

AGENDA
CITY COUNCIL MEETING
COMMUNITY ROOM
WAYNE COMMUNITY ACTIVITY CENTER
April 20, 2021

1. [Call the Meeting to Order – 5:30 p.m.](#)

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the southwest wall of the Community Room at the Wayne Community Activity Center as well as on the City of Wayne website at cityofwayne.org/8/Government.

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.

2. [Approval of Minutes – April 6, 2021](#)
3. [Approval of Claims](#)
4. [Proclamation - Arbor Day – April 30, 2021](#)
5. [Action on the Volunteer Fire Department Application for Membership of Justin Gapp —
Phill Monahan, Fire Chief](#)
6. Presentation of Dividend Check from Employers Mutual Company — Cap Peterson, Northeast Nebraska Insurance Agency
7. [Presentation by Mytzy Rodriguez-Kufner, Executive Director of Wayne Community Housing
Development Corporation](#)
8. [Ordinance 2021-7: Authorizing and providing for the issuance of not to exceed \\$1,800,000
principal amount of Swimming Pool Sales Tax Revenue Refunding
Bonds, Series 2021, of the City for the purpose of refunding bonds
originally issued to construct and equip an outdoor swimming pool
and related improvements; prescribing the form and certain details
of the bonds and the covenants and agreements to provide for the
payment and security thereof; authorizing the redemption of the
bonds to be refunded; authorizing officers of the City to set and
determine certain details of the bonds; providing for the publication
of this ordinance in pamphlet form; and authorizing certain actions
and documents and prescribing other matters relating thereto](#)

Background: Andy Forney, Vice President Public Finance Banker with DA Davidson & Co., our bonding agent, will be present to review the above Ordinance. This Ordinance allows us to refinance our current Swimming Pool Sales Tax Revenue Bonds, Series 2015, to obtain a lower interest rate.

9. [Action on the request of Wayne Area Economic Development to close 6th Street between Dearborn Street and Wayside Lane for an “Outdoor Pop-Up Party and Movie Night” in the Ace Hardware and Dearborn Mall parking lots on Thursday, June 3rd from 3:00 p.m. until 11:00 p.m.](#)
10. [Action on the request of the Wayne Chicken Show Committee to close the following streets for the Henoween/Chicken Show Celebration:](#)
 - a. Friday, July 9th, from 2:30 p.m. until 2:00 a.m. for the annual Henoween Celebration: Main Street from 1st Street to 4th Street; 2nd Street from the east alley to the west alley and 3rd Street from Pearl Street to the alley east of Main Street; and that closed areas on 2nd and 3rd Streets be dedicated to handicap and vendor parking.
 - b. Saturday, July 10th from 6:00 a.m. until 5:00 p.m. for the Annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln and Douglas Streets from 10th Street to 8th Street; and intersections at 10th and Douglas, 10th and Lincoln, and 9th and Lincoln Streets are also requested to be closed.
 - c. Saturday, July 10th from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st Street to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade. West 1st Street from Lincoln to Sherman Street and Grainland Road will be closed for the parade line up and monitoring entries via golf cart or ATV.
 - d. Sunday, July 11th, for the Crowing Motors Car Show from 7:00 a.m. until 5:00 p.m.: 2nd Street from Main Street to Pearl Street and Pearl Street from 2nd - 3rd Street, including the intersection of 2nd and Pearl Street be closed.
11. [Resolution 2021-24: Acknowledging requirements for the temporary use of the State Highway System for special events \(Henoween and Chicken Show – July 9th and 10th\)](#)
12. [Action to consider the recommendation of the LB840 Revolving Loan Fund Review Committee on the application of DSF Wayne Short Stop, LLC, for an LB840 Revolving Loan in the amount of \\$85,000 to conduct improvements at the Short Stop convenience store located at 1034 Main Street](#)

Background: The LB840 Revolving Loan Fund Committee met on April 14, 2021, to review the revolving loan fund application of DSF Wayne Short Stop, LLC (Dan & Shelly Fehringer), to the Wayne Economic Development Program. The Fehringers intend to utilize the funds to conduct improvements at the Short Stop convenience store, which would include replacing the roof, increasing the building's R-value, and updating the fuel pump credit card reader system. Following the meeting, the Committee voted unanimously to recommend the following terms for a loan to DSF Wayne Short Stop, LLC: approval of the loan request of \$85,000; a loan repayment period of 10 years; and an interest rate to be set at one-half the rate set by the primary lender.

13. [Ordinance 2021-8: Amending Wayne Municipal Code 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 15.33 Structures Damaged by Fire, Flood, Wind, Disaster or Other Calamity](#)

Background: Our current building codes are on the 2012 Edition. In 2019, the Unicameral adopted the 2018 Edition. We have two years to adopt it with our own revisions, additions, and deletions, or we are automatically switched over to what the State adopted. We also have just recently had our ISO Evaluation for the Building Department, and we are losing points due to being more than 2 Code Editions out of date (ICC puts out new Editions every 3 years). By adopting the 2018 Edition, we will gain back the points we lost.

14. [Action to set a date, time and place for a town hall meeting on annexation](#)
15. [Adjourn](#)

**MINUTES
CITY COUNCIL MEETING
April 6, 2021**

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on April 6, 2021, at 5:30 o'clock P.M.

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

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 25, 2021, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Mayor Giese advised the public that a copy of the Open Meetings Act was located on the southwest wall of the Community Room of the Wayne Community Activity Center, as well as on the City of Wayne website at cityofwayne.org/8/Government, and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Councilmember Eischeid made a motion, which was seconded by Councilmember Woehler, to approve the minutes of the meetings of March 16, 2021, and March 30, 2021, and to waive the readings thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker and Karsky who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACES, SE, 956.14; AERO-MOD, SU, 1974.71; AIR-FLO, SU, 908.60; AMAZON, SU, 829.94; AMERITAS, SE, 94.69; AMERITAS, SE, 72.00; AMERITAS, SE, 174.53; AMERITAS, SE, 2532.74; APPEARA, SE, 153.69; APPEARA, SE, 52.40; AWARDS AND ENGRAVING, SU, 1693.81;

BACKFLOW APPARATUS, SU, 856.00; BIG RIVERS ELECTRIC CORPORATION, SE, 197586.49; BLACK HILLS ENERGY, SE, 972.87; BLUE CROSS BLUE SHIELD, SE, 49499.69; BOMGAARS, SU, 1134.29; BORDER STATES INDUSTRIES, SU, 482.38; BROWN SUPPLY, SU, 30.00; BSN SPORTS, SU, 539.68; CARHART LUMBER COMPANY, SU, 327.73; CARRAHER, ELLIOT, SE, 25.00; CENTURYLINK, SE, 426.31; CITY EMPLOYEE, SE, 75.00; CITY EMPLOYEE, RE, 316.51; CITY EMPLOYEE, RE, 1037.94; CITY EMPLOYEE, RE, 1106.34; CITY EMPLOYEE, RE, 154.08; CITY EMPLOYEE, RE, 425.80; CITY OF WAYNE, PY, 80941.45; CITY OF WAYNE, RE, 4547.96; CONSOLIDATED MANAGEMENT, SE, 43.45; CONSOLIDATED MANAGEMENT, SE, 25.97; CORE & MAIN LP, SU, 4521.24; COUNTRY NURSERY, SU, 70.00; DANKO EMERGENCY EQUIPMENT, SU, 139.00; DANLADI, PHIMWANALA, SE, 120.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE, SE, 138.92; EAKES OFFICE PLUS, SE, 1957.63; ECHO GROUP, SU, 170.11; ELLIS HOME SERVICES, SE, 145.00; FINDAWAY, SU, 5.99; FIRST SOURCE TITLE & ESCROW, SE, 280.00; FLOOR MAINTENANCE, SU, 424.16; GALE/CENGAGE LEARNING, SU, 24.69; GEOCOMM, SE, 2197.00; GRABOW, JERRY, RE, 20.00; GREENFIELD, BRETT, SE, 75.00; GROSSENBURG IMPLEMENT, SU, 692.14; HAWKINS, SU, 1406.52; HENN SIGNS, RE, 100.00; HILAND DAIRY, SE, 130.65; HILAND DAIRY, SE, 247.32; HOMETOWN LEASING, SE, 441.02; HORIZON CONSTRUCTION, RE, 250.00; HOSKINS, BRAD, SE, 50.00; ICMA, SE, 61.88; ICMA, SE, 273.88; ICMA, SE, 145.28; ICMA, SE, 154.72; ICMA, SE, 1446.86; ICMA, SE, 113.10; ICMA, SE, 121.84; ICMA, SE, 385.26; ICMA, SE, 147.00; ICMA, SE, 8322.39; IRS, TX, 13915.16; IRS, TX, 10168.18; IRS, TX, 3254.36; J.P. COOKE COMPANY, SU, 179.75; JEO CONSULTING GROUP, SE, 1000.00; KELLY SUPPLY COMPANY, SU, 5600.64; KLUTE TRUCK EQUIPMENT, SU, 2150.00; KTCH, SE, 150.00; LOVE SIGNS, RE, 500.00; LOVE SIGNS, RE, 100.00; LUNDAHL, EARL, SE, 350.00; MAGIC WOK, SE, 321.00; MAIN STREET GARAGE, SE, 80.00; MARCO, SE, 175.92; MID-CONTINENT SALES, SU, 316.48; MIDWEST SERVICE & SALES, SU, 1162.50; MUNICIPAL SUPPLY, SU, 2305.73; MUNICIPAL SUPPLY, SU, 1497.81; NE DEPT OF REVENUE, TX, 4381.27; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 108.00; NEON RATED, SE, 515.00; NORFOLK DAILY NEWS, SU, 163.00; NORTHEAST NEBRASKA NEWS, SU, 37.00; NORTHEAST POWER, SE, 8429.23; OLSSON ASSOCIATES, SE, 1235.00; O'REILLY AUTOMOTIVE STORES, SU, 59.25; PING, RASCHELL, SE, 19.90; RAABE, WALKER, SE, 25.00; REPCO MARKETING, SU, 41.80; RR DONNELLEY, SU, 168.34; SANCHEZ, CINDY, SE, 40.64; SHERWIN WILLIAMS, SU, 93.61; STANTON CO COURT, RE, 1000.00; STANTON CO COURT, RE, 349.00; STAPLES, SU, 431.98; STAPLES, SU, 51.59; SUPERCIRCUITS, SU, 779.00; THE WAKEFIELD REPUBLICAN, SU, 40.00; THIES, GALEN, RE, 200.00; TORRENCE, MARK, RE, 20.00; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 11780.95; VAN DIEST SUPPLY, SU, 474.00; VIAERO, SE, 67.00; WESCO, SU, 597.06; WINSUPPLY NORFOLK, SU, 3465.00; ZOOBEAN, SE, 949.00; AMERICAN BROADBAND, SE, 2445.62; APPEARA, SE, 44.40; BINSWANGER GLASS, SE, 14005.00; BORDER STATES INDUSTRIES, SU, 1780.34; BROWN SUPPLY, SU, 54.00; BROWN, SANDY, SE, 25.00; CERTIFIED TESTING SERVICES, SE, 2693.00; CITY EMPLOYEE, RE, 124.11; CITY EMPLOYEE, RE, 1153.47; CITY EMPLOYEE, RE, 2672.53; CITY OF WAYNE, RE, 824.97; CONSOLIDATED MANAGEMENT, SE, 43.70; COPY WRITE, SE, 134.14; COUNTRY NURSERY, SU, 70.00; CUSTOM FILTRATION, SU, 1428.50; DAVE'S DRY CLEANING, SE, 60.00; DEMCO, SU, 361.45; DUTTON-LAINSON COMPANY, SU, 1034.91; EASYPERMIT POSTAGE, SU, 888.23; EFI SOLUTIONS, SU, 114.66; FAIRFIELD INN - KEARNEY, SE, 629.70; FIRST CONCORD GROUP, SE, 3367.88; GALE/CENGAGE LEARNING, SU, 49.38; GLOBAL PAYMENTS INTEGRATED, SE, 393.83; GROSSENBURG IMPLEMENT, SU, 10701.61; HEIKES AUTOMOTIVE, SU, 1203.61; HOMETOWN LEASING, SE, 436.02; HYTREK LAWN, SE, 620.00; IOWA PUMP WORKS, SU, 126.08; KELLY SUPPLY COMPANY, SU, 225.76; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 454.36; LINCOLN CUSTOM MASONRY, RE, 500.00; MACQUEEN EQUIPMENT, SU, 271.41; MIDWEST LABORATORIES, SE, 169.00; MILLER LAW, SE, 5416.67; NE RURAL WATER, FE, 1185.00; NEBRASKA GENERATOR SERVICE, SU, 557.10; NPPD, SE, 2567.60; NEON RATED, RE, -515.00; NEON RATED, SE, 315.00; NMPP ENERGY, FE, 2221.40; NORTHEAST NE INS AGENCY, SE, 93203.67; NORTHEAST POWER, SE, 4932.00; NORTHEAST TIRE SERVICE, SE, 285.00; ONE CALL CONCEPTS, SE, 168.87; ONE OFFICE

SOLUTION, SU, 1480.00; PAC N SAVE, SU, 935.00; PAC N SAVE, SU, 33.33; PFLANZ, SU, 5000.00; QHA CLEANING, SE, 1375.00; QUALITY FOOD CENTER, SU, 64.84; SHERWIN WILLIAMS, SU, 8799.00; SKARSHAUG TESTING LAB, SE, 344.24; STATE NEBRASKA BANK & TRUST, SE, 60.48; THE PENDER TIMES, SU, 44.50; TRAFFIC SAFETY WAREHOUSE, SU, 913.00; WASTE CONNECTIONS, SE, 261.25; WAED, SE, 8592.41; WAYNE AUTO PARTS, SU, 551.72; WAYNE HERALD, SE, 105.00; WAYNE HERALD, SE, 850.76; WAYNE HERALD, SE, 70.50; WAYNE STATER, SE, 382.50; WAYNE VETERINARY CLINIC, SE, 203.00; WESCO, SU, 520.02; WAPA, SE, 20275.49; WIDNER, BROOKS, RE, 100.00; ZACH HEATING & COOLING, SE, 89.50

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

Phill Monahan, Fire Chief, gave a report of what is happening in the Fire Department.

Casey Junck, Water/Wastewater Superintendent, updated the Council on the new water/transmission main. He was requesting Council direction on the next step to take to get the issues resolved. He felt it was time to look at the contractor and the engineer on the project. He received a call from DHHS advising him that the City has permission to put chlorine back into the main and use the main, as is, right now, if it so chooses.

Roger Protzman, Engineer with JEO Consulting Group, Inc., provided a memo to Council that stated the following:

“The progress of testing and restarting the operation of the new transmission main without disinfection assistance has not been successful. Staff is requesting additional warranty be provided for the project for at least 6 months. This request has been made to the contractor. The well has been tested multiple times, and it continues to be clean and provide safe water. When they test their locations, all three locations continue to fail. The values tend to be smaller closer to the source and larger downstream. The problem appears to exist from the beginning of the main. They recently tried testing hydrants rather than the air release manholes and had similar results. JEO is looking into obtaining some alternate valves so that they can eliminate the vacuum values from the system for the first two miles to see if this makes a difference. They are working with the contractor and their supplier to pick a different style of valve to see if that eliminates the concern.”

Councilmember Eischeid thought we needed to get the original air release valves that were chosen for the project, and he suggested replacing two at this time. He questioned what the warranty was on the release valve.

It was noted that the project was accepted in August, 2020, and the one-year warranty period would be up at that time in 2021.

After further discussion, Mayor Giese stated he thought the next step should be to bring the engineer, the contractor, and staff together now for discussion to determine who is responsible for what and what our expectations are. Staff would proceed to set that meeting up.

Joel Hansen, Street and Planning Director, updated the Council on what was happening in the Building Department. He reviewed the Building Department Annual Report. He will be bringing forward for Council consideration at the next meeting an ordinance that will update the Building Codes from 2012 to 2018. He noted that two items that could be controversial are: 1) eliminating the temporary occupancy permit, and 2) interconnectivity smoke detectors. He also reviewed a "Problem Resolution Team (PRT) Valuation Change" spreadsheet comparing the old valuations to the 2020 valuations on properties that have been addressed by and through the PRT process.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:12 p.m.



| Vendor | Payable Description | Payment Total |
|---|----------------------------------|---------------|
| ACE HARDWARE & HOME | TOOLS/PAINT/SHOP TOWELS | 377.38 |
| ALL-AMERICAN PUBLISHING | CAC ADVERTISING | 339.00 |
| AMERITAS LIFE INSURANCE | POLICE RETIREMENT | 2,552.24 |
| AMERITAS LIFE INSURANCE | AMERITAS ROTH | 174.53 |
| AMERITAS LIFE INSURANCE | POLICE RETIREMENT 457 AMOUNT | 72.00 |
| AMERITAS LIFE INSURANCE | POLICE RETIREMENT 457 PERCENTAGE | 91.43 |
| APPEARA | HAND SANITIZER/MAT SERVICE | 303.10 |
| BATTERY SOLUTIONS, LLC | BATTERY BUCKETS | 219.90 |
| BIG RIVERS ELECTRIC CORPORATION | ELECTRICITY | 103,941.94 |
| BLADES GROUP, LLC | ASPHALT | 1,320.00 |
| BSN SPORTS, INC | SOCCER BALLS | 100.00 |
| BURROWS, ROBERT | ENERGY INCENTIVE | 500.00 |
| CITIZENS STATE BANK | TIF PRINCIPAL/INTEREST | 3,554.31 |
| CITY EMPLOYEE | MEN'S LEAGUE REF | 75.00 |
| CITY EMPLOYEE | MEDICAL REIMBURSEMENT | 545.97 |
| CITY EMPLOYEE | BATTERIES | 102.55 |
| CITY EMPLOYEE | SAFETY BOOTS | 175.00 |
| CITY EMPLOYEE | MEDICAL REIMBURSEMENT | 112.38 |
| CITY OF WAYNE | PAYROLL | 84,017.98 |
| CONSOLIDATED MANAGEMENT CO | TRAINING CENTER MEALS | 43.70 |
| COTTONWOOD WIND PROJECT, LLC | WIND ENERGY | 17,504.85 |
| DANKO EMERGENCY EQUIPMENT | HOSE | 5,315.00 |
| DANLADI, PHIMWANALA | MEN'S LEAGUE REF | 210.00 |
| DAS STATE ACCTG-CENTRAL FINANCE | WSC INTERNET CHARGES | 61.04 |
| DEARBORN LIFE INSURANCE COMPANY | LIFE/DISABILITY | 2,593.47 |
| DUTTON-LAINSON COMPANY | CABLE SPLICE/SEAL PAD | 277.98 |
| EISCHEID, MATT | MEN'S LEAGUE REF | 25.00 |
| ELLIS HOME SERVICES | BAUER UNDERGROUND- PIPE | 33.46 |
| FAITH REGIONAL PHYSICIAN SERV. | RANDOM DRUG TESTING | 129.50 |
| FLOOR MAINTENANCE | JANITORIAL SUPPLIES | 464.70 |
| GREENFIELD, BRETT | MEN'S LEAGUE REF | 25.00 |
| HEGEMEYER, CANDACE | MEN'S LEAGUE SCOREKEEPER | 19.50 |
| HILAND DAIRY | SENIOR CENTER FOOD SERVICE | 230.05 |
| FIREMAN REIMBURSEMENT | CERTIFICATION FEES | 51.25 |
| HUNDERTMARK CLEANING SYSTEMS | SOAP SCREEN | 8.25 |
| ICMA RETIREMENT-FIRST NATL BANK -MARYLAND | PAYROLL RETIREMENT | 8,324.79 |
| ICMA RETIREMENT-FIRST NATL BANK -MARYLAND | PAYROLL RETIREMENT | 154.72 |
| ICMA RETIREMENT-FIRST NATL BANK -MARYLAND | ROTH ICMA | 121.15 |
| ICMA RETIREMENT-FIRST NATL BANK -MARYLAND | ROTH ICMA | 366.40 |
| ICMA RETIREMENT-FIRST NATL BANK -MARYLAND | PAYROLL RETIREMENT | 145.28 |
| ICMA RETIREMENT-FIRST NATL BANK -MARYLAND | ROTH IRA - ICMA | 147.00 |

| Vendor | Payable Description | Payment Total |
|---|------------------------------------|---------------|
| ICMA RETIREMENT-FIRST NATL BANK -MARYLAND | ICMA RETIREMENT | 1,446.86 |
| ICMA RETIREMENT-FIRST NATL BANK -MARYLAND | ROTH IRA -ICMA | 112.52 |
| ICMA RETIREMENT-FIRST NATL BANK -MARYLAND | PAYROLL RETIREMENT | 273.88 |
| ICMA RETIREMENT-FIRST NATL BANK -MARYLAND | PAYROLL RETIREMENT | 61.88 |
| IRS | FEDERAL WITHHOLDING | 10,793.93 |
| IRS | FICA WITHHOLDING | 14,293.40 |
| IRS | FICA WITHHOLDING | 168.32 |
| IRS | MEDICARE WITHHOLDING | 39.36 |
| IRS | FEDERAL WITHHOLDING | 117.15 |
| IRS | MEDICARE WITHHOLDING | 3,342.74 |
| JOHN'S WELDING AND TOOL LLC | BASKET | 5.64 |
| FIREMAN REIMBURSEMENT | CONVENTION REGISTRATION/GASOLINE | 343.34 |
| L.G. EVERIST | CRUSHED QUARTZITE | 2,241.37 |
| LUTT OIL | GASOLINE | 5,040.61 |
| MATHESON-LINWELD | OXYGEN | 35.06 |
| MCCORKINDALE, MARK | AUDITORIUM DEPOSIT REFUND | 150.00 |
| MERCHANT SERVICES | CREDIT CARD TRANSACTION FEES | 3,428.16 |
| MERCHANT SERVICES | CREDIT CARD TRANSACTION FEES | 1,344.36 |
| MERCHANT SERVICES | CREDIT CARD TRANSACTION FEES | 53.65 |
| MIKEY C PRODUCTIONS | BATTERY/RECYCLING ADVERTISING | 945.00 |
| NE DEPT OF REVENUE | STATE WITHHOLDING | 4,596.48 |
| NE DEPT OF REVENUE | STATE WITHHOLDING | 50.61 |
| NE DEPT OF REVENUE-CHARITABLE GAMING | KENO LOTTERY TAX | 1,429.00 |
| NE NEBRASKA VOLUNTEER FIREFIGHTERS ASSN | 2021-2022 DUES | 50.00 |
| O'REILLY AUTOMOTIVE STORES, INC. | DISTRIBUTOR CAP/ROTORS/SPLICE | 80.25 |
| PEPSI COLA OF SIOUXLAND INC | CAC POP | 462.60 |
| PER MAR SECURITY SERVICES | MONITORING SERVICES | 868.50 |
| PING, RASCHELL | MEN'S LEAGUE SCOREKEEPER | 9.95 |
| POLLARD PUMPING | PORT A POTTIES | 505.00 |
| QUALITY FOOD CENTER | NOON MEAL SUPPLIES | 13.52 |
| RAABE, WALKER | MEN'S LEAGUE REF | 75.00 |
| RUTJENS CONSTRUCTION | POWER PLANT WATER LINE | 15,733.00 |
| SANCHEZ, CINDY | MEN'S LEAGUE SCOREKEEPER | 71.12 |
| SEBADE HOUSING LLC | TIF PRINCIPAL/ INTEREST | 7,615.04 |
| SEBADE HOUSING LLC | TIF PRINCIPAL/INTEREST | 4,233.74 |
| SHERWIN WILLIAMS CO | PAINT | 393.94 |
| STADIUM SPORTING GOODS | FD SHIRTS/JACKETS | 1,561.00 |
| STAPLES, INC | OFFICE SUPPLIES | 156.97 |
| STATE NEBRASKA BANK & TRUST | 2010 PUBLIC SAFETY REFUNDING BONDS | 50,825.00 |
| STATE NEBRASKA BANK & TRUST | 2012 PUBLIC SAFETY BONDS | 4,813.75 |
| T & S TRUCKING | TRANSPORT ROCK | 677.92 |
| THACKER, JESSICA | REC SOCCER REFUND | 30.00 |
| TYLER TECHNOLOGIES | INSITE TRANSACTION FEES | 2,456.25 |
| US FOODSERVICE, INC. | SENIOR CENTER NOON MEAL SUPPLIES | 2,026.33 |
| VERIZON WIRELESS SERVICES LLC | CELL PHONES | 1,465.77 |
| WESCO DISTRIBUTION INC | WHITE PAINT | 54.00 |

| Vendor | Payable Description | Payment Total |
|------------------------|----------------------------|----------------------|
| WESTRUM LEAK DETECTION | 2021 LEAK DETECTION SURVEY | 3,300.00 |
| WHEELER WORLD INC. | AIR START ASSEMBLY | 948.83 |
| WISNER WEST | FD GASOLINE | 42.64 |
| ZEE MEDICAL SERVICE CO | FIRST AID SUPPLIES | 61.72 |
| | Grand Total: | 383,671.96 |

CITY OF WAYNE
OFFICE OF THE MAYOR

Proclamation

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

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

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

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

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

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

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

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

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

April 30, 2021, as ARBOR DAY

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

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

DATED this 20th day of April, 2021.

THE CITY OF WAYNE, NEBRASKA,

By _____
Cale Giese, 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 Justin Gapp ^{New address} Address 424 Oak Drive Wayne NE 68787
Phone Number 401-430-8353 Social Security # _____
Driver's License Number and Issuing State _____
Employer State Nebraska Bank & Trust Occupation Information Technology Officer
How long have you been employed by your present employer? 2 1/2 months
Previous Employer and Address Titonka Savings Bank / 2307 360th St Titonka, IA 50480

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. Titonka Fire Department for 11 years / FFI, Hazmat Operations & CPR

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 Justin Gapp Date 4/6/21

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

Applicant's Signature Justin Gapp Date 4/6/21

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

Secretary's Signature _____ Date _____

Chief's Signature _____ Date _____

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

Wayne Community Housing Development Corporation

WCHDC is a non-profit corporation that strives to help individuals acquire affordable housing through various programs. For over 25 years, it has helped 200+ individuals achieve home ownership and provides education to first time home buyers. WCHDC has assisted the City of Wayne in creating workforce housing through the CROWN program and other apartment complexes. WCHDC, along with Realties in town, helps place individuals in rentals and manages Meadowview Estates. Always evolving, WCHDC looks to current housing trends and works with organizations that can provide a sustainable existence for the organization now and in the future.

Wayne Community Housing Development Corporation

Presentation at City Council
April, 2021





Purpose of WCHDC

“WCHDC is a non-profit community housing development organization (CHDO) established for the purpose of *increasing the amount of decent, desirable, affordable housing available to low and moderate income families* within the City of Wayne and its surrounding area.

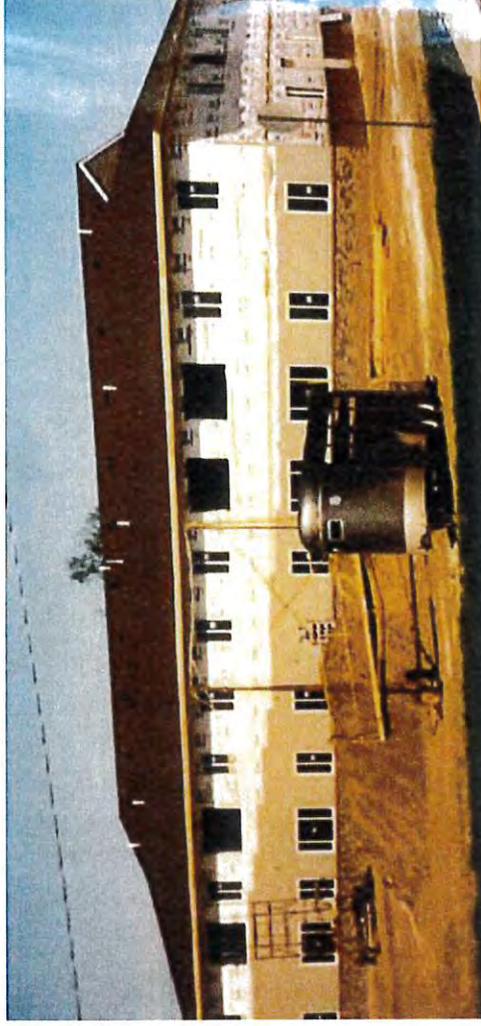
Within this general purpose exists a special emphasis and *commitment to the development sponsorship and/or ownership* of low to moderate income housing and provision of case management, where appropriate, for the benefit of low to moderate income families.

Corporation activities include those related to combating community deterioration through such means as *housing rehabilitation and/or organizing communities for purposes of neighborhood preservation*.

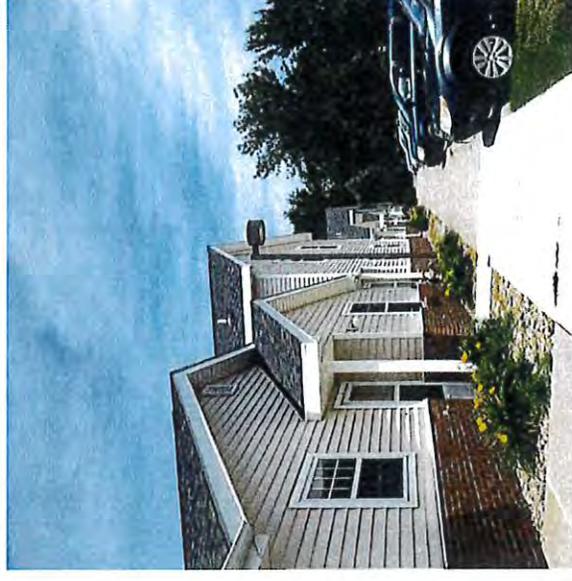
Other services available through the WCHDC include grant writing [for the organization], housing program administration [of the organization], and low income property management [at Meadowview Estates, LP].” (Organization of CHDO, 1997).

Brief History

- Wayne Community Housing Development Corporation incorporated on January 27, 1994 and had an interim Executive Director until Linda Anderson was hired and began working on February 1st of 1995.



- Since then there have been 6 individuals which includes the present Executive Director.
- We have a 10 member board where I preside as the president.
- We have two Rural Workforce Housing Fund committees (Wayne, Wakefield)-made up of community members in various roles which look at applications for each of the programs.
- Manage Meadowview Estates



Projects completed over the years:



- While we work in Wayne, we have also worked with individuals in Carroll, Laurel, Pender, Pilger, Wakefield, and counties such as Thurston and Dixon.



Grants through the years and Projects



- Since 1997, we started by receiving smaller grants (i.e HOME, CBDG) and have grown to as much as having 1.2 million dollars between two towns (Wakefield and Wayne) (i.e. RWHF).
- We also work with the City of Wayne and a revolving loan program to help with the HOME Purchase Rehab Resell loan we provide for future homeowners.
- Projects at the moment we have potential for two HPRR's and a Construction project. We are in the process of finishing up projects in Wakefield as well.



The future: WCHDC Sustainability

- Most of the funding comes through match grants.
- These grants are either Rural Workforce Housing Fund grants, CBDG, NAHTF, LITCH.
- Matching grants ask that we use community sponsors, local businesses, and other governmental units (i.e. City of Wayne, City of Wakefield, etc.).
- The last three years for WCHDC have been challenging as there was quick turnover of Executive Directors as well as the Pandemic.
- Looking to find other avenues that will provide for operational costs to keep this organization and the services it offers viable.



Goal (s) and Objective(s) through 2024



Establish sustainable program at WCHDC to maintain rate of house development and operating costs.

Objectives:

1. Create a volunteer task force to aid in fund acquisition
2. Work closely with City of Wayne, WAED, and Wayne Green Team to meet housing development goals which includes UN's Goal #11.a .
(<https://sdgs.un.org/goals/goal11>)
3. Use data-science to guide decision-making and create report (U.S. Census Data; NIFA; UNL; Other governmental entities)
(<http://nestats.org/>)





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Wayne Area Economic Development Corporation (2021). Retrieved from: <https://www.wayneworks.org/>

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CITY OF WAYNE, NEBRASKA

ORDINANCE NO. 2021-7

PASSED AND ADOPTED APRIL 20, 2021

AUTHORIZING

\$1,800,000

**SWIMMING POOL
SALES TAX REVENUE REFUNDING BONDS**

SERIES 2021

CITY OF WAYNE, NEBRASKA

ORDINANCE NO. 2021-7

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,800,000 PRINCIPAL AMOUNT OF SWIMMING POOL SALES TAX REVENUE REFUNDING BONDS, SERIES 2021, OF THE CITY FOR THE PURPOSE OF REFUNDING BONDS ORIGINALLY ISSUED TO CONSTRUCT AND EQUIP AN OUTDOOR SWIMMING POOL AND RELATED IMPROVEMENTS; PRESCRIBING THE FORM AND CERTAIN DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING THE REDEMPTION OF THE BONDS TO BE REFUNDED; AUTHORIZING OFFICERS OF THE CITY TO SET AND DETERMINE CERTAIN DETAILS OF THE BONDS; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, AS FOLLOWS:

FINDINGS AND DETERMINATIONS

The Mayor and City Council (the “**Council**”) of the City of Wayne, Nebraska (the “**City**”), hereby find and determine that:

1. Pursuant to Sections 16-695 and 77-27,142, Reissue Revised Statutes of Nebraska, as amended, (together, the “**Act**”) the Mayor and Council have the authority, upon a majority vote of electors voting at a general or special election, to issue negotiable bonds of the City payable from sales and use tax revenues for parks and recreational facilities.

2. The City currently has outstanding its Swimming Pool Sales Tax Revenue Bonds, Series 2015, date of original issue – August 18, 2015, (the “**2015 Bonds**”) issued in the original principal amount of \$1,770,000 and currently outstanding in the principal amount of \$1,770,000. The 2015 Bonds were issued pursuant to the Act and are payable from the one-half of one percent (0.50%) additional sales tax (the “**Special Tax**”) and were authorized to be issued at a special election (the “**Election**”) held on November 4, 2014, at which Election a majority of all the qualified electors voting on such propositions voted in favor of the imposition and collection of the Special Tax and the issuance of the 2015 Bonds.

3. The 2015 Bonds were issued to finance a portion of the construction and equipping of an outdoor swimming pool and related improvements connected to the Wayne Community Activity Center (collectively, the “**Project**”). The Project has been completed and placed in service.

4. The City is authorized to and shall impose and collect the Special Tax until all of the indebtedness evidenced by the 2015 Bonds (including any refunding bonds issued to refund such indebtedness) is no longer outstanding and unpaid.

5. Since the issuance of the 2015 Bonds, the rates of interest available in the market have so declined that by issuing its Swimming Pool Sales Tax Revenue Refunding Bonds pursuant to the Act and Section 10-142, R.R.S. Neb, as amended, the proceeds of which, together with other available funds of the City, shall be applied to the payment and redemption of the 2015 Bonds, all as set out above, a substantial savings in the amount of yearly running interest will be made to the City.

6. All conditions, acts and things required to exist or to be done precedent to the issuance of Swimming Pool Sales Tax Revenue Refunding Bonds of the City of Wayne, Nebraska, in the principal amount of not to exceed One Million Eight Hundred Thousand Dollars (\$1,800,000) pursuant to Sections 16-695, 77-27,142, and 10-142, Reissue Revised Statutes of Nebraska, as amended, do exist and have been done as required by law.

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to the words and terms defined elsewhere herein, the following capitalized words and terms as used in this Ordinance shall have the following meanings:

“Beneficial Owner” means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

“Bond Counsel” means Gilmore & Bell, P.C., Omaha, Nebraska, or other attorney or firm of attorneys with a nationally recognized standing in the field of municipal bond financing selected by the City.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable at the Maturity thereof or on any Interest Payment Date.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Paying Agent.

“Bondholder” or **“Registered Owner”** when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

“Bonds” means the City’s Swimming Pool Sales Tax Revenue Refunding Bonds, Series 2021, in the original aggregate principal amount of not to exceed **\$1,800,000** authorized and issued pursuant to this Ordinance.

“2015 Bonds” means the City’s Swimming Pool Sales Tax Revenue Bonds, Series 2015, in the original aggregate principal amount of \$2,900,000, date of original issue – August 18, 2015, issued to pay a portion of the costs of the Project.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its banking operations.

“Cede & Co.” means Cede & Co., as nominee name of The Depository Trust Company, New York, New York.

“City” means the City of Wayne, Nebraska, and any successors or assigns.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the Treasury Department proposed or promulgated thereunder.

“Continuing Disclosure Undertaking” means that certain Continuing Disclosure Undertaking executed and delivered by the City dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

“Costs of Issuance Fund” means the fund by that name created by **Section 501** hereof.

“Debt Service Fund” means the fund by that name created by **Section 501** hereof.

“Debt Service Reserve Fund” means the fund by that name created by **Section 501** hereof.

“Debt Service Reserve Requirement” means that amount set out and defined in **Section 602(b)** hereof.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations serving as security for the obligations, plus any cash in the escrow fund, are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations serving as security for the obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) the obligations are rated in the highest rating category by Moody's Investors Service, Inc. (presently "Aaa") or Standard & Poor's Ratings Group (presently "AAA").

"Election" means the special election held by the City in conjunction with the Statewide General Election on November 4, 2014 at which there was submitted to the qualified electors of the City the question (i) on the proposition for the issuance of bonds in an amount not to exceed \$2,900,000 to provide funds to construct and equip an outdoor swimming pool and related improvements connected to the Wayne Community Activity Center; said bonds to bear interest at rate of rates to be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and Council; and (ii) on the question of the City imposing an additional sales and use tax of not to exceed one-half of one percent (0.50%) upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, for the purpose of paying the principal and interest of said bonds (including refunding bonds) as the same fall due.

"Interest Payment Date" means the Stated Maturity of an installment of interest on any Bond.

"Maturity" when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for optional or mandatory redemption or otherwise.

"Original Purchaser" means D.A. Davidson & Co., Omaha, Nebraska, as underwriter of the Bonds.

"Ordinance" means this Ordinance as from time to time amended in accordance with the terms hereof.

"Outstanding" means, when used with reference to Bonds, as of any particular date, all Bonds theretofore issued and delivered hereunder, except the following Bonds:

(a) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of **Section 1101** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been registered and delivered hereunder.

"Parity Bonds" means any other Swimming Pool Sales Tax Revenue Bonds payable from the proceeds of the Special Tax as authorized at the Election hereafter issued or incurred in accordance with the provisions of this Ordinance and standing on a parity and equality with the Bonds with respect to the payment of principal and interest from the proceeds of the Special Tax, so long as any such bonds remain outstanding and unpaid or until provision is made for the payment and defeasance of such bonds.

"Participants" means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means BOKF, National Association, Lincoln Nebraska, and any successors and assigns.

“Permitted Investments” means any of the following securities and obligations, if and to the extent the same are at the time legal for investment of the City’s moneys held in the funds referred to in **Section 501** hereof:

- (a) United States Government Obligations;
- (b) bonds, notes or other obligations of any political subdivision of the State of Nebraska, that at the time of their purchase are rated in either of the two highest rating categories by a nationally recognized rating service;
- (c) repurchase agreements with any bank, bank holding company, savings and loan association, trust company, or other financial institution organized under the laws of the United States or any state, that are continuously and fully secured by any one or more of the securities described in clause (a) or (b) above and have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such repurchase agreement and are held in a custodial or trust account for the benefit of the City;
- (d) obligations of the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Financing Bank, the Federal Intermediate Credit Corporation, Federal Banks for Cooperatives, Federal Land Banks, Federal Home Loan Banks, Farmers Home Administration and Federal Home Loan Mortgage Corporation;
- (e) certificates of deposit or time deposits, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the United States or any state, provided that such certificates of deposit or time deposits shall be either (1) continuously and fully insured by the Federal Deposit Insurance Corporation, or (2) continuously and fully secured by such securities as are described above in clauses (a) through (c) above, inclusive, which shall have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such certificates of deposit or time deposits; and
- (f) any other securities or investments that are lawful for the investment of moneys held in such funds or accounts under the laws of the State of Nebraska.

“Person” means any natural person, corporation, partnership, firm, joint venture, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Principal Office” means, in the case of the City Treasurer, the office maintained by the City Treasurer in City Hall, or, in the case of a commercial banking association or corporation or trust company, the corporate trust administration office maintained by such entity at which such entity discharges its obligations under this Ordinance.

“Project” means the planning, design and construction of an outdoor swimming pool and related improvements connected to the Wayne Community Activity Center and acquiring the necessary related equipment and fixtures as approved by the Mayor and Council.

“Rebate Fund” means the fund by that name referred to in **Section 501** hereof.

“Record Date” for the interest payable on any Interest Payment Date means the **15th** day (whether or not a Business Day) next preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Ordinance.

“Redemption Fund” means the fund by that name created by **Section 501** hereof.

“Redemption Price” when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Ordinance, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Replacement Bonds” means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 207** hereof.

“Revenue Fund” means the fund by that name created by **Section 501** hereof.

“Revenues” means all income and revenues derived from the operation of the Aquatic Facilities, including investment and rental income, net proceeds from business interruption insurance, and any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay interest on Swimming Pool Sales Tax Revenue Bonds, but excluding any profits or losses on the early extinguishment of debt or on the sale or other disposition, not in the ordinary course of business, of investments or fixed or capital assets.

“Securities Depository” means, initially, The Depository Trust Company, New York, New York, and its successors and assigns.

“Special Record Date” means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

“Special Tax” means the one-half of one percent (0.50%) additional sales tax authorized to be levied at the Election and implemented by the City by the passage and adoption of Ordinance No. 11-05.

“Special Tax Revenues” means all amounts received by the City from the levy and collection of the Special Tax, excluding the approximately 10% of such receipts set aside for improvements to streets and roads.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Ordinance as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Swimming Pool Sales Tax Revenue Bonds” means collectively the Bonds and the Parity Bonds.

“Tax Certificate” means the Federal Tax Certificate executed and delivered by the City in connection with the issuance of the Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payments on obligations issued or guaranteed by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service, and such obligations are held in a custodial or trust account for the benefit of the City.

ARTICLE II

AUTHORIZATION OF BONDS

Section 201. Authorization of Bonds. The City is authorized and directed to issue a series of bonds of the City, designated “Swimming Pool Sales Tax Revenue Refunding Bonds, Series 2021”, in the principal amount of not to exceed **\$1,800,000** (the **“Bonds”**) for the purpose of paying and redeeming the 2015 Bonds and paying certain costs of issuing the Bonds, as provided in this Ordinance.

Section 202. Description of Bonds. The Bonds shall consist of fully registered bonds, numbered from R-1 upward in order of issuance, in denominations of \$5,000 or any integral multiple thereof, and bearing a series designation of the calendar year in which the Bonds are issued. The Bonds shall be subject to registration, transfer and exchange as provided in **Section 205** hereof. All of the Bonds shall be dated the date of delivery thereof, shall become due and payable in the amounts on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in **Article III** hereof, and shall bear interest at the rates determined by an Authorized Officer in accordance with the provisions of **Section 212** hereof. The Bonds shall bear interest computed on the basis of a 360 day year of twelve 30 day months from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be in substantially the form set forth in **Exhibit A** attached hereto.

Section 203. Designation of Paying Agent. The Paying Agent is hereby designated as the City’s (a) paying agent for the payment of principal of and interest on the Bonds and (b) bond registrar with respect to the registration, transfer and exchange of Bonds (the **“Paying Agent”**). The City is hereby authorized to enter into the Bond Registrar and Paying Agent Agreement dated the date of the Bonds, between the City and the Paying Agent, in substantially the form presented to and reviewed by the Mayor and Council (a copy of which shall be filed in the records of the City). The Mayor is authorized to execute the Registrar Agreement with such changes therein as such official deems appropriate, for and on behalf of and as the act and deed of the City.

The City will at all times maintain a Paying Agent meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent by (1) filing with the bank or trust company then performing such function a certified copy of the proceedings giving notice of the termination of such bank or trust company and appointing a successor, and (2) causing notice to be given by first class mail to each registered owner. No resignation or removal of the Paying Agent shall become effective until a successor has been appointed and has accepted the duties of the Paying Agent.

Each Paying Agent appointed hereunder shall at all times be a commercial banking association or corporation or trust company organized and in good standing and doing business under the laws of the United States of America or of the State, authorized under such laws to exercise trust powers and subject to supervision or examination by federal or state regulatory authority.

The Paying Agent shall be paid the usual fees and expenses for its services in connection therewith, which fees and expenses shall be paid as other Expenses are paid.

Section 204. Method and Place of Payment of Bonds. The principal or Redemption Price of and interest on the Bonds shall be payable in any coin or currency of the United States of America that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity by check or draft to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the designated corporate trust office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the registered owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest by check or draft mailed by the Paying Agent to such registered owner at the address shown on the Bond Register.

Notwithstanding the foregoing provisions of this **Section 204**, any Defaulted Interest with respect to any Bond shall cease to be payable to the registered owner of such Bond on the relevant Record Date and shall be payable to the registered owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least **30** days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds, the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than **15** nor less than **10** days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed by first class mail, postage prepaid, to each registered owner of a Bond entitled to such notice at the address of such registered owner as it appears on the Bond Register not less than **10** days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and shall at least annually forward a copy or summary of such records to the City.

Section 205. Registration, Transfer and Exchange of Bonds. The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Paying Agent for the registration, transfer and exchange of Bonds as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this **Section 205**. Upon surrender of any Bond at the principal corporate trust office of the Paying Agent, the Paying Agent shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for

transfer or exchange. Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Paying Agent, duly executed by the registered owner thereof or by the registered owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The City shall pay the fees and expenses of the Paying Agent for the registration, transfer and exchange of Bonds provided for by this Ordinance and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Paying Agent, are the responsibility of the registered owners of the Bonds. In the event any registered owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such registered owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such registered owner hereunder or under the Bonds.

The City and the Paying Agent shall not be required (a) to register the transfer or exchange of any Bond after notice calling such Bond or portion thereof for redemption has been given or during the period of 15 days next preceding the first mailing of such notice of redemption, or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** hereof.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on such Bond and for all other purposes. All payments so made to any such registered owner or upon the registered owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Paying Agent, the Bond Register may be inspected and copied by the registered owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such registered owners to be evidenced to the satisfaction of the Paying Agent.

Section 206. Execution, Authentication and Delivery of Bonds. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Paying Agent for authentication.

Each of the Bonds, including any Bonds issued in exchange or as substitution for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the City Clerk, and shall have the official seal of the City affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form set forth in **Exhibit A** attached hereto, which shall be manually executed by an authorized officer or

employee of the Paying Agent, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Ordinance or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Paying Agent. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Ordinance. Upon authentication, the Paying Agent shall deliver the Bonds to the Original Purchaser, upon payment of the purchase price of the Bonds plus accrued interest thereon to the date of their delivery.

Section 207. Mutilated, Destroyed, Lost and Stolen Bonds. If (a) any mutilated Bond is surrendered to the Paying Agent, or the City and the Paying Agent receive evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Paying Agent such security or indemnity as may be required by the Paying Agent, then, in the absence of notice to the Paying Agent that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City in its discretion may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this **Section 207**, the City may require the payment by the registered owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this **Section 207** shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent and applicable record retention laws. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

Section 209. Book-Entry Bonds; Securities Depository.

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing their respective interests in the Bonds, except in the event the Paying Agent issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Paying Agent authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as

amended, or (C) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Bondholder other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, or (2) if the Paying Agent receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Bondholder other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Paying Agent shall notify the Bondholders of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Paying Agent shall register in the name of and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Paying Agent, may select a successor securities depository in accordance with subsection (c) of this **Section 209** to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Paying Agent, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Paying Agent or Bondholders are unable to locate a qualified successor of the Securities Depository in accordance with subsection (c) of this **Section 209**, then the Paying Agent shall authenticate and cause delivery of Replacement Bonds to Bondholders, as provided herein. The Paying Agent may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Paying Agent receives written evidence satisfactory to the Paying Agent with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Paying Agent upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 210. Preliminary and Final Official Statement. The Authorized Officers are hereby authorized to approve, deem final and deliver a Preliminary Official Statement and a final Official Statement in connection with the Bonds, all in accordance with Rule 15c2-12 as promulgated by the Securities and Exchange Commission.

Section 211. Sale of Bonds. The City shall sell the Bonds at a negotiated sale to the Original Purchaser at the purchase price set in the Designation described in **Section 212** hereof, plus accrued interest to the date of delivery. Delivery of the Bonds shall be made to the Original Purchaser as soon as practicable after the adoption of this Ordinance, upon payment therefor in accordance with the terms of sale. The Mayor, City Administrator and City Finance Director (each, an “**Authorized Officer**”) are authorized to execute and deliver such documents as may be appropriate for and on behalf of the City to effect the sale of the Bonds as provided herein, any such officer’s signature(s) thereon being conclusive evidence of such official’s and the City’s approval thereof.

Section 212. Authorization of Officers. (a) The Authorized Officers, or each individually, are hereby authorized and directed, in the exercise of his or her own independent judgment and absolute discretion, to hereafter, from time to time, specify, set, designate, determine, establish and appoint, as the case may be, and in each case in accordance with and subject to the provisions of this Ordinance, in a written designation (the "Designation") (1) the date of original issue of the Bonds, (2) the aggregate stated principal amount of Bonds to be issued, which shall in no event exceed \$1,800,000, (3) the dates on which the principal of the Bonds shall mature and the principal amount of Bonds to mature on each of such dates, together with any mandatory sinking fund payments with respect to Bonds which are issued are "term bonds," (4) the date of final maturity of the Bonds, which shall in no event be later than September 15, 2030, (5) the Interest Payment Dates, (6) the date upon which the Bonds shall be sold, (7) the rate or rates of interest to be carried by each maturity of the Bonds such that present value savings is realized through the refunding of the 2015 Bonds and the true interest cost on the Bonds shall not exceed 2.25%, (8) the provisions governing the redemption of the Bonds prior to maturity, the nature of any notice to be given in the event of any such prior redemption, the redemption price or prices payable upon such redemption (not to exceed 100%) and the respective periods in which each redemption price shall be payable, (9) the price at which the Bonds may be sold to the Purchaser, which may include net original issue discount or net original issue premium, provided that the underwriting discount shall not exceed 1.25% of the aggregate stated principal amount thereof, (10) the amount of the Debt Service Reserve Requirement for the Bonds, as permitted by **Section 602(c)** (11) the determination of Extraordinary Redemption provisions as allowed in Section 302(a), (12) all of the other terms of the Bonds not otherwise determined or fixed by the provisions of this Ordinance, and (13) the form, content, terms, and provisions of any closing and other documentation executed and delivered by the City in connection with authorization, issuance, sale and delivery of the Bonds.

The Authorized Officers, or each individually, are hereby authorized to irrevocably call any or all of the 2015 Bonds (as called for redemption, the "**Refunded Bonds**") for redemption on such date or dates he or she determines appropriate in accordance with their call provisions to be determined pursuant to the Designation, which date or dates shall be the Redemption Dates hereunder. The Authorized Officers, or each individually, are hereby authorized to designate, approve, execute and deliver, as the case may be (i) the form, content, terms and provisions of any published and/or mailed notice of redemption with respect to the payment and redemption of the Refunded Bonds, (ii) an Escrow Agent, (iii) the form, content, terms and provisions of an Escrow Agreement with the Escrow Agent for the purpose of providing for the deposit in trust with the Escrow Agent a portion of the net proceeds of the Bonds, the investment of such net proceeds pending their application, the application of such proceeds and any investment income to the payment of all of the principal of and interest on the Refunded Bonds maturing on or before the Redemption Date and the application of the balance of such proceeds and any investment income thereof to the redemption and retirement of the Refunded Bonds on the Redemption Date.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption of Bonds.

(a) **Optional Redemption.** At the option of the City, Bonds or portions thereof may be called for redemption and payment prior to the Stated Maturity thereof at any time on or after the fifth anniversary of their date of original issue, but subject to change as may be determined in accordance with the Designation described in **Section 212**, hereof, in whole or in part at a Redemption Price equal to 100% of the principal amount, plus accrued interest thereon to the Redemption Date.

(b) **Extraordinary Redemption.** The Bonds are further subject to extraordinary redemption from amounts credited to the Redemption Fund prior to maturity at any time on or after a date as shall be determined in the Designation described in **Section 212**, hereof, in whole or in part, but in a principal amount of not less than \$50,000, or if greater than \$50,000, in integral multiples of \$5,000, but only from amounts deposited in the Redemption Fund acquired from the accumulation of sales and use tax revenues and not from proceeds of refunding bonds, and applied to the redemption of Bonds under the terms of **Section 602(c)** hereof at a Redemption Price equal to 100% of the principal amount, plus accrued interest thereon to the Redemption Date (an “**Extraordinary Redemption**”). Within any maturity, Bonds selected for Extraordinary Redemption shall be selected using any random selection method determined appropriate by the Paying Agent, subject to methods of selection determined by the procedures of the Securities Depository and Participants with respect to the Bonds while outstanding in “book-entry-only” form in accordance with **Section 209** of this Ordinance.

Section 302. Selection of Bonds to Be Redeemed.

(a) The Paying Agent shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Paying Agent not less than 35 days prior to the Redemption Date of written instructions of the City specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** hereof are met. The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Bonds hereunder, and Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the City and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.

(b) Bonds shall be redeemed only in the principal amount of **\$5,000** or any integral multiple thereof, subject further to the restrictions as set out in **Section 301(b)** above. When less than all of the Outstanding Bonds are to be redeemed, such Bonds shall be redeemed in such principal amount and from the Stated Maturities selected by the City, and Bonds of less than a full Stated Maturity shall be selected by the Paying Agent in **\$5,000** units of principal amount in such equitable manner as the Paying Agent may determine.

(c) In the case of a partial redemption of Bonds when Bonds of denominations greater than **\$5,000** are then outstanding, then for all purposes in connection with such redemption each **\$5,000** of face value shall be treated as though it were a separate Bond of the denomination of **\$5,000**. If it is determined that one or more, but not all, of the **\$5,000** units of face value represented by any Bond are selected for redemption, then upon notice of intention to redeem such **\$5,000** unit or units, the Registered Owner of such Bond or the Registered Owner’s duly authorized agent shall present and surrender such Bond to the Paying Agent (1) for payment of the Redemption Price and interest to the Redemption Date of such

\$5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Registered Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Registered Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the Redemption Date to the extent of the **\$5,000** unit or units of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. Unless waived by any Registered Owner of Bonds to be redeemed, official notice of any redemption shall be given by the Paying Agent on behalf of the City by mailing a copy of an official redemption notice by first class mail at least **30** days prior to the Redemption Date, to the Original Purchaser of the Bonds and each Registered Owner of the Bonds to be redeemed at the address shown on the Bond Register.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the Principal Office of the Paying Agent.

The failure of any Registered Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been redeemed shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

The Paying Agent is also directed to comply with any mandatory or voluntary standards established by the Securities and Exchange Commission then in effect for processing redemptions of

municipal securities. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

So long as the Securities Depository is effecting book-entry transfers of the Bonds, the City or the Paying Agent shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the beneficial owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a beneficial owner of a Bond (having been mailed notice from the Paying Agent, a Participant or otherwise) to notify the beneficial owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for Bonds. The Bonds are special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of the Special Tax. The City hereby pledges the Special Tax to the payment of the principal of and interest on the Bonds, less the amount equal to the set aside, as currently existing or as may be amended, for application to payment of streets and roads established by statute which amount is approximately 10% of said 0.50% sales and use tax. The Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the general taxing power of the City is not pledged to the payment of the Bonds, either as to principal or interest.

The covenants and agreements of the City contained in this Ordinance and in the Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Ordinance. The Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal and interest from the Special Tax and in all other respects with any Parity Bonds. The Bonds shall not have any priority with respect to the payment of principal or interest from the Special Tax or otherwise over the Parity Bonds and the Parity Bonds shall not have any priority with respect to the payment of principal or interest from the Special Tax or otherwise over the Bonds.

ARTICLE V

FUNDS; DEPOSIT AND APPLICATION OF BOND PROCEEDS AND OTHER MONEYS

Section 501. Establishment of Funds. There are hereby created or ratified and ordered to be established and maintained in the treasury of the City the following separate funds to be known respectively as the:

- (a) Swimming Pool Costs of Issuance Fund (the “**Costs of Issuance Fund**”).
- (b) Swimming Pool Special Tax Revenue Fund (the “**Revenue Fund**”).
- (c) Debt Service Fund for Swimming Pool Sales Tax Revenue Bonds, Series 2021 (the “**Debt Service Fund**”).

- (d) Debt Service Reserve Fund for Swimming Pool Sales Tax Revenue Bonds, Series 2021 (the “**Debt Service Reserve Fund**”).
- (e) Rebate Fund for Swimming Pool Sales Tax Revenue Bonds, Series 2021 (the “**Rebate Fund**”).

The funds referred to in paragraphs (a) through (f) of this Section shall be maintained and administered by the City solely for the purposes and in the manner as provided in this Ordinance so long as any of the Bonds remain Outstanding within the meaning of this Ordinance.

Section 502. Deposit of Bond Proceeds and Other Moneys. The net proceeds received from the sale of the Bonds and certain other moneys of the City, shall be deposited simultaneously with the delivery of the Bonds, as follows:

- (a) The accrued interest on the Bonds and premium, if any, shall be deposited in the Debt Service Fund and applied in accordance with **Section 602(a)** hereof.
- (b) Proceeds of the Bonds shall be applied to pay and redeem the 2015 Bonds as called for redemption on the Redemption Date, in the amount and manner as determined in the Designation.
- (c) An amount equal to the Debt Service Reserve Requirement shall be deposited in the Debt Service Reserve Fund from proceeds of the Bonds or other funds of the City and shall be applied in accordance with **Section 602** hereof.
- (d) The remaining balance of the proceeds of the Bonds shall be deposited in the Costs of Issuance Fund and applied in accordance with **Section 503** hereof.

Section 503. Application of Moneys in the Costs of Issuance Fund. Money in the Costs of Issuance Fund shall be used for paying the costs and expenses incident to the issuance of the Bonds. Any surplus moneys remaining in the Costs of Issuance Fund 90 days after the date of original issue of the Bonds and not required for the payment of unpaid costs thereof shall be deposited in the Debt Service Fund.

ARTICLE VI

APPLICATION OF SPECIAL TAXES

Section 601. Revenue Fund. The City covenants and agrees that from and after the delivery of the Bonds, and continuing as long as any of the Bonds remain Outstanding hereunder or any Parity Bonds are Outstanding, all of the Special Tax Revenues shall as and when received be paid and deposited into the Revenue Fund. Said Revenues shall be segregated and kept separate and apart from all other moneys, revenues, funds and accounts of the City and shall not be commingled with any other moneys, revenues, funds and accounts of the City. The Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Ordinance.

Section 602. Application of Money in Funds. The City covenants and agrees that from and after the delivery of the Bonds and continuing so long as any of the Bonds shall remain Outstanding, it will on the first day of each month administer and allocate all of the moneys then held in the Revenue Fund as follows:

(a) **Debt Service Fund.** Each month there shall be paid and credited monthly to the Debt Service Fund, all amounts in the Revenue Fund to the extent necessary to meet on the next Bond Payment Date the payment of all interest on and principal of the Bonds.

The amounts required to be paid and credited to the Debt Service Fund pursuant to this Section shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to the debt service funds established for the payment of principal and interest on Parity Bonds, if any, under the provisions of any Parity Ordinance.

All amounts paid and credited to the Debt Service Fund shall be expended and used by the City for the sole purpose of paying the interest on and principal of the Bonds as and when the same become due at Maturity and on each Interest Payment Date.

If at any time the money in the Revenue Fund is insufficient to make in full the payments and credits at the time required to be made to the Debt Service Fund and to the debt service funds established to pay the principal of and interest on any Parity Bonds, the available moneys in the Revenue Fund shall be divided among such debt service funds in proportion to the respective principal amounts of said series of bonds at the time outstanding which are payable from the moneys in said debt service funds.

(b) **Debt Service Reserve Fund.** After all payments and credits required at the time to be made under the provisions of paragraphs (a) and (b) of this Section have been made, there shall next be paid and credited to the Debt Service Reserve Fund all remaining funds in the Revenue Fund each month until the amount on deposit in this Debt Service Reserve Fund aggregates the principal amount of Debt Service Reserve Requirement, which amount shall be determined in the Designation (the "**Debt Service Reserve Requirement**"). Except as hereinafter provided in this Section, all amounts paid and credited to the Debt Service Reserve Fund shall be expended and used by the City solely to prevent any default in the payment of interest on or principal of the Bonds on any Maturity date or Interest Payment Date if the moneys in the Debt Service Fund are insufficient to pay the interest on or principal of said Bonds as they become due. So long as the Debt Service Reserve Fund aggregates the Debt Service Reserve Requirement, no payments into said Fund shall be required, but if the City is ever required to expend and use a part of the moneys in said Fund for the purpose herein authorized and such expenditure reduces the amount of said Fund below the Debt Service Reserve Requirement, the City shall deposit all payments and credits required at the time to be made under the provisions of subsections (a) and (b) of this Section have been made until said Debt Service Reserve Fund shall again aggregate the Debt Service Reserve Requirement. Any investment earnings or accrued interest in the Debt Service Reserve Fund above and beyond the Debt Service Reserve Requirement shall be transferred to the Redemption Fund on a monthly basis.

The amounts required to be paid and credited to the Debt Service Reserve Fund pursuant to this Section shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to the debt service reserve funds established for Parity Bonds, if any, under the provisions of any Parity Ordinance.

Moneys in the Debt Service Reserve Fund may be used to call the Bonds for redemption and payment prior to their Stated Maturity, provided all of the Bonds at the time Outstanding are called for payment and funds are available to pay the same according to their terms. Moneys in the Debt Service Reserve Fund shall be used to pay and retire the last Outstanding Bonds unless

such Bonds and all interest thereon are otherwise paid. Any amounts in the Debt Service Reserve Fund in excess of the Debt Service Reserve Requirement on any valuation date shall be transferred to the Debt Service Fund.

If at any time the moneys in the Revenue Fund are insufficient to make in full the payments and credits at the time required to be made to the Debt Service Reserve Fund and to the debt service reserve funds established to protect the payment of any Parity Bonds, the available moneys in the Revenue Fund shall be divided among such debt service reserve funds in proportion to the respective principal amounts of said series of bonds at the time outstanding which are payable from the moneys in such debt service reserve funds.

(c) **Redemption Fund.** After all payments and credits required at the time to be made under the provisions of subsections (a) and (b) of this Section have been made, all moneys remaining in the Revenue Fund shall be paid and credited to the Redemption Fund. In accordance with Section 301 hereof, when the balance in the Redemption Account is \$50,000 or more, an amount not less than \$50,000 shall be transferred by the City Treasurer to the Paying Agent for application to the Extraordinary Redemption of Bonds at the earliest practical date on which such Bonds may be redeemed in accordance with the terms of this Ordinance. In connection with any such redemption, amounts in the Debt Service Fund allocable to interest shall be applied to pay accrued interest due upon redemption of the Bonds called for redemption as required under the terms of this Ordinance. Amounts to be applied for redemption of principal shall be not less than \$50,000 and if greater than \$50,000, in integral multiples of \$5,000. Amounts credited to the Redemption Fund shall in any event be applied to the redemption of Bonds within twelve months from the date of deposit therein by the City.

(d) **Deficiency of Payments into Funds.** If at any time the Special Tax Revenues are insufficient to make any payment on the date or dates hereinbefore specified, the City will make good the amount of such deficiency by making additional payments or credits out of the first available Special Tax Revenues thereafter received, such payments and credits being made and applied in the order hereinbefore specified in this Section.

Section 603. Transfer of Funds to Paying Agent. The City Treasurer is hereby authorized and directed to withdraw from the Debt Service Fund, and, to the extent necessary to prevent a default in the payment of either principal of or interest on the Bonds, from the Debt Service Reserve Fund and the Redemption Fund as provided in **Section 602** hereof, sums sufficient to pay the principal of and interest on the Bonds as and when the same become due on any Bond Payment Date, and to forward such sums to the Paying Agent in a manner which ensures the Paying Agent will have available funds in such amounts on or before the Business Day immediately preceding each Bond Payment Date. If, through lapse of time, or otherwise, the Registered Owners of Bonds are no longer entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

Section 604. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 605. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available

to the Paying Agent all liability of the City to the Registered Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Registered Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said Bond. If any Bond is not presented for payment within four years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay to the City the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitations, thereafter be an unsecured obligation of the City, and the Registered Owner thereof shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the City shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 606. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Tax Certificate. All money in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Tax Certificate), for payment to the United States of America, and neither the City nor the Registered Owner of any Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Tax Certificate.

(b) The City shall periodically determine the rebatable arbitrage under Section 148(f) of the Code in accordance with the Tax Certificate, and the City shall make payments to the United States Government at the times and in the amounts determined under the Tax Certificate. Any funds remaining in the Rebate Fund after redemption and payment of all of the Bonds and the interest thereon, and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be released to the City.

(c) Notwithstanding any other provision of this Ordinance, including in particular **Article XI** hereof, the obligation to pay rebatable arbitrage to the United States and to comply with all other requirements of this Section and the Tax Certificate shall survive the defeasance or payment in full of the Bonds.

ARTICLE VII

DEPOSIT AND INVESTMENT OF MONEYS

Section 701. Deposit and Investment of Moneys.

(a) Money in each of the funds and accounts created by and referred to in this Ordinance shall be deposited in a bank or banks located in the State of Nebraska that are members of the Federal Deposit Insurance Corporation. All such deposits shall be continuously and adequately secured by the banks holding such deposits as provided by the laws of the State of Nebraska.

(b) Money held in any fund or account referred to in this Ordinance may be invested in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than the date when the money invested may be needed for the purpose for which such fund or account was created. All earnings on any investments held in any fund or account shall accrue to and become a part of such fund or account. All earnings on investments held in the Debt Service Reserve Fund shall accrue to and become a part of such Fund until the amount on deposit in such Fund shall aggregate the Debt Service Reserve Requirement; thereafter, all such earnings shall be credited to the

Debt Service Fund. In determining the amount held in any fund or account under any of the provisions of this Ordinance, obligations shall be valued at the lower of the cost or the market value thereof; provided, however, that investments held in the Debt Service Reserve Fund shall be valued at market value only. If and when the amount held in any fund or account shall be in excess of the amount required by the provisions of this Ordinance, the City shall direct that such excess be paid and credited to the Debt Service Fund.

(c) So long as any of the Parity Bonds remain outstanding and unpaid, any investments made pursuant to this Section shall be subject to any restrictions in the Parity Ordinance with respect to the funds and accounts created by and referred to in the Parity Ordinance.

ARTICLE VIII

GENERAL COVENANTS AND PROVISIONS

The City covenants and agrees with each of the Registered Owners of any of the Bonds that so long as any of the Bonds remain Outstanding and unpaid it will comply with each of the following covenants:

Section 801. Insurance. The City will carry and maintain insurance with respect to the Swimming Pool and its operations against such casualties, contingencies and risks (including but not limited to property and casualty, fire and extended coverage insurance upon all of the properties forming a part of the Aquatic Facilities insofar as the same are of an insurable nature, public liability, business interruption or use and occupancy insurance, worker's compensation and employee dishonesty insurance), such insurance to be of the character and coverage and in such amounts as would normally be carried by other enterprises engaged in similar activities of comparable size and similarly situated. In the event of loss or damage, the City, with reasonable dispatch, will use the proceeds of such insurance in reconstructing and replacing the property damaged or destroyed, or in paying the claims on account of which such proceeds were received, or if such reconstruction or replacement is unnecessary or impracticable, then the City will pay and deposit the proceeds of such insurance into the Redemption Fund. The City will annually review the insurance it maintains with respect to the Aquatic Facilities to determine that it is customary and adequate to protect its property and operations. The City may elect to be self-insured for all or any part of the foregoing requirements if (i) the City annually obtains a written evaluation with respect to such self-insurance program from an Insurance Consultant, (ii) the evaluation is to the effect that the self-insurance program is actuarially sound, (iii) unless the evaluation states that such reserves are not necessary, the City deposits and maintains adequate reserves for the self-insurance program with a corporate trustee, who may be the Paying Agent, and (iv) in the case of workers' compensation, adequate reserves created by the City for such self-insurance program are deposited and maintained in such amount and manner as are acceptable to the State of Nebraska. The City shall pay any fees and expenses of such Insurance Consultant in connection therewith. The cost of all insurance obtained pursuant to the requirements of this Section shall be paid as an Expense out of the Revenues of the Aquatic Facilities.

Section 802. Books, Records and Accounts. The City will install and maintain proper books, records and accounts (entirely separate from all other records and accounts of the City) in which complete and correct entries will be made of all dealings and transactions of or in relation to the Aquatic Facilities and the Special Tax Revenues. Such accounts shall show the amount of Revenues received from the Aquatic Facilities, the application of such Revenues, and all financial transactions in connection therewith and with the Special Tax Revenues. Said books shall be kept by the City according to standard accounting practices as applicable to the operation of facilities comparable to the Aquatic Facilities.

Section 803. Annual Budget. Prior to the commencement of each fiscal year, the City will cause to be prepared and filed with the City Clerk a budget setting forth the estimated receipts and expenditures of the Aquatic Facilities for the next succeeding fiscal year. Said annual budget shall be prepared in accordance with the requirements of the laws of Nebraska and shall contain all information that is required by such laws.

Section 804. Annual Audit. Annually, promptly after the end of the fiscal year, the City will cause an audit to be made of the Aquatic Facilities and the Special Tax Revenues for the preceding fiscal year by a certified public accountant or firm of certified public accountants to be employed for that purpose and paid from the revenues of the Aquatic Facilities. Said annual audit shall cover in reasonable detail the operation of the Aquatic Facilities during such fiscal year.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the City Clerk, and a duplicate copy of the audit shall be mailed to the Original Purchaser of the Bonds. Such audits shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any user of the services of the Aquatic Facilities, any Registered Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer, user or Registered Owner.

Section 805. Administrative Personnel. The City shall use its best efforts to employ at all times administrative personnel experienced and well qualified to operate the Aquatic Facilities. The City further agrees that such administrative personnel shall be employed in sufficient numbers to ensure that the Aquatic Facilities will be operated in a prudent and efficient manner, following procedures generally accepted within the utility industry in the United States of America.

Section 806. Performance of Duties and Covenants. The City will faithfully and punctually perform all duties, covenants and obligations with respect to the operation of the Aquatic Facilities now or hereafter imposed upon the City by the Constitution and laws of the State of Nebraska and by the provisions of this Ordinance.

Section 807. Tax Covenants.

(a) The City covenants that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from federal gross income of the interest on the Bonds, and (2) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on the Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants that (1) it will use the proceeds of the Bonds as soon as practicable for the purposes for which the Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, or take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

(c) The City covenants that it will pay or provide for the payment from time to time of all rebatable arbitrage to the United States pursuant to Section 148(f) of the Code and the Tax Certificate. This covenant shall survive payment in full or defeasance of the Bonds. The Tax Certificate may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from federal gross income of the interest on the Bonds.

(d) The City covenants that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, (1) in a manner that would cause any Bond to be a "private activity bond" within the meaning of Section 141(a) of the Code, or (2) to make or finance a loan to any Person.

(e) The City hereby designates the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code. In addition, the City hereby represents that:

(1) the aggregate face amount of all tax-exempt obligations (other than private activity bonds which are not "qualified 501(c)(3) bonds" and bonds which are deemed designated pursuant to the provisions of the Code) which will be issued by the City (and all subordinate entities thereof) during the calendar year in which the Bonds are issued is not reasonably expected to exceed \$10,000,000; and

(2) the City (including all subordinate entities thereof) will not issue an aggregate principal amount of obligations (other than private activity bonds that are not "qualified 501(c)(3) bonds" and bonds which are deemed designated pursuant to the provisions of the Code) designated by the City to be "qualified tax-exempt obligations" during the calendar year in which the Bonds are issued, including the Bonds, in excess of \$10,000,000, without first obtaining an opinion of Bond Counsel that the designation of the Bonds as "qualified tax-exempt obligations" will not be adversely affected.

The Mayor is hereby authorized to take such other action as may be necessary to make effective the designation in this subsection (e).

(f) The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to **Article XI** of this Ordinance or any other provision of this Ordinance, until the final Maturity of all Bonds Outstanding.

Section 808. Continuing Disclosure. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, the Continuing Disclosure Undertaking in such form as shall be satisfactory to the City, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. The Authorized Officer's signature thereon shall be conclusive evidence of such officer's and the City's approval. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this **Section 808**.

ARTICLE IX

ADDITIONAL BONDS AND OBLIGATIONS

Section 901. Senior Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain Outstanding, the City will not issue any additional bonds or incur or assume any other debt obligations appearing as liabilities on the balance sheet of the City for the payment of moneys determined in accordance with generally accepted accounting principles including capital leases as defined by

generally accepted accounting principles, payable from the Special Tax Revenues or out of the net income and revenues of the Swimming Pool or any part thereof which are superior to the Bonds.

Section 902. Parity Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain Outstanding, it will issue additional Parity Bonds payable from the Special Tax Revenues which stand on a parity or equality with the Bonds only to the extent authorized at the Election.

ARTICLE X

DEFAULT AND REMEDIES

Section 1001. Acceleration of Maturity Upon Default. The City covenants and agrees that if it defaults in the payment of the principal of or interest on any of the Bonds as the same become due on any Bond Payment Date, or if the City or its governing body or any of the officers, agents or employees thereof fail or refuse to comply with any of the provisions of this Ordinance or of the constitution or statutes of the State of Nebraska, and such default continues for a period of 60 days after written notice specifying such default has been given to the City by the Registered Owner of any Bond then Outstanding, then, at any time thereafter and while such default continues, the Registered Owners of 25% in principal amount of the Bonds then Outstanding may, by written notice to the City filed in the office of the City Clerk or delivered in person to said City Clerk, declare the principal of all Bonds then Outstanding to be due and payable immediately, and upon any such declaration given as aforesaid, all of said Bonds shall become and be immediately due and payable, anything in this Ordinance or in the Bonds contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said Outstanding Bonds has been so declared to be due and payable, all arrears of interest upon all of said Bonds, except interest accrued but not yet due on such Bonds, and all arrears of principal upon all of said Bonds has been paid in full and all other defaults, if any, by the City under the provisions of this Ordinance and under the provisions of the statutes of the State of Nebraska have been cured, then and in every such case the Registered Owners of a majority in principal amount of the Bonds then Outstanding, by written notice to the City given as hereinbefore specified, may rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any rights consequent thereon.

Section 1002. Other Remedies. The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the Registered Owners of the Bonds, and the Registered Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Registered Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Registered Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the Constitution and laws of the State of Nebraska;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Registered Owners of the Bonds.

Section 1003. Limitation on Rights of Bondholders. No one or more Bondholders secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice

the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Registered Owners of such Outstanding Bonds.

Section 1004. Remedies Cumulative. No remedy conferred herein upon the Bondholders is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Registered Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies consequent thereon. No delay or omission of any Bondholder to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Registered Owners of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. If any suit, action or proceedings taken by any Bondholder on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to such Bondholder, then, and in every such case, the City and the Registered Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Bondholders shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 1005. No Obligation to Levy Taxes. Nothing contained in this Ordinance shall be construed as imposing on the City any duty or obligation to levy any taxes other than the Special Tax either to meet any obligation incurred herein or to pay the principal of or interest on the Bonds.

ARTICLE XI

DEFEASANCE

Section 1101. Defeasance. When any or all of the Bonds or the interest payments thereon have been paid and discharged, then the requirements contained in this Ordinance and the pledge of revenues made hereunder and all other rights granted hereby shall terminate with respect to the Bonds so paid and discharged. Bonds or the interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Ordinance if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State of Nebraska and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds, in trust for and irrevocably appropriated thereto, money and/or Defeasance Obligations which, together with the interest to be earned thereon, will be sufficient for the payment of the principal or Redemption Price of said Bonds, and/or interest to accrue on such Bonds to the Stated Maturity or Redemption Date, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds shall be redeemed prior to the Stated Maturity thereof, (1) the City shall have elected to redeem such Bonds, and (2) either notice of such redemption shall have been given, or the City shall have given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Paying Agent to redeem such Bonds in compliance with **Section 302(a)** of this Ordinance. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds or the interest payments thereon, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Registered Owners of the Bonds, and such money shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All moneys and Defeasance Obligations deposited with the Paying Agent or other bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

ARTICLE XII

MISCELLANEOUS PROVISIONS

Section 1201. Amendments. The rights and duties of the City and the Bondholders, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by Ordinance of the City with the written consent of the Registered Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Registered Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the City is required to pay by way of principal of or interest on any Bond;
- (c) permit the creation of a lien on the Special Tax Revenues prior or equal to the lien of the Bonds or Parity Bonds;
- (d) permit preference or priority of any Bonds over any other Bonds; or
- (e) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Bonds or of this Ordinance may, however, be amended or modified by Ordinance duly adopted by the governing body of the City at any time in any respect with the written consent of the Registered Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Bondholders, the City may amend or supplement this Ordinance for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Bondholders.

Every amendment or modification of the provisions of the Bonds or of this Ordinance shall be expressed in an ordinance adopted by the governing body of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be a part of this Ordinance. A certified copy of every such amendatory or supplemental Ordinance, if any, and a certified copy of this Ordinance shall always be kept on file in the office of the City Clerk, shall be made available for inspection by the Registered Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental Ordinance or of this Ordinance will be sent by the City Clerk to any such Bondholder or prospective Bondholder.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the Ordinance of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Registered Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Ordinance made hereunder which affects the duties or obligations of the Paying Agent under this Ordinance.

Section 1202. Notices, Consents and Other Instruments by Bondholders. Any notice, consent, request, direction, approval, objection or other instrument required by this Ordinance to be signed and executed by the Bondholders may be in any number of concurrent writings of similar tenor and may be signed or executed by such Bondholders in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Ordinance, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution; and

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Registered Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Ordinance, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Ordinance, except that, in determining whether the Bondholders shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Bondholders know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Bondholders the pledgee's right so to act with respect to such Bonds and that the pledgee is not the City.

Section 1203. Further Authority. The officers of the City, including the Mayor, City Clerk, City Administrator and Finance Director, shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1204. Electronic Signatures; Counterparts. All documents, agreements, certificates, and instruments related to the Bonds shall be valid, binding, and enforceable against the City when executed and delivered by means of (i) an original manual signature; (ii) a faxed, scanned, or photocopied manual signature, or (iii) any other electronic signature permitted by electronic signatures laws, including any relevant provisions of the Uniform Commercial Code, in each case to the extent applicable. Each faxed, scanned, or photocopied manual signature, or other electronic signature, shall for all purposes have the same validity, legal effect, and admissibility in evidence as an original manual signature. Each document, agreement, certificate, and instrument related to the Bonds may be executed in any number of counterparts, each of which shall be deemed to be an original, but such counterparts shall, together, constitute one and the same document, agreement, certificate, or instrument, as applicable.

Section 1205. Severability. If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 1206. Governing Law. This Ordinance shall be governed by and constructed in accordance with the applicable laws of the State of Nebraska.

Section 1207. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Mayor and City Council and approval by the Mayor and publication in pamphlet form as provided by law.

PASSED AND ADOPTED THIS 20th DAY OF APRIL, 2021.

CITY OF WAYNE, NEBRASKA

MAYOR

ATTEST:

CITY CLERK

[SEAL]

EXHIBIT A TO ORDINANCE

(FORM OF BONDS)

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE (REFERRED TO HEREIN), THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY (AS DEFINED HEREIN) OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

UNITED STATES OF AMERICA
STATE OF NEBRASKA

Registered
No. R- _____

Registered
\$ _____

CITY OF WAYNE, NEBRASKA

SWIMMING POOL SALES TAX REVENUE REFUNDING BOND
SERIES 2021

Interest Rate Maturity Date Dated Date of Bonds CUSIP Number

%

REGISTERED OWNER: _____ [**CEDE & CO.**]

PRINCIPAL AMOUNT: _____ DOLLARS

The **CITY OF WAYNE, NEBRASKA**, a city of the first class and a political subdivision of the State of Nebraska (the “**City**”), for value received, promises to pay to the registered owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the principal amount shown above on the maturity date shown above, and to pay interest thereon, but solely from the source and in the manner herein specified, at the interest rate per annum shown above (computed on the basis of a **360**-day year consisting of **12 30**-day months) from the Dated Date shown above or from the most recent interest payment date to which interest has been paid or duly provided for, payable semiannually on March 15 and September 15 in each year, beginning on _____, 20__, until said principal amount has been paid.

The principal or redemption price of this Bond shall be paid at maturity by check or draft or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the office of **BOKF, National Association**, in the City of Lincoln, Nebraska (the “**Paying Agent**”). The interest payable on this Bond on any interest payment date shall be paid to the person in whose name this Bond is registered on the Bond Register at

the close of business on the Record Date for such interest by check or draft mailed by the Paying Agent to such registered owner at the address shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such registered owner.

THE TERMS AND PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE SIDE HEREOF AND SUCH CONTINUED TERMS AND PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the Certificate of Authentication hereon has been executed by the Paying Agent.

IT IS HEREBY CERTIFIED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law, and that before the issuance of the Bonds, provision has been duly made for the collection and segregation of the revenues of the Aquatic Facilities and for the application of the same as provided in the Ordinance.

IN WITNESS WHEREOF, the **CITY OF WAYNE, NEBRASKA**, has executed this Bond by causing it to be signed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and its official seal to be affixed hereto or imprinted hereon.

CERTIFICATE OF AUTHENTICATION

CITY OF WAYNE, NEBRASKA

This Bond is one of the Bonds of the issue described in the within-mentioned Ordinance.

By: _____ (facsimile signature)
Mayor

City Clerk

Registration Date: _____

BOKF, National Association, Lincoln, Nebraska Paying Agent (Seal) **ATTEST:**

By: _____
Authorized Officer or Signatory

(FORM OF REVERSE SIDE OF BOND)

ADDITIONAL PROVISIONS

This Bond is one of a duly authorized series of bonds of the City designated “**Swimming Pool Sales Tax Revenue Refunding Bonds, Series 2021,**” aggregating the principal amount of \$ _____ (the “**Bonds**”), which were issued to refund \$ _____ principal amount of the City’s Swimming Pool Sales Tax Revenue Bonds, Series 2015, date of original issue – August 18, 2015, which 2015 Bonds were authorized by more than 50% of the ballots cast by the qualified electors of the City at an election which was duly called by the Mayor and City Council and held in conjunction with the Statewide General Election on November 4, 2014, issued by the City for the purpose of planning, design and construction of an outdoor swimming pool and related improvements connected to the Wayne Community Activity Center and acquiring the necessary related equipment and fixtures as approved by the Mayor and Council. (the “**Project**”) under the authority of and in full compliance with the Constitution and laws of the State of Nebraska, including particularly Sections 16-695 to 16-697.02, inclusive, and Section 77-27,142 Reissue Revised Statutes of Nebraska, as amended, and pursuant to Ordinance No. _____ duly adopted by the governing body of the City (herein called the “**Ordinance**”). Notice of said election was given by publication at least one time each week for three successive weeks prior thereto in a legal newspaper of general circulation in the City, and at said election the question of the issuance of said bonds and the imposition of an additional sales and use tax of one-half of one percent (0.50%) upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax was submitted to the qualified electors of said City in compliance with Sections 77-27,142 to 77-148, inclusive, Reissue Revised Statutes of Nebraska, as amended (the “**Special Tax Revenues**”). Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Ordinance.

At the option of the City, Bonds or portions thereof maturing on _____, 20__ and thereafter may be called for redemption and payment prior to maturity at any time on or after the fifth anniversary of their date of original issue in whole at any time or in part in such principal amounts and from such maturity or maturities as the City, in its sole and absolute discretion may determine (Bonds of less than a full maturity to be selected in multiples of \$5,000 principal amount in such equitable manner as the Paying Agent shall designate) at redemption price equal to 100% of the principal amount, plus accrued interest thereon to the redemption date.

Bonds maturing on or after September 15, _____ shall be subject to extraordinary redemption from amounts credited to the Redemption Fund established by the Ordinance prior to maturity at any time on or after September 15, _____, in whole or in part, maturity, but only in principal amounts of not less than \$50,000, from amounts deposited in the Redemption Fund and applied to the redemption of Bonds under the terms of the Ordinance at a redemption price equal to 100% of the principal amount, plus accrued interest thereon to the redemption date.

Notice of redemption, unless waived, is to be given by the Paying Agent by mailing an official redemption notice by first class mail at least 30 days prior to the redemption date, to the original purchaser(s) of the Bonds and each Registered Owner of each of the Bonds to be redeemed at the address shown on the Bond Register. Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City defaults in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest.

The Bonds are special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the Special Tax Revenues. The Bonds shall not be or constitute a

general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction. Under the conditions set forth in the Ordinance, the City has the right to issue additional parity bonds payable from the Special Tax Revenues; provided, however, that such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in the Ordinance.

The City hereby covenants and agrees with the Registered Owner of this Bond that it will keep and perform all covenants and agreements contained in the Ordinance, to which reference is hereby made for a description of the covenants and agreements made by the City with respect to the collection, segregation and application of the Special Tax Revenues, the nature and extent of the security for the Bonds, the rights, duties and obligations of the City with respect thereto, and the rights of the Registered Owners thereof.

The Bonds are issuable in the form of fully registered Bonds without coupons in the denomination of **\$5,000** or any integral multiple thereof.

This Bond may be transferred or exchanged, as provided in the Ordinance, only on the Bond Register upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Paying Agent duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance and upon payment of the charges therein prescribed. The City and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City and the Paying Agent will recognize the Securities Depository nominee, while the registered owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the City, the Paying Agent and the Securities Depository.

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

ASSIGNMENT

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

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

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

Dated: _____

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

Medallion Signature Guarantee:

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March 31, 2021

Marlen Chinn
City of Wayne Police Department
306 Pearl Street
Wayne, NE 68787

Dear Marlen,

Wayne Area Economic Development respectfully requests a Street Closure on June 3 from 3 pm until 11 pm for 6th Street between Dearborn Street and Wayside Lane. An outdoor Pop-Up Party and Movie Night is planned in the Ace Hardware and Dearborn Mall parking lots.

We will provide an insurance affidavit once it is available.

We look forward to hearing from you. If you have any questions or concerns regarding this event, please contact me at the Economic Development office at 402-375-2240.

Sincerely,

Irene Fletcher Mock
Assistant Director

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March 31, 2021

Chief of Police
City of Wayne
306 Pearl St.
Wayne, NE 68787

Dear Chief:

On behalf of the Chicken Show Committee, this letter is a request for street closures for the 41st Annual Chicken Show, Friday, Saturday, and Sunday July 9, 10, 11, 2021.

On Friday, July 9 the Committee is requesting the closure of the following streets from 2:30 pm until 2 am for the Annual Henoween celebration: Main Street from 1st Street to 4th Street; 2nd Street from East Alley to West Alley and 3rd Street from Pearl Street to the alley east of Main Street. We request that closed areas on 2nd and 3rd streets be dedicated to handicap and vendor parking.

On Saturday, July 10, the Committee is requesting the closure of the following streets from 6:00 am until 5:00 pm, for the Annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln and Douglas Streets from 10th Street to 8th Street. Intersections at 10th and Douglas, 10th and Lincoln Streets, and 9th and Lincoln are requested to be closed.

The Committee is requesting the closure of the following streets for the Parade from 9:00 am until 11:30 am (or until the end of the parade): Main Street from 1st Street to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade. Parade entries will be instructed to exit west on 7th street or continue south on Lincoln. We would like the parade line up streets (W 1st Street from Lincoln to Sherman and Grainland Road) to be considered closed for the purpose of monitoring entries via golf cart or ATV. Entrants will be informed that candy or other parade toss may not be thrown from any motorized entry.

On Sunday, July 11, we ask that 2nd Street from Main Street to Pearl, and Pearl from 2nd – 3rd including the intersection of 2nd & Pearl street be closed for the Crowing Motors Car Show from 7 am-5pm. New for 2021, the Crowing Motors Car show will take place Sunday afternoon approximately 11 am – 4 pm.

We ask that all street closures be properly identified adequately prior to the street closing so that event set -up is not delayed. The committee suggests that signs be installed early Friday morning for downtown, and Friday evening for Bressler Park and the parade route on 10th and Lincoln Streets.

The Chicken Show Committee appreciates your assistance during this event. Please contact us at 402-375-2240 if you have any questions or concerns regarding these requests.

Sincerely,

Abby Schademann

Streets Closed Friday from 2:30 PM - 2:00 AM

W. 4th Street

E. 4th Street

Pearl Street

W. 3rd Street

Main Street

E. 3rd Street

Logan Street

E. 3rd Street

W. 2nd Street

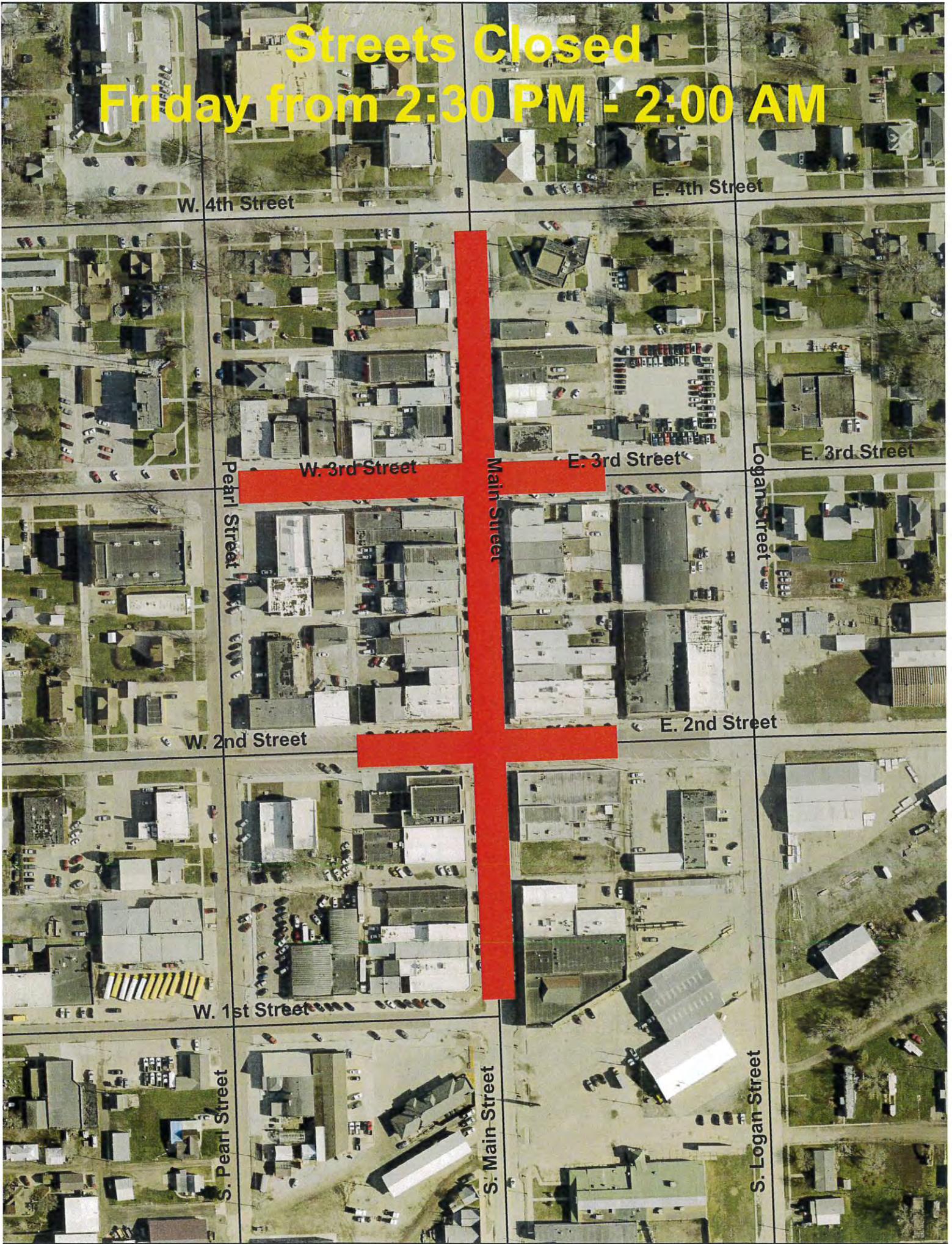
E. 2nd Street

W. 1st Street

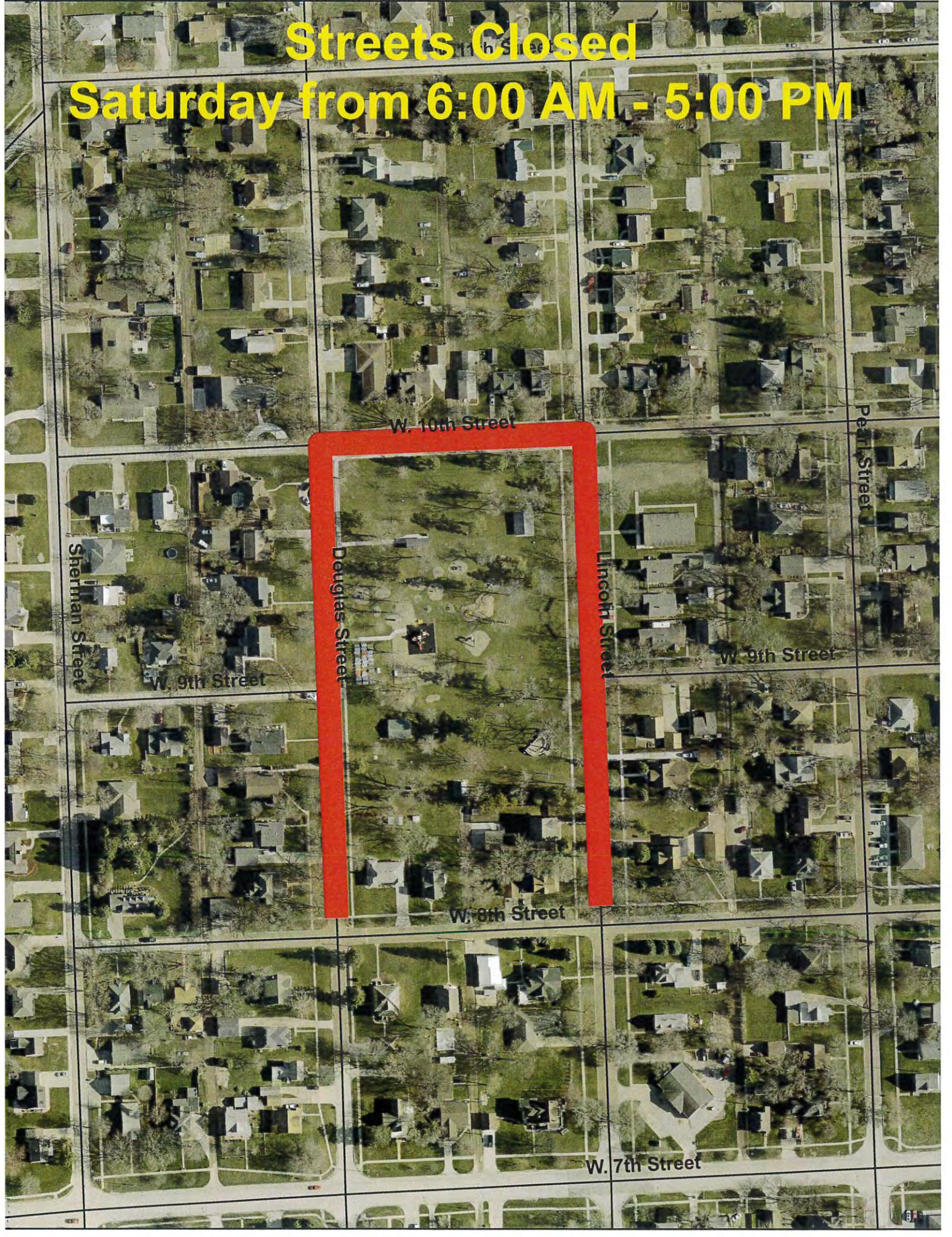
S. Pearl Street

S. Main Street

S. Logan Street



Streets Closed Saturday from 6:00 AM - 5:00 PM



W. 10th Street

Pearl Street

Sherman Street

Douglas Street

Lincoln Street

W. 9th Street

W. 9th Street

W. 8th Street

W. 7th Street

Streets Closed Sunday from 7:00 AM - 5:00 PM

Pearl Street

W. 3rd Street

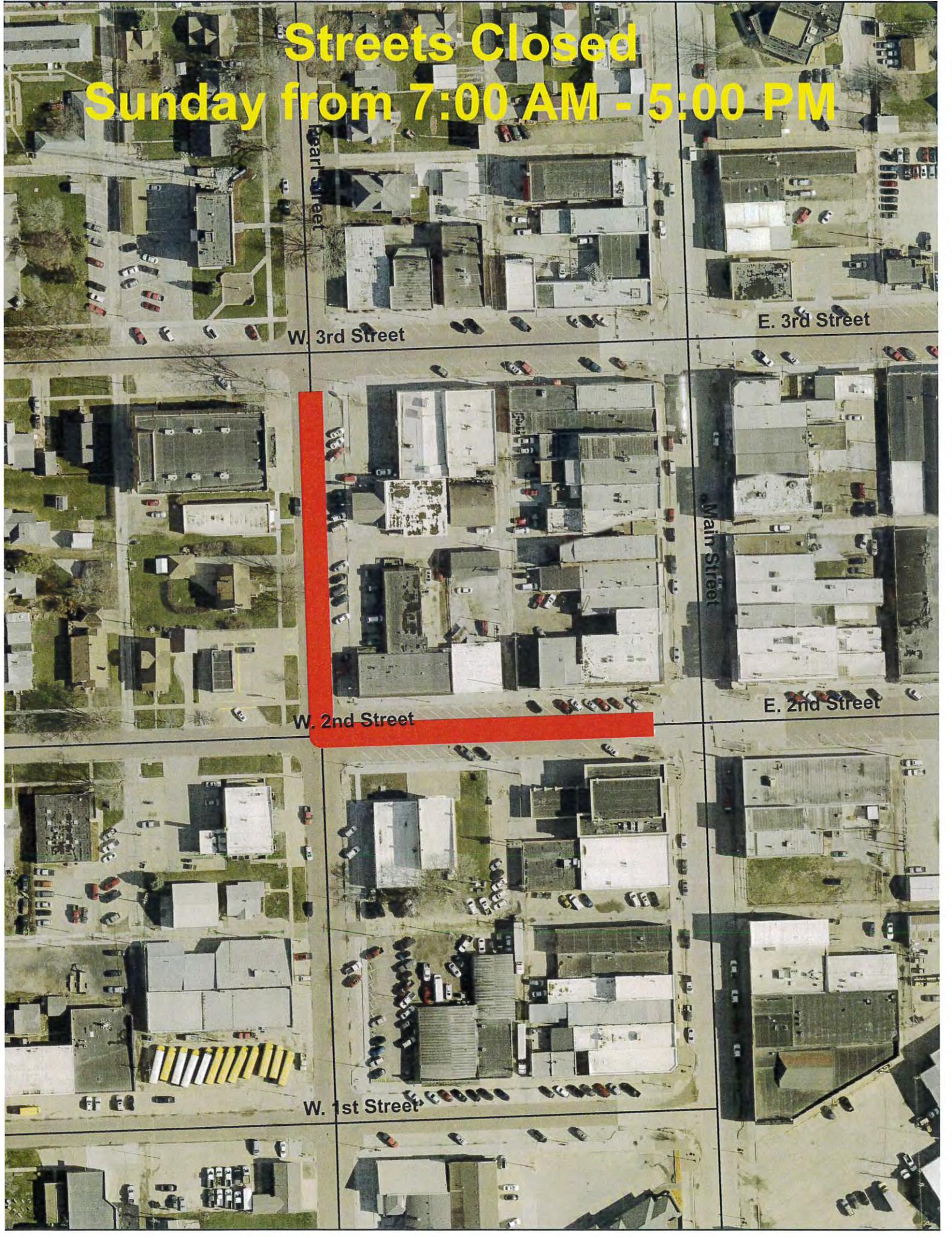
E. 3rd Street

W. 2nd Street

Main Street

E. 2nd Street

W. 1st Street



RESOLUTION NO. 2021-24

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

WHEREAS, the annual Wayne Henoween Celebration will be held on Main Street from 1st Street to 4th Street on July 9, 2021, from 2:30 p.m. to 2:00 a.m. (July 10, 2021), at which time the City will relinquish control of this section of Highway 15 back to the Nebraska Department of Roads; and

WHEREAS, the annual Wayne Chicken Show parade will be held on Main Street from 1st Street to 10th Street, including the intersections, and on 10th Street from Main Street to Lincoln Street on July 10, 2021, from 9:00 a.m. until 11:30 a.m. (or until the end of the parade), at which time the City will relinquish control of this section of Highway 15 back to the Nebraska Department of Roads; and

WHEREAS, the Wayne Area Chamber of Commerce, in compliance with City of Wayne policy for events held on public right-of-way, will provide special events insurance coverage for both events to indemnify, defend, and hold harmless the City of Wayne and the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event; and

WHEREAS, during the above time periods of these events, the City of Wayne acknowledges all duties set out in subsection (2) of LB589/N.R.S. Section 39-1359.

NOW, THEREFORE, BE IT RESOLVED, that during the above time periods of these events, the City of Wayne, Nebraska, accepts and will carry out all duties set out in subsection (2) of LB589/N.R.S. Section 39-1359; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that if a claim is made against the State of Nebraska, it shall indemnify, defend, and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event.

PASSED AND APPROVED this 20th day of April, 2021.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

April 15, 2021

Wes Blecke
City Administrator
306 Pearl Street
POB 8
Wayne, NE 68787

RE: LB840 RLF Review Committee – recommendation for *DSF Wayne Short Stop, LLC*

Dear Wes,

The City of Wayne LB840 Revolving Loan Fund Review Committee met on April 14, 2021 and reviewed a revolving loan fund application to Wayne's Economic Development Program by *DSF Wayne Short Stop, LLC*.

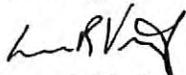
The Review Committee met with Shelly & Dan Fehringer from *DSF Wayne Short Stop, LLC*. The Fehringers said the company intends to utilize the WEDP Funds to conduct improvements at the Short Stop convenience store located at 1034 Main Street, including a roof replacement, increasing the building's R-value, and updating the fuel pump credit card reader system. Along with Wayne's Economic Development Program for the proposed improvements, the Fehringers contributed 10% equity to the overall project and secured financing through the Small Business Administration's (SBA) 7(a) loan guaranty program for the purchase of the real estate and business.

Following the meeting with *DSF Wayne Short Stop, LLC*, the Review Committee discussed and took action on the request by *DSF Wayne Short Stop, LLC* for an LB840 RLF Loan of \$85,000. The LB840 Revolving Loan Fund Review Committee voted unanimously to recommend the following terms for a loan to *DSF Wayne Short Stop, LLC*:

- approval of the loan request for \$85,000;
- a loan repayment period of 10 years;
- and, an interest rate to be set at one half the rate set by the primary lender.

Please convey these recommendation to the members of the City Council so the necessary steps can be taken to complete the application process. Feel free to contact me if you have any questions.

Sincerely,



Lucas R. Virgil
Executive Director



APPLICATION FOR WAYNE'S ECONOMIC DEVELOPMENT PROGRAM (WEDP) FUND

| |
|---------------------|
| Application Number: |
| Date Received |

LB840 (form approved 07/31/09) 2021

PART I. GENERAL INFORMATION

TYPE OR PRINT ALL INFORMATION

| 1. APPLICANT IDENTIFICATION | 2. PERSON PREPARING APPLICATION |
|--|--|
| Applicant Name: <i>Daniel and Shelly Fehringner</i> | Name/Business: <i>DSF Wayne Short Stop</i> |
| Mailing Address: <i>1308 Douglas St.</i> | Address: <i>1034 Main St.</i> |
| Wayne <input type="checkbox"/> NE 68787 | Wayne <input type="checkbox"/> NE 68787 |
| (City) (State) (ZIP) | (City) (State) (Zip) |
| Telephone Number: <i>402-833-8544</i> | Telephone Number: <i>402-833-5177</i> |
| Fax Number | Federal Tax ID # / SS# |
| Federal Tax ID Number: <i>85-3315524</i> | <i>85-3315524</i> |
| Email Address: <i>ssfehringner@gmail.com</i> | Email Address: <i>ssfehringner@gmail.com</i> |
| 3. BUSINESS TYPE | 5. FUNDING SOURCES |
| <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other: | WEDP Funds Requested: \$ <i>85,000-</i> Matching Funds: \$ <i>45,424-</i> Other Funds: \$ <i>382,400-</i> Total Project Funds: \$ <i>512,824-</i> <i>(Round amounts to the nearest hundred dollars.)</i> |
| 4. ASSISTANCE TYPE REQUESTED | |
| <input checked="" type="checkbox"/> Low interest loan <input type="checkbox"/> Interest buy down <input type="checkbox"/> Performance-based loan <input type="checkbox"/> Grant <input type="checkbox"/> Other | |

6. PROGRAM SUMMARY: Brief narrative description of the project for which WEDP funds are requested
Repair existing building much needed roof. Replace computer system and dispensers with chip readers that meet Federal mandate. Approximately 50k has been put into unexpected maintenance and inventory replacement costs.

7. CERTIFYING OFFICIAL: Chief Executive Officer or owner of applicant requesting WEDP funds.
To the best of my knowledge and belief, data and information in this application are true and correct, including any commitment of local or other resources. This applicant will comply with all Federal, state, and local requirements governing the use of WEDP funds.

| | | |
|---|--|-------------------|
| <i>Shelly Fehringner, Daniel Fehringner</i> | <i>Shelly Fehringner - owner Daniel Fehringner - owner</i> | <i>3/24/21</i> |
| Signature in ink | Typed Name and Title | Date Signed |
| <i>LUKE VIRGIL</i> | Luke Virgil, WAED Executive Director | <i>03/25/2021</i> |
| Attest | Typed Name and Title | Date Signed |

SUBMIT THE ORIGINAL AND ONE COPY (UNBOUND) OF THE ENTIRE APPLICATION TO:
 Wayne Economic Development Program Fund
 108 W 3rd Street, Wayne, NE 68787
 (402) 375-2240 Fax (402) 375-2246

PART II. FUNDING SUMMARY

(Round amounts to the nearest hundred dollars.)

| Eligible Activities | WEDP Funds | Matching Funds | Other Funds | Total Funds | Sources of Matching or Other Funds |
|---|-------------------------------|-------------------------------|--------------------------------|----------------|--------------------------------------|
| The purchase of real estate, options for such purchases, the renewal or extension of such options, and public works improvements | | \$45,424. ⁰⁰ | \$382,400 | 427,824 | personal cash injection and SBA Loan |
| Payments for salaries and support of City staff to implement the Program or for contracting of an outside entity to implement any part of the Program. | | | | | |
| Expenses for business and industry recruitment activities to locate or relocate a qualifying business into the area and for equity investment in a qualifying business. | | | | | |
| The authority to issue bonds pursuant to the act subject to City Council approval. | | | | | |
| Grants or agreements for job training. | | | | | |
| Small business and microenterprise development including expansion of existing businesses. | \$85,000. ⁰⁰ | | | | Request for Repairs & upgrades |
| Interest buy down agreements. | | | | | |
| Expand and promote Wayne through marketing, workforce attraction, and tourism related activities. | | | | | |
| Development of housing related programs to foster population growth. | | | | | |
| Activities to revitalize and encourage growth in the downtown area. | | | | | |
| May contribute to or create a revolving loan fund from which low interest or performance based loans will be made to qualifying entities on a match basis. | | | | | |
| Other approved activity | | | | | |
| TOTAL PROGRAM COSTS | \$85,000.⁰⁰ | \$45,424.⁰⁰ | \$382,400.⁰⁰ | 512,824 | |

APPLICANT CERTIFICATIONS

- a. There are no legal actions underway or being contemplated that would significantly impact the capacity of this company to effectively proceed with the project; and to fulfill all WEDP requirements.

If benefiting business/organization is a proprietorship or partnership, sign below:

By: _____ Date: _____

If benefiting business/organization is a Corporation, sign below:

By: Shelly Fehrig / David Felix Date: 3/24/21

LRV Luke Virgil/WAED Executive Director 03/25/2021
 Attest Typed Name/Title Date

PART III. PROJECT DESCRIPTION AND IMPACT

On separate sheets of paper, provide any additional information (such as jobs to be created, collateral assignments, community impact, etc.) and enclose with this application form.

Submit the original and one copy of the application form and all application materials.

DO NOT BIND, FOLD, OR STAPLE

To: Wayne Economic Development Program Fund

FR: Daniel and Shelly Fehring - DSF Wayne Short Stop

RE: LB840 Funds

First let me start by saying how excited we are to be business owners in Wayne. This has been a dream of mine and I am loving it- good and bad. Dan and I have the opportunity to develop and improved a business in an existing building: The key point is "existing building" which has brought us many surprises as we begin this adventure.

We are hoping to not only bring more opportunity to the community in the Short Stop but to bring another business into Wayne. One that will employ more people and hopefully bring outsiders to Wayne as well, helping to increase revenue in the community.

Unfortunately, we will need to upgrade the computer system and the dispensers to meet federal requirements to have the appropriate chip readers on the dispensers. Because the existing Gilbarco passport is so outdated, we cannot do one without the other. The estimate for this upgrade is \$50,170.00. We will also need to replace the badly leaking roof. The roof has been estimated at approximately \$35,000.00.

With help from WAEDA and the City of Wayne the LB840 loan will keep us within federal standards, create a future for more business opportunity and provide another option in Wayne. We are confident that a new Businesses will bring more people to Wayne who will in turn do more shopping in Wayne. It is a win-win situation for everyone.

ORDINANCE NO. 2021-8

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 “~~2012~~ 2018 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. 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, § 18-41)

(B) *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) *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 103.1 Creation of enforcement agency. Add the following after the last sentence:

The terms building official and code official shall be interchangeable as they relate to the code.

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~~ **Right-of-Way** 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.

2. Fences not over 8 feet high.

3. Retaining wall less than 48” high when measured from the top of the finished grade at base of retaining wall to top of retaining wall unless supporting a surcharge of impounding Class I, II, or IIIA liquids. Retaining walls over 48” above finished grade shall be provided with a guardrail. The guardrail shall be a minimum of 36” high.

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~~ **June 1, 2021**

Adopt Appendix B – Board of Appeals. **Amend the following sections to read as follows:**

[A] B101.1 Application. 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. Such fee shall be refunded to the applicant in the event the board of appeals finds in favor of the applicant.

[A] B101.2.2 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass judgement on matters pertaining to building construction and are not employees of the jurisdiction.

[A] B101.3 Notice of meeting. The board shall meet upon notice from the chairperson within 60 days of the filing of an appeal or at stated periodic meetings.

Adopt Appendix F – Rodent Proofing.

(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 ~~2014~~ 2017 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 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 ONE- AND TWO-FAMILY DWELLING CODE.

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction, and uses of materials in houses erected, constructed, enlarged, altered, repaired, relocated and converted, the “~~2012~~ 2018 International Residential Code for One- and Two-Family Dwellings”, as published by International Code Council, Inc., is hereby adopted as the one- and two-family dwelling code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (B) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

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

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

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

Section 110.2 Change in use. Delete this section.

Section 110.4 Temporary Occupancy. Delete this section.

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 "**Crawl Space,**" "Sleeping Room" and "Building Envelope" as follows:

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

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

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

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

| | |
|--------------------------|-------------------------|
| Roof Snow Load: | 30 lbs. per square foot |
| Ground Snow Load: | 25 lbs. per square foot |
| Wind Speed: | 90 15 mph |
| Seismic Design Category: | B |

| | |
|--|-------------------|
| Subject to Damage from Weathering: | Severe |
| Subject to Damage from Frost Line Depth: | 42 inches |
| Subject to Damage from Termite: | Moderate to Heavy |
| Subject to Damage from Decay: | None to Slight |
| Winter Design Temp: | 4 Degrees |
| Flood Hazards: | Not Available |

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

Section R302.5.1 Opening protection. Amend. Delete “equipped with a self-closing device.”

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

Section R302.12 Draftstopping. Delete this section.

Section R302.12.1 Materials. Delete this section.

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

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

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

Section R309.5 Fire Sprinklers. Delete **this text.** Add **“Garages located less than 10 feet from a dwelling unit on the same lot shall be protected with not less than 5/8” gypsum board applied to the interior and exterior walls.**

Section R311.7.5.1 Risers. Add Exception: 3. Secondary stairways serving only storage and utility areas need not comply with rise height and tread depth.

Section 311.7.8.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 30 inches and not more than 38 inches.

Section R313 AUTOMATIC FIRE SPRINKLER SYSTEMS. Delete this section.

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

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

Section R402.2 Concrete. Add the following sentence: “Garage floors and driveways or unreinforced

concrete shall be a minimum of 4” thick.

Section R402.1.1 Minimum size. Add “Spread footings shall not be less than 16” wide or less than 8” thick with 2 courses of ½” rebar.”

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 M1305.1 Appliance access for inspection service, repair and replacement. Amend to add after last sentence: “Mechanical rooms containing two or more appliances shall not be less than 40 square feet in area nor less than 4 feet in width or depth.”

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

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

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

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

Section P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS. Delete this section.

Adopt Appendix F - Radon Control Methods.

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

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

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

Delete AF103.3 Soil-gas-retarder.

Delete AF103.5.2 Soil-gas-retarder.

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

(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 “~~2012~~ 2018 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. 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, § 18-181)

(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: the 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).

Section 109 Means of Appeal. Delete this section in its entirety.

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 419.5 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 608.8 Stop-and-waste valves prohibited. Amend to read as follows:

Combination stop-and-waste valves or cocks shall not be installed underground. Exception: Yard hydrants and fire hydrants.

Section 608.17.1.2 Coffee machines and noncarbonated beverage dispensers. Delete this section in its entirety.

Section 608.17.5 Connections to lawn irrigation systems. Amend to read as follows:

Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

Section 705.2.2 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 705.10.2 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 706.3 Installation of fittings. Delete the exception in this section.

Section 714.1 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 714.3*:

Section 714.4 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 714.5 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 1111.1 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 1113.1.

(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 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 “~~2012~~ 2018 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. 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) 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 in their entirety.

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 805.3 Factory built chimney offsets. Delete this section in its entirety.

(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.

(A) *Adopted by reference.* To provide certain minimum maintenance standards, provisions, and requirements for existing buildings the **2012 2018** International Property Maintenance Code, as published by the International Code Council, Inc., is hereby adopted as the property maintenance code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (C) of this section. One copy of the Code adopted in this section is on file at the public library and is available for 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

(B) *Conflicts.* In the event of a conflict between the provisions of the publication adopted by reference in this subchapter and any other provisions of this code, such other provisions shall be controlling. (2002 Code, § 18-243) (Ord. 2011-8, passed 8-16-2011)

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

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

Section 103.5 Fees. Amend section to read as follows:

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

Section 110.1 General. Amend section to read as follows:

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

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

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

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

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

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

“The board shall meet upon notice from the chairperson, within 60 days of the filing of an appeal,

or at stated periodic board meetings.”

Section 112.4 Failure to comply. Insert: 100 and 500

Section 302.4 Weeds. Insert: twelve (12) inches

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

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

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

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

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

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

Exceptions:

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

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

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

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

Section 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~~ **2018** 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:

Section C101.1 Title. Insert: the City of Wayne, Nebraska.

Section C109.1 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 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.

Sections C109.2 and C109.3 Delete these sections in their entirety.

Section C402.2.2 Above grade walls. Add after first paragraph, "Exterior wall cavities of conditioned spaces shall be filled to a minimum of 98% capacity with insulation."

IECC-Residential Provisions. Delete this section in its entirety.

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

- (a) Ceiling: ~~R-49~~ **R-60** insulation.
- (b) Frame walls: R-20 (combined R-value of wall elements).
 - (1) Exterior wall cavities of conditioned spaces shall be filled to a minimum of 98% capacity with insulation.**
- (c) Slab edge (on-grade): R-10 insulation, ~~twenty-four (24) inches down from top of slab from top of slab to 42" below finished grade.~~
- (d) Floors (over unheated spaces): R-38 insulation.
- (e) Finished basement walls: ~~R-14~~ **R-18** (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~~ **.30**.
 - (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=2.5/1.5 (air source).
 - b. COP=2.5 (water source).
- (2) Boilers and furnaces: Combustion efficiency equals eighty-two (~~80~~ 82) 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
 - b. Remaining surfaces are covered by not less than ~~R-49~~ R-60 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:

§ 150.33 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 18th day of May, 2021.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk