROVED this 5th day of September, 2017.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2017-30

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

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2017, through September 30, 2018. All sums of money contained in the budget statement, as fund totals, are hereby appropriated for the necessary expenses and liabilities of the City of Wayne. A copy of the budget document shall be forwarded, as provided by law, to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Wayne County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

PASSED AND APPROVED this 5th day of September, 2017.

THE CITY OF WAYNE, NEBRASKA

By: _____
Mayor

ATTEST:

City Clerk

[Back to Top](#)

Betty McGuire - RE: FW: Wayne City Auditorium

From: "Jill Brodersen" <jill@jmbarch.net>
To: ""Betty McGuire"" <betty@cityofwayne.org>
Date: 8/16/2017 3:08 PM
Subject: RE: FW: Wayne City Auditorium

Bronze. When I looked at an old picture of the auditorium, the window frames were dark and the trim was white.

From: Betty McGuire [betty@cityofwayne.org]
Sent: Wednesday, August 16, 2017 3:00 PM
To: jill@jmbarch.net
Subject: Re: FW: Wayne City Auditorium

Okay - what color bronze or white?

Betty A. McGuire
 City Clerk
 306 Pearl Street
 Wayne, NE 68787
 (402) 375-1733

>>> "Jill Brodersen" <jill@jmbarch.net> 8/16/2017 2:23 PM >>>
 Let's go with the new doors.

The new doors keep the same shape, profile and overall size as the existing doors. We've made an effort to be as close to historic proportions as we can.

I do think for the price we should go with the beveled glass. That's assuming the \$300 is for beveled glass in all doors. Beveled glass has a historic look to it and will look so classy.

From: Dolberg, Jill [mailto:jill.dolberg@nebraska.gov]
Sent: Wednesday, August 16, 2017 1:54 PM
To: jill@jmbarch.net
Subject: Wayne City Auditorium

Hello Jill,

Your message was forwarded to me for response. Being listed in the National Register doesn't convey any special protection or review onto historic properties. You can do whatever you need to do. Generally speaking, we don't go out of our way to remove properties from the National Register unless they have

been moved or demolished, so you'll be fine! That said, if you ever want us to weigh in on decisions, we are happy to do so, at no obligation to you to follow our advice.

Kawneer glass doors will be fine, but I would avoid mirrored or tinted glass. There's your free advice, for whatever that's worth!

Jill Dolberg

Jill E. Dolberg
Deputy State Historic Preservation Officer
Nebraska State Historical Society
P.O. Box 82554
Lincoln, Nebraska 68501-2554
jill.dolberg@nebraska.gov
[\(402\) 471-4773](tel:(402)471-4773)



Your Nebraska source for the histories we share
www.history.nebraska.gov

RESOLUTION NO. 2017-76

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE
"CITY AUDITORIUM DOOR REPLACEMENT PROJECT."**

WHEREAS, 3 bids were received on the "City Auditorium Door Replacement Project;"
and

WHEREAS, said bids were reviewed by City Staff; and

WHEREAS, City Staff is recommending that the bid of Binswanger Glass be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the "City Auditorium Door Replacement Project," as submitted by the following contractor, is reasonable and responsive, and the same is hereby accepted:

<u>Bidder</u>	<u>Amount of Bid</u>
Binswanger Glass 1902 W. Omaha Avenue Norfolk NE 68701	\$19,991.00

BE IT FURTHER RESOLVED that the bid, as above set forth, filed with the City Clerk in accordance with the terms of the published notice, be and the same is hereby accepted.

PASSED AND APPROVED this 5th day of September, 2017.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

Binswanger Glass

1902 W Omaha Ave
Norfolk, NE 68701

[Signature]
LEAD AND STONE .COM

Estimate / Proposal

Date	9-14 16
Project	AUDITORIUM DOOR REPLACEMENT CITY OF WAYNE
Contact	GENE HANSEN

Scope

1 - 6080 PAIR KAWNEER DOORS AND FRAME WITH TRANSOM
 2 - 3080 SINGLE KAWNEER DOORS AND FRAME WITH TRANSOM

PAIR DOORS: CONCEALED PANIC EXIT DEVICES, ADA PULLS, CLOSERS, LOCK CYLINDER SWEEPS, THRESHOLD, WEATHERING AND 1" CLEAR LOW-E INSULATED GLASS IN DOORS AND TRANSOM. DOOR AND FRAME COLOR TO BE WHITE AND PANEL IN LOWER PART OF DOOR IS 1" INSULATED SMOOTH WHITE

SINGLE DOORS: RIM PANIC EXIT DEVICES, ADA PULLS, CLOSERS, LOCK CYLINDERS SWEEPS, THRESHOLD, WEATHERING AND 1" CLEAR LOW-E INSULATED GLASS IN DOORS AND TRANSOM. DOOR AND FRAME COLOR TO BE WHITE AND PANEL IN LOWER PART OF DOOR IS 1" INSULATED SMOOTH WHITE

NOTE: IM AM TRYING TO KEEP THE DOORS LOOKING AS CLOSE TO ORIGINAL AS POSSIBLE WE COULD PUT BEVELED INSULATED GLASS IN THE DOORS ALSO AT AN ADDITIONAL COST OF \$ 360.00. WE DID SOME DOORS LIKE THIS IN NORFOLK AT A BUSINESS CALLED LEAD AND STONE AND EVERYONE LIKES THEM

Tax not included **INSTALLED \$ 11,770.00**
Cleaning of glass and metal not included

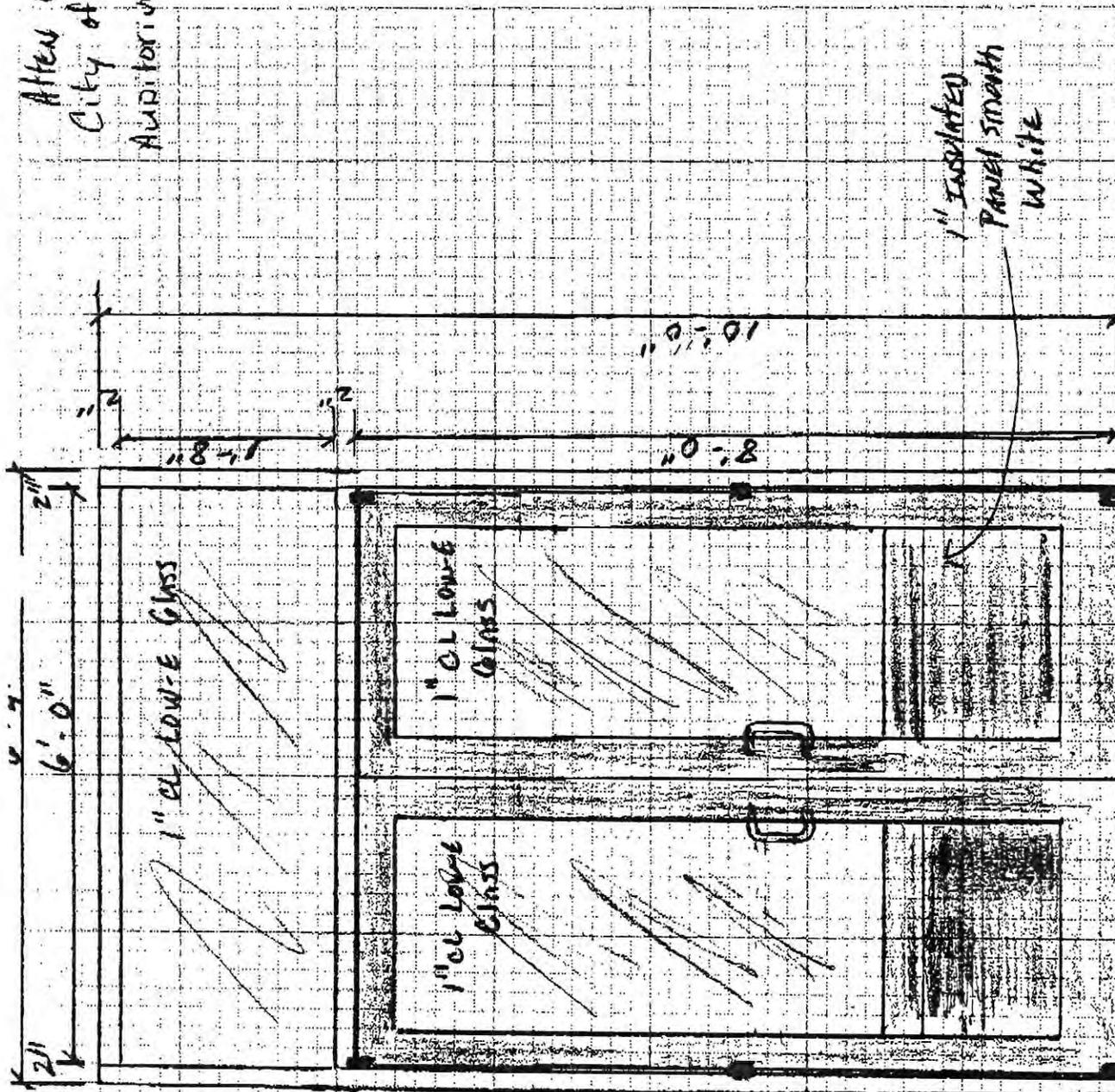
Binswanger Glass
1902 W Omaha Ave
Norfolk, NE 68701
402-371-0430
800-735-8199
rpedersen@binswangerglass.com
gloseke@binswangerglass.com

Accepted _____
Date _____

3rd & NORFOLK AVE
303
311 W. NORFOLK

649 3075
DAN NIAL
KUBES

ATTEN GENE
City of WAYNE
AUDITORIUM DOORS



1" Insulated
Panel Smooth
White

Door + Frame
Color To Be
White

6 1/2"
25"
3 1/2"
5 1/2"
3 1/2"

3 1/2"

Binswanger Glass

1902 W Omaha Ave
Norfolk, NE 68701

Estimate / Proposal

Date	8/4/2017
Project	CITY AUDITORIUM 3 SINGLE DOORS
Contact	GENE HANSEN

Scope

1 - KAWNEER 500 WIDE STILE DOOR AND FRAME WITH TRANSOM
DOOR TO HAVE RIM PANIC EXIT DEVICE WITH LOCK CYLINDER, ADA PULL, OFFSET PIVOTS WITH INTERMEDIATE PIVOT, CLOSER, SWEEP, THRESHOLD, WEATHERING AND 1" CLEAR TEMPERED LOW-E INSULATED GLASS

2 - KAWNEER 500 WIDE STILE DOORS AND FRAME WITH TRANSOM
DOORS TO HAVE ADA PUSH/PULLS, LOCK CYLINDERS, OFFSET PIVOTS WITH INTERMEDIATE PIVOTS, CLOSERS, SWEEPS, WEATHERING AND 1" CLEAR TEMPERED INSULATED GLASS
DOOR AND FRAME FINISH IS TO BE WHITE

INSTALLED \$ 8,221.00

Tax not included
Cleaning of glass and metal not included

Binswanger Glass
1902 W Omaha Ave
Norfolk, NE 68701
402-371-0430
800-735-8199
rpedersen@binswangerglass.com
gloseke@binswangerglass.com

Accepted _____
Date _____

TIP-TOP-TUX

three eighteen
ON THE AVENUE

LEAD & STONE

LEAD & STONE

MENS APPAREL

WOMENS APPAREL

OPEN



COME IN WE'RE
OPEN
AND AWESOME

HOURS

MON - FRI
10-6

SATURDAYS
10-4

SUN CLOSED

FRIDAY, AUGUST 4
RIVER POINT FISH FEST
FORK FEST

RESOLUTION NO. 2017-81

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF PRELIMINARY ENGINEERING SERVICES AGREEMENT SUPPLEMENTAL AGREEMENT NO. 7 BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES, INC. RELATING TO THE WAYNE TRAIL – PHASE 2 PROJECT STPB-90(4).

WHEREAS, the City of Wayne and Olsson Associates, Inc., have previously executed a Preliminary Engineering Services Agreement (YK0502) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds; and

WHEREAS, the City of Wayne understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

WHEREAS, the City of Wayne and Olsson Associates, Inc., wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wayne, Nebraska, that Ken Chamberlain, Mayor of the City of Wayne, is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 7 between the City of Wayne and Olsson Associates, Inc.

NDOR Project Number: STPB-90(4)
NDOR Control Number: 31777
NDOR Project Description: Wayne Trail – Phase 2

PASSED AND APPROVED this 5th day of September, 2017.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

EXHIBIT "A"

Agreement No.	YK0502-007
Effective (NTP) Date	8/13/2017

Agreement No.	YK0502-007
Effective (NTP) Date	8/13/2017
Supplement Amount	\$17,195.96
Total Agreement Amount	C+FF \$168,217.46

SUPPLEMENTAL AGREEMENT # 7

CITY OF WAYNE
 OLSSON ASSOCIATES, INC.
 PROJECT NO. STPB-90(4)
 CONTROL NO. 31777
 WAYNE TRAIL – PHASE 2

THIS SUPPLEMENTAL AGREEMENT is between the City of Wayne ("LPA") and Olsson Associates, Inc. ("Consultant"), collectively referred to as the "Parties".

WHEREAS, Consultant and LPA entered into an agreement ("Original Agreement") and Supplemental Agreement #1 - #6 providing for Consultant to provide preliminary engineering for LPA's Federal Aid project, and

WHEREAS, it is necessary that additional trail redesign, including re-writing of legals be added under this Supplemental Agreement, and

WHEREAS, it is necessary to increase Consultant's compensation by this Supplemental Agreement for the additional work necessary to complete the project.

WHEREAS, it is the desire of LPA that the project be constructed under the designation of Project No. STPB-90(4), as evidenced by the Resolution of LPA, attached as EXHIBIT "B" and incorporated herein by this reference, and

NOW THEREFORE, in consideration of these facts and mutual promises, the Parties agree as follows:

SECTION 1. SCOPE OF SERVICES

Consultant will perform the additional work as set out in in Exhibit "B" Consultant Work Order 7, attached and incorporated herein by this reference.

SECTION 2. NOTICE TO PROCEED AND COMPLETION SCHEDULE

The State issued Consultant a written Notice-to-Proceed on 8/13/2017. Any work or services performed by Consultant on the project prior to the date specified in the written Notice-to-Proceed is not eligible for reimbursement.

Consultant will complete all work stipulated in the Original Agreement, Supplemental Agreement(s) #1-7, and this Supplemental Agreement by August 31, 2018.

SECTION 3. FEES AND PAYMENTS

For the work required, SECTION V FEES AND PAYMENTS of the Original Agreement, as amended in supplement(s) 1-6, is hereby further amended in accordance with Exhibit "B" so that the fixed-fee-for-profit is increased from \$16,012.17 to \$17,945.89, an increase of \$1,933.72. Actual costs are increased from \$135,009.33 to \$150,271.57, an increase of \$15,262.24. The total agreement amount is increased from \$151,021.50 to \$162,217.46, an increase of \$17,195.96 which Consultant must not exceed without the prior written approval of the State.

Agreement No.	YK0502-007
Effective (NTP) Date	8/13/2017
Supplement Amount	\$17,195.96
Total Agreement Amount	C+FF \$168,217.46

IN WITNESS WHEREOF, the Parties hereby execute this Supplemental Agreement pursuant to lawful authority as of the date signed by each party. Further, the Parties, by signing this Supplemental Agreement, attest and affirm the truth of each and every certification and representation set out herein.

EXECUTED by Consultant this _____ day of _____, 2017.

OLSSON ASSOCIATES, INC.
Michael Piernicky, P.E.

Vice President

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2017.

Notary Public

EXECUTED by LPA this _____ day of _____, 2017.

CITY OF WAYNE
Ken Chamberlain

Mayor

Subscribed and sworn to before me this _____ day of _____, 2017.

Clerk

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Form of Agreement Approved for
Federal Funding Eligibility:

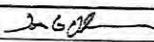
Date

Consultant Work Order (Local Projects)

Project No.: STPB-90(4)		Control No.: 31777
Consultant: (Name and Representative) Olsson Associates - Jon G. Olsen		Agreement No.: YK0502
LPA: (Name and Representative) City of Wayne, Joel Hansen		Work Order No.: 7
		Constr. Change Order No.: (if applicable)
<p>All parties agree the following described work needs to be performed by the consultant as part of the referenced project. All parties concur and hereby give notice to proceed based on the following: justification to modify contract, scope of services, deliverables, schedule, and estimated total fee. All other terms of existing agreements between the parties are still in effect. It is understood by all parties that the work described herein will become part of a future supplement to the agreement indicated above.</p>		
<p>Justification to modify agreement: (Include scope of services, deliverables, and schedule) The trail alignment will be redesigned from Sta. 108+00 to Sta. 111+00 to avoid an irrigation pipe. NDOT has taken over the ROW work and will be the acquiring the ROW. As a result of NDOT's review, there have been numerous changes to property owners and new development requiring extensive work to the ROW plans. Work includes review of all legal descriptions and re-writing any legal descriptions with changes or discrepancies found.</p>		
Work Title	Summary of Fee	
Expanded Design & Right-of-Way Tasks	A. Total Direct Labor Cost	= 5,399.19
	B. Overhead (Factor * x A)	= 9,475.58
	C. A + B	=
	D. Profit/Fee (Factor ** x C)	= 1,933.72
	E. Direct Non-Labor Cost	= 387.47
	F. Subconsultant Services	=
*Overhead Factor: 175.50%		
**Profit/Fee Factor: 13%		
Total Fee Notes: The fee summary is attached as Exhibit B	TOTAL FEE: C + D + E + F = \$17,195.96 <input checked="" type="checkbox"/> ESTIMATED TOTAL FEE: \$17,195.96 <input type="checkbox"/> FINAL TOTAL FEE:	

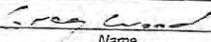
Work Order Authorization – May be granted by email and attached to this document.

Consultant: Olsson Associates

Jon G. Olsen  8/10/2017
 Name Signature Date

LPA:
 Name Signature Date

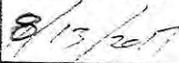
LPS PC (for Preliminary Engineering) and State Rep. (for Construction Engineering):
 Name Signature Date

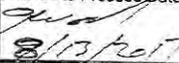
LPS Unit Head Review (for PE Phase):
  8/10/2017
 Name Signature Date

LPS Manager or Construction Engineer (Construction Phase):
 Name Signature Date

FHWA: (FHWA Approval on Full Oversight Projects Only):
 Name Signature Date

Notice to Proceed will be granted by email by:
 LPS PC for Preliminary Engineering & CD PC for Construction Engineering.

FMIS Approval Date:
 8/13/2017

Notice to Proceed Date:
 8/13/2017

Distribution: Consultant, LPA – RC, State Rep., FHWA, LPS PC, NDOR Agreements Engineer, Highway Funds Manager, CD PC
 DR Form 250, February 2017

Staffing Plan

Preliminary, Functional, & Final Design

Project Name: Wayne Trail - Phase II Project Number: STPB-90(4)
 Consultant: Olsson Associates Control Number: 31777
 Consultant PM: Jon Olsen, 402-458-5614, jolsen@olssonassociates.com
 NDOT PC: Glen Steffensmeier, 402-920-0358, glen.steffensmeier@nebraska.gov
 Date: August 9, 2017

NEBRASKA
 Good Life. Great Journey.
 DEPARTMENT OF TRANSPORTATION

#	Code	Classification	#	Code	Classification
1	PR	Principal	6	SDES	Sr. Designer/Tech
2	PM	Program Manager	7	DES	Designer/Tech
3	SENG	Sr. Engineer	8	ADM	Administrative
4	ENG	Engineer	9	UD1	User Defined 1
5	AENG	Assistant Engineer	10	UD2	User Defined 2

Overhead Rate ^[1]
175.50%
Fee for Profit Rate ^[2]
13.00%
FCCM (if applicable)
%

BLENDED RATES TABLE

Template: T-WB-X1 (rev 2-13-17) CPFF

Employee Name	Job Title & Certifications ^[3]	Hourly Salary Rate ^[4]	% Assigned
Principal			
Tom Leikam	Vice President - Sr. Project Manager	\$73.56	100%
		Blended Rate:	\$73.56
Program Manager			
Tom Leikam	Sr. Project Manager	\$73.56	100%
		Blended Rate:	\$73.56
Sr. Engineer			
Jon Olsen	Technical Leader	\$55.77	100%
		Blended Rate:	\$55.77
Engineer			
John Coburn	Associate Engineer	\$35.10	100%
		Blended Rate:	\$35.10
Assistant Engineer			
		Blended Rate:	
Sr. Designer/Tech			
Jason Martin	Design Manager	\$32.45	100%
		Blended Rate:	\$32.45
Designer/Tech			
Jeremy Vesely	Associate Technician	\$20.00	100%
		Blended Rate:	\$20.00
Administrative			
		Blended Rate:	

Consultant's Estimate of Hours

Preliminary, Functional, & Final Design

Project Name: Wayne Trail - Phase II Project Number: STPB-90(4)
 Consultant: Olsson Associates Control Number: 31777
 Consultant PM: Jon Olsen, 402-458-5614, jolsen@olssonassociates.com
 NDOT PC: Glen Steffensmeier, 402-920-0358, glen.steffensmeier@nebraska.gov
 Date: August 9, 2017

TASKS	PERSONNEL CLASSIFICATIONS										Total	
	PR	PM	SENG	ENG	AENG	SDES	DES	ADM	UD1	UD2		
Project Management			20									20
1. General Project Management			10									10
2. Meetings			10									10
Final Design/ROW Design			36			2	40					78
1. Update Right of Way Plans per NDOT Review			4			1	24					29
2. Update Plans and Quantities per alignment change			4			1	16					21
3. Review and update legal descriptions			16									16
4. Field Check/ Attend City Council Meeting			12									12
Final Plans Package & Review For PS&E Phase			21				12					33
1. Complete PS&E Plans			1				4					5
2. Address Comments or Questions			4									4
3. Corrections per PS&E Comments			4				8					12
4. Submit Signed and Dated CADD Files												
5. Produce Temporary Erosion Control Sheets												
6. Printing												
7. QA/QC			8									8
8. SWPPP												
9. Letting Tasks			4									4
Roadway Design - Post Letting												
1. Post Letting Services												
Total Days			9.63			0.25	6.5					16.4
Total Hours			77			2	52					131.0

Project Cost & Breakdown

Preliminary, Functional, & Final Design

Project Name: Wayne Trail - Phase II Project Number: STPB-90(4)
 Consultant: Olsson Associates Control Number: 31777
 Consultant PM: Jon Olsen, 402-458-5614, jolsen@olssonassociates.com
 NDOT PC: Glen Steffensmeier, 402-920-0358, glen.steffensmeier@nebraska.gov
 Date: August 9, 2017

DIRECT LABOR COSTS			
Classification	Hours	Rate	Amount
Principal		\$73.56	
Program Manager		\$73.56	
Sr. Engineer	77.0	\$55.77	\$4,294.29
Engineer		\$35.10	
Assistant Engineer			
Sr. Designer/Tech	2.0	\$32.45	\$64.90
Designer/Tech	52.0	\$20.00	\$1,040.00
Administrative			
User Defined 1			
User Defined 2			
	131.0	Subtotal	\$5,399.19

DIRECT EXPENSES	
	Amount
Subconsultants:	
Printing And Reproduction:	\$252.00
Mileage/Travel:	\$128.40
Lodging/Meals:	
Other Miscellaneous Costs:	\$7.07
	Subtotal
	\$387.47

TOTAL PROJECT COSTS	
	Amount
Direct Labor Costs	\$5,399.19
Overhead @ 175.50%	\$9,475.58
Direct Expenses	\$387.47
Facility Capital Cost of Money (FCCM) @ (direct labor cost x FCCM%)	
SUBTOTAL	\$15,262.24
Fee for Profit Rate @ 13.00%	\$1,933.72
	TOTAL COST
	\$17,195.96

LABOR COST BY MAJOR TASKS	Direct Labor	Overhead	Profit	Amount
Project Management	\$1,115.40	\$1,957.53	\$399.48	\$3,472.41
Final Design/ROW Design	\$2,872.62	\$5,041.45	\$1,028.83	\$8,942.90
Final Plans Package & Review For PS&E Phase	\$1,411.17	\$2,476.60	\$505.41	\$4,393.18
Roadway Design - Post Letting				
	\$5,399.19	\$9,475.58	\$1,933.72	\$16,808.49

Notes & Assumptions

Preliminary, Functional, & Final Design

Project Name: Wayne Trail - Phase II
Consultant: Olsson Associates
Consultant PM: Jon Olsen, 402-458-5614, jolsen@olssonassociates.com
NDOT PC: Glen Steffensmeier, 402-920-0358, glen.steffensmeier@nebraska.gov
Date: August 9, 2017

Project Number: STPB-90(4)
Control Number: 31777

Notes & Assumptions

When NDOT is the RC the National Pollutant Discharge Elimination System/ and the Stormwater Pollution Prevention Plan/SWPPP will be prepared by the NDOT's Roadside Stabilization Unit. The erosion control plans will be designed by the consultant. NDOT's Roadside Stabilization Unit will submit the Notice of Intent, NPDES permit and the SWPPP.

RESOLUTION NO. 2017-82

A RESOLUTION APPROVING AGREEMENT FOR AMBULANCE SERVICE BETWEEN THE CITY OF WAYNE, NEBRASKA, AND PROVIDENCE MEDICAL CENTER.

WHEREAS, the City of Wayne has entered into agreements with Providence Medical Center, wherein the City of Wayne agrees to provide financial support to Providence Medical Center each fiscal year to help defray the cost of operation and provide funds for the replacement of an ambulance and equipment; and

WHEREAS, the City of Wayne last approved an agreement with Providence Medical Center on June 20, 2017, for said ambulance service; and

WHEREAS, Providence Medical Center since then has redrafted said agreement and then approved the same on July 24, 2017, a copy of which is attached hereto and incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the proposed redrafted Agreement for Ambulance Service between the City of Wayne and Providence Medical Center to provide financial support is hereby approved, and the Mayor and City Clerk are hereby authorized to execute the necessary documents to complete the transaction.

PASSED AND APPROVED this 5th day of September, 2017.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

AMBULANCE SERVICES AGREEMENT

THIS AGREEMENT made this 24th day of July, 2017, by and between Providence Medical Center, 1200 Providence Road, Wayne, NE 68787 (hereinafter referred to as "PMC"), a Nebraska nonprofit corporation and the City of Wayne, a Nebraska Municipal Corporation with offices located at 306 North Pearl Street, Wayne, NE 68787 (hereafter referred to as "CITY").

RECITALS

WHEREAS, PMC is a critical access hospital serving residents of the City of Wayne, Nebraska and the surrounding area. PMC is a rural provider of organized inpatient, outpatient and emergency health services in its service area; and

WHEREAS, PMC owns and operates an ambulance service and has the appropriate equipment, qualified personnel, licensing and expertise to provide Advanced Life Support emergency medical services (EMS) and non-emergency ambulance ground transportation services to the residents of Wayne, NE and the surrounding areas; and

WHEREAS, on September 28, 1982, PMC and CITY entered into a long-term contract which expired on August 1, 1989, and which contract was entered into following a public hearing pursuant to Section 13-303 of the Revised and Reissued Statutes of the State of Nebraska; and

WHEREAS, on February 19, 1990, said contract was extended by the parties through the period of August 1, 1996, and again through August 2003, and again on October 8, 2007 with automatic renewal; and

WHEREAS, said contract provides that the parties may mutually agree to extend the same, which they now wish to do, pursuant to the provisions contained in this Agreement.

NOW THEREFORE, the parties agree as follows:

TERMS OF THE AGREEMENT

1. Obligations of PMC.
 - a. PMC will provide properly trained and qualified staff, appropriate equipment and supplies to operate an Advanced Life Support (ALS) ambulance service and non-emergency ambulance ground transportation services to the residents of Wayne, Nebraska and the surrounding areas.
 - b. PMC will maintain properly equipped ambulances, and utilize best efforts to ensure that an adequate number of vehicles are available and in good repair to reasonably serve the community.
 - c. PMC will coordinate with other surrounding rescue services; in the event that the emergency medical services needs of the regional community, including Wayne, Nebraska and the surrounding areas, exceed PMC's immediately available resources, including equipment and personnel.
 - d. PMC will comply with all state EMS protocols, federal and state laws, including the Emergency Medical Treatment and Active Labor Act (EMTALA).
 - i. EMTALA requires PMC to ensure that all patients receive a medical screening exam by qualified personnel unless otherwise directed by state EMS protocols; therefore PMC will transport ambulance services patients to PMC's emergency room;

- ii. Patients may provide written refusal of ambulance services for PMC to be in compliance with EMTALA.
 - e. PMC will provide timely response, as possible due to then current circumstances, to all requests for ambulance service within the CITY and surrounding area on a twenty-four hour basis throughout the term of this agreement.
 - f. PMC will provide a financial report to the CITY regarding the operation of the ambulance service on an annual basis prior to July 1 of each year.
 - g. PMC will ensure there is a qualified physician to serve as Medical Director for the PMC ambulance service.
- 2. Services and Obligations of CITY.
 - a. CITY will provide dispatch services for receiving/directing requests for ambulance service and coordinate with PMC.
 - b. CITY will provide financial support as delineated in Attachment 1 of this document.
- 3. Personnel Qualifications. The parties will provide qualified personnel to carry out the obligations pursuant to this Agreement:
 - a. Equal Opportunity Employer. The parties shall provide employment opportunities to individuals without regard to race, color, creed, gender, gender identity, age, handicapping or disability condition.
 - b. Licenses. Personnel will hold a current license that will allow them to provide treatment within their scope of practice in the state of Nebraska, for example registered nurse (RN), emergency medical technician (EMT).
 - c. Sanctions. PMC will monitor all appropriate resources to ensure that ambulance personnel are not sanctioned by the:
 - i. Centers for Medicare & Medicaid Services;
 - ii. U.S. Department of Health and Human Services;
 - iii. Nebraska Department of Health and Human Services;
 - iv. Office of Inspector General.
- 4. General Conditions. The following general conditions govern the Parties obligations under this Agreement:
 - a. Treatment Policies. PMC shall:
 - i. Provide all necessary medical services without regard to race, color, creed, gender, gender identity, age, handicapping or disability condition, or other factors unrelated to the patient's need for services;
 - ii. Provide medical services to Medicare, Medicaid and other public program participants without discrimination.
 - b. Medical Records. All medical records are the property of PMC.
 - c. No Referrals. There is no agreement, express or implied, among the Parties governing the referral of patients or business by virtue of this Agreement or any other arrangement or understanding among the Parties.
- 5. Billing.
 - a. PMC shall bill patients and third party payers and collect for all ambulance services rendered, consistent with its policies and payer contracts with government and commercial third party payers.

- b. CITY will not receive any remuneration for rendered service by the PMC ambulance, nor will CITY be responsible for any payments to PMC for ambulance services rendered to patients except for the financial support as set forth in this Agreement.
 - c. PMC has policies and procedures to provide financial assistance to patients when requested.
- 6. Insurance. PMC shall purchase and maintain, at all times that services are being performed under this Agreement, all necessary insurance, including, but not limited to, liability, professional liability, comprehensive auto and workers' compensation for PMC personnel and equipment with appropriate limits through responsible insurance companies authorized to do business in Nebraska. A copy of proof of such insurance is available upon request.
- 7. Independent Contractor. The Parties to this Agreement are independent contractors to one another and nothing in this Agreement shall be deemed to create a relationship of principal and agent between the Parties. Additionally, nothing in this Agreement shall be construed to create an employer/employee, master/servant or partnership/joint venture relationship between the Parties. Each Party shall be exclusively responsible for selecting, supervising and compensating its own employees and/or representatives in the performance of their responsibilities under this Agreement. No Party shall have the authority to bind the others or to transact business in the name of the others nor to make representations or promises on behalf of the other Parties, except as it is expressly granted under this Agreement or in writing by another Party.
- 8. Term and Termination. The term of this Agreement shall commence on the date first written above and shall last until September 30, 2018 and thereafter shall automatically renew on October 1st of each year for successive one (1) year terms thereafter unless either Party provides notice of termination to the other at least six (6) months prior to the expiration of the initial term or any subsequent renewal term. Notwithstanding the stated term, this Agreement may be terminated sooner as follows:
 - a. Without Cause. Without cause or penalty by either Party upon not less than six (6) months prior written notice to the other Party at any time.
 - b. For Cause. For cause by either Party upon giving the other Party not less than thirty (30) days' prior notice of termination in writing specifying the alleged breach or default and the date on which termination will be effective; provided, that in the event of termination for cause under this subparagraph, the Party receiving notice shall have the notice period in which to correct or cure the alleged breach or default to the reasonable satisfaction of the Party giving notice. Cause under this subparagraph consists of a material breach or default by the Party receiving notice in the performance or under the terms and conditions of this Agreement.
 - c. Mutual Agreement. At any time upon mutual written agreement of the Parties.
 - d. Application of Law. By either Party at any time, in the event that any court or governmental authority determines that either Party is, under this Agreement, operating in violation of any law, regulation or court ruling; or that PMC is, by virtue of this Agreement operating in violation of the requirements for maintenance of its status as an organization under section 501(c)(3) of the Internal Revenue Code; or is in violation of Section 1128B(b) of the Social Security Act. In the event the Agreement is subject to termination under this Section due to the occurrence of one of the events described herein, then the Parties agree to use their best efforts to promptly negotiate any reasonable changes to the Agreement, without substantially destroying the underlying structure and purpose of the Agreement, in order to remedy such prohibitions, and a Party can exercise its option to terminate only if the Parties do not or cannot promptly take such steps as are necessary to remedy such violation.

- e. Immediately upon the bankruptcy, receivership, or dissolution of PMC, or the cessation of PMC's business.
- f. The termination of this Agreement shall not relieve Parties of their obligations incurred prior to or as a result of such termination.

9. Notices. All notices, demands, requests, consents, or other communications required by this Agreement may be delivered personally or sent by first-class, registered or certified mail, return receipt requested, postage prepaid, or transmitted by facsimile addressed as follows:

If to PMC: CEO
 Providence Medical Center
 1200 Providence Rd
 Wayne, NE 68787-1212

If to CITY: _____

- 10. Advertising. Neither Party shall use the name of the other Party in any promotional or advertising material unless review and written approval of the intended use shall first be obtained from the other.
- 11. Limitation of Liability. No Party shall be liable under any contracts or obligations of the other, except as otherwise provided pursuant to this Agreement, or for any negligent or intentional act or omission of any other Party or its officers, employees or agents.
- 12. Privacy and Security of Patient Information. The Parties agree to abide by all state and federal laws, including the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and 45 CFR Parts 160 and 164, as amended by the Health Information Technology for Economic and Clinical Health Act, and all policies and procedures adopted by PMC to comply with such laws, governing the privacy, security and use of patient protected health information.
- 13. Miscellaneous Provisions. The following miscellaneous terms shall be in effect throughout the term of this Agreement:
 - a. Amendments. This Agreement shall not be amended except upon the express written agreement of the Parties.
 - b. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the other provisions shall remain in full force and shall in no way be affected, impaired or invalidated, unless to do so would substantially destroy the fundamental purposes of this Agreement or substantially and unfairly alter the respective burdens and benefits of the Parties hereunder.
 - c. Waiver. Any waiver by either Party of a breach of any provision of this Agreement shall not operate as or be construed as a waiver of any other provision or any subsequent breach.
 - d. Assignment. Neither this Agreement nor any of the duties or responsibilities of a Party shall be assigned or transferred by a Party without the other Parties' prior written consent.

- e. Binding Effect. All terms of this Agreement shall be binding upon, inure to the benefit of, and be enforceable by the Parties hereto, and their heirs, legal representatives, successors and permitted assigns.
- f. Governing Law. This Agreement shall be interpreted, construed and governed according to the laws of the State of Nebraska.
- g. Interpretation. This Agreement is the result of negotiation between the Parties, and no ambiguity herein shall be construed against either Party because of that Party's role in drafting this Agreement.
- h. Entire Agreement. This Agreement, together with any exhibits or schedules hereto, constitute the entire agreement between the Parties as to the subject matter hereof, and replaces all prior written and oral statements and understandings. To the extent that any exhibit or schedule contains express provisions which are inconsistent with any term of this document, the express provisions of the schedule or exhibit shall control.
- i. Copies/Signatures. A fully-executed facsimile or electronic copy of this Agreement shall be treated as an original Agreement and signatures may be made in counterparts to this Agreement.
- j. Recitals. The recitals are intended to describe the intent of the Parties and the circumstances under which this Agreement is executed and shall be considered in the interpretation of this Agreement.
- k. Headings. The headings to the various sections of this Agreement have been inserted for convenience only and shall not modify, define, limit or expand express provisions of this Agreement.
- l. No Third Party Beneficiaries. This Agreement is executed for the benefit of the named Parties only. Nothing in this Agreement or in the negotiation of this Agreement shall have the effect of conferring any rights or expectations on any third Party. No one other than a Party to this Agreement or a Party's permitted successor or assign shall have the right to enforce any covenant, term or condition in this Agreement.

IN WITNESS WHEREOF, the Parties have executed, in duplicate, this Agreement as of the date set forth below.

PROVIDENCE MEDICAL CENTER

CITY OF WAYNE,

A Municipal Corporation

("PMC")

("CITY")

By: James R. Frank
CEO

By: _____
Mayor

Date: 7-24-17

Date: _____

ATTEST:

By: _____
Clerk

Attachment 1

The City of Wayne will provide financial support to Providence Medical Center as follows:

Year	Percent Increase	Year Reference	Amount to be Paid to PMC
1		2017/2018	\$51,000
2	12%	2018/2019	\$57,120
3	12%	2019/2020	\$63,974
4	12%	2020/2021	\$71,651
5	2%	2021/2022	\$73,084
6	2%	2022/2023	\$74,546
7	2%	2023/2024	\$76,037
8	2%	2024/2025	\$77,558
9	2%	2025/2026	\$79,109
10	2%	2026/2027	\$80,691

The first payment to Providence Medical Center shall be made on October 15, 2017 with subsequent payments made on the fifteenth (15) of October in the following years according to the table above.

ORDINANCE NO. 2017-29

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.15 BUILDING CODE; BUILDING PERMITS; SECTION 150.16 ELECTRICAL CODE; SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; SECTION 150.18 PLUMBING CODE; PLUMBERS; SECTION 150.19 MECHANICAL CODE; SECTION 150.31 PROPERTY MAINTENANCE CODE; SECTION 150.32 ENERGY CONSERVATION CODE; AND SECTION 150.33 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; 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 150.15 Building Code; Building Permits of the Wayne Municipal Code is amended to read as follows:

§ 150.15 BUILDING CODE; BUILDING PERMITS.

(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 buildings erected, constructed, enlarged, altered, repaired, relocated and converted, the ~~2006~~ "2012 International Building Code" as published by The International Code Council, Inc. is hereby adopted as the building 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 (D) of this section ~~printed in book or pamphlet form, is incorporated by reference in addition to all amendments thereto as though printed in full in this section insofar as such Code does not conflict with the state statutes.~~ One copy of the Code adopted in this section is on file at the ~~office of the Building Inspector~~ public library and is available for public 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.

(2002 Code, § 18-41)

(B) ~~*Permit fee schedule.* The building permit fee schedule for the city, also referred to in the International Building Code adopted in division (A) above, shall be set by the Council; and a schedule of such fees is on file and available in the City Clerk's office.~~

~~(2002 Code, § 18-42)~~ *Conflicts.* In the event of a conflict between the provisions of the publication adopted by reference in this article and any other provisions of this Code, such other provisions of this Code shall be controlling.

(C) *Permit determinations.* The Building Inspector shall determine when a building permit is required pursuant to this section. Any appeal of the Building Inspector's decision of the requirement to obtain a building permit shall be appealed to the City Administrator.

(2002 Code, § 18-43)

(D) ~~*Energy Code adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and dwellings erected, constructed, enlarged, altered, repaired, relocated and converted, relating to the exterior envelopes and selection of heating, ventilating and air conditioning, service water heating, electrical distribution and illuminating systems and equipment required for the purpose of effective conservation of energy within a building or dwelling, the 2006 International Energy Conservation Code (IECC), printed in~~

~~book or pamphlet form, is incorporated by reference in addition to all amendments printed in book or pamphlet form, is incorporated by reference as though printed in full in this division (D) insofar as such Code does not conflict with the state statutes. One copy of the Code adopted in this division (D) is on file in the office of the Building Inspector and is available for public inspection. The provisions of the Code adopted in this division (D) shall be controlling throughout the city and throughout its zoning jurisdiction.~~

~~(2002 Code, § 18-44)~~ *Additions, insertions, and changes.* The following sections of the building code adopted in Section 150.15 (A) are hereby revised as follows:

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

Section 104.1. General. Add the following after the last sentence:

The code official shall also be responsible for zoning ordinance enforcement, issuance of street excavation permits and curb grind permits, attendance at all planning commission meetings, board of adjustment meetings, and all meetings pertinent to this position.

Section 105.2. Work exempt from permit. Amend item 1 under "Building" to read as follows:

1. One-story detached accessory structures used as playhouses and similar uses, provided the floor area does not exceed 64 square feet.

Section 107.3.1. Approval of construction documents. Delete this section.

Section 109.2. 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 114.4. Violation penalties. Amend to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 115.2. Issuance. Amend to read as follows:

Upon notice from the code official, work on any building or structure that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work, however, a written notice as provided for in this section shall be given as soon as practicable following the work stoppage order.

Section 115.3. Unlawful continuance. Amend to read as follows:

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

Section 1612.3. Establishment of flood hazard areas. Amend to read as follows:

To establish flood hazard areas, the governing body has adopted flood hazard maps and regulations as set forth in Chapter 152 of the Official Code of the City of Wayne, Nebraska. The adopted flood hazard maps and supporting data are hereby adopted by reference and declared to be part of this section.

Section 3410.2. Applicability. Insert: October 1, 2017

Adopt Appendix B – Board of Appeals.

(E) *Building permits; duplicate to County Assessor.* Whenever a building permit is issued for the erection, alteration or repair of any building within the city's zoning jurisdiction, and the improvement is \$1,000 or more, a duplicate of such permit shall be issued to the County Assessor.
(2002 Code, § 18-45)

(F) *Building permits; cash deposits.*

(1) Cash deposits shall be required with the submittal of each building permit application. The cash deposits shall be set by the Council, and a schedule of the same is on file and available in the City Clerk's office.

(2) The cash deposit shall be forfeited to the city if the contractor fails to call the Building Official to request the required inspections as noted on the building permit card. Upon forfeiture of the building permit cash deposit, a new cash deposit of the same amount shall be required before construction can continue.

(3) The building permit cash deposit shall not be waived.

(4) The cash deposit shall be returned to the owner or contractor as stated on the building permit application within two business days after issuance of the certificate of occupancy.
(2002 Code, § 18-46)

(G) *Building permits; penalty.* A penalty for not obtaining a building permit prior to the start of the project shall be established in an amount of two times the building permit fee.

(2002 Code, § 18-47)

(Ord. 98-19, passed 11-24-1998; Ord. 2000-15, passed 7-25-2000; Ord. 2007-13, passed 11-20-2007; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2011-4, passed 4-5-2011) Penalty, see § 150.99

Statutory reference:

Authority to adopt building code by reference, see Neb. RS 18-132

Related provisions, see Neb. RS 18-1743

Section 2. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.16 Electrical Code of the Wayne Municipal Code is amended to read as follows:

§ 150.16 ELECTRICAL CODE.

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for all electrical wiring, installation of electrical fixtures, apparatus or electrical appliances for furnishing light, heat or power, or other electrical work introduced into or placed in or upon, or in any way connected to any

building or structure, the ~~2008~~ 2014 National Electrical Code, printed in book or pamphlet form, is incorporated by reference in addition to all amendments thereto as though printed in full in this section, insofar as the Code does not conflict with the state statutes. One copy of the National Electrical Code is on file ~~in the office of the Building Inspector~~ at the public library and is available for public inspection at any reasonable time. The National Electrical Code shall be controlling throughout the city and throughout its zoning jurisdiction.

(2002 Code, § 18-81)

(B) *Purpose.* This Electrical Code shall not be construed to:

(1) Require employees of city corporations, public power districts, public power and irrigation districts, electric membership or cooperative associations, public utility corporations, railroads, petroleum companies, petrochemical companies, pipeline companies, telephone or telegraph systems performing manufacturing, installation and repair work for such employer to hold licenses while acting within the scope of their employment;

(2) Cover the installation, maintenance, repair or alteration of vertical transportation or passenger conveyors, elevators, moving walks, dumbwaiters, stagelifts, manlifts or their appurtenances beyond the terminals of the controllers; and

(3) Require a license of any person who engages any electrical appliance where approved electrical outlets are already installed.

(2002 Code, § 18-82)

(C) *Building Inspector.* The Building Inspector or his or her authorized representatives are hereby authorized and directed to enforce the provisions of the Electrical Code, and take such action, as provided by law, to enforce the provisions of the Electrical Code.

(2002 Code, § 18-83)

(D) *Duties of the Building Inspector.*

(1) The Building Inspector shall examine or cause to be examined all electrical installations for which a permit has been issued.

(2) (a) A state electrical permit is required for any electrical work performed within the city limits and within the city's two-mile zoning jurisdiction; this includes an owner of property who resides at the principal dwelling more than 51% of the time. The State Electrical Inspector will conduct all electrical inspections, including remodels and additions for residential structures and any electrical work performed by the owner of the property who resides at the residence more than 51% of the time. The Building Inspector shall not be required to make inspections on any electrical installations that are required to be inspected by state or federal authorities.

(b) An owner of a property may perform electrical work on his or her principal residence where he or she resides more than 51% of the time, if such residence is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations in public use buildings or facilities. The owner of the property does not need to be licensed by the State Electrical Division to perform such work. However, the owner of the property may not perform electrical work on a relative's residence, their rental property or their recreational properties. If the owner of a property is purchasing a home or is presently building a home for their principal residence, the owner may not perform any electrical work.

(3) The Building Inspector or State Electrical Inspector is authorized to examine or cause to be examined any electrical equipment or wiring within or on any building or premises. If such is found to be defective, or not in compliance with accepted standards of construction for safety to life and property, based upon minimum standards set forth in the National Electrical Code, as in any improper operating condition so as to constitute a danger to human life or a hazard to the public health, safety and welfare, the Building Inspector shall give written notice to the owner of such building or premises, stating the deficiencies found to exist and the date by which these deficiencies must be corrected. Such notice shall be served personally or mailed by United States mail upon the owner at his or her last known address and upon the electrician making the installation.

(4) The Building Inspector is vested with the authority to condemn and disconnect or order the electric utility supplier to disconnect the electrical service to any building or premises where such deficiencies in electrical equipment or wiring have not been corrected within the time specified by such notice duly served upon the owner, or in cases of emergency where the same is necessary for the protection of life, limb or property; and is further authorized to order the electric utility supplier to disconnect service to any building or premises where a valid permit has not been issued for such electrical services.
(2002 Code, § 18-84)

(E) *Right of entry.*

(1) Whenever necessary to make an inspection to enforce any of the provisions of the Electrical Code, or whenever the Building Inspector has reasonable cause to believe that there exists within or on any building or premises and equipment or wiring which makes such building or premises dangerous, hazardous or unsafe, or that work is being done or has been done in violation of the Electrical Code, the Building Inspector is authorized to enter within or on such building or premises at any reasonable time and to inspect the premises; provided that, if such building or premises are occupied, he or she shall first present proper credentials to the occupant and demand entry, explaining his or her reasons; and, if such building or premises are unoccupied, he or she shall first make reasonable effort to locate the owner or other person having charge or control of such building or premises and demand entry, explaining his or her reasons. If such entry is refused or cannot be obtained because the owner or other person having charge or control cannot be found after due diligence, the Building Inspector shall have recourse to every remedy provided by law to secure lawful entry and inspect such building or premises. If, after inspection, the Building Inspector finds the work or equipment being used in a dangerous, hazardous or unsafe manner, he or she is authorized to order discontinuance of such work or the use of such equipment.

(2) No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as provided in this section, to promptly permit entry by the Building Inspector for the purpose of inspection and examination pursuant to the Electrical Code. Any person violating this division (E)(2) shall be guilty of a misdemeanor.
(2002 Code, § 18-85)

(F) *Building Inspector relieved from personal liability.* The Building Inspector or any employee charged with the enforcement of the Electrical Code, acting in good faith and without malice for the city in the discharge of his or her duties, shall not thereby render himself or herself liable personally and he or she is released from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Building Inspector or employee because of such act or omission performed by him or her in the enforcement of any provisions of the Electrical Code shall be defended by the Legal Department of the city until final termination of the proceedings.
(2002 Code, § 18-86)

(G) Regulations and registrations.

(1) It shall be unlawful for any person to engage in the business of installing electrical wiring or equipment for electrical light, heat, power and any other purposes within the jurisdiction of the city, except as provided in this division (G)(1), without having first procured a state Class AA[®] master electrician's license, a Class A electrical contractor's license or a Class A journeyman's license, and until he or she has obtained a certificate of registration with the city. Application for registration shall be made in writing to the Building Inspector, showing the name and residence of the applicant, the business location of the applicant and such other information as may be required.

(2) It shall be unlawful for any person to install or supervise the installation of electrical wiring or equipment within the jurisdiction of the city, except as provided in division (G)(1) above.

(3) It shall be unlawful for any person to supervise or assign more than three apprentice electricians to any one master electrician on any one job or project or to assign work to be done or performed by apprentice electricians in violation of the Electrical Code. It shall be unlawful for an apprentice to do or perform any act or electrical installation, repair or maintenance without the supervision of anyone as set forth in division (G)(1) above.

(4) It shall be unlawful for any person to conceal or cause to be concealed any electrical wiring or equipment, except with the permission of the Building Inspector. The request for inspection must be made at the office of the Building Inspector.

(5) All registrations shall expire on December 31 of each year in which they are issued and shall not be assignable. Certificates of registration may be renewed upon payment of the required registration fee.

(2002 Code, § 18-87)

(H) Installation by homeowner.

(1) Any homeowner may install electrical wiring or equipment only in a single-family residence which he or she occupies or will occupy as his or her home and an adjacent garage of three stalls or less. All electrical wiring installed by an owner shall be for himself or herself, without compensation or pay from or to any other person for such labor or installation. The homeowner shall be required to apply for and secure a building permit for such installation, pay the required building permit fees and call for all inspections in the manner provided by this section.

(2) A homeowner shall provide to the satisfaction of the Building Inspector that he or she will own the home and will reside in such home in order to qualify for a homeowner's permit.

(2002 Code, § 18-88)

(I) Permit required.

(1) No alteration or change shall be made in electrical wiring or equipment for use in the protection of electric lights, heat or power, nor shall any electrical wiring or apparatus be installed within the city without the person's making the alteration or change first securing from the Building Inspector a building permit; nor shall any change be made in any wiring or equipment after inspection without such person's notifying the Building Inspector and securing a building permit; except that, no building permit shall be required to execute minor repair work such as, but not limiting, the generality of the term to:

(a) Repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping joints and repairing drop cords, and repairing of appliances, motors and other devices when not attached to permanent wiring;

(b) Wiring which is an integral part of machinery, appliances or vehicles;

(c) Experimental work of a temporary nature in testing laboratories of electrical shops, educational institutions and the like;

(d) Wiring supplied with current by approved bell-ringing transformers; and

(e) The attaching of portable appliances to existing outlets.

(2) No building permit shall be issued until the fee has been paid according to this section.
(2002 Code, § 18-89)

(J) *Record of Building Inspector.* The Building Inspector shall keep a full and complete record of all work done, permits issued, examinations made or other official work performed as required by the Electrical Code. The records shall be so arranged as to afford prompt information concerning the condition and general arrangement of any electrical equipment at the time of the Building Inspector's last visit.
(2002 Code, § 18-90)

(K) *Occupation tax.* For the purpose of raising revenue, an occupation tax is levied for electricians and apprentices. The amount of such tax shall be set by the Council, and a schedule of such occupation tax is on file and available in the City Clerk's office.

(2002 Code, § 18-91)

(Ord. 99-7, passed 7-27-1999; Ord. 2007-24, passed 12-4-2007; Ord. 2010-4, passed 4-20-2010; Ord. 2010-30, passed 12-21-2010) Penalty, see § 150.99

Statutory reference:

Authority to adopt electrical code by reference, see Neb. RS 18-132

Section 3. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.17 One- and Two-Family Dwellings Code of the Wayne Municipal Code is amended to read as follows:

§ 150.17 ~~INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS~~ 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 "~~2006-2012~~ 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, printed in book or pamphlet form, is incorporated by reference as though printed in full in this section insofar as such Code does not conflict with the state statutes. One copy of the Code adopted in this section is on file at the office of the Building Inspector 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.

(B) *Additions, insertions, and changes.* The following sections of the one- and two-family dwelling code adopted in section 150.17 (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 6 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 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 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 of 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 "Sleeping Room" and "Building Envelope" as follows:

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:	90 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 R302.5.1 Opening protection. Amend. Delete "equipped with a self-closing device."

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 landing of the stairway.

Section R309.5 Fire Sprinklers. Delete.

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 R313 AUTOMATIC FIRE SPRINKLER SYSTEMS. Delete this section.

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 Joists and Rafters.

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

Table R502.3.1(1) Floor Joist Spans For Common Lumber Species. Delete this table.

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 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 G2409.3 and G2409.4.

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

Adopt Appendix F - Radon Control Methods.

Delete AF103.3 Soil-gas-retarder.

Delete AF103.5.2 Soil-gas-retarder.

Adopt Appendix C - Swimming Pools, Spas, and Hot Tubs.

(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)

Statutory reference:

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

Section 4. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.18 Plumbing code; Plumbers of the Wayne Municipal Code is amended to read as follows:

§ 150.18 PLUMBING CODE; PLUMBERS.

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of construction and uses of materials in the installation of plumbing, the ~~2006~~ "2012 International Plumbing Code" and all Appendices as published by The International Code Council, is hereby adopted as the plumbing 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, ~~published in book or pamphlet form, is incorporated by reference in addition to all amendments thereto as though printed in full in this section insofar as such Code does not conflict with the state statutes.~~ One copy of the Code adopted in this section is on file at the office of the Building Inspector ~~public library~~ and is available for public 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. (2002 Code, § 18-181)

(B) *Plumbers.*

(1) *Registration required.* No person shall hereafter engage in or work at the business of a master plumber or journeyman plumber in the city until he or she shall have registered as a master plumber or journeyman plumber. Application for registration shall be made in writing to the City Administrator, showing the name and residence of the applicant, the business location of the applicant and such other information as may be required. (2002 Code, § 18-201)

(2) *Registration of firm.* Any firm may be registered as a master plumber in the name of such firm; provided that, such firm shall have a master plumber who is duly registered as provided in this division (B). Such master plumber must be a bona fide officer of the firm or an employee who is regularly employed by the firm and is actually engaged in the planning, superintending and practical installation of plumbing and drainage. The master plumber listed and registered by such firm shall be in actual charge of and responsible for the installation, removal or repair of any plumbing or drainage work done by such firm. (2002 Code, § 18-202)

(3) *Expiration and renewal of registration.* All plumbers' registrations shall expire on December 31 of the year in which they are issued, and shall not be assignable. Certificates of registration may be renewed upon payment of the required registration fee. (2002 Code, § 18-203)

(4) *Revocation of certificate of registration.*

(a) The Council by a majority vote shall have power to revoke any master plumber's or journeyman plumber's certificate of registration upon the recommendation of the Building Inspector or his

or her designated representative if the certificate was obtained through error or fraud, or if the recipient is shown to be grossly incompetent, or has a second time willfully violated any of the provisions of the Plumbing Code.

(b) If a certificate of registration is revoked, the holder shall not apply for registration for one year after such revocation.

(2002 Code, § 18-204)

(5) *Unlawful transfer of certificate.* No registered plumber shall allow his or her name to be used by another person, directly or indirectly, to obtain a permit for the installation of any work; and, if any registered plumber violates this provision, the Council shall forthwith revoke the certificate of registration issued to such plumber. In addition to having his or her certificate of registration revoked, such master plumber may be prosecuted under § 10.99 of this code.

(2002 Code, § 18-205)

(6) *Fees.* The City Clerk shall collect all registration and renewal fees as occupation taxes and shall pay them to the School District within the city. The Council shall have the right to classify plumbers for the purpose of setting registration and renewal fees in such categories as it may, in its discretion, set. Such categories are declared to be reasonable and non-discriminatory. The actual amounts of the registration and renewal fees shall be on file at the office of the City Clerk.

(2002 Code, § 18-206)

(7) *Occupation tax.*

(a) For the purpose of raising revenue, an occupation tax for plumbers is levied in an amount to be set by the Council.

(b) The City Clerk shall collect all fees, permits, taxes and renewals and credit them to the General Fund.

(2002 Code, § 18-207)

(8) *Exceptions.* The provisions of this division (B) relating to plumbers shall not apply to any public utility company serving the city and its inhabitants under a franchise agreement with the city, or its agents and employees, and shall not be construed as a limitation or restriction upon any franchises granted by the city.

(C) Additions, insertions, and changes. The following sections of the mechanical code adopted in Section 150.18 (A) are hereby revised as follows:

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

Section 106.2 Exempt work. Amend to read as follows:

The following work shall be exempt from the requirement for a permit:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets.

3. The replacement of faucets and fixtures and water closets, provided the fixtures are not being relocated.

Section 106.6. Fees. Delete this section.

Section 108.4 Violation penalties. Amend to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop work orders. Amend to read as follows:

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than five hundred dollars (\$500.00).

Sections 109.2 Membership of Board. Delete this section.

Section 305.4 Freezing. Amend to read as follows:

Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Water service piping shall be installed at a minimum of 60 inches below finished grade.

Section 305.4.1 Sewer depth. Amend to read as follows:

Building sewers that connect to public sewage disposal systems shall be installed to a minimum depth of 48 inches unless otherwise approved by the code official.

Section 306.3 Backfilling. Amend to read as follows:

Loose earth free from rocks, broken concrete, frozen chunks and other rubble, shall be placed in the trench in 6-inch layers and tamped in place to existing grade. The backfill under and beside the pipe shall be compacted for pipe support. Backfill shall be brought up evenly on both sides of the pipe so that the pipe remains aligned. In any instance where the manufacturer's installation instructions for materials are more restrictive than those prescribed by code, the material shall be installed in accordance with the more restrictive requirement.

Insert the following after *Section 403.5*:

Section 403.6 Service sinks. Service sinks will not be required in structures or tenant spaces with less than 250 square feet of washable public floor area.

Section 406.2 Waste connection. Amend to read as follows:

The waste from an automatic clothes washer shall discharge through an air break into a standpipe in accordance with Section 802.4 or into a laundry sink. The trap and fixture drain from an automatic clothes washer standpipe shall be a minimum of 2 inches (51mm) in diameter. The automatic clothes washer fixture drain shall connect to a branch drain or drainage stack a minimum of 2 inches (76mm) in diameter. Automatic clothes washers that discharge by gravity shall be permitted to drain to a waste receptor or an approved trench drain.

Section 410.1 Approval. Amend to read as follows:

Drinking fountains shall conform to ASME A112.19.1M, ASME A112.19.2M or ASME A112.19.9M and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, water coolers or bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required drinking fountains. In occupancies where only one restroom is required, drinking water may be provided by alternative means approved by the code official.

Section 416.5 Tempered water for public hand-washing facilities. Amend to read as follows:

Tempered water shall be delivered from public hand-washing facilities.

Section 603.2 Separation of water service and building sewer. Amend to read as follows:

Water service pipe and the building sewer shall be separated by 5 feet (1524mm) of undisturbed or compacted earth.

Exceptions:

1. The required separation distance shall not apply where the bottom of the water service pipe within 5 feet (1524mm) of the sewer is a minimum of 18 inches (457mm) above the top of the highest point of the sewer and the pipe materials conform to Table 702.3.
2. Water service pipe is permitted to be located in the same trench with a building sewer, provided such building sewer is constructed of materials listed in Table 702.2.

Insert the following after *Section 603.2.1*:

Section 603.3: Tracer Wire. An insulated copper tracer wire shall be installed adjacent to underground non-metallic water service piping. The tracer wire shall not be less than 12-gauge copper wire with insulation suitable for direct burial. The tracer wire shall be attached to the curb box cap and shall terminate at the water meter valve.

Section 607.1.1 Temperature limiting means. Delete this section.

Section 607.1.2 Tempered water temperature control. Delete this section.

Section 705.8.2 Solvent cementing. Amend to read as follows:

Joint surfaces shall be clean and free from moisture. An approved primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B 137.3, CSA B 181.2, or CSA B 182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

Section 705.14.2 Solvent cementing. Amend to read as follows:

Joint surfaces shall be clean and free from moisture. An approved primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B 137.3, CSA B 181.2, or CSA B 182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

Section 715.1 Sewage backflow. Amend to read as follows:

Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures. Plumbing fixtures having flood level rims above the elevation of the manhole cover of the next upstream manhole in the public sewer may discharge through a backwater valve.

Insert the following after *Section 715.5*:

Section 715.6 Cleanouts. All cleanouts located upstream from a backwater valve shall have notification that a backwater device is installed in the drainage system. Such notification shall be in the form of a warning label that is readily visible prior to servicing the drainage system. An accessible cleanout shall be installed immediately downstream from the backwater valve.

Section 715.7 Repair or Replacement. Backwater valves shall be installed as required when sewer service lines to existing structures are repaired or replaced.

Section 903.1 Roof extension. Insert: 12 inches

Section 1112.1 Subsoil drains. Amend to read as follows:

Subsoil drains shall be open-jointed, horizontally split or perforated pipe conforming to one of the standards listed in Table 1102.5. Such drains shall not be less than 4 inches (102 mm) in diameter. Where the building is subject to backwater, the subsoil drain shall be protected by an accessibly located backwater valve. Subsoil drains shall discharge to a trapped area drain, sump or approved location above ground. The subsoil sump shall be required to have a gas-tight cover. The sump and pumping system shall comply with Section 1114.1.

(D) *Appeals.* Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this section may appeal such decision to the board of appeals established pursuant

to the building code in force in the city. The procedure for such an appeal shall be as provided in the building code in force in the city.

(2002 Code, § 18-208)

(Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010)
Penalty, see § 150.99

Statutory reference:

Authority to adopt plumbing code by reference, see Neb. RS 18-132

Related provisions, see Neb. RS 18-1908 through 18-1911

Section 5. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.19 Mechanical Code of the Wayne Municipal Code is amended to read as follows:

§ 150.19 HEATING, VENTILATION AND COOLING (HVAC) MECHANICAL CODE.

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection and uses of materials in the installation of HVAC equipment, the 2006 "2012 International Mechanical Code" and all Appendices, as published by the International Code Council, is hereby adopted as the mechanical 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, ~~published in book or pamphlet form, is incorporated by reference in addition to all amendments thereto as though printed in full in this section insofar as such Code does not conflict with the state statutes.~~ One copy of the Code adopted in this section is on file at the office of the Building Inspector ~~public library~~ and is available for public 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) The provisions of this section relating to HVAC installers shall not apply to any public utility company.

(C) *Additions, insertions, and changes.* The following sections of the mechanical code adopted in Section 150.19 (A) are hereby revised as follows:

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

Section 106.5: Fees. Delete this section.

Section 108.4: Violation penalties. Amend to read as follows:

Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter or repair mechanical systems in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5: Stop work orders. Amend to read as follows:

Stop work orders. Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property,

or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

Sections 109.2 through 109.7: Delete these sections.

Section 202: GENERAL DEFINITIONS. Add definition:

PACKAGED TERMINAL AIR CONDITIONER (PTAC). A type of self-contained heating and air conditioning system unit commonly found in hotels, motels, senior housing facilities, hospitals, condominiums, apartments, add-on rooms, and sun rooms.

Section 507.2.1.1: Operation. Delete this section.

(D) *Appeals.* Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this section may appeal such decision to the board of appeals established pursuant to the building code in force in the city. The procedure for such an appeal shall be as provided in the building code in force in the city.

(2002 Code, § 18-351) (Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010)

Section 6. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.31 Property Maintenance Code of the Wayne Municipal Code is amended to read as follows:

§ 150.31 PROPERTY MAINTENANCE CODE ~~ADOPTED BY REFERENCE.~~

(A) *Adopted by reference.* To provide certain minimum maintenance standards, provisions, and requirements for existing buildings ~~A certain document, one copy which is on file in the office of the Building Inspector of the city, being marked and designated as the 2012 International Property Maintenance Code 2006, as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the city City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in § 150.33 paragraph (C) of this chapter section. One copy of the Code adopted in this section is on file at the public library and is available for public 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.~~

(2002 Code, § 18-242) (Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2011-8, passed 8-16-2011)

Statutory reference:

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

~~§ 150.32 (B) **CONFLICTS** 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.

~~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)

~~§ 150.33 (C) ADDITIONS, INSERTIONS AND CHANGES~~ *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:

~~The following sections of the Property Maintenance Code adopted in § 150.31 of this chapter are hereby revised as follows:~~

~~(A)~~ *Section 101.1 Title.* Insert: the City of Wayne, Nebraska

~~(B)~~ *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.

~~(C)~~ *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.

~~(D)~~ *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.

~~(E)~~ *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 112.4 Failure to comply.~~ Insert: 100 and 500

~~(F) Section 302.4 Weeds.~~ Insert: twelve (12) inches

~~(G) Section 304.14 Insect Screens.~~ Insert: April 1 to November 1

~~(H) 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.

~~(I) 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.

(2002 Code, § 18-244) (Ord. 2011-8, passed 8-16-2011)

Section 7. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.32 Energy Conservation Code of the Wayne Municipal Code is amended to read as follows:

§ 150.32 ENERGY CONSERVATION CODE.

(A) *Adopted by reference.* To provide certain minimum energy conservation standards, provisions, and requirements for new buildings the 2012 International Energy Conservation Code, as published by the International Code Council, Inc., is hereby adopted as the energy conservation 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 public 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) *Additions, insertions, and changes.*

The following sections of the energy conservation code adopted in Section 150.32 (A) of this chapter are hereby revised as follows:

Chapter 4. Residential Energy Efficiency. Delete this chapter in its entirety.

Section 505. Electrical Power and Lighting Systems (Mandatory). Delete this Section in its entirety.

(C) Energy conservation standards. Minimum requirements are as follows:

- (a) Ceiling: R-49 insulation.
- (b) Frame walls: R-20 (combined R-value of wall elements).
- (c) Slab edge (on-grade): R-10 insulation, twenty-four (24) inches down from top of slab.
- (d) Floors (over unheated spaces): R-38 insulation.
- (e) Finished basement walls: R-14 (Combined R-value of wall elements).
- (f) Crawl spaces: R-10 insulation. Shall be a conditioned space. Floor shall be covered with not less than three (3) inches of concrete.
- (g) Windows: Minimum of double-glazed and maximum U-factor of .30.
- (h) Doors:
 - (1) Sliding glass: Double-glazed, maximum U-value of .35.
 - (2) Swinging: Maximum U-value of .35 based on testing prior to installation of glazing.
- (i) Weatherstripping caulking: Whatever is necessary to minimize infiltration.
- (j) HVAC equipment.
 - (1) Heat pumps – Heating mode:
 - a. COP=2.5 L5 (air source).
 - b. COP=2.5 (water source).
 - (2) Boilers and furnaces: Combustion efficiency equals eighty (80) percent.
 - (3) Air Conditioners heat pumps – Cooling: SEER minimum rating 15.0.
 - (4) Controls: Each system controlled by thermostat; heating system capable of setback to fifty-five (55) Fahrenheit; cooling system capable of setup to eighty-five (85) Fahrenheit.
 - (5) All duct work shall be located within the conditioned envelope of the dwelling. Duct work within an attic shall be considered to be in a conditioned space when,
 - a. immediately adjacent to conditioned living spaces, and

(j) Remaining surfaces are covered by not less than R-49 insulation.

Joints in duct work shall be sealed as required by HVAC equipment manufacturer.

- (k) Insulate exterior of foundation of slab-on-grade heated structures or provide a thermal break between floor and exterior foundation.
- (l) When proposed rehabilitation of a structure exceeds 50% of assessed value, the structure shall meet or exceed all energy code requirements adopted by the City of Wayne.
- (m) Radon venting shall not be located within walls that are required to be insulated unless minimum R-values can be achieved.
- (n) A minimum R-value of R-44 shall be maintained above all exterior wall plates of conditioned spaces.

Deviations from above requirements require approval of the code official.

Section 8. That Title XV Land Usage, Chapter 150 Building Regulations; Construction of the Wayne Municipal Code is hereby amended by adding the following section:

§ 150.314 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY.

Any structure becoming uninhabitable, unusable or unoccupiable as a result of fire, flood, wind, disaster or other calamity shall be completely repaired within one year of the fire, flood, wind, disaster or other calamity. If repairs are not completed within one year, the structure shall be inspected by the Code Official. If following the inspection, the structure is determined to be uninhabitable, unusable or unoccupiable by the Code Official, the structure shall be demolished by the owner of the property. 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. Any appeal of the Code Official's decision shall be governed by the appeal provisions contained in the ~~p~~Property ~~m~~Maintenance ~~c~~Code adopted by the city.

(2002 Code, § 18-245) (Ord. 2011-8, passed 8-16-2011)

Section 9. That the original Sections and all ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 10. 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 _____ day of September, 2017.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

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After recording, please return to:
Robert G. Dailey
McGrath North Mullin & Kratz, PC, LLO
Suite 3700 First National Tower
1601 Dodge Street
Omaha, NE 68102

QUITCLAIM DEED

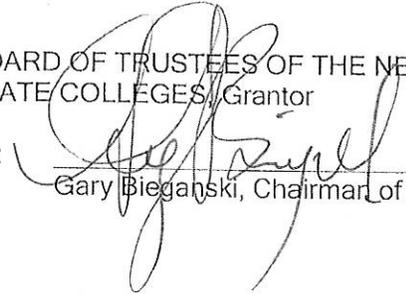
BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES ("Grantor"), in consideration of 1.00 and other valuable consideration, received from Grantee, does hereby quitclaim, grant, bargain, sell, convey and confirm unto CITY OF WAYNE, NEBRASKA ("Grantee"), any right, title or interest Grantor may have or claim to the following described real property in Wayne County, Nebraska:

LOTS TWENTY-TWO (22), TWENTY-THREE (23), AND TWENTY-FOUR (24), BLOCK TEN (10), COLLEGE HILL ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

To have and to hold the above-described premises together with all tenements, hereditaments and appurtenances thereunto belonging unto Grantee and to Grantee's heirs and assigns forever.

Dated: June 16, 2017.

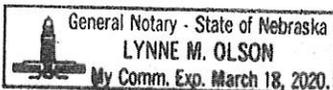
BOARD OF TRUSTEES OF THE NEBRASKA
STATE COLLEGES, Grantor

By: 
Gary Biedganski, Chairman of the Board

STATE OF NEBRASKA)
) ss.
COUNTY OF Dawes)

On this 16th day of June, 2017, before me a Notary Public in and for said county and state, personally appeared Gary Biedganski, known to me to be the identical person who subscribed his name to the foregoing as Chairman of the Board of the Board of Trustees of the Nebraska State Colleges, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said Board.


Notary Public





Parcel

Assessor Information

()

District Information

()

Treasurer Information

()

Parcel: 008013300

Owner:

Situs:

