

**AGENDA
CITY COUNCIL MEETING
September 19, 2017**

1. [Approval of Minutes – September 5, 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. [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 \(Third and Final Reading\)](#)
4. [Action on a Wayne Volunteer Fire Department Application for Membership for Joseph Burrows — Phil Monahan, Fire Chief](#)
5. [Action on a Wayne Volunteer Fire Department Application for Membership for Courtney Kamler — Phil Monahan, Fire Chief](#)
6. [Resolution 2017-83: Accepting Bid and Awarding Contract on the purchase of Air Packs for the Wayne Volunteer Fire Department](#)

Background: Phil Monahan, Fire Chief, has obtained three proposals for the purchase of 11 air packs and accessories. He is recommending that the Council approve the low bid from Feld Fire for \$65,450.

Phil met with the Rural Fire Board and they will also be purchasing air packs from this company.

Phil will be present to provide more background on this purchase.

7. [Action on the request of Brian Hass to waive the requirements of Section 152.131 Fences and Screens, specifically Subsection \(E\)](#)

Background: Brian Hass who lives at 705 W. 3rd Street is requesting Council consideration to waiving the requirements of Sec. 152.131 Fences and Screens, specifically Subsection (E). Attached is Brian's letter, along with photos, explaining his request.

Staff has no recommendation.

8. [Action on Change Order No. 1 which is a decrease of \\$98,441.99 on the 4th Street Paving Project to A & R Construction Co.](#)

Background: The contract is being modified to reroute the storm sewer along Tomar Drive, increasing the pipe size of mainline storm sewer along 4th Street to 42" and eliminating the bio-swale east of Tomar Drive and north of 4th Street. There will be no change in time for this change order.

9. [Action on Contractor's Application for Payment No. 1 in the amount of \\$52,531.65 to A & R Construction Co. for the 4th Street Paving Project \(Street Improvement District No. 2017-01\)](#)

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

10. [Update on Pending Litigation regarding Electric Distribution Contract](#)
11. [Adjourn](#)

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

The Wayne City Council met in regular session at City Hall on Tuesday, September 5, 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 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.

Councilmember Haase made a motion, which was seconded by Councilmember Sievers, whereas, the Clerk has prepared copies of the Minutes of the meetings of August 15 and 29, 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: ALTONA FINISHING, SE, 2406.60; AMAZON.COM, SU, 606.93; AMERICAN BROADBAND, SE, 990.00; AMERICAN PUBLIC POWER ASSOCIATION, FE, 1493.97; AMERITAS, SE, 64.11; AMERITAS, SE, 2201.76; AMERITAS, SE, 84.44; AMERITAS, SE, 72.00; CITY EMPLOYEE, RE, 7760.00; APPEARA, SE, 141.57; ARNIE'S FORD, SE, 1029.67; BEHLEN MFG, SU, 1558.00; BENSCOTER INC, RE, 250.00; BINSWANGER GLASS, SE, 2510.00; BLACK HILLS ENERGY, SE, 299.91; BLUE CROSS BLUE SHIELD, SE, 36414.87; BOMGAARS, SU, 987.20; BROWN SUPPLY, SU, 1374.97; BSN SPORTS, INC, SU, 808.91; CARHART LUMBER, SU, 517.32; CARISSA SOKOL, RE, 150.00; CARROLL DISTRIBUTING, SU, 296.09; CENTURYLINK, SE, 416.59; CHAMBERLAIN, KEN, RE, 41.73; CHEMQUEST, SE, 595.00; CITY EMPLOYEE, RE, 1365.20; CITY EMPLOYEE, RE, 16.25; CITY EMPLOYEE, RE, 1588.98; CITY EMPLOYEE, RE, 492.56; CITY EMPLOYEE, RE, 42.94; CITY EMPLOYEE, RE, 1899.80; CITY EMPLOYEE, RE, 96.03; CITY EMPLOYEE, RE, 486.08; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, RE, 1164.79; COMMUNITY HEALTH, RE, 3.00; COMMUNITY HEALTH, RE, 3.00; DANKO EMERGENCY EQUIPMENT, SU, 4393.55; DAS STATE

ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 89.44; DGR & ASSOCIATES CO, SE, 1333.26; DISCOUNT PLAYGROUND SUPPLY, SU, 2417.25; DUGAN BUSINESS FORMS, SU, 548.50; ECHO GROUP, SU, 62.16; ERIKSEN CONSTRUCTION, SE, 38569.00; FIRST CONCORD GROUP, SE, 2694.16; FLOOR MAINTENANCE, SU, 477.14; FRAHM, KODY, RE, 153.29; GARVIN, CALEB, RE, 39.62; GEMPLER'S INC, SU, 42.99; GERHOLD CONCRETE, SE, 1947.50; GROSSENBURG IMPLEMENT, SU, 47.81; HART, APRIL, RE, 4.52; HAWKINS, INC, SU, 18.70; HILAND DAIRY, SU, 41.97; HILAND DAIRY, SE, 72.11; HILAND DAIRY, SE, 76.96; HP INC, SU, 19.75; HTM SALES, SE, 1981.67; HYDRO OPTIMIZATION, SE, 150.00; ICMA, SE, 10980.02; ICMA, SE, 9487.39; INTERSTATE ALL BATTERY, SU, 318.15; IRS, TX, 3953.72; IRS, TX, 15242.64; IRS, TX, 16905.32; JASON SEARS, RE, 8.13; JEO CONSULTING GROUP, SE, 700.00; JUAN, FEDERICO, RE, 124.79; K.C. PETERSON CONSTRUCTION, RE, 250.00; KALEENA HEITHOLD, RE, 30.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KELLY SUPPLY COMPANY, SU, 466.57; KRIZ-DAVIS, RE, 27.82; LAURA ZAVALA, RE, 150.00; LEE, ARMANDO, RE, 62.91; LOUIS BENSCHOTER, RE, 2738.45; LOUIS BENSCHOTER, RE, 250.00; LUCAS THOMPSON, RE, 100.00; MSC INDUSTRIAL, SU, 170.49; NAIDENOFF, ANDREY, RE, 84.67; NAPA OF WAYNE, SU, 110.49; NE DEPT OF REVENUE, TX, 5075.88; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 262.00; NE SAFETY COUNCIL, FE, 10.00; NLA, FE, 255.00; NORTHEAST NE ECONOMIC DEV DIST, SE, 60.00; NORTHEAST NE INS AGENCY, SE, 46.00; NORTHWEST ELECTRIC, SU, 244.42; OCC BUILDERS, RE, 250.00; OCC BUILDERS, SE, 4931.00; ONE OFFICE SOLUTION, SU, 1220.00; PLUNKETT'S PEST CONTROL, SE, 88.58; POLLARD PUMPING, SE, 195.00; REHAB SYSTEMS, SE, 1375.00; RESCO, SU, 722.26; ROBERT WOEHLE & SONS, SE, 10539.31; ROBERT WOEHLE & SONS, SE, 3897.41; ROBERT WOEHLE & SONS, SE, 4640.00; ROBERT WOEHLE & SONS, SE, 9469.33; SIGNS BY TOMORROW, SU, 162.00; STAPLES ADVANTAGE, SU, 136.33; STEECE, KRISTINA, RE, 8.60; TOM'S BODY & PAINT SHOP, SE, 2024.00; UNITED WAY, RE, 10.00; US BANK, SU, 4975.97; UTILITY EQUIPMENT CO, SU, 1503.70; VERIZON, SE, 92.90; WAED, FE, 477.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE SWIM TEAM, RE, 2121.25; WINDOM RIDGE, RE, 1169.25; ZEE MEDICAL SERVICE, SU, 142.60; AM CONSERVATION GROUP, SU, 297.57; AMERICAN BROADBAND, SE, 1511.84; AMERITAS, SE, 92.73; AMERITAS, SE, 56.54; AMERITAS, SE, 72.00; AMERITAS, SE, 2407.14; APPEARA, SE, 60.65; AUTO ANATOMY ALTERNATIVES, SE, 48.91; BARONE SECURITY SYSTEMS, SE, 138.00; CITY EMPLOYEE, RE, 44.97; CITY EMPLOYEE, RE, 1102.37; CITY EMPLOYEE, RE, -44.97; CITY OF WAYNE, PY, 74222.57; COPY WRITE, SU, 269.32; GALE/CENGAGE LEARNING, SU, 98.76; GARNER, SEAN, RE, 98.73; GILL HAULING, SE, 170.50; GROSSENBURG IMPLEMENT, SU, 61.62; HAUFF MID-AMERICAN SPORTS, SU, 28.40; HD SUPPLY WATERWORKS, SU, 779.00; HOMETOWN LEASING, SE, 412.86; IRS, TX, 2911.46; IRS, TX, 10585.35; IRS, TX, 12448.70; JACK'S UNIFORMS, SU, 1124.00; KAUP SEED & FERTILIZER, SU, 337.50; KULHANEK, TUCKER, RE, 43.81; MATHESON-LINWELD, SU, 33.89; MILLER LAW, SE, 5256.57; MILO MEYER CONSTRUCTION, SU, 142.56; MUFFIN MORRIS, RE, 415.20; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 500.00; NE DEPT OF REVENUE, TX, 3504.86; NORTHEAST POWER, SE, 4260.00; ONE CALL CONCEPTS, SE, 92.55; ORIENTAL TRADING CO, SU, 77.76; PAC N SAVE, SU, 190.49; PAC N SAVE, SU, 228.54; SHOPKO, SU, 52.77; SIOUX CITY JOURNAL, SE, 437.60; SKARSHAUG TESTING LAB, SE, 617.70; SOUTHEAST LIBRARY SYSTEM, FE, 160.00; STAPLES ADVANTAGE, SU, 70.29; THREE RIVERS LIBRARY SYSTEM, FE, 10.00; TYLER TECHNOLOGIES, SE, 200.00; UTILITIES SECTION, FE, 180.00; VIAERO, SE, 137.25; WASTE CONNECTIONS, SE, 140.80; WAED, SE, 7216.66; WAYNE COUNTY CLERK, SE, 20.00; WAYNE HERALD, SE, 737.00; WAPA, SE, 22871.26; ZIMCO SUPPLY, SU, 780.00

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.

Heather Headley, who was present, will become the new Library Director on October 2, 2017. She will replace Lauran Lofgren who is retiring.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the appointment of Heather Headley as Library Director. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain proclaimed the month of September as “National Senior Center Month.”

Sarah Gunion, Student Activities Coordinator at Wayne State College, was present requesting Council consideration to allowing them to have a fireworks display behind the football stadium for “Family Day” on Saturday, September 9, 2017.

Phil Monahan, Fire Chief, stated he inspected the area and he did not have any concerns.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving the request of Christen Dalaviris, Director of Student Activities at Wayne State College, to have the fireworks display at Wayne State College after the “Family Day” football game on Saturday, September 9, 2017. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Bryce Meyer, Recreation Director, was present to discuss his proposal to reduce hours at the Wayne Community Activity Center. His recommendations were as follows:

May 1st through Labor Day (Pool Season)

Monday through Friday: 5:30 a.m. to 9:00 p.m.

Saturday: 8:00 a.m. to 9:00 p.m.

Sunday: 12:30 p.m. to 9:00 p.m.

Labor Day through May 1st (Non-Pool Season)

Monday through Friday: 5:30 a.m. to 9:00 p.m.

Saturday: 8:00 a.m. to 6:00 p.m.

Sunday: 12:30 p.m. to 6:00 p.m.

Mr. Meyer stated the reason he is recommending this change is the lack of traffic in the facility after these hours.

Councilmember Buck suggested keeping the hours the same whether it be during the pool season or during the non-pool season to cause less confusion to the public. Councilmember Eischeid disagreed.

Mayor Chamberlain was not in favor of changing/reducing the hours.

Councilmember Eischeid suggesting keeping track of the number of people using the facility after the hour of 8:00 p.m. for a couple of months or until the end of the year, which would be able to back up or support closing the facility earlier.

After discussion, the consensus was to keep track of the number of people using the facility in the evening and bring back a report to the Council at the first meeting in January.

Phil Monahan, Fire Chief, introduced Randall Robertson and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, approving the membership application of Randall Robertson to the Wayne Volunteer Fire Department. 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 regarding an application for a Retail Class LK (Craft Brewery/Catering) Liquor License for Johnnie Byrd Brewing Company (Greg Ptacek) located at 117 W. 2nd Street.

Greg Ptacek was present to answer questions. He stated the fence around the outdoor beer garden/patio would be similar in height to that of the 4th Jug (36”).

When asked, Council did not have any concern about the height of the fence.

Marlen Chinn, Police Chief, advised the Council that the Liquor Commission has removed any height requirements as far as it being a state regulation and placed that burden upon the local governing bodies.

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

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

Councilmember Sievers introduced Resolution No. 2017-78 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2017-78

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS LK LIQUOR LICENSE — JOHNNIE BYRD BREWING COMPANY.

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 on the proposed FY 2017-2018 budget.

The total of the FY 2017-2018 budget is \$35,651,740. The property tax proposal for the General Fund operation is \$793,321.67, which compares to the 2016 tax asking of \$751,837.50. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$894,321.67 or \$.410485 per \$100 of property valuation. The valuation in the

community, as reported by the County Assessor for 2017 is \$217,869,565, which is up \$9,139,795 from last year.

Finance Director Nancy Braden stated these numbers are based on the final numbers set at the budget work session. With the changes Council made, the General Fund reserves were increased by \$184,640. The mill levy is the same as last year.

Councilmember Giese discussed the contribution to Wayne Area Economic Development. His recommendation was to increase their request by the 5% of the original base allocation approved in 2005, and not by \$20,000 as recommended by previous City Administrator Lowell Johnson. The general operations' amount would be \$80,430 (increase of \$3,830).

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

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

Councilmember Brodersen introduced Resolution 2017-79, and moved for its approval as amended; Councilmember Giese seconded

RESOLUTION NO. 2017-79

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

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 regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.44995 per hundred dollars of property value is included. The levy equates to a tax request of \$980,402. Last year's general tax levy was \$.409303 per hundred dollars of valuation; this year it is \$.410485, excluding the airport.

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

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

The following Resolution would approve the final property tax request of \$894,321.67. This Resolution does not include the airport levy.

Councilmember Giese introduced Resolution 2017-80, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2017-80

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY 2017-2018.

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

Councilmember Giese introduced Ordinance 2017-30, and moved for its approval; Councilmember Brodersen seconded.

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; 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 Giese made a motion and Councilmember Brodersen seconded 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 and Councilmember Brodersen seconded to move for final approval of Ordinance No. 2017-30. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not spent and are not expected to be spent for capital improvements. Cities are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase. This increases our base number we can use for our restricted fund revenues.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, approving the allowable 1% increase in base limitation of the restricted funds budget. 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 and award the contract on the "City Auditorium Door Replacement Project" to Binswanger Glass for the sum of \$19,991. This agenda item was tabled from the last meeting. Councilmember 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 advising us that we can do whatever needs to be done, and that they (the Historical Society) do not go out of their way to remove properties from the National Register unless they have been moved or demolished. The recommendation of City Staff and Councilmember Brodersen is to approve the bid from Binswanger Glass, which would also include the beveled glass, and the bronze color.

Councilmember Sievers introduced Resolution No. 2017-76 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-76

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "CITY AUDITORIUM DOOR REPLACEMENT PROJECT" TO BINSWANGER GLASS FOR \$19,991.00.

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

The following Resolution would approve Supplemental Agreement No. 7 to the Professional Service Agreement for Preliminary Engineering Services between the City of Wayne and Olsson Associates, Inc. for the Wayne Trail – Phase 2 Project. 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.

Councilmember Eischeid introduced Resolution No. 2017-81 and moved for its approval; Councilmember Brodersen seconded.

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) (INCREASE OF \$17,195.96).

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

Jim Frank, CEO of Providence Medical Center (PMC), presented an updated contract for ambulance services between the City and PMC. They worked with their attorney to develop a more formalized contract. It has the same terms as were proposed in the original agreement, but expands on the obligations of PMC and the City, in addition to including the other provisions in the document. He noted that the agreement was also being presented to the Rural Fire Board.

Councilmember Eischeid introduced Resolution No. 2017-82 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-82

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

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

Councilmember Sievers introduced Ordinance 2017-29, and moved for approval of the second reading thereof; Councilmember Giese 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.

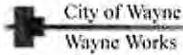
Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

The Board of Trustees of the Nebraska State Colleges quitclaimed the “old armory 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 pays property tax on real estate. The property is legally described as Lots 22, 23, and 24, Block 10, College Hill Addition to the City of Wayne, Wayne County, Nebraska. The three lots together total approximately 75’x150’ in size.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen to transfer the former “Old Armory Property” (previously owned by Wayne State College) to the Community Redevelopment Authority – Lots 22, 23, and 24, Block 10, College Hill Addition to 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.

Administrator Blecke gave an update of the joint meeting that took place between the City of Wayne, Northeast Power and the City of Wakefield on August 29, 2017.

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 6:45 p.m.



Vendor	Payable Description	Payment Total
APPEARA	LINEN & MAT SERVICE	58.55
BAKER & TAYLOR BOOKS	BOOKS	898.09
BOK FINANCIAL	SWIMMING POOL SALES TAX	300,414.17
BRIAN GOODWIN	FOOTBALL REF	50.00
BROWN SUPPLY CO	FIRE HYDRANTS	3,699.42
CITY EMPLOYEE	VISION REIMBURSEMENT	88.70
CITY EMPLOYEE	VISION REIMBURSEMENT	136.63
CITY EMPLOYEE	VISION REIMBURSEMENT	160.65
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
COMMUNITY REDEVELOPMENT AUTHORITY	ECONOMIC DEV FUNDS	21,275.79
COPY WRITE PUBLISHING	OFFICE SUPPLIES	22.00
CORE & MAIN LP	WATER METERS	2,079.14
DANKO EMERGENCY EQUIPMENT	REFLECTIVE TAPE	10.70
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	78.00
DUTTON-LAINSON COMPANY	AMI METER	315.66
EASYPERMIT POSTAGE	POSTAGE	785.29
ECHO GROUP INC JESCO	OUTLET ELECTRICAL BOX	45.72
FLOOR MAINTENANCE	BOWLS/GLOVES	268.69
GERHOLD CONCRETE CO INC.	5TH/DEARBORN-CONCRETE	1,679.50
GROSSENBURG IMPLEMENT INC	OIL	31.44
HAWKINS, INC	POOL CHEMICALS	199.50
HEIKES AUTOMOTIVE LLC	TRANSFER CASE/GASKET REPAIRS	2,968.39
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	60.70
HUBER TECHNOLOGY INC	SOLENOID VALVE	465.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	icma retirement	9,502.56
INGRAM LIBRARY SERVICES	BOOKS	518.32
JJ ZUMBIENNEN	FOOTBALL REF	50.00
JOHN'S WELDING AND TOOL LLC	DRAIN PIPE HOLE PATCHING	285.00
KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE	CS 16-81101-TLS	243.00
KELLY SUPPLY COMPANY	ADAPTERS	30.02
KIM KUCERA	4TH/5TH VB TOURNEY AD	10.00
KRIZ-DAVIS COMPANY	TERMINAL RINGS	535.00
KTCH AM/FM RADIO	RADIO ADS	556.00
L.G. EVERIST	CRUSHED QUARTZITE	675.27
LAQUINTA INNS & SUITES	LODGING- B KESTING	91.00
LUTT OIL	GASOLINE	4,242.72
MAIN STREET AUTO CARE	TOWING	100.00
MARCO INC	COPIER LEASE	126.36
MATHESON-LINWELD	OXYTOTE	20.15
METERING & TECHNOLOGY SOLUTIONS	AMI RADIO ERT	327.38

Vendor	Payable Description	Payment Total
MIDWEST LABORATORIES, INC	WASTE WATER ANALYSIS	2,226.00
NE MOSQUITO	CONFERENCE REGISTRATION	100.00
NE SAFETY COUNCIL	SAFETY MEETING	491.40
NeRPA	CONFERENCE REGISTRATION	250.00
NORFOLK DAILY NEWS	FALL SPORTS AD	37.50
NORFOLK SPORTING GOODS	TROPHY ENGRAVING	44.25
NORTHEAST NE ECONOMIC DEV DIST	14-CIS-006 JY 17 SERVICES	1,214.16
NORTHEAST NE INS AGENCY INC	INSURANCE	238.00
NORTHEAST POWER	RATE DISPUTE	440.21
NORTHEAST TIRE SERVICE	TIRE/TUBE REPAIRS	239.69
NSVFA	MEMBERSHIPS	540.00
NSVFA	DUES	74.00
PAC N SAVE	SENIOR CENTER NOON MEALS	300.20
PEERLESS WIPING CLOTH CO	WASH TOWELS	320.00
PENGUIN RANDOM HOUSE LLC	AUDIO BOOKS	120.00
PITNEY BOWES INC	FOLDER LEASE	1,497.56
QUALITY FOOD	SENIOR CENTER NOON MEALS	330.75
ROSE, DAN	BUILDING PERMIT DEPOSIT REFUND	100.00
S & S WILLERS, INC.	FILL SAND	305.96
SANDRY FIRE SUPPLY LLC	CALIBRATION GAS/CYLINDER	754.00
SPARKLING KLEAN	JANITORIAL SERVICE/SUPPLIES	3,731.59
STADIUM SPORTING GOODS	FOOTBALL/VOLLEYBALL SHIRTS	584.00
STATE NEBRASKA BANK & TRUST	SERIES 2011 PRINCIPAL & INTEREST	101,725.00
SUPERCIRCUITS	KEYFOBS	775.31
T & S TRUCKING	TRANSPORT ROCK	219.60
THE RADAR SHOP	RECERTIFIED RADAR UNITS	129.00
TITAN MACHINERY	FILTERS	283.84
US FOODSERVICE, INC.	FOOD SERVICE	498.75
VAKOC CONSTRUCT	GARAGE ROOFING PROJECT	1,750.75
VAN DIEST SUPPLY	WEED CONTROL	476.10
VERIZON WIRELESS SERVICES LLC	CELL PHONES	523.12
WAYNE AREA ECONOMIC DEVELOPMENT	AUG 17 CONTRIBUTION	7,216.66
WAYNE HERALD	ADS AND NOTICES	1,870.37
WAYNE SWIM TEAM	POOL CONCESSIONS	716.79
WAYNE VETERINARY CLINIC	DOG/CAT IMPOUND	168.00
WESCO DISTRIBUTION INC	PADMOUNT TRANSFORMER	17,289.06
	Grand Total:	500,689.13

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.L 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 G – 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 (51mm) 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 (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 ~~Property~~ ~~Maintenance~~ ~~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

**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 Joseph Burrows Address PO Box 202, Wayne, NE, 68787
Phone Number (402) 369-1133 Social Security # [REDACTED]
Driver's License Number and Issuing State H1 3484598 - NE
Employer B+B Painting Occupation Painter
How long have you been employed by your present employer? 2 months
Previous Employer and Address Texas & Main, 509 Dearborn St, Wayne, NE, 68787

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. Wayne Volunteer Fire Dept., Cadet

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 JWB
- 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 JWB
-Have you read the Bylaws of the Department, and do you understand them? _____ Do you agree to abide by them? Yes JWB
- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature [Signature] Date 11 July 2017

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

Applicant's Signature [Signature] Date 11 July 2017

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 [Signature] Date 9-5-2017

.....
Council approved on _____ certified by City Clerk _____

.....
For record purposes only: Date of Birth 10 Dec 1995 revised August 4, 2015

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

APPLICATION FOR MEMBERSHIP

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

Name Courtney Kamler Address 308 N Apple PO Box 91 Shickley, NE 68436
Phone Number 402-759-2734 Social Security # [REDACTED]
Driver's License Number and Issuing State H13697686 Nebraska
Employer Shickley Volunteer Fire + Rescue Occupation Emergency Medical Technician
How long have you been employed by your present employer? 2 months
Previous Employer and Address Ryan Hamburger - 705 Rd. X Shickley, NE 68436

Have you previously been a member of a Fire Department? Only rescue department
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. Shickley Fire + Rescue - EMT

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 Courtney Kamler Date 7-29-17

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

Applicant's Signature Courtney Kamler Date 7-29-17

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 Phillip Monahan Date 9-5-2017

.....
Council approved on _____ certified by City Clerk _____

.....
For record purposes only: Date of Birth 01-10-1999

RESOLUTION NO. 2017-83

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF AIR PACKS FOR THE WAYNE VOLUNTEER FIRE DEPARTMENT.

WHEREAS, 3 bids were received for the purchase of air packs for the Wayne Volunteer Fire Department; and

WHEREAS, said bids were reviewed by the Fire Chief; and

WHEREAS, the Fire Chief is recommending that the bid of Feld Fire 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 purchase of air packs for the Wayne Volunteer Fire Department, as submitted by the following company, is reasonable and responsive, and the same is hereby accepted:

<u>Bidder</u>	<u>Amount of Bid</u>
Feld Fire Box 625 113 North Griffith Road Carroll IA 51401	\$65,450.00

BE IT FURTHER RESOLVED that the bid, as above set forth and filed with the City Clerk be and the same is hereby accepted.

PASSED AND APPROVED this 19th day of September, 2017.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



Danko Emergency Equipment

PO Box 218
 109 Ash Street
 Snyder, NE 68664-0218 USA
 Phone: 402-568-2200
 sales@danko.net
 www.danko.net

Quote No: 15093

Tuesday, August 08, 2017

Page 1 of 1

Account Address:

Attention:

WAYNE, CITY OF FIRE DEPT.

306 PEARL ST.
 ATTN PHIL
 WAYNE, NE 68787-0164
 Phone: 402-375-4697
 Email

Shipping Address:

WAYNE, CITY OF FIRE DEPT.

C/O PHIL MONAHAN
 723 WALNUT DRIVE
 WAYNE, NE 68787-0164

Ship Via	Shipping Terms	Prices are Valid Until
SALESMEN DELIVERY	Prepay and Add	Thursday, September 7, 2017

Line #	Part ID:	Description	Qty	Price	Extended
1	AVO	AVON PROTECTION DEL-3.03.21.31.40.50.A DEL-3: DELTAIR SCBA, 2013 NFPA, 45 MIN HIGH PRESSURE 03: 4500 PSI 45 MINUTE CARBON FIBER CYLINDER 21: CGA CONNECTOR, 4500 31: AIRSWITCH FACEMASK, NFPA 2013, CBRN MEDIUM 40: VOICE AMPLIFICATION/PASS 50: NO HARD CASE A: NO ADDITIONAL OPTIONS **SEE 15 YEAR WARRANTY CARD COVERING PNEUMATICS, ELECTRONICS, RUBBER AND ELASTOMERIC PARTS. ***USING 45 MIN BOTTLES, AS THEY ARE CLOSE TO SAME DIAMETER AS 2216 LOW PRESSURE. 30 MIN AND 60 MIN HIGH PRESSURE BOTTLES ARE AVAILABLE; WOULD PROBABLY NEED TO CHANGE BRACKETS OUT IN TRUCKS.	11.00	4,800.00	52,800.00
2	AVO	AVON PROTECTION CYL-03 4500 PSI 45 MINUTE CARBON FIBER SPARE CYLINDER ***USING 45 MIN BOTTLES, AS THEY ARE CLOSE TO SAME DIAMETER AS 2216 LOW PRESSURE. 30 MIN AND 60 MIN HIGH PRESSURE BOTTLES ARE AVAILABLE; WOULD PROBABLY NEED TO CHANGE BRACKETS OUT IN TRUCKS.	11.00	935.00	10,285.00
3	AVO	AVON PROTECTION AIR-02 AIRSWITCH FACEMASK, NFPA 2013 CBRN MEDIUM	11.00	654.00	7,194.00
4	RBF427RD	MASK BAG, YUKON MICRO LINED SCBA RED	22.00	22.50	495.00
5	AMATS10GLOW	AMERICAN AIRWORKS THREAD SAVER GLOW	22.00	4.00	88.00

4500 PSI HIGH PRESSURE.

Contact

Salesperson: Jeff Paul
 Contact Phone: 402-380-5721
 Email: jeffp@danko.net

Sub Total **\$70,862.00**
 Tax **\$0.00**
 Total Price **\$70,862.00**



Sandry Fire Supply LLC

618 6th Street
DeWitt, IA 52742
Phone:5636592357
Fax:563.659.8147
Website: www.sandryfire.com

Quote

Valid Till: 08/30/2017
Quote Date: 08/28/2017 09:48 AM
Quote Number : 170732700004877091

BILL TO:
Wayne, Volunteer NE FD

Wayne,NE 68787

SHIP TO:
Wayne, Volunteer NE FD

Wayne, NE 68787

Account Name:Wayne, Volunteer NE FD

Contact Name:Phil Monahan

Sales Rep:Brad Pfeiffer

Contact Information:brad@sandryfire.com;null

Product Details	Qty	Price Each	Total
New Product	11		
		\$4,116.14	\$45,277.54
MSAA-G1FS422MA2C0LAR - MSA G1 SCBA 4500 Includes - Threaded Remote Connection, Standard Harness with Chest Strap, Metal Cylinder Band, Adjustable Swiveling Lumbar Pad, Solid Cover Regulator Left Shoulder, Continuous Regulator Hose, No Emergency Breathing Support, Speaker Module Left Chest, PASS Right Shoulder, Rechargeable Battery			
New Product	11		\$4,686.22
Option Extendaire II		\$426.02	
New Product	11		\$6,033.61
Option Quick Fill Hose w/ Pouch		\$548.51	
New Product	11		\$4,307.27
Option Telemetry		\$391.57	
msa10175010-SP(B91)	11		\$8,745.00
G1 Control Module w/ Integrated TIC upgrade kit- 4500 psig		\$795.00	
msa10156425-SP	22		\$19,544.36
MSA HP-45 Remote Connect		\$888.38	
msa10161810	11		\$2,945.80
MSA G1 Med. Facepiece		\$267.80	
msa10158385	1		\$540.80
MSA Recharging Station		\$540.80	
msa10148741-SP	2		\$594.52
MSA Rechargeable Battery for G1		\$297.26	
evEP213-GL-R	11		\$308.00
Evac Facepiece bag w/ grommet		\$28.00	

Product Details

Qty	Price Each	Total
	Sub Total	\$92,983.12
	Tax	\$0.00
	Adjustment	\$0.00
	Grand Total	\$92,983.12

Notes

Shipping and Handling are included

WAYNE MUNICIPAL CODE

§ 152.131 FENCES AND SCREENS.

Except as otherwise specifically provided in this chapter and in other codes and regulations, the following regulations shall apply to the construction of fences and screening.

(A) No fence shall be constructed which will constitute a traffic hazard.

(B) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

(C) (1) Fences separating residential land uses shall not exceed six feet in height.

(2) Fences separating residential and non-residential land uses or between two non-residential land uses shall not exceed eight feet in height.

(D) No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than eight feet; however, the Board of Adjustment may, by granting a variance, authorize the construction of a fence higher than eight feet if the Board of Adjustment finds the public welfare is preserved.

(E) Where fences, screens or obstructions are constructed to obstruct view of obstacles such as garbage cans, air conditioners, open storage and similar uses, fences or screens shall not exceed the height specified for residential and non-residential areas; and, further, no such screen or fence shall be located in the front yard, or in the side yard, except the obstruction may be constructed in the side yards; providing, it is located between the rear property lines and the front building lines of the principal structure.

(2002 Code, § 90-702) (Ord. 93-11, passed 9-28-1993)

Brian Hass
705 W 3rd St
Wayne, NE 68787
(402)649-2542
26 August 2017

Members of Wayne City Council,

I am writing this letter to inform you about the privacy fence that I recently installed on my property. I have been notified that it does not meet the city fence zoning requirements as it does go past the front building lines of the principal structure. I decided to add the privacy fence to my property after dealing with several neighbor issues. The neighbors drove in my yard when it was soft which lead to calling the city office to ask about permits and restrictions. I talked to employee at the office and was told that as long as it was a privacy fence that was under 6 foot in height and on your property, there was no permit needed or any other restrictions. I then asked about how close it could be to the property lines and to the street. I was informed that it would be best to have my property surveyed to make sure the fence was on my property and to keep the fence from the street in case of any traffic issues. I then had Advanced Consulting Engineering Services out of West Point, NE survey my property. (Receipt is attached) I measured the property for materials making sure to stay at least 24inches from the property line on the south and west lines to not infringe on the neighbor's properties and still be able to mow and maintain the area on the outside. The north side along the street I wanted to make sure and keep plenty of room between the fence and street for visibility when backing out my driveway, for traffic traveling on 3rd St and also for snow removal in the winter. I parked my suburban in the driveway making sure that it was a couple feet from the street and measured to find an appropriate distance for clear visibility when backing out. (Photos attached) There are no sidewalks located on the south side of 3rd street on my property so I felt as though I kept plenty of distance from the street for visibility for all traffic. Which also allowed my large shade tree to be fenced in providing a lot of shade for my dog when she is outside enjoying the weather. I proceeded to purchase all materials for the fence making sure it would be installed to withstand all Nebraska conditions and not become an eye sore for the neighborhood. We went to a lot of work to ensure that every post was set with a treated 4x4 that is located inside the vinyl post and in a bag of concrete to make certain it is a permit and durable fence. I do apologize for installing a fence that did not meet the zoning requirements as I was under the understating that it was okay to install it were I did after calling the city office. I have since received multiple compliments on the fence from people in the neighborhood liking how good it looks. I wish to keep this fence because my father and I worked very hard and long weekends to put this fence up. It was my own time, money and dedication to add this beautiful fence to my property as I was under the impression that it met the city requirements.

Sincerely,

Brian Hass

Invoice



ADVANCED CONSULTING ENGINEERING SERVICES

133 W. Washington St. • P.O. Box 288
West Point, NE 68788
Phone: (402) 372-1923

Invoice Date	Due Date	Invoice #
4/19/2017	5/19/2017	3597

PAID
05/11/2017

Bill To Brian Hass 705 W 3rd Street Wayne, NE 68787
--

Project Description
S-090-246 Brian Hass locate

Description	Hours	Hourly Rate	Amount
Research - Terry Schulz, Licensed Surveyor #550	1	80.00	80.00
Field Work - Terry Schulz, Licensed Surveyor #550	2	80.00	160.00
GPS Equipment	1	25.00	25.00
Mileage	40	0.68	27.20

All accounts not paid in full within 30 days of invoice date will be subject to a finance charge of 1.5%.

Total	\$292.20
Payments/Credits	-\$292.20
Balance Due	\$0.00

Phone #	E-mail
402-372-1923	mail@acesengineeringservices.com























Date of Issuance: 9/12/17	Effective Date: September 19, 2017
Owner: City of Wayne	Owner's Contract No.: 42151201
Contractor:	Contractor's Project No.:
Engineer: McLaury Engineering, Inc.	Engineer's Project No.: 42151201
Project: 4th Street Paving Project, 2016	Contract Name: A&R Construction

The Contract is modified as follows upon execution of this Change Order:

Description: **Rerouting the storm sewer along Tomar Drive, increasing the pipe size of mainline storm sewer along 4th Street to 42", and eliminating Bio-Swale east of Tomar Drive and North of 4th Street. There will be no change in time for this change order.**

Attachments: **CCO#1 Plans.pdf , Change Order 1 Attachment 1.xls, Change Order #1.pdf**

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>779,496.27</u>	Original Contract Times: Substantial Completion: <u>December 1st, 2017</u> Ready for Final Payment: <u>April 15th, 2018</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>-</u> to No. <u>-</u> : \$ <u>N/A</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>-</u> to No. <u>-</u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days
Contract Price prior to this Change Order: \$ <u>779,496.27</u>	Contract Times prior to this Change Order: Substantial Completion: <u>December 1st, 2017</u> Ready for Final Payment: <u>April 15th, 2018</u> days or dates
Decrease of this Change Order: \$ <u>98,441.99</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days or dates
Contract Price incorporating this Change Order: \$ <u>681,054.28</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>December 1st, 2017</u> Ready for Final Payment: <u>April 15th, 2018</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u>	By: _____	By: <u>[Signature]</u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>President</u>	Title: _____	Title: <u>VO</u>
Date: <u>9/14/2017</u>	Date: _____	Date: <u>9-14-17</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

CHANGE ORDER - SUMMARY

For (Contract):		4TH STREET PAVING PROJECT - CITY OF WAYNE, NE										Change Order Number: 1	
Application Period:		August, 2017										Application Date: 9/12/2016	
Item No.	Item Description	Contract Information					Change Order Information					Increase or (Decrease) in Contract Price (F - B)	
		Original Item Quantity	Units	Unit Price	Total Value of Item (\$)	New Item Quantity	Units	New Unit Price	New Total Value of Item (\$)				
GROUP A - GRADING ITEMS													
3	EXCAVATION (ESTABLISHED QUANTITY)	17589	CUYD	\$3.00	\$52,767.00	14255	CUYD	\$3.00	\$42,765.00				(\$10,002.00)
4	REMOVE WALK	56	SQYD	\$5.25	\$294.00	12	SQYD	\$5.25	\$63.00				(\$231.00)
5	REMOVE SIGN AND POST	2	EACH	\$800.00	\$1,600.00	0	EACH	\$800.00	\$0.00				(\$1,600.00)
GROUP B - PAVING ITEMS													
2	GRAVEL SURFACE COURSE	150	CUYD	\$65.00	\$9,750.00	0	CUYD	\$65.00	\$0.00				(\$9,750.00)
4	CONCRETE CLASS 47B-3500 SIDEWALK	734	SQYD	\$34.00	\$24,956.00	746	SQYD	\$34.00	\$25,364.00				\$408.00
5	DETECTABLE WARNING PANEL	80	SQFT	\$24.00	\$1,920.00	100	SQFT	\$24.00	\$2,400.00				\$480.00
6	8" CONCRETE PAVEMENT, CLASS 47B-3500	5517	SQYD	\$35.56	\$196,184.52	5813	SQYD	\$35.56	\$206,710.28				\$10,525.76
8	FLY ASH FOR SUBGRADE	1290	TON	\$72.00	\$92,880.00	991	TON	\$72.00	\$71,352.00				(\$21,528.00)
9	SUBGRADE PREPARATION	10752	SQYD	\$1.75	\$18,816.00	8258	SQYD	\$1.75	\$14,451.50				(\$4,364.50)
GROUP C - UTILITY ITEMS													
2	CAST IRON COVER AND FRAME	1505	POUND	\$4.20	\$6,321.00	1005	POUND	\$4.20	\$4,221.00				(\$2,100.00)
3	CAST IRON GRATE AND FRAME	745	POUND	\$5.00	\$3,725.00	0	POUND	\$5.00	\$0.00				(\$3,725.00)
4	CAST IRON CURB INLET GRATE AND FRAME	1375	POUND	\$6.00	\$8,250.00	1000	POUND	\$6.00	\$6,000.00				(\$2,250.00)
5	CURB INLET	11	EACH	\$3,950.00	\$43,450.00	8	EACH	\$3,950.00	\$31,600.00				(\$11,850.00)
6	AREA INLET	1	EACH	\$3,720.00	\$3,720.00	0	EACH	\$3,720.00	\$0.00				(\$3,720.00)
7	MANHOLE	2	EACH	\$3,900.00	\$7,800.00	1	EACH	\$3,900.00	\$3,900.00				(\$3,900.00)
9	15" REINFORCED CONCRETE PIPE	24	LF	\$35.00	\$840.00	163	LF	\$35.00	\$5,705.00				\$4,865.00
10	18" REINFORCED CONCRETE PIPE	175	LF	\$38.50	\$6,737.50	401	LF	\$38.50	\$15,438.50				\$8,701.00
11	24" REINFORCED CONCRETE PIPE	980	LF	\$46.00	\$45,080.00	854	LF	\$46.00	\$39,284.00				(\$5,796.00)
12	30" REINFORCED CONCRETE PIPE	369	LF	\$64.00	\$23,616.00	320	LF	\$64.00	\$20,480.00				(\$3,136.00)
13	36" REINFORCED CONCRETE PIPE	477	LF	\$77.00	\$36,729.00	0	LF	\$77.00	\$0.00				(\$36,729.00)
14	15" CONCRETE FLARED-END SECTION	1	EACH	\$800.00	\$800.00	0	EACH	\$800.00	\$0.00				(\$800.00)
15	24" CONCRETE FLARED-END SECTION	2	EACH	\$900.00	\$1,800.00	0	EACH	\$900.00	\$0.00				(\$1,800.00)
16	36" CONCRETE FLARED-END SECTION	1	EACH	\$1,500.00	\$1,500.00	0	EACH	\$1,500.00	\$0.00				(\$1,500.00)
17	24" ROUND EQUIVALENT REINFORCED CONCRETE PIPE	141	LF	\$76.00	\$10,716.00	0	LF	\$76.00	\$0.00				(\$10,716.00)
18	24" ROUND EQUIVALENT CONCRETE FLARED-END SECTION	2	EACH	\$850.00	\$1,700.00	0	EACH	\$850.00	\$0.00				(\$1,700.00)
19	ELBOW	1	EACH	\$1,200.00	\$1,200.00	2	EACH	\$1,200.00	\$2,400.00				\$1,200.00
23	8" P.V.C. SANITARY SEWER PIPE	592	LF	\$27.00	\$15,984.00	572	LF	\$27.00	\$15,444.00				(\$540.00)
24	SEWER CLEANOUT	3	EACH	\$990.00	\$2,970.00	2	EACH	\$990.00	\$1,980.00				(\$990.00)
GROUP D - EROSION CONTROL ITEMS													
2	SEEDING, TYPE C	3.9	ACRE	\$80.00	\$312.00	2.9	ACRE	\$80.00	\$232.00				(\$80.00)
3	COVER CROP SEEDING	4.0	ACRE	\$300.00	\$1,200.00	0	ACRE	\$300.00	\$0.00				(\$1,200.00)
4	AREA INLET PROTECTION	1	EACH	\$180.00	\$180.00	0	EACH	\$180.00	\$0.00				(\$180.00)
6	FABRIC SILT FENCE - LOW POROSITY	2626	LF	\$3.00	\$7,878.00	1321	LF	\$3.00	\$3,963.00				(\$3,915.00)
7	FABRIC SILT FENCE - HIGH POROSITY	147	LF	\$3.50	\$514.50	102	LF	\$3.50	\$357.00				(\$157.50)
8	SILT CHECK, TYPE 2-LOW	319	LF	\$5.25	\$1,674.75	148	LF	\$5.25	\$777.00				(\$897.75)
9	HYDROMULCH	6.3	TON	\$2,400.00	\$15,120.00	2.7	TON	\$2,400.00	\$6,480.00				(\$8,640.00)
10	RIPRAP FILTER FABRIC	71	SQYD	\$142.00	\$10,082.00	48	SQYD	\$142.00	\$6,816.00				(\$3,266.00)
11	ROCK RIPRAP	72	TON	\$55.00	\$3,960.00	52	TON	\$55.00	\$2,860.00				(\$1,100.00)

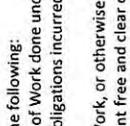
CHANGE ORDER - SUMMARY

For (Contract):		4TH STREET PAVING PROJECT - CITY OF WAYNE, NE		Change Order Number: 1						
Application Period:		August, 2017		Application Date: 9/12/2016						
Item		Contract Information			Change Order Information					
Item No.	Description	Original Item Quantity	Units	Unit Price	Total Value of Item (\$)	New Item Quantity	Units	New Unit Price	New Total Value of Item (\$)	Increase or (Decrease) in Contract Price (F - B)
2	BID ALTERNATE 3 - 4TH STREET ADD 8" CONCRETE PAVEMENT, CLASS 47B-3500	1688	SQYD	\$36.00	\$60,768.00	1138	SQYD	\$36.00	\$40,968.00	(\$19,800.00)
1	CHANGE ORDER ITEMS 42" REINFORCED CONCRETE PIPE	0	LF	\$0.00	\$0.00	500	LF	\$96.82	\$48,410.00	\$48,410.00
2	42" CONCRETE FLARED-END SECTION	0	EACH	\$0.00	\$0.00	1	EACH	\$1,712.00	\$1,712.00	\$1,712.00
	Total				\$713,855.27					(\$98,441.99)

Contractor's Application for Payment No. 1	
Application Period: August, 2017	Application Date: 9/6/2017
To (Owner): City of Wayne	Via (Engineer): McLaury Engineering, Inc.
Project: 4th Street Paving Project	Contract Completion: 12/1/2017
Owner's Contract No.: 42151201	Engineer's Project No.: 42151201

Application For Payment Change Order Summary		
Approved Change Orders Number	Additions	Deductions
1	\$76,301.76	\$174,743.75
TOTALS		
		\$174,743.75
NET CHANGE BY CHANGE ORDERS		-\$98,441.99

1. ORIGINAL CONTRACT PRICE..... \$ 1,779,496.27
 2. Net change by Change Orders..... \$ -\$98,441.99
 3. Current Contract Price (Line 1 ± 2)..... \$ \$681,054.28
 4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates)..... \$ \$58,368.50
 5. RETAINAGE:
 a. 10% X \$58,368.50 Work Completed..... \$ \$5,836.85
 b. 10% X Stored Material..... \$ \$5,836.85
 c. Total Retainage (Line 5.a + Line 5.b)..... \$ \$5,836.85
 6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ \$52,531.65
 7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ \$52,531.65
 8. AMOUNT DUE THIS APPLICATION..... \$ \$52,531.65
 9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above)..... \$ \$628,522.63

Payment of: \$ 52,531.65
 (Line 8 or other - attach explanation of the other amount)
 is recommended by:  (Engineer) 9/14/2017 (Date)
 Payment of: \$ 52,531.65
 (Line 8 or other - attach explanation of the other amount)
 is approved by: _____ (City of Wayne, Mayor Ken Chamberlain) (Date)
 Approved by: _____ (City of Wayne Finance Officer, Nancy Braden) (Date)

Contractor's Certification
 The undersigned Contractor certifies, to the best of its knowledge, the following:
 (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
 (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
 (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By:  Date: 9-14-17

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract):		4th Street Paving Project				Application Number: 1				
Application Period:		August, 2017				Application Date: 9/6/2017				
Bid Item No.	Item Description	Contract Information			C	D	E	F		
		Item Quantity	Units	Unit Price				Total Value of Item (\$)	Total Completed and Stored to Date (D + E)	% (F / B)
GROUP A - GRADING ITEMS										
1	MOBILIZATION	1	LUMP SUM	\$3,265.00	1	\$3,265.00		\$3,265.00	100.0%	
2	GENERAL CLEARING AND GRUBBING	1	LUMP SUM	\$1,100.00	1	\$1,100.00		\$1,100.00	100.0%	
3	EXCAVATION (ESTABLISHED QUANTITY)	14255	CU YD	\$3.00	14255	\$42,765.00		\$42,765.00	100.0%	
4	REMOVE WALK	12	SQ YD	\$5.25	12	\$63.00		\$63.00	100.0%	
5	REMOVE SIGN AND POST		EACH	\$800.00						
6	TRAFFIC CONTROL	1	LUMP SUM	\$6,400.00	1	\$6,400.00		\$6,400.00	100.0%	
GROUP B - PAVING ITEMS										
1	MOBILIZATION	1	LUMP SUM	\$5,480.00						\$5,480.00
2	GRAVEL SURFACE COURSE		CY	\$65.00						
3	TIE BARS	24	EACH	\$6.00		\$144.00				\$144.00
4	CONCRETE CLASS 47B-3500 SIDEWALK	746	SQ YD	\$34.00		\$25,364.00				\$25,364.00
5	DETECTABLE WARNING PANEL	100	SQ FT	\$24.00		\$2,400.00				\$2,400.00
6	8" CONCRETE PAVEMENT, CLASS 47B-3500	5813	SQ YD	\$35.56		\$206,710.28				\$206,710.28
7	RECONSTRUCT MANHOLE	2	EACH	\$400.00		\$800.00				\$800.00
8	FLY ASH FOR SUBGRADE	991	TON	\$72.00		\$71,352.00				\$71,352.00
9	SUBGRADE PREPARATION	8258	SQ YD	\$1.75		\$14,451.50				\$14,451.50
GROUP C - UTILITY ITEMS										
1	MOBILIZATION	1	LUMP SUM	\$25,500.00		\$25,500.00				\$25,500.00
2	CAST IRON COVER AND FRAME	1005	POUND	\$4.20		\$4,221.00				\$4,221.00
3	CAST IRON GRATE AND FRAME		POUND	\$5.00						
4	CAST IRON CURB INLET GRATE AND FRAME	1000	POUND	\$6.00		\$6,000.00				\$6,000.00
5	CURB INLET	8	EACH	\$3,950.00		\$31,600.00				\$31,600.00
6	AREA INLET		EACH	\$3,720.00						
7	MANHOLE	1	EACH	\$3,900.00		\$3,900.00				\$3,900.00
8	CONCRETE COLLAR	2	EACH	\$1,200.00		\$2,400.00				\$2,400.00
9	15" REINFORCED CONCRETE PIPE	163	LF	\$35.00		\$5,705.00				\$5,705.00
10	18" REINFORCED CONCRETE PIPE	401	LF	\$38.50		\$15,438.50				\$15,438.50
11	24" REINFORCED CONCRETE PIPE	854	LF	\$46.00		\$39,284.00				\$39,284.00
12	30" REINFORCED CONCRETE PIPE	320	LF	\$64.00		\$20,480.00				\$20,480.00
13	36" REINFORCED CONCRETE PIPE		LF	\$77.00						
14	15" CONCRETE FLARED-END SECTION		EACH	\$800.00						
15	24" CONCRETE FLARED-END SECTION		EACH	\$900.00						
16	36" CONCRETE FLARED-END SECTION		EACH	\$1,500.00						
17	24" ROUND EQUIVALENT REINFORCED CONCRETE PIPE		LF	\$76.00						
18	24" ROUND EQUIVALENT CONCRETE FLARED-END SECTION		EACH	\$850.00						
19	ELBOW	2	EACH	\$1,200.00		\$2,400.00				\$2,400.00

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract):		4th Street Paving Project		Application Number:		1					
Application Period:		August, 2017		Application Date:		9/6/2017					
Item		Contract Information				F					
Bid Item No.	Description	Item Quantity	Units	Unit Price	Total Value of Item (\$)	Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)
20	TAPPING EXISTING SANITARY SEWER MANHOLE	2	EACH	\$550.00	\$1,100.00						\$1,100.00
21	SANITARY MANHOLE	1	EACH	\$4,400.00	\$4,400.00						\$4,400.00
22	4" P.V.C. SANITARY SEWER PIPE	184	LF	\$16.00	\$2,944.00						\$2,944.00
23	8" P.V.C. SANITARY SEWER PIPE	572	LF	\$27.00	\$15,444.00						\$15,444.00
24	SEWER CLEANOUT	2	EACH	\$990.00	\$1,980.00						\$1,980.00
25	8" X 4" P.V.C. WYE	10	EACH	\$200.00	\$2,000.00						\$2,000.00
GROUP D - EROSION CONTROL											
1	MOBILIZATION	1	LUMP SUM	\$2,000.00	\$2,000.00						\$2,000.00
2	SEEDING, TYPE C	2.9	ACRE	\$80.00	\$232.00						\$232.00
3	COVER CROP SEEDING		ACRE	\$300.00							
4	AREA INLET PROTECTION		EACH	\$180.00							
5	CURB INLET PROTECTION	106	LF	\$18.00	\$1,908.00						\$1,908.00
6	FABRIC SILT FENCE-LOW POROSITY	1321	LF	\$3.00	\$3,963.00	1523	\$4,569.00		\$4,569.00	115.3%	-\$606.00
7	FABRIC SILT FENCE-HIGH POROSITY	102	LF	\$3.50	\$357.00	59	\$206.50		\$206.50	57.8%	\$150.50
8	SILT CHECK, TYPE 2-LOW	148	LF	\$5.25	\$777.00						\$777.00
9	HYDROMULCH	2.7	TON	\$2,400.00	\$6,480.00						\$6,480.00
10	RIPRAP FILTER FABRIC	48	SY	\$2.00	\$96.00						\$96.00
11	ROCK RIPRAP	52	TON	\$55.00	\$2,860.00						\$2,860.00
BID ALTERNATE 3 - 4TH STREET ADD											
1	CONCRETE CLASS 47B-3500 SIDEWALK	200	SY	\$31.00	\$6,200.00						\$6,200.00
2	8" CONCRETE PAVEMENT, CLASS 47B-3500	1138	SY	\$36.00	\$40,968.00						\$40,968.00
CHANGE ORDER ITEMS											
1	42" REINFORCED CONCRETE PIPE	500	LF	\$96.82	\$48,410.00						\$48,410.00
2	42" CONCRETE FLARED-END SECTION	1	EACH	\$1,712.00	\$1,712.00						\$1,712.00
Totals							\$58,368.50		\$58,368.50	8.6%	\$622,685.78