

**AGENDA
CITY COUNCIL MEETING
COUNCIL CHAMBERS – CITY HALL
306 PEARL STREET
May 18, 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 Council Chambers, 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 – May 4, 2021](#)
3. [Approval of Claims](#)
4. [Presentation of the Initial Financial Managerial Water System Assessment — Ken Halvorsen, Nebraska Rural Water Association](#)

Background: This short presentation is a requirement for the State of Nebraska Drinking Water State Revolving Fund that we applied for on the new water transmission main back in April, 2020.

5. [Action to appoint Phill Monahan as Fire Chief](#)

Background: The Fire Department approved Phill as Fire Chief for another year. Council must ratify that appointment.

6. [Action on the Volunteer Fire Department Application for Cadet Membership of Cooper Zara — Phill Monahan, Fire Chief](#)

7. [Action on the request of Jeannine Wriedt, d/b/a Wriedt Properties, to consider forgiving the Water and Sewer Usage \(February 15th – April 14th\) at 914 Windom Street because of frozen water pipes](#)

8. [Public Hearing: To consider the Planning Commission’s recommendation regarding a Rezoning Request for Lot 3, Southeast Addition to the City of Wayne, Wayne County, Nebraska. The applicant for the request is the City of Wayne and it is seeking to rezone the area from I-1 Light Industrial and Manufacturing to R-4 Residential. \(Advertised Time: 5:30 p.m.\)](#)

Background: The Planning Commission held a public hearing on May 3rd regarding this rezoning request. They have forwarded a recommendation of approval with the “Findings of Fact” being consistency with the Comprehensive Plan and future land use map, and staff’s recommendation. This action does not mean the City has to sell the lot for development, but

should they choose to do so, the future use would be residential of some type rather than an industrial business with potential for heavy truck traffic.

9. [Ordinance 2021-9: Amending the Zoning Map](#)
10. Public Hearing: To consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code, specifically Section 152.064 R-4 Residential District (D) Permitted Conditional Uses (2) Exceptions to include (4) Electrical Distribution Substations, Gas Regulator Stations, Communications Equipment Buildings, Public Service Pumping Stations and/or Elevated Pressure Tanks. The applicant is the City of Wayne. (Advertised Time: 5:30 p.m.)

Background: The Planning Commission held a public hearing on May 3rd regarding the proposed amendments to Section 152.064 of the Wayne Municipal Code. They have forwarded a recommendation of approval with the "Findings of Fact" being consistency with the Comprehensive Plan and staff's recommendation. During conversation with a communications business coming to Wayne, we discovered that R-4 is the only residential district which does not contain this language. This would make the Zoning Code consistent throughout the residential areas.

11. [Ordinance 2021-10: Amending Wayne Municipal Code, Title XV Land Usage, Chapter 152 Zoning, Section 152.064 R-4 Residential District \(D\) Permitted Conditional Uses \(2\) Exceptions to include \(4\) Electrical Distribution Substations, Gas Regulator Stations, Communications Equipment Buildings, Public Service Pumping Stations and/or Elevated Pressure Tanks](#)
12. [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 \(Third and Final Reading\)](#)

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. Since the 2nd reading, we have amended language to allow temporary occupancy in a one-and two family dwelling with an additional cash deposit and a provision to limit the building permits to no more than 2 years from written approval for these same dwelling units.

13. [Resolution 2021-27: Approving Agreement with Waste Connections of Nebraska, Inc., for the operation of the Wayne Recycling & Trash Center](#)

Background: The current agreement at the Wayne Recycling & Trash Center is expiring in June. Staff has met with Waste Connections to negotiate a new agreement. The major changes include increasing the term from 3 years to 5 years, and that Waste Connections will provide garbage and recycling collection from all city facilities at no cost. Brett Davis from Waste

Connections will be present. As of this writing, we have not received the final version of said agreement.

14. [City Administrator Evaluation](#)
15. [Adjourn](#)

**MINUTES
CITY COUNCIL MEETING
May 4, 2021**

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on May 4, 2021, at 5:30 o'clock P.M.

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

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 22, 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 Woehler made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meeting of April 20, 2021, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was 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; ALL HOURS TOWING, SE, 275.00; AMERICAN TEST CENTER, SE, 1482.00; AMERITAS, SE, 174.53; AMERITAS, SE, 2606.02; AMERITAS, SE, 72.00; AMERITAS, SE, 120.81; APPEARA, SE, 94.30; ARNIE'S FORD, SU, 30593.00; ARNIE'S FORD, SU, 30593.00; BACKFLOW APPARATUS, SU, 1605.80; BLACK HILLS ENERGY, SE, 863.15; BLUE CROSS BLUE SHIELD, SE, 49499.69; CENTURYLINK, SE, 426.69; CITY EMPLOYEE, RE, 175.00;

CITY EMPLOYEE, RE, 500.00; CITY EMPLOYEE, RE, 259.86; CITY EMPLOYEE, RE, 87.45; CITY EMPLOYEE, RE, 248.26; CITY EMPLOYEE, RE, 327.11; CITY EMPLOYEE, RE, 83.68; CITY OF WAYNE, PY, 81504.92; CITY OF WAYNE, RE, 284.40; CONSOLIDATED MANAGEMENT, SE, 8.74; CORE & MAIN, SU, 1694.86; CUSTOM FILTRATION, SU, 392.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 216.72; DITCH WITCH UNDERCON, SU, 32.86; FIRST CONCORD GROUP, SE, 3429.96; FLOOR MAINTENANCE, SU, 214.42; GDS ASSOCIATES, SE, 2062.50; GERHOLD CONCRETE, SU, 219.66; GROSSENBURG IMPLEMENT, SU, 124.17; HILAND DAIRY, SE, 297.23; HUNDERTMARK CLEANING SYSTEMS, SU, 162.20; ICMA, SE, 273.88; ICMA, SE, 154.72; ICMA, SE, 8348.23; ICMA, SE, 1446.86; ICMA, SE, 61.88; ICMA, SE, 112.52; ICMA, SE, 145.28; ICMA, SE, 147.00; ICMA, SE, 121.15; ICMA, SE, 366.40; IIMC, FE, 175.00; IOWA PUMP WORKS, SU, 420.37; IRS, TX, 10508.62; IRS, TX, 3286.34; IRS, TX, 14051.80; JEO CONSULTING GROUP, SE, 1000.00; KTCH, SE, 75.00; LINCOLN WINWATER WORKS, SU, 220.60; LINNERSON, ABBY, RE, 50.00; LYNN PEAVEY, SU, 179.50; MICHAEL TODD & CO, SU, 3372.13; MILLER LAW, SE, 5416.67; MUNICIPAL SUPPLY, SU, 2716.40; NE DEPT OF REVENUE, TX, 4445.46; NE DEPT OF TRANSPORTATION, SE, 48712.76; NMPP ENERGY, SE, 1000.00; OLSSON ASSOCIATES, SE, 8890.00; O'REILLY AUTOMOTIVE STORES, SU, 55.03; OSNES, JACK, RE, 85.00; PREMIER BIOTECH, SE, 76.36; QHA CLEANING, SE, 1375.00; SERVICE TECH OF CENTRAL IOWA, SE, 1727.06; SHERWIN WILLIAMS, SU, 30.00; STAPLES, SU, 174.94; STATE FIRE MARSHAL TRAINING DIVISION, SE, 100.00; SUNSET LAW ENFORCEMENT, SU, 1277.70; SUPERCIRCUITS, SU, -779.00; THE HOME DEPOT PRO, SU, 270.44; TOTAL GRAPHICS, SU, 157.20; UTILITY EQUIPMENT, SU, 1106.57; VAN DIEST SUPPLY, SU, 474.00; WAED, SE, 8627.41; WAYNE COUNTY TREASURER, SE, 405.55; WESCO, SU, 55.40; WIGMAN COMPANY, SU, 661.52; WISNER WEST, SU, 170.59; ZIMCO SUPPLY, SU, 1247.00; ALTEC INDUSTRIES, SU, 304.68; AMERICAN BROADBAND, SE, 2445.84; BIRTH, COURTNEY, RE, 500.00; BOMGAARS, SU, 1434.90; CARHART LUMBER, SU, 213.46; CITY EMPLOYEE, RE, 79.20; CITY EMPLOYEE, RE, 164.17; CITY EMPLOYEE, RE, 151.74; CITY OF PONCA, RE, 14988.05; CITY OF WEST POINT, RE, 21753.20; CITY OF WISNER, RE, 2266.95; DUGAN BUSINESS FORMS, SU, 2523.75; EASYPERMIT POSTAGE, SU, 884.93; ED M. FELD EQUIPMENT, SU, 245.00; GALE/CENGAGE LEARNING, SU, 24.69; GERHOLD CONCRETE, SU, 153.12; GLOBAL PAYMENTS INTEGRATED, SE, 430.77; HALLE, KEVIN, RE, 25.00; HOMETOWN LEASING, SE, 436.02; KAUP FORAGE & TURF, SU, 1330.00; LUTT OIL, SU, 5441.04; LYNN PEAVEY, SU, 12.30; MAXNET SECURITY, SE, 2290.50; NE LAW ENFORCEMENT, SE, 30.60; NNEDD, FE, 7361.90; NORTHEAST POWER, SE, 6688.00; PAC N SAVE, SU, 698.26; PAC N SAVE, SU, 9.87; PONCA RURAL FIRE BOARD, RE, 3587.85; QHA CLEANING, SE, 1375.00; QUALITY 1 GRAPHIC, SE, 130.00; SHERWIN WILLIAMS, SU, 55.81; STATE NEBRASKA BANK-PETTY CASH, RE, 98.28; THETA PHI ALPHA, RE, 150.00; THETA PHI ALPHA, RE, -150.00; TOTAL GRAPHICS, SU, 638.03; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 15571.34; UTILITY EQUIPMENT, SU, 536.03; VIAERO, SE, 67.32; VILLAGE OF WINSIDE, RE, 4795.70; WAYNE COMMUNITY SCHOOLS, RE, 4464.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE COUNTY COURT, RE, 280.00; WYNIA, KATIE, SE, 80.00

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

Sandy Brown, representing the Wayne Green Team, gave her yearly update/report on their recycling efforts. She noted they have diverted close to 356,000 pounds of materials from the landfill, which covers electronics, glass, batteries and light strings combined. They have hosted seven electronic

recycling events, six Earth Day Movies, and has helped buy 27 outdoor recycling bins. They have secured \$23,000 in grant funds this year. Since 2013, the City of Wayne Green Team has secured over \$72,000 in grant funds for the community.

Casey Junck, Water/Wastewater Superintendent, and Roger Protzman, Engineer with JEO Consulting Group, Inc., gave an update on the water transmission main. Staff super chlorinated the first 2.5 miles of the main, shut the air release valves off, and flushed the line. Two tests, two days in a row passed or came back negative. They are going to take one of the air release valves off and send to the factory to be tested. They will provide more updates as they come in.

A presentation was given by Andrew Ross, Director of Retail Utility Services & Member Relations for the Nebraska Municipal Power Pool, on the "February Electric Event." They put together a proforma for Wayne that reflects a production cost adjustment to recover Big Rivers' estimated \$819,157 of additional power costs due to the February weather event. The Production Cost Adjustment (PCA) of \$.0124 per kWh is estimated to recover the costs over a 12-month period, beginning June 1, 2021. The PCA charge is calculated based on pre-pandemic 2019 kWh sales. However, he advised the Council could do nothing and reduce its reserves by that much or increase rates to recover the costs. By reducing reserves, the need to increase rates would be pushed ahead by one year. If the PCA is enacted, he anticipates Wayne's rates would not have to be changed for 2-3 years. His recommendation was to enact the PCA.

Staff recommendation was to enact the PCA to help recover the costs in lieu of decreasing reserves or implementing a rate increase.

After discussion, a motion was made by Councilmember Spieker and seconded by Councilmember Eischeid, to set a Production Cost Adjustment at \$.0124 per kWh per the recommendation of Andrew Ross, Director of Retail Utility services & Member Relations for the Nebraska Municipal Power Pool, effective with the billing that goes out June 1, 2021, for 12 months. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Doug Temme, President of the Wayne County Ag Society, along with Kevin Davis and Matt Haschke, were present requesting Council consideration to forgiving the Ag Society's sewer bill for the usage between February 15 and March 15th, 2021, for the reason that they had a water line break in the Commercial Building during the very cold spell in February. Mr. Temme noted they have paid the water bill.

A concern was that this may be setting a precedent for similar situations.

It was noted that because the fairgrounds is outside city limits, the Ag Society pays double on both water and sewer services.

After discussion, a motion was made by Councilmember Eischeid, and seconded by Councilmember Woehler, to waive the entire sewer usage portion of the Wayne County Ag Society utility bills received on April 1st and May 1st (February 15th – April 15th usage), 2021. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried

Administrator Blecke stated that Black Hills Energy (BHE) is requesting the same consideration as was given ALLO for a "Community-Wide Blanket Construction Permit." They want to construct, install, operate, maintain and expand its natural gas distribution facilities across all of the City under a "blanket construction and digging permit" for a fee of \$800 for 2021. BHE would need to come before Council again for work to be completed in 2022 and beyond.

Representatives from Black Hills Energy (Mary Martin, Community Affairs Manager, Matt Hines, Norfolk Operations Supervisor, and Mike Vovos, Lead Service Tech), were present to answer questions. Their goal is to have the project start June 1st and have everything wrapped up in September. This first phase of work will take place in the northeast quadrant of Wayne. This blanket permit is just for this project and not for their other day-to-day activities. They will communicate with their customers/residents in the areas they will be working to keep them informed of the project, possible service disruption, etc.

Councilmember Spieker introduced Resolution 2021-25, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2021-25

A RESOLUTION APPROVING COMMUNITY-WIDE BLANKET CONSTRUCTION PERMIT AGREEMENT BETWEEN THE CITY OF WAYNE AND BLACK HILLS NEBRASKA GAS, LLC, D/B/A BLACK HILLS ENERGY.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Lowell Heggemeyer, Park and Rec Director, stated he received four bids on the “Hank Overin Ball Field Irrigation Sprinkler System Project.” After review of the same, he is recommending the project be awarded to the low bidder, Claussen & Sons Irrigation, LLC, for \$7,650. He noted this is for labor only. The City will purchase the materials for the project, which are estimated to be around \$13,325. The FY-21 budget has allocated funds for this project (\$25,000). This project will start August 1st.

Councilmember Eischeid had concerns in regard to touching the infield in light of the improvements that were just made to it a few years ago.

Councilmember Taoka introduced Resolution 2021-26, and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2021-26

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “HANK OVERIN BALL FIELD IRRIGATION SPRINKLER SYSTEM PROJECT” TO CLAUSSEN & SONS IRRIGATION, INC., FOR \$7,650.00.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, stated he had not received any comments back from Council regarding any of the changes to the proposed ordinance. If Council wanted to see changes to the temporary occupancy permit before final approval, he could put limitations such as “under these conditions, you can have a temporary occupancy permit” if items a, b, c are completed.

Discussion took place in regard to implementing a higher deposit for a temporary occupancy fee. It is now \$1,000. A suggestion was to make the deposit based on the valuation of the house.

Administrator Blecke stated he had conferred with a local contractor who recommended a deposit of 10% of whatever the value of the building permit was. This would be required for those wanting a temporary occupancy permit.

Mr. Hansen stated in addition to this, there are non-ending building permits with remodeling projects. He was recommending establishing a time limit (2 years) on the section of the code pertaining to building permits. When it hits year 2, the fee and deposit would be forfeited. They would need to apply for a new permit and put down a new deposit in order to continue with the rest of the work.

After discussion, Mr. Hansen stated he would prepare amendments to the appropriate sections of the code for consideration and distribute the same to Council prior to the next meeting.

After discussion, Councilmember Eischeid introduced Ordinance No. 2021-8, and moved for approval of the second reading thereof; Councilmember Karsky seconded.

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

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:42 p.m.



Vendor	Payable Description	Payment Total
ACE HARDWARE & HOME	VALES/FASTENERS/PAINT	501.22
ALL HOURS TOWING LLC	TOWING CHARGES	225.00
AMERITAS LIFE INSURANCE	AMERITAS ROTH	174.53
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	91.43
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,651.02
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
APPEARA	LINEN & MAT SERVICE	153.87
ARC-HEALTH & SAFETY	CPR TRAINING	96.00
ARREOLA, JORGE	REC SOCCER REF	80.00
BAKER & TAYLOR BOOKS	BOOKS	1,028.48
BENSCOTER, LOUIS	TIF PRINCIPAL & INTEREST	10,305.40
BINSWANGER GLASS	AUDITORIUM WINDOWS	1,165.53
BSN SPORTS, INC	VOLLEYBALL/SOCCER NETS	794.68
CHEMQUEST, INC.	QUARTERLY MONITORING	695.00
CITIZENS STATE BANK	TIF INTEREST	2,047.94
CITIZENS STATE BANK	TIF PRINCIPAL	8,192.91
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	3,880.00
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	183.12
CITY EMPLOYEE	CDL RENEWAL	59.50
CITY EMPLOYEE	HEALTH REIMBURSEMENT	731.91
CITY OF WAYNE	WAED MEDICAL REIMBURSEMENT	1,277.88
CITY OF WAYNE	PAYROLL	92,740.28
CITY OF WAYNE	UTILITY REFUNDS	5,927.55
CITY OF WAYNE	UTILITY REFUND CHECK REVERSAL	-659.84
COPY WRITE PUBLISHING	OFFICE SUPPLIES/SHIPPING CHARGES	148.03
COTTONWOOD WIND PROJECT, LLC	WIND ENERGY	17,173.11
CUSIP SERVICE BUREAU	CUSIP MAINTENANCE	91.00
DAS STATE ACCTG-CENTRAL FINANCE	WSC INTERNET CHARGES	61.04
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	96.00
DEARBORN LIFE INSURANCE COMPANY	LIFE/DISABILITY	2,593.52
DITCH WITCH UNDERCON	ASSEMBLY	90.69
DUTTON-LAINSON COMPANY	ELECTRIC METER/MARKING PAINT	826.85
ED M. FELD EQUIPMENT CO INC	FACE MASK/TUFFSHIELD	533.25
FLOOR MAINTENANCE	CONTAINERS/CUPS/LIDS/TISSUES	203.16
GERHOLD CONCRETE CO INC.	CONCRETE	702.00
GRAINLAND ESTATES LLC	TIF INTEREST	9,013.61
HAWKINS, INC	HYDROFLUOSILICIC ACID/ZETAG	1,888.74
HEIKES AUTOMOTIVE LLC	VEHICLE REPAIRS	749.26
HELENA AGRI-ENTERPRISES, LLC	FERTILIZER	1,987.50
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	311.54
HORIZON CONSTRUCTION	BUILDING PERMIT DEPOSIT REFUND	500.00
HUBER TECHNOLOGY INC	PRESSURE SENSOR	1,262.40
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	61.88

ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	276.15
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	112.52
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	147.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	1,446.86
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	145.28
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	154.72
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	8,361.23
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	125.70
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	366.40
INGRAM LIBRARY SERVICES	BOOKS	833.22
IRS	FICA WITHHOLDING	14,117.64
IRS	FEDERAL WITHHOLDING	10,510.52
IRS	MEDICARE WITHHOLDING	3,301.76
IRS	FICA WITHHOLDING	1,488.00
IRS	FEDERAL WITHHOLDING	256.54
IRS	MEDICARE WITHHOLDING	348.00
ISLAND SPRINKLER SUPPLY CO	TOTAL RELIEF REPAIR KIT	348.58
JOHNSON CONTROLS	FIRE ALARM PULL SWITCH	214.06
KAUP FORAGE & TURF	GRASS SEED	1,425.00
KELLY SUPPLY COMPANY	WATER SALESMAN METER INSTALL SUPPLIES	442.89
KNOEPFLER CHEVROLET CO	MODULE KIT	267.49
KTCH AM/FM RADIO	GREAN TEAM ADS	200.00
LEAGUE OF NEBRASKA MUNICIPALITIES	NCMA CONFERENCE	130.00
MADISON CO COURT	BOND	1,000.00
MATHESON-LINWELD	OXYGEN	34.25
MCLAURY ENGINEERING, INC	4TH STREET	3,312.75
MCMANIGAL, MIKAELA	REC SOCCER REF	40.00
MERCHANT SERVICES	CREDIT CARD TRANSACTION FEES	1,285.09
MERCHANT SERVICES	CREDIT CARD TRANSACTION FEES	2,648.59
MERCHANT SERVICES	CREDIT CARD TRANSACTION FEES	63.30
MID PLAINS GRAIN	TIF PRINCIPAL	6,840.98
MIDWEST ALARM SERVICES	FIRE ALARM/INSPECTION	360.67
MIDWEST LABORATORIES, INC	WASTEWATER ANALYSIS	1,974.00
MZRB LLC	TIF PRINCIPAL & INTEREST	3,463.16
NE DEPT OF REVENUE	STATE WITHHOLDING	44.22
NE DEPT OF REVENUE	STATE WITHHOLDING	4,479.12
NEBRASKA PUBLIC POWER DIST	ELECTRICITY	24,992.43
NMPP ENERGY	COMPLIANCE SERVICES	1,200.00
NORDBY FENCING LLC	TRANSFER STATION FENCE REPAIR	2,025.00
NORTHEAST TIRE SERVICE	TIRE REPAIR	25.00
ONE CALL CONCEPTS, INC	DIGGERS HOTLINE	187.35
O'REILLY AUTOMOTIVE STORES, INC.	FUEL INJECTOR CLEANER	9.99
OVERDRIVE, INC.	AUDIO/E BOOKS	1,095.21
PARADOX, LLC	BUILDING PERMIT DEPOSIT REFUND	250.00
PEERLESS WIPING CLOTH CO	WASH TOWELS	447.00
PLUNKETT'S PEST CONTROL	PEST CONTROL	1,197.09
POLLARD PUMPING	PORT A POTTIES	485.00
PSYCHOLOGICAL RESOURCES	PSYCHOLOGICAL EVALUATION	270.00
QUADIENT FINANCE USA, INC	POSTAGE	1,000.00

QUALITY 1 GRAPHIC	DECALS	100.00
QUALITY FOOD CENTER	SENIOR CENTER NOON MEAL SUPPLIES	24.07
QUALITY FOOD CENTER	ICE/FREEZER BAGS/COFFEE	18.44
RAMOS, ADRIAN	REC SOCCER REF	80.00
REYNOLDS, MIKE	TREE INCENTIVE	53.58
ROBERT WOEHLE & SONS	10% RETAINAGE LAGOON REMOVAL	5,737.50
ROCKMOUNT RESEARCH AND ALLOYS, INC	FLAP DISC/WHEEL	259.17
S & S WILLERS, INC.	ROAD GRAVEL	720.85
SD MYERS, LLC	ANNUAL SUBSTATION OIL TESTING	2,021.00
SOUTHERN CARLSON INC.	VALVES/SEAL/SPRINGS/NOZZLE/WAND	498.52
STADIUM SPORTING GOODS	SHIRTS	84.00
STATE NEBRASKA BANK & TRUST	ACH	60.24
STATE NEBRASKA BANK & TRUST	WATER BANS	69,812.50
STEFFEN TRUCK EQUIPMENT INC	STRAIGHT PLOW INSTALLED	6,545.00
US FOODSERVICE, INC.	SENIOR CENTER NOON MEAL SUPPLIES	1,781.55
UTILITY EQUIPMENT CO	O-RING	64.50
VERIZON WIRELESS SERVICES LLC	CELL PHONES/IPADS	537.27
WASTE CONNECTIONS	SANITATION BILLING	261.25
WAYNE AREA ECONOMIC DEVELOPMENT	ANNUAL BANQUET	480.00
WAYNE AUTO PARTS	BATTERIES/DOOR HANDLE/TOGGLE SWITCH	259.69
WAYNE COUNTY CLERK	LIEN RELEASE	16.00
WAYNE COUNTY COURT	BOND	400.00
WAYNE COUNTY TREASURER	VEHICLE REGISTRATIONS	70.35
WAYNE DIRT DEVILS	FIRE HALL DEPOSIT REFUND	250.00
WAYNE HERALD	ADS AND NOTICES	1,944.23
WAYNE HERALD	CAC ADS	117.50
WAYNE HERALD	GREEN TEAM ADS	217.50
WAYNE HOSPITALITY	TIF PRINCIPAL	21,501.10
WESCO DISTRIBUTION INC	SOCKETS/SCOTKOTING	430.14
WESTERN AREA POWER ADMIN	ELECTRICITY	19,286.78
WIGMAN COMPANY	BUBBLER	377.73
WINDOM RIDGE	TIF PRINCIPAL/INTEREST	3,597.12
WISNER WEST	FD GASOLINE	114.46
ZACH HEATING & COOLING	CONDENSOR COIL/REVERSING VALVE	360.00
ZOUCHA, RYAN	REC SOCCER REF	80.00
	Grand Total:	412,620.79

Initial Financial-Managerial Water System Assessment

System Name	WAYNE		Date of Assessment	April 20, 2021
Operator Name	ADAM (CASEY JUNCK)		Clerk/Treasurer Name	BETTY MCGUIRE
Mayor Name	CALE GIESE		Phone	402 375-1733
Mailing Address	306 PEARL STREET WAYNE NE		Zip	68787
Population	5,666	Total Service Connections	2,282	

Interviewer & Organization Ken Halvorsen - Nebraska Rural Water Association

NOTE: This assessment is designed to identify issues surrounding the financial and managerial capacities of a water system. When negative responses are encountered, clarification must be obtained to understand the situation. This clarification should accurately be recorded on a separate sheet with the corresponding question number.

Overall Management

If you purchase water, do you fully understand the purchasing arrangement?	
Yes	No
1	NA If you purchase water from another system or a wholesaler, do you know their long-term plans?
2	NA Do you have a contract to purchase water? Contract Terms?
3	NA Do you know the terms affecting your supply during drought conditions?
4	NA Are you guaranteed water under all conditions, even during a drought (as part of the terms)?
5	NA Is the contract reviewed on an annual basis by the governing body?
Is your current source the best choice for the long-term?	
6	X Are all service connections metered? Annual budgeted for replacement? Yes
7	X Does the peak yield from all wells cover peak demand by a comfortable margin?
8	X Can you estimate the age of your oldest well? 1970
9	X Is your oldest well you primary source of water?
10	X Is there an active WHP program?
11	What is the percent of water loss in the system? Approx. 7%
12	X Are alternative water sources (including regionalization) possibly available to you?
13	X Are you knowledgeable of the characteristics and costs of using alternative sources?
GRADE 3	
14	What level of certification does your system require?
15	X Is the person operating your system certified to operate it?
16	X Does your operator receive training on an ongoing basis to keep abreast of current developments in the water field?
Does your staff fully understand and meet all current monitoring requirements?	
17	X Do you have a track record free of monitoring violations?
18	X Are you aware of and do you understand provisions for obtaining waivers from monitoring requirements and the role of vulnerability assessment?

19	X	Does your water system obtain any regular or occasional technical assistance from outside sources, such as the state, your engineer, other utilities, or organizations specifically dedicated to providing technical assistance?
20	X	Are you aware of all the assistance programs that are available to you?
Management & Administration		
Is it clear who's in charge of what?		
21	X	Is there a clear plan of organization and control among the people responsible for management and operation of the system?
22	X	Are the limits of the operator's authority clearly known?
23	X	Are all the specific functional areas of operations and management assigned?
24		What other responsibilities does the operator have? Water/Wastewater Collection, Backflow Program
25		What is the operator's length of service? 13 years
26		What percent of time does the operator spend working on the system? 75%
27	X	In your opinion, is system staffing adequate?
28	X	Does everyone involved in operations know who is responsible for each area?
29	X	Is someone responsible for scheduling work?
30	X	Do you have explicit rules and standards for system modifications?
31	X	Do you have rules governing new hook-ups?
32	X	Do you have a main extension policy?
33	X	Do you have standard construction specifications to be followed?
34	X	Do you have measures to assure cross-connection control and backflow prevention?
35	X	Do you have policies or rules describing customer rights and responsibilities?
Do you have a deliberately organized regulatory compliance program?		
36	X	Do you fully understand monitoring requirements and have a scheduling mechanism to assure compliance?
37		When was your last successful routine sanitary survey? 2020 How many violations? 0
38	X	Do you have a mechanism to obtain the most recent information on regulatory requirements?
39	X	Do you know how to obtain clarification or explanation of requirements?
40	X	Do you maintain adequate records to document compliance?
41	X	Are all system records maintained and easily accessible?
42	X	Do you know what to do in the event of a violation?
Are you prepared to handle emergencies?		
43	X	Do you have an approved emergency response plan (ERP)?
44		What is the distribution list of the ERP? OFFICE, CITY HALL AND APPROPRIATE DEPARTMENTS
45	X	Is there a contingency for making emergency interconnections to neighboring systems, and do you know they will work when needed as well as the required regulatory approval?
46	X	Does everyone involved in operations know what they are to do in the event of contamination from a toxic or hazardous waste spill in/at your source water or a main break or a tank failure?
47	X	Do you have the ability to pump water in the event of a power outage? How? GENERATION
48	X	Is the equipment quickly available in the event of a power outage?
49	X	Do you have written drought contingency plans? Are they enforceable? YES - MUN CODE SEC 53.062 - 53.065

50	X	Do you have a safety program defining measures to be taken if someone gets hurt?
51	X	Does everyone understand the risks and safety measures involved in handling water treatment chemicals?
52	X	Do you have written operating procedures for both routine and emergency system operations?
53	X	Are you fully aware of OSHA confined space regulations?
Do you have an organized approach to maintenance?		
54	X	Do you have a system for scheduling routine preventive maintenance?
55	X	Do you have a system for assuring adequate inventory of essential spare parts and back-up equipment?
56	X	Do you have relationships with contractors and equipment vendors to assure prompt priority service?
57	X	Do you have records and data management systems for system operating and maintenance data, for regulatory compliance data, and for system management and administration?
Is your management capability complete?		
58	X	Are you getting the outside services and technical assistance you need? Do you have adequate legal counsel, insurance, engineering advice, technical/operations assistance, rate case preparation, and financial advice?
Assessing Your Finances		
Are current financial planning mechanisms adequate?		
59	X	Do you have an annual budget?
60		How frequently do you track budget performance? MONTHLY
61	X	Does your budget process provide for depreciation of the existing plant and equipment or fund reserves ?
62	X	Do you use the budgeting process to determine your annual revenue requirement?
63		How often do you review your water rates? ANNUALLY - BUDGET AND AUDIT PROCESS
64	X	Do you have a capital budget or capital improvement plan that projects future capital investment needs and at a minimum, reviews the capability of the source of supply, treatment, storage, and distribution both short and long term i.e. (2&10 year).
65	X	Do you have a process for scheduling and committing to capital projects?
66	X	Does your planning process account for all the potential capital needs suggested by all of the preceding questions in this assessment?
67	X	Does your long-term planning incorporate analysis of different methods that might offer cost savings to customers, such as consolidation with other nearby systems or sharing operations and management expenses with other nearby systems?
Are current financial management mechanisms adequate?		
68	X	Does your water system presently operate on a break-even basis?
69	X	Does it generate surplus revenue? If so, what is done with the surplus revenue? IF SO, REDISTRIBUTED TO CAPITAL IMP.
70	X	Does it operate at a loss? If not, what is the source of funds to satisfy the deficit?
71	X	Does your system bill monthly?
72	X	Do you run an aging of accounts receivable? If so, what are your day's receivable for your water sales?
73	X	Do you have a written policy for collection of delinquent accounts?
74	X	Does the water system keep all the water revenues (i.e., water revenue does not support other departments or unrelated activities)?
75		How do you track budget performance? FINANCE REPORT
76	X	Do you keep records to substantiate depreciation of fixed assets and/or accounting for reserve funds?
77	X	Are financial management record keeping systems organized?
78	X	Are controls exercised over expenditures? ABOVE \$1500 NEEDS APPROVAL - PURCHASE ORDER
79		How are controls exercised to keep from exceeding your budget? MONITOR BUDGET & EXPENSES
80	X	Are there purchasing procedures?

Are current financial management mechanisms adequate? (cont.)

	<input checked="" type="checkbox"/>	Are there procedures for the prompt selection of outside contractors and suppliers?
Internal Control		
82	<input checked="" type="checkbox"/>	Are management policies and procedures in writing?
83	<input checked="" type="checkbox"/>	Are persons handling money or signing checks bonded?
84	<input checked="" type="checkbox"/>	What level of audit review are you required each fiscal year? ANNUAL AUDIT AND SINGLE AUDIT
85	<input checked="" type="checkbox"/>	Does your auditor include a review of internal controls during the Annual Audit? Do you act on the auditor's recommendations?
86	<input checked="" type="checkbox"/>	Are receipts recorded immediately in a daily cash journal showing the person's name, check number, amount and purpose of payment?
87	<input checked="" type="checkbox"/>	Are funds received deposited promptly? The same or next day? NEXT DAY
88	<input checked="" type="checkbox"/>	Can each payment received be traced from (a) receipt to (b) journal entry to (c) the bank statement and, finally to (d) the general ledger posting?
89	<input checked="" type="checkbox"/>	Are checks received immediately stamped "For Deposit Only"?
90	<input checked="" type="checkbox"/>	Are employees prohibited from cashing checks or paying for things out of receipts so that the money received can be deposited exactly as it comes in?
91	<input checked="" type="checkbox"/>	Do you have a system for reviewing and approving purchases and payments in writing before they are made?
92	<input checked="" type="checkbox"/>	Do you have any petty cash on hand? How much? How is it funded?
93	<input checked="" type="checkbox"/>	Do you require two signatures on all checks, or checks over a certain dollar amount? Are check signers designated by the Governing Board?
94	<input checked="" type="checkbox"/>	Are all invoices approved by the Governing Board prior to payment? YES Are there invoices paid on consent approval? NO
95	<input checked="" type="checkbox"/>	Can paid invoices be readily retrieved from the filing system by the bookkeeper?
96	<input checked="" type="checkbox"/>	Does the person preparing the checks attach documentation to each check before presenting them for signatures?
97	<input checked="" type="checkbox"/>	Are invoices marked "PAID" along with the date paid and check number written on the invoice before being filed?
98	<input checked="" type="checkbox"/>	Are all bank accounts authorized by the Board and are they FDIC insured?
99	<input checked="" type="checkbox"/>	Are all deposits over \$100,000 collateralized by the bank for the amounts in excess of \$100,000?
100	<input checked="" type="checkbox"/>	Does every bank statement reconcile with deposit slips and canceled checks as well as balance verified with the general ledger?
101	<input checked="" type="checkbox"/>	Who all reviews the monthly financial records? FINANCE DIRECTOR/CITY ADMINISTRATOR/CITY CLERK
102	<input checked="" type="checkbox"/>	Are all employees required to submit a time sheet prior to payment?
103	<input checked="" type="checkbox"/>	Are all employees involved with the system paid from water revenues?
104	<input checked="" type="checkbox"/>	Are the amounts withheld from employees pay promptly sent to the appropriate authority?
Governing Board Capacity		
105	<input checked="" type="checkbox"/>	Has the governing body visited the system facilities?
106	<input checked="" type="checkbox"/>	Does the governing body meet at regularly scheduled meetings?
107	<input checked="" type="checkbox"/>	Does the system operator provide the Board with monthly reports to include gallons pumped, gallons consumed, number of new connections, compliance violations, consumer complaints, test results, system status (including repairs made and needed) and future concerns? (Pre & Post Improvements)
108	<input checked="" type="checkbox"/>	Does the system operator clearly have one supervisor for day-to-day supervision?
109	<input checked="" type="checkbox"/>	Do you have a written personnel policy?
110	<input checked="" type="checkbox"/>	Does the System designate any employees as exempt under the FLSA?
111	<input checked="" type="checkbox"/>	Does the Board annually review staff performance?
112	<input checked="" type="checkbox"/>	Does the Board actively participate in the budget and rate setting process?
113	<input checked="" type="checkbox"/>	Does the Board have written policies to handle complaints?

Supplemental Information	
114	Previous two fiscal years audit or compilation report (Pre & Post Improvements)
115	Previous two fiscal years budget (Pre & Post Improvements)
116	Current fiscal year budget
117	Rate ordinance/user agreement
118	Service connection ordinance/rules (Pre & Post Improvements)
119	By-Laws (non municipal) (Pre & Post Improvements)
120	Minutes of the annual meeting
121	Copy of purchase water contract.
122	Copies of operator's monthly reports (Pre & Post Improvements)
123	<p>Operating Ratio = Operating Expenses / Net Sales. The operating ratio is also an indirect measure of efficiency. The lower the ratio, the more efficiently the company is creating profits. The smaller the ratio, the greater the organization's ability to generate profit if revenues decrease. When using this ratio, however, you should be aware that it doesn't take debt repayment or capital investment into account.</p>

DHHS Capacity Development Coordinator

DHHS Field Services Program Manager

I have reviewed the above information and the assessment showed that their Technical, Financial, and Managerial (TFM) capability of the Public Water System meets the requirements of the Safe Drinking Water Act.

I have reviewed the above noted findings and agree with the statement that their TFM capability meets the requirements of the Safe Drinking Water Act.

If the above are not signed, then Initial TFM Assessment was not satisfactory, and those signatures will not be made until the Final TFM Assessment is acceptable.

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 Cooper Zara Address 1306 Meadow Ln.
Phone Number 402-329-4415 Social Security # _____
Driver's License Number and Issuing State _____
Employer Tom + Marcia Henderson Occupation Maintenance
How long have you been employed by your present employer? 2 years
Previous Employer and Address Andrea Zara 1306 Meadow Ln.

Have you previously been a member of a Fire Department? NO
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. _____

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? _____ 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 Cooper Zara Date 3/2/21

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

Applicant's Signature Cooper Zara Date 3/2/21

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.

Tommy B. Schnitz Scott Boyer

Secretary's Signature _____ Date _____

Chief's Signature Phillip Mauldin Date 3-4-2021

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

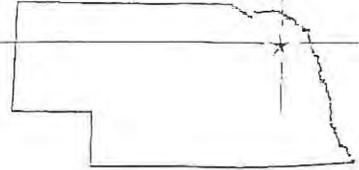
.....
For record purposes only: Date of Birth 1/4/1994 revised August 4, 2015

City of Wayne

306 Pearl • P.O. Box 8
Wayne, Nebraska 68787

(402) 375-1733
Fax (402) 375-1619

Incorporated - February 2, 1884



REQUEST FOR FUTURE AGENDA ITEM

If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. If you have additional documentation which would be beneficial to the topic, please attach to this form. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

Event insurance is required for anyone wishing to use city right-of-way (e.g. block off streets for block parties, block off sidewalks and/or alleys).

Name: Wriedt Properties / Jeannine Wriedt

Address: 519 West 4 Street

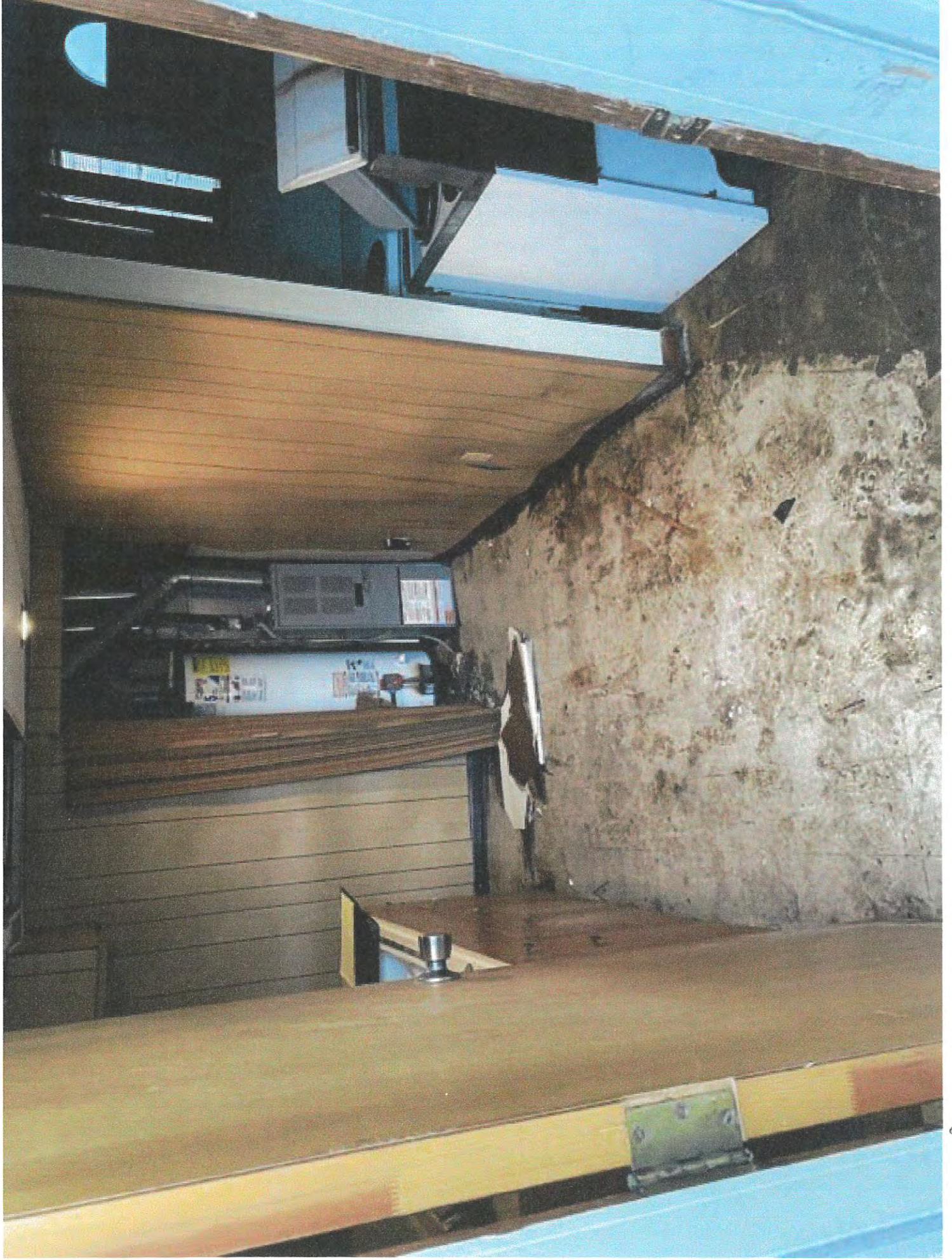
Wayne, NE 68787

Telephone No.: 402-375-2569 / 402-375-8417

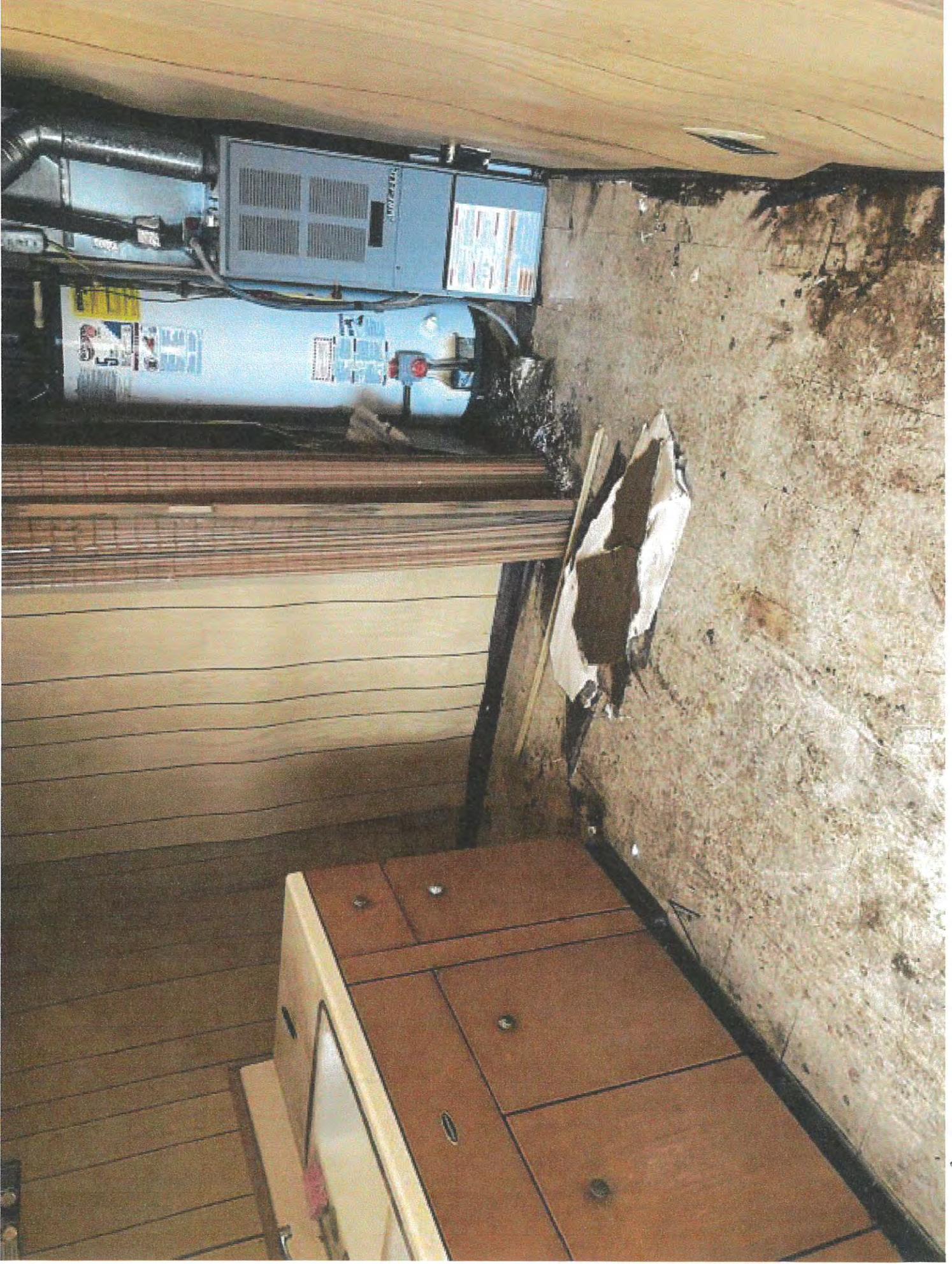
Date of Request: May 18, 2021

Description of Requested Topic: Contest water/sewer usage
due to pipes freezing and breaking in an
empty apartment.





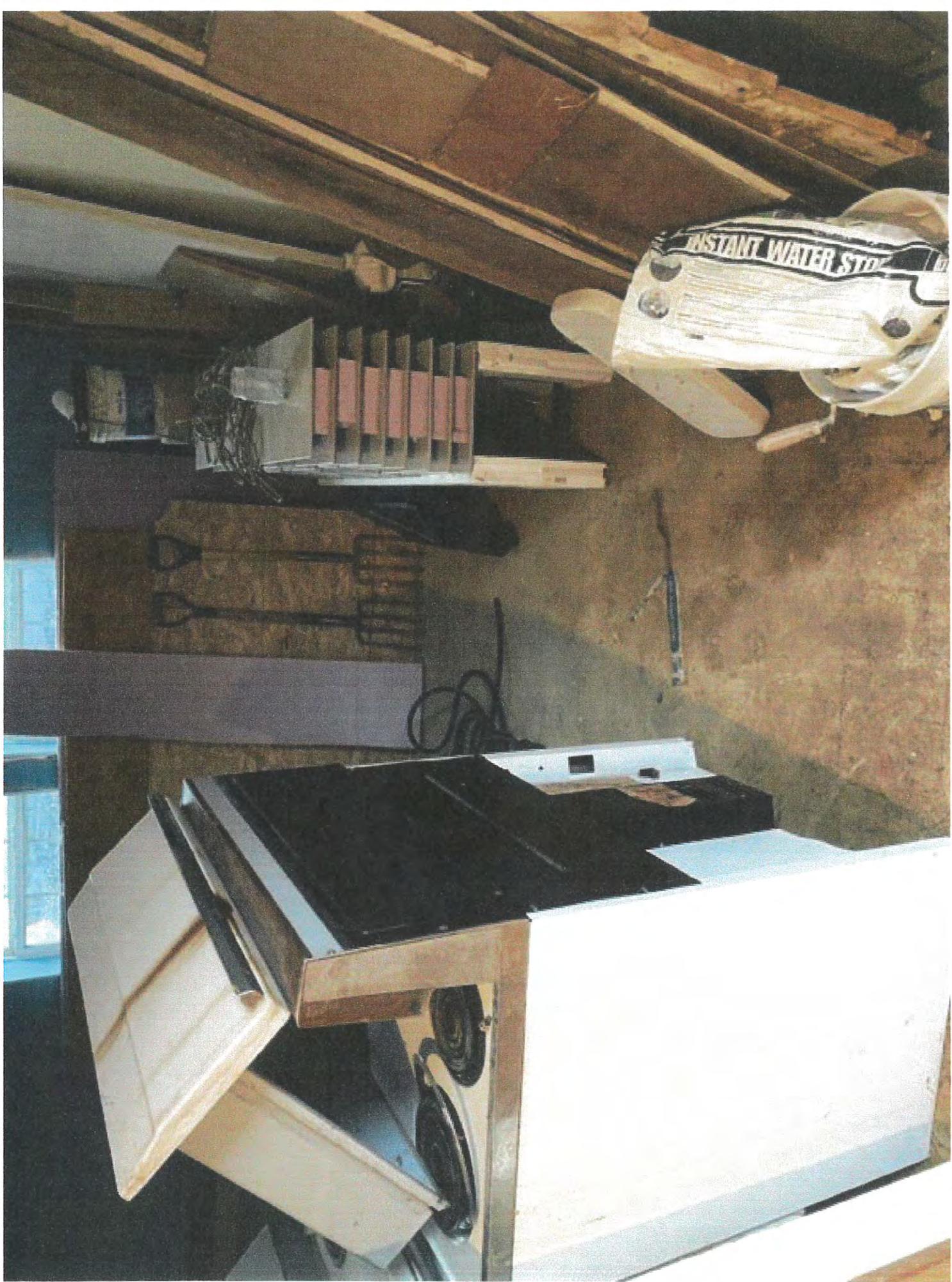
Wriet Properties

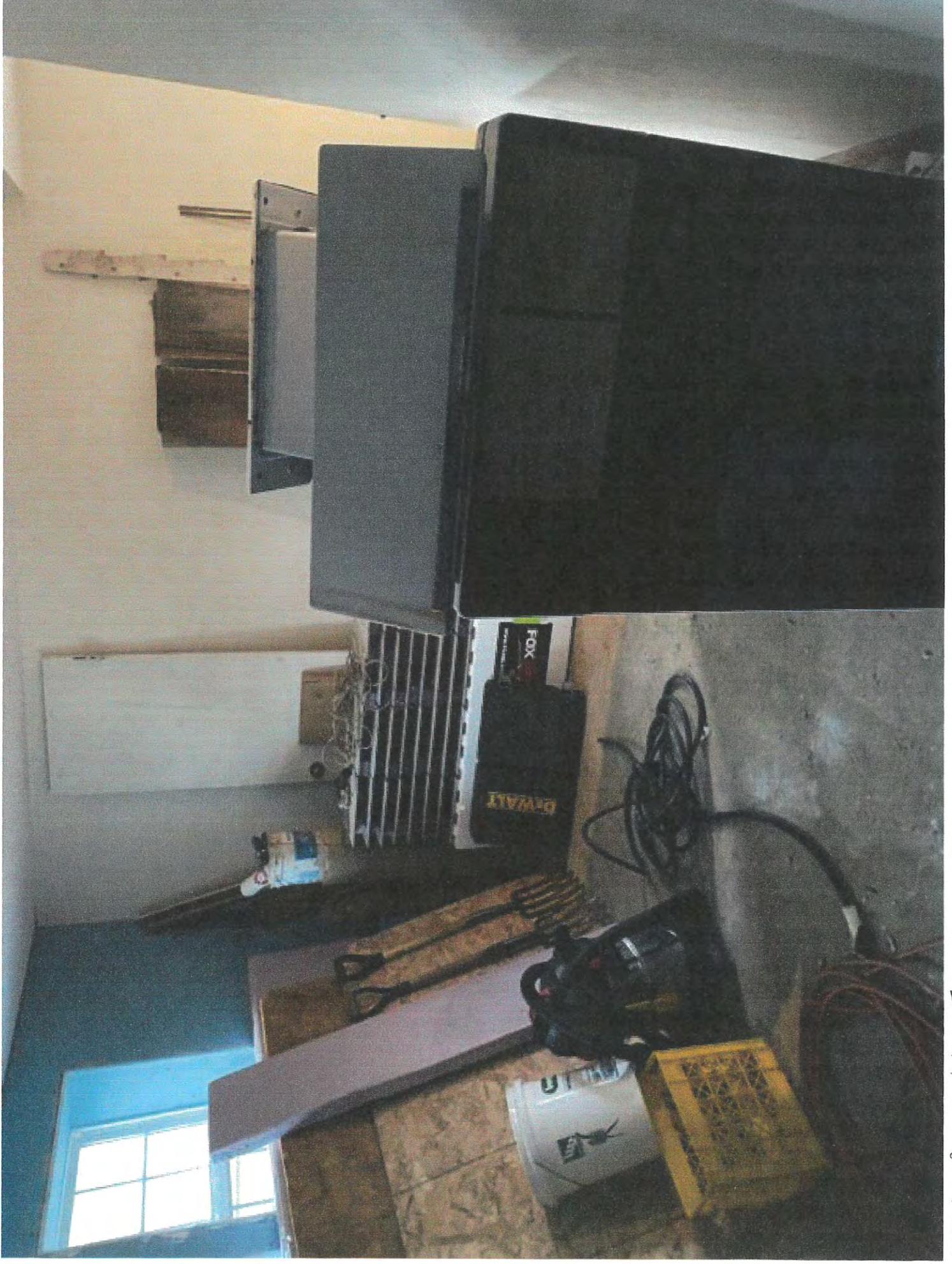


Wriedt Properties 2



Wriedt Properties 3





Wriedt Properties 5

Wriedt Properties
 914 Windom Street

Water

Bill Date	Service Code	Total Dollars	Tax Dollars	Taxable Dollars	Billed Cons	Dependent Cons	Service Start Date	Service End Date
04/27/2021	200	\$156.47	\$10.23	\$146.24	63200	0	03/15/2021	04/14/2021
03/26/2021	200	\$462.99	\$30.29	\$432.70	210100	0	02/15/2021	03/15/2021
02/24/2021	200	\$24.62	\$1.62	\$23.00	0	0	01/13/2021	02/15/2021
01/26/2021	200	\$24.62	\$1.62	\$23.00	0	0	12/16/2020	01/13/2021
12/28/2020	200	\$23.00	\$1.50	\$21.50	0	0	11/16/2020	12/16/2020
11/24/2020	200	\$23.00	\$1.50	\$21.50	0	0	10/14/2020	11/16/2020
10/27/2020	200	\$23.00	\$1.50	\$21.50	0	0	09/15/2020	10/14/2020
09/28/2020	200	\$23.00	\$1.50	\$21.50	0	0	08/13/2020	09/15/2020
08/26/2020	200	\$23.00	\$1.50	\$21.50	0	0	07/15/2020	08/13/2020
07/29/2020	200	\$23.00	\$1.50	\$21.50	0	0	06/15/2020	07/15/2020
06/26/2020	200	\$23.00	\$1.50	\$21.50	0	0	06/08/2020	06/15/2020

Sewer

Bill Date	Service Code	Total Dollars	Tax Dollars	Taxable Dollars	Billed Consumption	Dependent Consumption	Service Start Date	Service End Date
04/27/2021	300	\$530.27	\$34.69	\$495.58	0	63200	03/15/2021	04/14/2021
03/26/2021	300	\$1,728.00	\$113.04	\$1,614.96	0	210100	02/15/2021	03/15/2021
02/24/2021	300	\$14.98	\$0.98	\$14.00	0	0	01/13/2021	02/15/2021
01/26/2021	300	\$14.98	\$0.98	\$14.00	0	0	12/16/2020	01/13/2021
12/28/2020	300	\$12.84	\$0.84	\$12.00	0	0	11/16/2020	12/16/2020
11/24/2020	300	\$12.84	\$0.84	\$12.00	0	0	10/14/2020	11/16/2020
10/27/2020	300	\$12.84	\$0.84	\$12.00	0	0	09/15/2020	10/14/2020
09/28/2020	300	\$12.84	\$0.84	\$12.00	0	0	08/13/2020	09/15/2020
08/26/2020	300	\$12.84	\$0.84	\$12.00	0	0	07/15/2020	08/13/2020
07/29/2020	300	\$12.84	\$0.84	\$12.00	0	0	06/15/2020	07/15/2020
06/26/2020	300	\$12.84	\$0.84	\$12.00	0	0	06/08/2020	06/15/2020



306 Pearl Street P.O. Box 8
Wayne, Nebraska 68787
402-375-1733 cityofwayne.org

ACCOUNT NUMBER	AMOUNT DUE
08-214700-09	\$2,221.22
DUE DATE	AFTER DUE DATE PAY
4/12/2021	\$2,443.35
SERVICE ADDRESS	
914 Windom St MN FL	

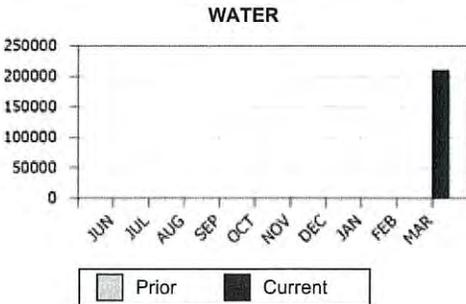
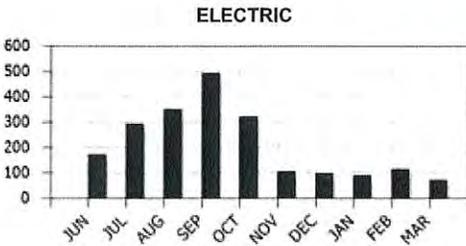
There will be a charge on all returned checks.
Please return this portion with your payment.
When paying in person, please bring both portions of this bill.

Wriedt Properties
519 W 4th St
Wayne, NE 68787-1706



CUSTOMER ACCOUNT INFORMATION - RETAIN FOR YOUR RECORDS

NAME		SERVICE ADDRESS			ACCOUNT NUMBER	
Wriedt Properties		914 Windom St MN FL			08-214700-09	
STATUS	SERVICE DATES			BILL DATE	PENALTY DATE	DUE DATE
	FROM	TO	# DAYS			
Active	2/15/2021	3/15/2021	28	3/26/2021	4/13/2021	4/12/2021



ELECTRIC
WATER
SEWER

	CURRENT READING	PREVIOUS READING
ELECTRIC	5,442	5,369
WATER	2,101	0

USAGE
73
210,100
210,100

PREVIOUS BALANCE	\$74.68
PAYMENTS	(\$74.68)
ADJUSTMENTS	\$0.00
PENALTIES	\$0.00
PAST DUE AMOUNT	\$0.00

ELECTRIC	28.26
WATER	432.70
SEWER	1,614.96
TOTAL TAX	\$145.30

CURRENT BILL	\$2,221.22
AMOUNT DUE	\$2,221.22
AMOUNT DUE AFTER 04/12/2021	\$2,443.35



306 Pearl Street P.O. Box 8
Wayne, Nebraska 68787
402-375-1733 cityofwayne.org

ACCOUNT NUMBER	AMOUNT DUE
08-214700-09	\$2,937.60
DUE DATE	AFTER DUE DATE PAY
5/10/2021	\$3,009.23
SERVICE ADDRESS	
914 Windom St MN FL	

There will be a charge on all returned checks.
Please return this portion with your payment.
When paying in person, please bring both portions of this bill.

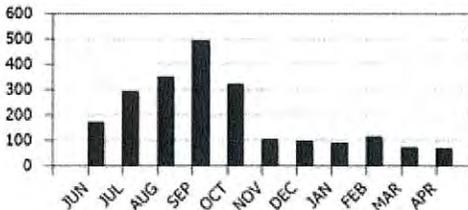
Wriedt Properties
519 W 4th St
Wayne, NE 68787-1706



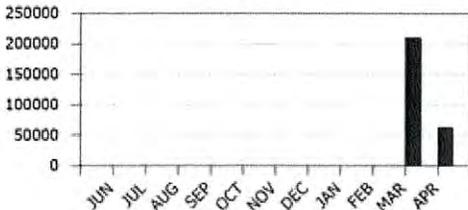
CUSTOMER ACCOUNT INFORMATION - RETAIN FOR YOUR RECORDS

NAME		SERVICE ADDRESS			ACCOUNT NUMBER	
Wriedt Properties		914 Windom St MN FL			08-214700-09	
STATUS	SERVICE DATES			BILL DATE	PENALTY DATE	DUE DATE
	FROM	TO	# DAYS			
Active	3/15/2021	4/14/2021	30	4/27/2021	5/11/2021	5/10/2021

ELECTRIC



WATER



Legend: Prior Current

ELECTRIC
WATER
SEWER

	CURRENT READING	PREVIOUS READING	USAGE
ELECTRIC	5,510	5,442	68
WATER	2,733	2,101	63,200
SEWER			63,200

PREVIOUS BALANCE	\$2,221.22
PAYMENTS	\$0.00
ADJUSTMENTS	\$0.00
PENALTIES	\$0.00
PAST DUE AMOUNT	\$2,221.22

	USAGE	
ELECTRIC	27.70	
WATER	146.24	
SEWER	495.58	
TOTAL TAX	\$46.86	
CURRENT BILL	\$716.38	
AMOUNT DUE	\$2,937.60	
AMOUNT DUE AFTER 05/10/2021	\$3,009.23	

**CITY OF WAYNE
INTEROFFICE MEMORANDUM**

DATE: May 4, 2021

TO: Mayor Giese
Wayne City Council

FROM: Wayne Planning Commission
Joel Hansen, Staff Liaison



At their meeting held on May 3, 2021, the Wayne Planning Commission made a recommendation on the following public hearings; the results of those recommendations are as follows:

Public Hearing: Request to Rezone Lot 3, Southeast Addition to the City of Wayne, Wayne, Nebraska from I-1 Light Industrial to R-4 Residential; Applicant: City of Wayne

The Planning Commission took evidence and testimony from the public and thereafter reviewed the information and evidence presented. After deliberation and discussion, a motion was made by Commissioner Meisenbach and seconded by Commissioner Hochstein to approve and forward a recommendation of approval to the City Council to rezone Lot 3 of the Southeast Addition to the City of Wayne, Wayne, Nebraska, from I-1 Light Industrial to R-4 Residential, with the findings of fact being consistency with the Comprehensive Plan, the Future Land Use map and staff's recommendation. Chair Melena stated the motion and second; all were in favor, with the exception of Commissioner Schultz who voted nay; motion carried.

Public Hearing: Amending the Wayne Municipal Code, Section 152.064 R-4 Residential District (D) Permitted Conditional Uses (2) Exceptions to include the following: (4) Electrical distribution substations, gas regulator stations, communication equipment buildings, public service pumping station, and/or elevated pressure tanks; Applicant: City of Wayne

The Planning Commission took evidence and testimony from the public and thereafter reviewed the information and evidence presented. After deliberation and discussion, a motion was made by Commissioner Meisenbach and seconded by Commissioner Giese to approve and forward a recommendation of approval to the City Council amending the Wayne Municipal Code, Section 152.064 R-4 Residential District (D) Permitted Conditional Uses (2) Exceptions to include the following: (4) Electrical distribution substations, gas regulator stations, communication equipment buildings, public service pumping station, and/or elevated pressure tanks; with the findings of fact being consistency with the Comprehensive Plan staff's recommendation. Chair Melena stated the motion and second; all were in favor; motion carried.

JH:cb



RE-ZONING POSITION: NEUTRAL

May 13, 2021

Mayor Cale Giese & City Council Members
City of Wayne
306 Pearl Street
Wayne, NE 68787

Dear Mayor Giese & Council,

Wayne Area Economic Development (WAED) and the WAED Business & Industry Committee (B&I) are taking a neutral position on the re-zoning of the former community gardens property (along 4th Street) and other adjacent properties.

Prior to 2005, Wayne Industries had a long history of instigating or assisting in Wayne’s economic development efforts. B&I became the direct successor to the Wayne Industries organization following the merger of Wayne Industries, the Wayne Chamber of Commerce, and Main Street Wayne in 2005. Since the merger, WAED has served many roles, but B&I ensures that business retention, business expansion, and business recruitment are at the forefront of the organization’s mission and goals.

At their regular meeting on April 8, 2021, B&I discussed many of the topics from the Wayne City Council Retreat held on March 30. Following their discussion, B&I voted to take a neutral position on the re-zoning.

The neutral position derives from the very diverse uses allowed in the two zones being considered (current designation: I-1; proposed designation: R-4) and the need for both types of property in the community. Since there is a limited amount of property designated for industrial development, it is hard to support the reduction of that amount as it may impact business expansion or business recruitment. However, Wayne is also experiencing a severe housing shortage, so re-zoning the property to R-4 encourages low-cost and nearly immediate housing development as the property is already served by City utilities.

In the event that the property is re-zoned, WAED and the B&I Committee will require assistance from the City of Wayne, as they solicit and develop property that can be zoned with an I-1 designation.

Again, WAED and the B&I Committee are taking a neutral position on the City of Wayne re-zoning the former community gardens property (along 4th Street) and adjacent property.

If you have any questions, please contact us. We appreciate your consideration on this matter and look forward to your action.

Sincerely,

Luke Virgil
Executive Director, WAED
virgil@waynetworks.org

Gary Boehle
2021 Chair, WAED B&I Committee
g.boehle@elkhornvalleybank.com



ORDINANCE NO. 2021-9

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOT THREE (3), SOUTHEAST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM I-1 LIGHT INDUSTRIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT.

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

Section 1. That the real estate area shown on the attached map be changed and rezoned from I-1 (Light Industrial) to R-4 (Residential). The area being rezoned is legally described as:

Lot 3, Southeast Addition to the City of Wayne, Wayne County, Nebraska.

Section 2. That the Planning Commission held a public hearing on May 3, 2021, regarding this rezoning request, and have recommended approval thereof, with the "Findings of Fact" being:

- Consistency with the Comprehensive Plan and the future land use map; and
- Staff's recommendation.

Section 3. The official zoning map shall be forthwith changed by the zoning officials to properly show the real estate hereinabove described or as recommended as now in an R-4 (Residential District) zone.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

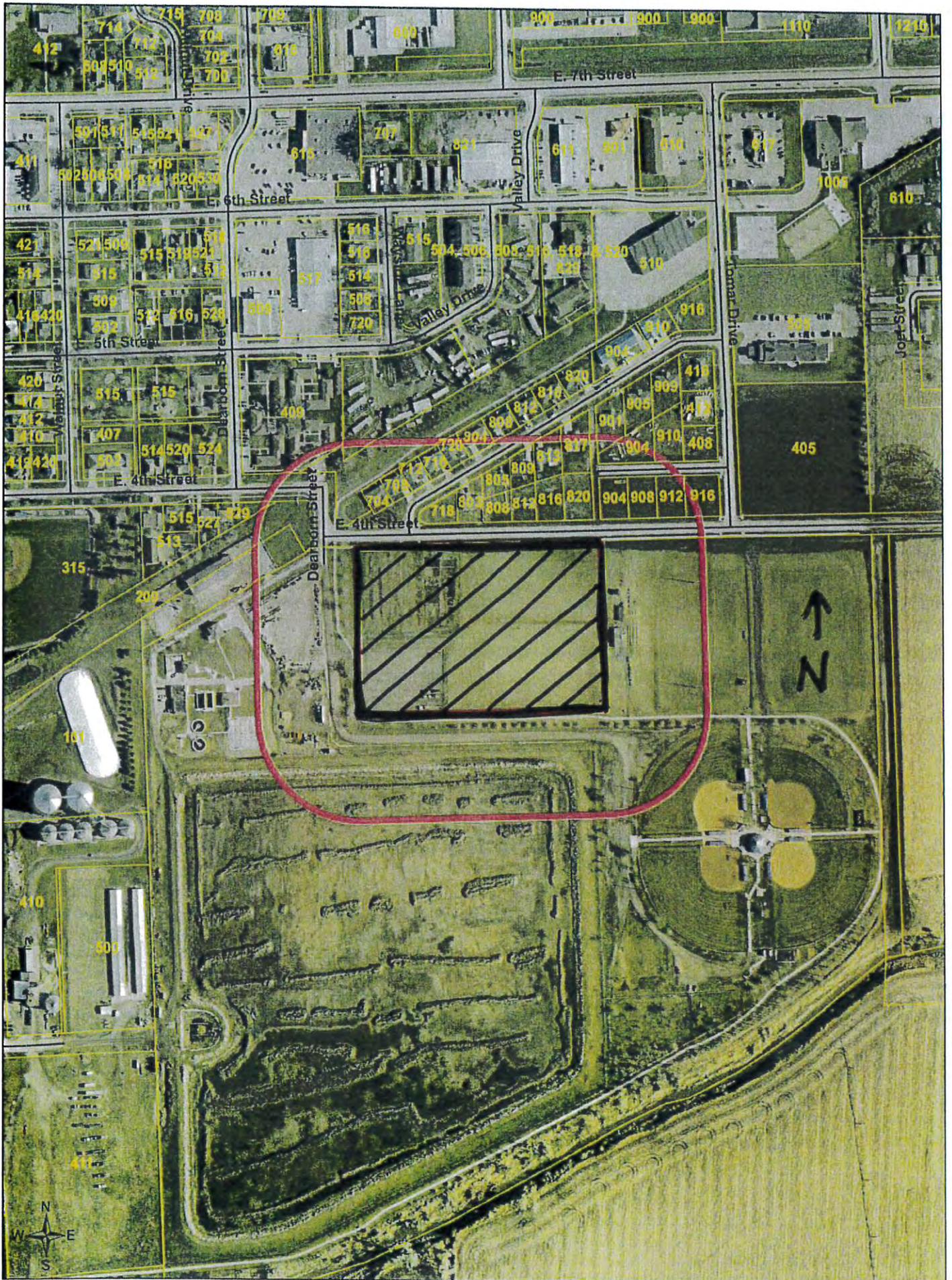
PASSED AND APPROVED this 18th day of May, 2021.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk



ORDINANCE NO. 2021-10

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.064 — R-4 RESIDENTIAL DISTRICT, SUBSECTION (D) PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on May 3, 2021, regarding a request to consider amending the zoning text, specifically the R-4 Residential District, Section 152.064 (D) Permitted Conditional Uses, and have recommended approval thereof subject to the “Findings of Fact” being consistency with the Comprehensive Plan and staff’s recommendation.

Section 2. That Title XV Land Usage, Chapter 152 Zoning, Section 152.064 – R-4 Residential District, Subsection (D) Permitted Conditional Uses of the Municipal Code of Wayne, is hereby amended as follows:

§ 152.064 R-4 RESIDENTIAL DISTRICT.

(D) *Permitted conditional uses.*

(1) A building or premises in an R-4 District may be used for the following in conformance with the conditions prescribed in this section:

(a) For a bed and breakfast guest home:

1. Parking as required in § 152.139 of this chapter;
2. Signs as required in § 152.142 of this chapter;
3. A maximum of four rooms or suites of rooms are made available for use as transient lodging; and
4. The remainder of the dwelling shall be used and occupied full time, year-round as a residence by the host family.

(b) For a domestic shelter, the maximum number of occupants shall not exceed one person per 750 square feet of lot area.

(2) Exceptions, in accordance with §§ 152.195 through 152.202 of this chapter, are:

(a) Child care centers; ~~and~~

(b) Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or 7% of the total lot area; **and**

(c) Electrical distribution substations, gas regulator stations, communication equipment buildings, public service pumping stations and/or elevated pressure tanks.

Section 3. Any other ordinance or parts of ordinance in conflict herewith are repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2021.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

152.064 R-4 Residential District

(2) Exceptions, in accordance with §§ 152.195 through 152.202 of this chapter, are:

(a) Child care centers; ~~and~~

(b) Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or 7% of the total lot area; ~~and~~

(c) ~~Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.~~

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 105.5 Expiration.* Add the following text to the end of this section, “Every permit shall expire 2 years from the date of initial written approval and any remaining work will require a new permit including a new fee and deposit. At such time the original deposit will be forfeited to the City along**

with the original permit fee.”

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

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

Section 110.2 Change in use. Delete this section.

Section 110.4 Temporary Occupancy. Add the following text to the end of this section, “The owner of the building shall provide an additional cash deposit in the amount of 10% of the value of the work listed on the building permit that will be returned upon issuance of a final certificate of occupancy. If at any time the building permit is revoked or becomes invalid the deposit will be forfeited to the City.”

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:	90 115 mph
Seismic Design Category:	B
Subject to Damage from Weathering:	Severe
Subject to Damage from Frost Line Depth:	42 inches
Subject to Damage from Termite:	Moderate to Heavy
Subject to Damage from Decay:	None to Slight
Winter Design Temp:	4 Degrees
Flood Hazards:	Not Available

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

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

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

Section R302.12 Draftstopping. Delete this section.

Section R302.12.1 Materials. Delete this section.

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

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

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

RESOLUTION NO. 2021-27

A RESOLUTION APPROVING AGREEMENT WITH WASTE CONNECTIONS OF NEBRASKA, INC., FOR THE OPERATION OF THE WAYNE RECYCLING & TRASH CENTER.

WHEREAS, a proposal has been requested and received for the operation of the Wayne Recycling & Trash Center; and

WHEREAS, said proposal was received from Waste Connections of Nebraska, Inc.; and

WHEREAS, staff has reviewed said proposal and is recommending the same be accepted according to the terms and conditions stipulated therein.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Agreement between the City of Wayne and Waste Connections of Nebraska, Inc., for the operation of the Wayne Recycling & Trash Center, a copy of which is attached hereto and incorporated herein by reference, be accepted as recommended, and the City Administrator and/or Mayor is authorized and directed to execute said agreement on behalf of the City.

PASSED AND APPROVED this 18th day of May, 2021.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

CITY OF WAYNE RECYCLING & TRASH CENTER
OPERATION AGREEMENT

This Agreement is entered into by and between **Waste Connections of Nebraska, Inc.**, a Nebraska Corporation, hereinafter referred to as “Operator,” and **the City of Wayne, Nebraska**, a Municipal Corporation, hereinafter referred to as “City;”

WHEREAS, a proposal has been requested and received from the Operator to operate the Wayne Recycling & Trash Center (“RTC”) located at 110 Windom Street; and

WHEREAS, said proposal has been reviewed by City Staff; and

WHEREAS, the City desires to enter into an agreement with Operator to allow it to operate the City’s RTC under certain conditions.

NOW, THEREFORE, in consideration of mutual covenants contained herein, City and Operator enter into the Agreement under the following terms and conditions:

1. This Agreement will be effective as of the date of its execution by the parties hereto and remain in effect for a period of five (5) years unless terminated by either party as hereinafter set forth and renewable for an additional consecutive five (5) years upon agreement of both parties.
2. Operator agrees to pay a fee of one thousand dollars (\$1000.00) per month to the City for the use of the RTC.
3. Operator shall operate the RTC under the City of Wayne’s Nebraska Department of Environmental Quality (NDEQ) Solid Waste Permit, and agrees to follow all requirements and conditions of said permit.
4. Operator will provide proof of liability insurance in the amount of one million dollars (\$1,000,000), with the City named as an insured and will pay the cost of the City insurance for the RTC.
5. Operator agrees that it will use all reasonable efforts to keep the grounds and surrounding area free of litter.
6. Operator will pay all the utility costs associated with the operation of the RTC under this Agreement, including payment of the Nebraska Department of Environmental Quality Permit Fee.
7. Operator agrees to provide staffing and management to operate the RTC as a facility for the collection of garbage and recyclable materials which shall be open to the public for a minimum of fifteen (15) hours per week and by appointment as determined by Operator.
8. Operator agrees to supply dumpsters/containers and collect garbage and recycling from all City buildings, parks, facilities, and from special events agreed upon by Operator and City, including, but not limited to, the annual Wayne Chicken Show and related activities, at no cost to the City. Dumpsters shall not exceed sixteen (16) in number. Operator also agrees to provide

- dumpsters/containers and accept garbage and recycling from Wayne County road litter and the Wayne County Fair at no cost to the County.
9. Operator agrees to provide continued access, space, and assistance for the local Boy Scout troop to operate their recycling collection program at the RTC.
 10. Operator agrees to provide continued access, space, and assistance for the City to operate its glass recycling collection program at the RTC.
 11. Operator agrees to provide containers at the RTC to collect co-mingled recycling, single stream recycling and metal scrap from the City and/or the public to be transported and/or sold by Operator, and agrees to provide access to and space within the RTC. Operator and City will work together to post clear signage indicating what to recycle for each container, and create flyers for public dissemination on what items are accepted at the RTC for recycling.
 12. Operator agrees to continue to collect recyclable materials at the RTC with no fees to the public.
 13. Operator agrees to accept the following special materials under the following conditions at the RTC:
 - a. Tires will be accepted for a fee as determined by Operator to cover the disposal costs of said tires.
 - b. Waste oil will be accepted at no charge and then collected by Wayne County at no additional charge to Operator.
 - c. Refrigeration appliances will be accepted for a fee charged to the customer. Operator will drain the appliances of Freon and certify them as free of Freon.
 14. Operator agrees to post for public viewing a schedule of any fees imposed on the collection of garbage or special materials brought to the RTC for disposal. Operator will review the schedule yearly for updates and will provide a copy to the City when changed.
 15. Operator will report the following monthly to the City:
 - a. scale tickets for total tonnage of garbage collected at the RTC
 - b. scale tickets for total tonnage of all single stream recycling by item collected at the RTC and delivered to a recycling center
 - c. scale tickets for total tonnage of all mixed stream recycling collected at the RTC and delivered to a recycling center
 - d. scale tickets for total tonnage of steel scrap collected at the RTC and sold
 - e. scale tickets for single baled cardboard collected at the RTC and sold
 - f. scale tickets or actual count of tires collected at the RTC
 - g. scale tickets for any other items that are regularly collected at the RTC
 - h. a log of customer complaints and resolutions

- i. identification of the proprietor or business where the above items are delivered to for disposal and/or recycling
16. City will maintain and repair the grounds, equipment, and buildings of the RTC.
17. City will retain control and use of Lots 4 and 5, Original Town of Wayne, Wayne County, Nebraska.
18. City agrees to insure the above-referenced property against any claims that may arise, and hold Waste Connections, its agents, employees, and assigns, harmless for any claims against the City that arise due to City's negligence.
19. There shall be no separate legal or administrative entity created by this Agreement.
20. In the event that either party breaches any portion of this agreement, each party may pursue any remedies allowed by applicable law.
21. This Agreement shall be binding upon and inure to the benefit of any and all successors, assigns, heirs, or their beneficiaries of Operator.
22. This Agreement shall be construed pursuant to the laws of the State of Nebraska.
23. Any and all amendments, modifications or other changes to this Agreement shall be in writing, executed by the parties and attached to this Agreement.
24. This Agreement may be terminated at any time as follows:
 - a. by either the City or Operator upon not less than thirty (30) days' prior written notice to the other party in the event that such other party has materially breached its obligations under this Agreement and has failed or refused to remedy such breach within thirty (30) days after written demand therefore is given by the aggrieved party to the other;
 - b. by either City or Operator upon written notice to the other party, effective immediately, in the event the other party shall become the subject (voluntarily or involuntarily) of any proceeding relating to bankruptcy or insolvency, or makes an assignment or other arrangement for the benefit of its creditors, or is dissolved or liquidated (except as a consequence of a merger, consolidation or other corporate reorganization not involving the insolvency of such dissolved or liquidated party);
 - c. by either party, for any reason, upon ninety (90) days written notice; or
 - d. at any time and for any reason by mutual agreement of the parties
25. Operator, its successors and assigns, hereby agrees to save and hold harmless City and any of its employees or agents from all cost, injury and damage incurred by any of the above, and from any other injury or damage to any person or property whatsoever, any of which is caused by an activity, condition or event arising out of the performance, preparation for performance or nonperformance of any provision of this agreement by City. The above cost, injury, damage or other injury or

damage incurred by or to any of the above shall include, in the event of an action, court costs, expenses of litigation and reasonable attorneys' fees. This save harmless clause is not intended to indemnify against any cost or damage, or portion thereof, caused by City.

26. All notices required or permitted hereunder shall be in writing and shall be deemed given when personally delivered or upon enclosure thereof in the adequately post-paid envelope, sent by first-class certified mail, to that party at the following address (or to such other address of which either party may advise the other in writing):

City of Wayne
306 Pearl Street
Wayne, NE 68787

In witness whereof, the parties have hereunto executed this Agreement on this 18th day of May, 2021.

THE CITY OF WAYNE, NEBRASKA,

By _____
Cale Giese, Mayor

Attest: _____
City Clerk

WASTE CONNECTIONS OF NEBRASKA, INC.

By _____