

**AGENDA  
CITY COUNCIL MEETING  
COUNCIL CHAMBERS – CITY HALL  
306 PEARL STREET  
June 1, 2021**

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

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the southwest wall of the Community Room at the Wayne Community Activity Center as well as on the City of Wayne website at [cityofwayne.org/8/Government](http://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. **Reminder/Announcement: Town Hall Meeting on Tuesday, June 8<sup>th</sup>, at 7:00 p.m. at the Community Activity Center regarding the 2021 Community Attitude Survey & Renovation of the Old Bathhouse**
3. [Approval of Minutes – May 18, 2021](#)
4. [Approval of Claims](#)
5. [Action on a request to close 2<sup>nd</sup> Street from Main Street east to the west side of the alley on Saturday, July 10<sup>th</sup>, 2021, from 6:00 a.m. until the start of the Chicken Show Parade for the Kiwanis Club Omelet Feed — Mike Powicki](#)

**Background:** This is the same request as in 2019 for the Kiwanis omelet feed taking place prior to the start of the Chicken Show parade. Kiwanis has provided the necessary Certificate of Insurance naming the City as an additional insured.

6. [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:** The most recent amendments are highlighted in blue.

7. [Ordinance 2021-9: Amending the Zoning Map — Lot 3, Southeast Addition to the City of Wayne, Wayne County, Nebraska, from I-1 Light Industrial and Manufacturing to R-4 Residential \(Second Reading\)](#)
8. [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 \(Second Reading\)](#)
9. [Ordinance 2021-11: Amending Wayne Municipal Code, Title III Public Administration, Chapter 31 City Council, Section 31.36 Public Participation](#)

**Background:** The amendments to Section 31.36 of our Municipal Code Book are a result of LB 83 that was recently passed regarding virtual conferencing, etc. The League had a zoom meeting on this and recommended that code books/ordinances be amended to include the changes in this legislative bill.

10. [Resolution 2021-28: Adopting City Administrator Employment Agreement](#)
11. [Action to set a date, time and place for the next Mini-Retreat — Tuesday, June 29<sup>th</sup>, at 5:30 p.m. at the Wayne Fire Hall](#)
12. [Adjourn](#)

**MINUTES  
CITY COUNCIL MEETING  
May 18, 2021**

The Wayne City Council met in regular session at City Hall on May 18, 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, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Yasuko Taoka.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 13, 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 Council Chambers, as well as on the City of Wayne website at [cityofwayne.org/8/Government](http://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 Spieker made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of May 4, 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 Taoka 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:** ACE HARDWARE & HOME, SU, 501.22; ALL HOURS TOWING, SE, 225.00; AMERITAS, SE, 174.53; AMERITAS, SE, 91.43; AMERITAS, SE, 2651.02; AMERITAS, SE, 72.00; APPEARA, SE, 153.87; ARC-HEALTH & SAFETY, SE, 96.00; ARREOLA, JORGE, SE, 80.00; BAKER & TAYLOR BOOKS, SU, 1028.48; BENSCOTER, LOUIS, RE, 10305.40; BINSWANGER GLASS, SU, 1165.53; BSN SPORTS, SU, 794.68; CHEMQUEST, INC, SE, 695.00; CITIZENS STATE BANK, RE, 2047.94; CITIZENS STATE BANK, RE, 8192.91; CITY EMPLOYEE, RE, 3880.00; CITY EMPLOYEE, RE, 183.12; CITY EMPLOYEE, RE, 59.50; CITY EMPLOYEE, RE, 731.91; CITY OF WAYNE, RE,

1277.88; CITY OF WAYNE, PY, 92740.28; CITY OF WAYNE, RE, 5927.55; CITY OF WAYNE, RE, - 659.84; COPY WRITE PUBLISHING, SE, 148.03; COTTONWOOD WIND PROJECT, SE, 17173.11; CUSIP SERVICE BUREAU, SE, 91.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 61.04; DAVE'S DRY CLEANING, SE, 96.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2593.52; DITCH WITCH UNDERCON, SU, 90.69; DUTTON-LAINSON COMPANY, SU, 826.85; ED M. FELD EQUIPMENT, SU, 533.25; FLOOR MAINTENANCE, SU, 203.16; GERHOLD CONCRETE, SU, 702.00; GRAINLAND ESTATES, RE, 9013.61; HAWKINS, SU, 1888.74; HEIKES AUTOMOTIVE, SE, 749.26; HELENA AGRI-ENTERPRISES, SU, 1987.50; HILAND DAIRY, SE, 311.54; HORIZON CONSTRUCTION, RE, 500.00; HUBER TECHNOLOGY, SU, 1262.40; ICMA, 61.88; ICMA, SE, 276.15; ICMA, SE, 112.52; ICMA, SE, 147.00; ICMA, SE, 1446.86; ICMA, SE, 145.28; ICMA, SE, 154.72; ICMA, SE, 8361.23; ICMA, SE, 125.70; ICMA, SE, 366.40; INGRAM LIBRARY SERVICES, SU, 833.22; IRS, TX, 14117.64; IRS, TX, 10510.52; IRS, TX, 3301.76; IRS, TX, 1488.00; IRS, TX, 256.54; IRS, TX, 348.00; ISLAND SPRINKLER SUPPLY, SU, 348.58; JOHNSON CONTROLS, SU, 214.06; KAUP FORAGE & TURF, SU, 1425.00; KELLY SUPPLY COMPANY, SU, 442.89; KNOEPFLER CHEVROLET, SU, 267.49; KTCH, SE, 200.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 130.00; MADISON CO COURT, RE, 1000.00; MATHESON-LINWELD, SU, 34.25; MCLAURY ENGINEERING, SE, 3312.75; MCMANIGAL, MIKAELA, SE, 40.00; MERCHANT SERVICES, SU, 1285.09; MERCHANT SERVICES, SU, 2648.59; MERCHANT SERVICES, SU, 63.30; MID PLAINS GRAIN, RE, 6840.98; MIDWEST ALARM SERVICES, SE, 360.67; MIDWEST LABORATORIES, SE, 1974.00; MZRB, RE, 3463.16; NE DEPT OF REVENUE, TX, 44.22; NE DEPT OF REVENUE, TX, 4479.12; NPPD, SE, 24992.43; NMPP ENERGY, SE, 1200.00; NORDBY FENCING, SE, 2025.00; NORTHEAST TIRE SERVICE, SE, 25.00; ONE CALL CONCEPTS, SE, 187.35; O'REILLY AUTOMOTIVE STORES, SU, 9.99; OVERDRIVE, SU, 1095.21; PARADOX, RE, 250.00; PEERLESS WIPING CLOTH, SU, 447.00; PLUNKETT'S PEST CONTROL, SE, 1197.09; POLLARD PUMPING, SE, 485.00; PSYCHOLOGICAL RESOURCES, SE, 270.00; QUADIANT FINANCE USA, SU, 1000.00; QUALITY 1 GRAPHIC, SU, 100.00; QUALITY FOOD CENTER, SU, 24.07; QUALITY FOOD CENTER, SU, 18.44; RAMOS, ADRIAN, SE, 80.00; REYNOLDS, MIKE, RE, 53.58; ROBERT WOHLER & SONS, SE, 5737.50; ROCKMOUNT RESEARCH AND ALLOYS, SU, 259.17; S & S WILLERS, SU, 720.85; SD MYERS, SE, 2021.00; SOUTHERN CARLSON, SU, 498.52; STADIUM SPORTING GOODS, SU, 84.00; STATE NEBRASKA BANK & TRUST, SE, 60.24; STATE NEBRASKA BANK & TRUST, RE, 69812.50; STEFFEN TRUCK EQUIPMENT, SE, 6545.00; US FOODSERVICE, SU, 1781.55; UTILITY EQUIPMENT, SU, 64.50; VERIZON, SE, 537.27; WASTE CONNECTIONS, SE, 261.25; WAED, SE, 480.00; WAYNE AUTO PARTS, SU, 259.69; WAYNE COUNTY CLERK, SE, 16.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE COUNTY TREASURER, FE, 70.35; WAYNE DIRT DEVILS, RE, 250.00; WAYNE HERALD, SE, 1944.23; WAYNE HERALD, SE, 117.50; WAYNE HERALD, SE, 217.50; WAYNE HOSPITALITY, RE, 21501.10; WESCO, SU, 430.14; WAPA, SE, 19286.78; WIGMAN COMPANY, SU, 377.73; WINDOM RIDGE, RE, 3597.12; WISNER WEST, SU, 114.46; ZACH HEATING & COOLING, SU, 360.00; ZOUCHA, RYAN, SE, 80.00; AMAZON.COM, SU, 772.90; ARC-HEALTH & SAFETY, SE, 192.00; BROWN SUPPLY, SU, 355.00; CITY EMPLOYEE, RE, 905.74; CITY OF WAYNE, RE, 1046.96; DUTTON-LAINSON, SU, 25.34; EISCHEID, MATT, RE, 50.00; FLOOR MAINTENANCE, SU, 238.22; GALE/CENGAGE LEARNING, SU, 172.83; H.K. SCHOLZ COMPANY, SU, 921.40; HEARTLAND FIRE PROTECTION, SE, 585.21; JEO CONSULTING GROUP, SE, 38823.80; KTCH, SE, 300.00; MARCO TECHNOLOGIES, SE, 200.61; MUNICIPAL SUPPLY, SU, 1231.58; NORTHEAST NE INS AGENCY, SE, 967.00; STAPLES, SU, 145.09; UTILITY EQUIPMENT, SU, 92.07; VALLEJO, BERENICE, SE, 70.00; WAYNE COUNTY COURT, RE, 300.00; Y & Y LAWN SERVICE, SE, 40.00

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to approve the claims. Mayor Giese stated the motion, and the result of roll call being all Yeas, with

the exception of Councilmembers Eischeid and Woehler who abstained on their claims, and Councilmember Taoka who was absent, the Mayor declared the motion carried.

Ken Halvorsen, representing the Nebraska Rural Water Association, was present and reviewed the “Initial Financial Managerial Water System Assessment,” which is a requirement of the Nebraska Drinking Water State Revolving Loan Fund that the City applied for on the new water transmission main back in April of 2020.

Phill Monahan advised the Council that he was appointed the Fire Chief by the Wayne Volunteer Fire Department for the upcoming year. This is his 9<sup>th</sup> year serving as Fire Chief.

Councilmember Karsky made a motion, which was seconded by Councilmember Buck, approving the appointment of Phill Monahan as Fire Chief. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Taoka who was absent, the Mayor declared the motion carried.

Phill Monahan, Fire Chief, introduced Cooper Zara and requested Council consideration to approving his cadet membership application to the Wayne Volunteer Fire Department.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, approving the cadet membership application of Cooper Zara to the Wayne Volunteer Fire Department. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Taoka who was absent, the Mayor declared the motion carried.

Jeannine Wriedt, d/b/a Wriedt Properties, was present to contest her water/sewer bills received regarding the usage from February 15<sup>th</sup> through April 14<sup>th</sup>, 2021, at 914 Windom Street because of frozen water pipes. She was contesting the amount of usage 210,100 from 2/15/21-3/15/21 and 63,200 gallons from 3/15/21 - 4/14/21. It was noted that there is a floor drain in this apartment, and said apartment has been empty for a year because of remodeling.

City staff, as well as some Councilmembers, who have experience with or in plumbing all agreed and stated that it was possible to have this amount of water usage due to a leak or break in the water pipes, and that the water had to have gone down the drain.

Ms. Wriedt noted she had not checked on the apartment until the billing staff at City Hall contacted her about the high water usage after the meters were read in March.

Casey Junck, Water/Wastewater Superintendent, noted that a one-half inch line leaking for a day could use 20,160 gallons.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, to allow Jeannine Wriedt to spread out the payment of the bills received April 1<sup>st</sup> and May 1<sup>st</sup> (usage from 2-15-21 through 4-14-21) over a period of 18 months. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Taoka who was absent, the Mayor declared the motion carried.

Mayor Giese stated the time was at hand for the public hearing to consider the Planning Commission's recommendation concerning a request to rezone property (Lot 3, Southeast Addition to the City of Wayne, Wayne County, Nebraska) from I-1 Light Industrial to R-4 Residential. The applicant for the rezoning request is the City of Wayne.

The Planning Commission reviewed the matter at their public hearing on May 3, 2021, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

Luke Virgil, Executive Director of Wayne Area Economic Development, provided a letter from the Business & Industry Committee stating that they are taking a neutral position on the rezoning matter. The neutral position derives from the very diverse uses allowed in the two zones being considered and the need for both types of property in the community. In the event the property is rezoned, they would like assistance from the City as they solicit and develop property that can be zoned with an I-1 designation.

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

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

Councilmember Eischeid introduced Ordinance No. 2021-9, and moved for approval thereof;  
Councilmember Brodersen seconded.

#### 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.

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

Mayor Giese stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code, 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.

The Planning Commission reviewed this matter at their public hearing on May 3, 2021, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

- Consistency with the Comprehensive Plan; and
- Staff's recommendation.

Joel Hansen, Street and Planning Director, stated that during a 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.

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

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

Councilmember Eischeid introduced Ordinance No. 2021-10, and moved for approval thereof;  
Councilmember Spieker seconded.

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.

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

Ordinance No. 2021-8 came on for the third and final reading with the proposed amendments included therein, as recommended from the previous meeting.

Joel Hansen, Street and Planning Director, reviewed the amendments/changes made to the ordinance from the discussion that took place at the previous Council meeting. Those changes were as follows:

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

**Section 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.”**

Mr. Hansen walked the Council through this process. He noted again, what drove the “no temporary occupancy permit” in the initial draft of the ordinance was that the City of Norfolk does not allow temporary occupancy in residential structures.

Consensus of some of the Council was that 10% was excessive. Council directed staff to put together a list of what would need to be completed in order to obtain a temporary occupancy permit and also a set fee for the cash deposit. It was noted that the temporary occupancy is included within the two-year time-frame for the building permit and that should also be included in the description.

Mr. Hansen noted that anyone that has a current building permit would not be impacted by these changes. And for those that come in to get a building permit, when or after this ordinance is approved, will know what they need to have done before they can move in, and if they need to move in early, they will know they are going to have to pay a deposit for a temporary occupancy permit.

Mr. Hansen stated he would prepare the amendments or changes to the appropriate sections of the code/ordinance and distribute the same to Council prior to the next meeting.

After discussion, Councilmember Spieker made a motion, which was seconded by Councilmember Karsky to table action on Ordinance No. 2021-8 until the next meeting and to direct City Staff to create a list for temporary occupancy. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Taoka who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

The following Resolution would approve an Agreement with Waste Connections of Nebraska, Inc., for the operation of the "Wayne Recycling & Trash Center." This would be a five-year agreement instead of a 3-year agreement. The fee would be the same - \$1,000 per month for five years. In addition, the City was previously paying \$261 per month for some of the trash pickup services Waste Connections was providing. The City will not be charged now for that trash pickup.

Brett Davis, Site Manager of Waste Connections of Nebraska, Inc., was present to answer questions.

Sandy Brown, representing the Wayne Green Team, was also present. She thought it was a great partnership with Waste Connections.

Councilmember Eischeid introduced Resolution 2021-27, and moved for its approval; Councilmember Karsky seconded.

#### RESOLUTION NO. 2021-27

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

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, to enter into executive/closed session to conduct the City Administrator's evaluation, with the purpose being to prevent the needless injury to the reputation of the City Administrator, and to allow Attorney Miller and City Clerk McGuire to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Taoka who was absent, the Mayor declared the motion carried, and executive session began at 7:02 p.m.

Mayor Giese again stated that the matter to be discussed in execution session relates to the City Administrator's evaluation.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Taoka who was absent, the Mayor declared the motion carried, and open session resumed at 7:18 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:18 p.m.



Vendor	Payable Description	Payment Total
ACES	ACES WIND ENERGY SERVICE AGREEMENT	956.14
AMERITAS LIFE INSURANCE	AMERITAS ROTH	174.53
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	103.40
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,562.06
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
APPEARA	MAT SERVICE	44.40
ARKFELD LOCK & SECURITY	DOOR LOCK REPAIRED	177.25
BATTERY SOLUTIONS, LLC	BATTERY BUCKETS	329.85
BIG RIVERS ELECTRIC CORPORATION	ELECTRICITY	117,565.44
BLUE CROSS BLUE SHIELD	HEALTH PREMIUMS	48,131.31
BOK FINANCIAL	SERIES 2020 ELECTRIC REVENUE REFUNDING BONDS	228,027.50
BOK FINANCIAL	SERIES 19 HIGHWAY ALLOCATIONS FUNDS	220,811.25
BOMGAARS	AIR CONDITIONER/TOOLS/ROUND UP/ BATTERIES	1,688.62
BROWN SUPPLY CO	CURB BOX LID/PIPE	270.00
CITY EMPLOYEE	ENERGY INCENTIVE	500.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	130.55
CITY EMPLOYEE	VISION REIMBURSEMENT	305.60
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	26.86
CITY OF WAYNE	PAYROLL	92,279.03
COLONIAL RESEARCH	MARKING PAINT	322.25
CORE & MAIN LP	WATER METERS	4,521.24
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DEARBORN LIFE INSURANCE COMPANY	VFD INSURANCE	103.20
DGR & ASSOCIATES CO	ELECTRIC ENGINEERING SERVICES	1,177.00
DSF WAYNE SHORT STOP, LLC	LB 840 LOAN	85,000.00
DUGAN BUSINESS FORMS	UTILITY LATE NOTICE ENVELOPES	625.00
DUTTON-LAINSON COMPANY	FSC-ON SITE INSTALL/TRAINING	3,210.00
ECHO GROUP INC JESCO	ANGLE PLUG	87.94
ESRI	ARCGIS/ARCPAD MAINTENANCE	2,150.00
FIRST CONCORD GROUP LLC	FLEX FEES	3,467.88
FLOOR MAINTENANCE	DETERGENT	187.12
GERHOLD CONCRETE CO INC.	CONCRETE	2,302.26
GROSSENBURG IMPLEMENT INC	HYDRAULIC OIL	42.32
HAWKINS, INC	POOL CHEMICALS	2,649.18
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	149.13
HOMETOWN LEASING	COPIER LEASES	436.02
HORIZON CONSTRUCTION	BUILDING PERMIT DEPOSIT REFUND	500.00
HYDRO TECH INC.	HYDRO TEST BOTTLES	100.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	275.65
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	1,446.86
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	147.00

Vendor	Payable Description	Payment Total
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	124.70
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	366.40
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	61.88
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	8,360.08
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	112.52
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	145.28
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	154.72
INTERSTATE BATTERY SYSTEM	BATTERY	126.95
IRS	MEDICARE WITHHOLDING	3,624.40
IRS	FEDERAL WITHHOLDING	10,646.15
IRS	FICA WITHHOLDING	15,497.82
ISLAND SPRINKLER SUPPLY CO	COVER/O-RINGS	145.12
JEO CONSULTING GROUP	MASTER AGREEMENT	1,172.06
KELLY SUPPLY COMPANY	COUPLINGS/HEX BUSHINGS	133.29
LAWYER, MICHELLE	SWIM LESSON REFUND	70.00
LEAGUE OF NEBRASKA MUNICIPALITIES	FINANCE CONFERENCE WEBINAR	420.00
LOBERG, JACKIE	FOOSEBALL TABLE	75.00
MURRAY CONSTRUCTION	BUILDING PERMIT DEPOSIT REFUND	500.00
NE DEPT OF ENVIRONMENTAL QUALITY	DRINKING WATER SRF	88,010.38
NE DEPT OF ENVIRONMENTAL QUALITY	CLEAN WATER SRF	199,932.24
NE DEPT OF REVENUE	STATE WITHHOLDING	4,541.10
NE PUBLIC HEALTH ENVIRONMENTAL LAB	FLUORIDE/COLIFORM TESTING	221.00
NERC	NERC/MRO REGION ASSESSMENTS	1,819.50
NMPP ENERGY	DEVIATION REPORTS	400.00
NORTHEAST POWER	WHEELING CHARGES	13,882.96
OLSSON ASSOCIATES	ENGINE RE-CERTIFICATION	6,407.50
O'REILLY AUTOMOTIVE STORES, INC.	AIR FILTER	20.22
R & L CARRIERS	FREIGHT TRANSPORT FOR DCL CATALYSTS	1,634.63
REZURRECTED ROD & KUSTOM	ANTIQUE FIRE TRUCK REPAIRS	2,744.09
STADIUM SPORTING GOODS	EMBROIDERY	80.00
STAN HOUSTON EQUIPMENT CO	SCISSOR LIFT RENTAL	175.00
STAPLES, INC	OFFICE SUPPLIES	26.17
STATE NEBRASKA BANK & TRUST	SERIES 2019 GO PRINCIPAL/INTEREST	87,048.75
THE HOME DEPOT PRO	JANITORIAL SUPPLIES	43.68
THRASHER	BUILDING PERMIT DEPOSIT REFUND	500.00
TOTAL GRAPHICS	SHIRTS/BANNER-VOID	-157.20
WISNER WEST	FD GASOLINE	102.63
	<b>Grand Total:</b>	<b>1,272,672.86</b>

**Betty McGuire - Re: Kiwanis Omelet Feed-2nd and Main street closing**

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**From:** Marlen Chinn  
**To:** Betty McGuire  
**Date:** 5/17/2021 6:16 PM  
**Subject:** Re: Kiwanis Omelet Feed-2nd and Main street closing

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Request from Chamber and Kiwanis below for next agenda.

Thanks

Marlen

>>> Marlen Chinn 05/17/21 6:15 PM >>>

I will send this email request to Betty to be put on the next agenda... Too late for Tuesday meeting so will be the next one on June 1 (I would assume).

Thanks

Marlen

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>>> Abby Schademann 05/17/21 4:17 PM >>>

They will have their own insurance through Kiwanis International. I am CC'ing Mike Powicki and Bob Foxhoven as they will be organizing the event. If we can have this email serve as the request for street closure that would be great!

Would Kiwanis just need to send over their copy of insurance as soon as they can to you or Betty?

Thanks for your help!

-Abby

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>>> Marlen Chinn 5/17/2021 12:46 PM >>>

Hi Abby,

I will leave it up to you if you want them to take care of their request or if you just want me to use this email for the request. It only needs approval by Council so doesn't have to be too formal.

Chamber's Insurance picking this one up too or will they have their own??

Marlen

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>>> Abby Schademann 05/17/21 12:39 PM >>>

Hi Marlen!

I hope you are doing well! I am reaching out on behalf of Kiwanis to inquire if we need to do anything special in regards to closing 2nd street from Main to the alley for their omelet feed on July 10th. The street would need to be closed from I think 6 am to 930 am on Saturday. Do you want Kiwanis to submit a street closure request for this? Please let me know how to proceed.

Forgive me, we missed including this in our original street closure request with last year's craziness. I am making a note so we don't forget about it next year!

Abby Schademann  
Marketing, Events & Tourism Coordinator, WAED  
[aschademann@wayneworks.org](mailto:aschademann@wayneworks.org)  
o 402.375.2240  
108 W 3rd Street, Wayne, NE 68787  
[www.wayneworks.org](http://www.wayneworks.org)

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/19/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Hylant - Indianapolis 10401 North Meridian St, Ste 200 Indianapolis IN 46290	<b>CONTACT NAME:</b> Lisa Christenson	
	<b>PHONE (A/C, No, Ext):</b> 317-817-5172	<b>FAX (A/C, No):</b> 317-817-5151
<b>E-MAIL ADDRESS:</b> kiwaniscert@hylant.com		
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
<b>INSURER A :</b> Lexington Insurance Company		19437
<b>INSURER B :</b>		
<b>INSURER C :</b>		
<b>INSURER D :</b>		
<b>INSURER E :</b>		
<b>INSURER F :</b>		

**COVERAGES**

CERTIFICATE NUMBER: 183098608

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		013136005	11/1/2020	11/1/2021	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Liquor Liability \$ 1,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			013136005	11/1/2020	11/1/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Self-Insured Retention			013136005	11/1/2020	11/1/2021	All Claims \$75,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

The Certificate Holder and others as defined in the written agreement are additional insured subject to the terms, conditions, and exclusions on the policy with respect to the General Liability only regarding the following Kiwanis event (setup, take down & rain date(s) during the policy term are included).  
 July 10th, 2021 or any future date(s) during the policy term.  
 Omelet Feed - In conjunction with Wayne, Nebraska's Celebration, Chicken Days  
 Located @ 2nd Street between Main St. & Logan St., Wayne, NE  
 Kiwanis Club of Wayne, NE

**CERTIFICATE HOLDER****CANCELLATION**

City of Wayne  
 306 N Pearl St.  
 Wayne NE 68787

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Judy K. Wilson

**ENDORSEMENT**

This endorsement, effective 12:01 AM 11/01/2020

Forms a part of policy no.: 013136005

Issued to: KIWANIS INTERNATIONAL, INC.

By: LEXINGTON INSURANCE COMPANY

**ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION**

(Based on CG2026 04/13)

This endorsement modifies insurance provided by the following:

**COMMERCIAL GENERAL LIABILITY POLICY**

**SCHEDULE**

**Name of Additional Insured Person(s) or Organization(s)**

City of Wayne  
306 N Pearl St.  
Wayne, NE 68787

Information required to complete this Schedule, if not shown above, will be shown in the Declarations

**A. Section II - Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;  
whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations

All other terms and conditions of the policy remain the same.

A handwritten signature in black ink, appearing to be initials followed by a surname, positioned above a horizontal line.

**Authorized Representative**

**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.”** **The two years shall include any temporary occupancy of the building.**

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

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

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

**Section 110.4 Temporary Occupancy. Add the following text to the end of this section, “The owner of the building shall provide an additional cash deposit in the amount of \$1,000 that will be returned upon issuance of a final certificate of occupancy. If at any time the building permit is revoked or becomes invalid the deposit will be forfeited to the City.”**

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

- 1. House numbers on the front of the building.**
- 2. Exterior siding (not just moisture barrier) placed on the building.**
- 3. Driveway surfaced as required by the zoning code.**
- 4. All smoke/carbon monoxide detectors installed per code.**
- 5. Handrails on all stairs as required by code.**
- 6. Hot water available as required by code.**
- 7. One working sink.**
- 8. One working toilet.**
- 9. One working tub or shower.**
- 10. Front stoop/stairs completed.**
- 11. Any deck over 30” above the adjacent grade must have guardrails installed as required by code or access to the deck denied by removing operational hardware from any exterior door entering the deck, or by other means that prevent the door from being unlocked and opened. Also any access from the ground level may not be put in place without guardrails on the deck for temporary occupancy to be allowed.**

*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:	<del>90</del> 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 1<sup>st</sup> day of June, 2021.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**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 \_\_\_\_\_ day of June, 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 June, 2021.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**ORDINANCE NO. 2021-11**

**AN ORDINANCE TO AMEND TITLE III PUBLIC ADMINISTRATION, CHAPTER 31 CITY COUNCIL, SECTION 31.36 PUBLIC PARTICIPATION; 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 III Public Administration, Chapter 31 City Council, Section 31.36 Public Participation of the Wayne Municipal Code is hereby amended to read as follows:

**§ 31.36 PUBLIC PARTICIPATION.**

(A) Subject to the Open Meetings Act, being Neb. RS 84-1407 to 84-1414, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to Neb. RS 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(B) It shall not be a violation of division (A) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings, **including meetings held by virtual conferencing**. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(C) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body ~~may~~ **shall** require any member of the public desiring to address the body to identify himself or herself, **including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual**.

(D) No public body shall, for the purpose of circumventing the Open Meetings Act, being Neb. RS 84-1407 to 84-1414, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(E) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(F) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(1) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(2) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(3) Reasonable arrangements are made to accommodate the public's right to attend, hear, and

speak at the meeting, including making ~~a telephone conference call~~ **virtual conferencing** available at an instate location to members, the public, or the press, if requested 24 hours in advance;

(4) No more than 25% of the public body's meetings in a calendar year are held out-of-state;

(5) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act, being Neb. RS 84-1407 to 84-1414;

(6) Reasonable arrangements are made to provide viewing at other instate locations for a videoconference meeting if requested 14 days in advance and if economically and reasonably available in the area; and

(7) The public body publishes notice of the out-of-state meeting at least 21 days before the date of the meeting in a legal newspaper of statewide circulation.

(G) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(H) Public bodies shall make available at the meeting or the instate location for ~~a telephone conference call or videoconference~~, **virtual conferencing as required by subdivision (F)(6) of this section**, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, **either in paper or electronic form**. Public bodies shall make available at least one current copy of the Open Meetings Act being Neb. RS 84-1407 to 84-1414, posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of June, 2021.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**RESOLUTION NO. 2021-28**

**A RESOLUTION ADOPTING EMPLOYMENT AGREEMENT.**

WHEREAS, the City of Wayne, Nebraska, and Wes Blecke, City Administrator, have entered into an employment agreement.

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

1. The attached Employment Agreement is approved and adopted.
2. The parties are directed to execute said Employment Agreement.

PASSED AND APPROVED this 1<sup>st</sup> day of June, 2021.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**WAYNE CITY ADMINISTRATOR  
EMPLOYMENT AGREEMENT**

This agreement entered into this 1<sup>st</sup> day of June, 2021, between the City of Wayne, Nebraska, a municipal corporation, hereinafter referred to as “City,” and Wes Blecke, hereinafter referred to as “Employee.”

WHEREAS, the City desires to employ the services of Wes Blecke as City Administrator of the City of Wayne, Nebraska, as provided by the Wayne Municipal Code; and

WHEREAS, the Employee desires to obtain employment as the City Administrator of the City under the terms and conditions as hereinafter set forth; and

WHEREAS, it is the desire of the City to provide certain benefits to establish certain conditions of employment, and to set working conditions of the Employee.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

**SECTION I.  
DUTIES**

1.1. The Employee agrees to perform and have the following duties and responsibilities as an integral part of the position of City Administrator as follows:

A. Pursuant to law and the City Administrator’s authority, execute all laws of the State of Nebraska applicable to city administrators and municipalities, and ordinances of the City, as are required to maintain the public health, safety, and welfare of inhabitants of the City.

B. Attend all necessary meetings of the governing body and make all necessary and proper recommendations for the proper functioning of the City.

C. Perform all duties required by the Administrator’s office, as directed by the City.

D. Prepare and submit to the governing body all reports required by it and that the Employee may consider advisable and appropriate.

E. Keep the governing body fully advised of the City’s financial condition.

F. Keep the governing body of the City advised of the City’s future needs, based upon the goals of the City.

G. Prepare and submit to the City an annual budget.

H. Serve as City’s purchasing agent.

I. Serve as City’s general manager of utilities.

J. Recommend rules and regulations for the governing body and departments of the City that may be necessary for efficient, economic conduct of the business of the City.

K. Keep the City advised and informed of the needs and conditions of all agencies and employees under the Employee's direction and maintain continuous liaison with appropriate community groups, organizations, and individuals.

L. Perform all duties and obligations specified in the City Municipal Code and applicable Nebraska Statutes and perform such other legally permissible and proper duties and functions as the governing body may from time to time assign.

1.2. Employee shall be fully informed and current on local government and management and utility management, and except as otherwise set forth herein devote the Employee's full time to the services, employment, and requirements of the City.

1.3. The job description may be adjusted from time to time by the mutual agreement of the parties hereto, although at all times, such job description shall be consistent with and not contrary to the lawful authority given to city administrators by Statute and by local ordinances.

1.4. Subject to the foregoing, Employee may continue his work as athletic coaching, provided such work does not materially interfere with Employee's duties hereunder.

**SECTION II.  
BASE SALARY**

2.1. The City agrees to pay Employee for his services rendered hereto based upon an annual base salary of **\$113,588.80** \_\_\_\_\_. Said annual base salary shall be payable in equal installments at the same time as other employees of the City are paid. Subsequent performance and salary reviews shall be conducted on an annual basis, in approximately May/June of each year, or at such other times as the governing body shall deem necessary or advisable. Salary increases are subject to a satisfactory performance evaluation and will be equal to or greater than those given to other management employees.

**SECTION III.  
BENEFITS**

3.1. The City agrees to provide Employee with professional liability insurance for the actions of the Employee conducted within the scope of his employment with the City in an amount of not less than \$1,000,000.00.

3.2. The City agrees to provide Employee, his spouse, and dependents, hospitalization, surgical, and comprehensive medical insurance, and to pay or contribute to the premiums thereon in a manner equal to and upon the same terms and conditions as provided from time to time for other City employees.

3.3. The City agrees to provide Employee with a term life insurance policy in an amount not less than Employee's annual salary. Employee shall have the right to name the beneficiaries, the right of conversion and continuation, and any face value shall belong to the Employee.

3.4. The City agrees to provide Employee with disability leave on the same basis as is provided to other City employees pursuant to the City personnel manual.

3.5. The City agrees to provide Employee with long-term disability insurance coverage equal to that provided to other City employees.

3.6. **The Employee shall earn one hundred twenty (120) hours paid vacation leave and may carry over vacation leave up to a maximum of two hundred eighty (280) hours.** At least once per year, the Employee shall take not less than forty (40) consecutive hours vacation. After being employed by the City for a total of ten years, said vacation leave shall be adjusted to 4 weeks, and after twenty years, it shall be adjusted proportionately thereafter in compliance with the City's vacation schedule.

3.7. The City shall provide Employee with time off for all Federal, State and local holidays as from time to time established for all City employees by the governing body.

3.8. The City, being a member of the ICMA Retirement Corporation Deferred Compensation Program, will match the Employee's contribution up to ~~6%~~ **7%** of the employee's monthly salary or in an amount not less than that provided to other city employees, starting 180 days after employment.

3.9. The City will pay for professional dues and subscriptions of the employee necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the City. These include such organizations as the International City Managers Association, Nebraska City Managers Association, American Public Works Association, Nebraska Planning & Zoning Association, and related subdivisions of these organizations. Conference attendance will be paid by the City, subject to budget consideration and council approval, to the Nebraska conference every year and ICMA conference every other year.

3.10. The City agrees to pay Employee a monthly vehicle allowance in the amount of **\$150.00** for the use of personal vehicle for City business, and in addition, to reimburse the Employee at the latest maximum IRS approved rate per mile for all use of his personal vehicle for travel on City business outside of the City. The Employee shall record and supply in support of all reimburses mileage, suitable records sufficient to establish the dates, details, and purposes of such travel. The Employee shall also maintain such other recordkeeping as to the use of his personal vehicle for City business, as shall be necessary in order for the City to prepare such reports or maintain such records as may from time to time be necessary or required for Federal or State income tax reporting purposes.

3.11. The City hereby agrees to budget and to pay travel and subsistence expenses of the Employee for professional and official travel, meetings, and occasions adequate to continue the professional development of the Employee, and adequately to pursue necessary official and other functions for the City, and for short courses, institutes, and seminars that are necessary for professional development and for the good of the City when deemed appropriate by the Employee and approved by the City.

3.12. The City recognizes the desirability of representation in and before local, civic, and other organizations, and the Employee is authorized to become a member of such civic clubs or organizations as he may deem appropriate, provided that City will pay membership dues for one such club selected by the Employee.

3.13. All provisions of City ordinances, regulations, and personnel rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, and other employment benefits, as they now exist or hereafter may be amended, shall also apply to the Employee as they would other employees of the City, in addition to other benefits enumerated specifically herein for the benefit of the Employee, except if they are in conflict with the express provisions of this agreement, in which case this agreement shall supersede any conflicting provision.

**SECTION IV.  
HOURS OF WORK**

4.1. It is contemplated that the Employee's duties compensated by the salary and benefits herein established may and will require the commitment of time above and beyond normal business hours, including evening and weekend hours, and that the Employee will be expected to devote more than a basic forty-hour work week to perform those duties. However, in relation to unusual demands upon the Employee's time, the Employee will be allowed to take a reasonable amount of compensatory time off as he shall deem appropriate, although not to the prejudice of his responsibilities as City Administrator.

**SECTION V.  
TERM OF AGREEMENT**

5.1. The term of this agreement shall commence on the 1<sup>st</sup> day of June, 2021, and shall remain in effect through May 31, 2022, and may be terminated as provided herein. This agreement and any termination hereunder shall comply with all applicable Federal, State and local laws, codes and regulations, and rules. In the event this Agreement is not terminated as provided herein, the Agreement shall automatically renew for one (1) year from the expiration of this agreement (a "Renewal Term") and will automatically renew for successive Renewal Terms thereafter unless terminated as provided herein. This agreement shall supersede any previous or current employment agreement between Employee and City.

5.2. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the City to terminate the services of the Employee at any time, with or without cause, and the parties acknowledge Employee will serve at the will of the City, subject to the provisions of Section VI of this Agreement.

5.3. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time from his position with the City, subject only to the provisions set forth in Section 6.2 of this agreement.

**SECTION VI.  
TERMINATION**

6.1. Termination by City for Cause. During any Term, the Mayor may terminate Employee's employment and any and all rights or benefits of Employee or obligations of the City under this Agreement for Cause. Prior to doing so, the Mayor will seek the sense of the Council regarding such termination through a non-binding vote of the Council, but authority for termination shall ultimately reside with the Mayor.

(i) Definition of "Cause." For purposes of this Agreement, "Cause" shall be defined to include any of the following:

- Employee's conviction or plea of guilty or no contest to any felony or any crime involving moral turpitude, dishonesty or fraud;
- Breach of this Agreement;
- Commission of any dischargeable offense as defined in the Personnel Rules of the City;
- Immoral conduct affecting the performance of Employee's duties; or
- Inefficiency or incompetence in office, which Employee has failed to correct after written notice.

6.2. Termination for Reasons Other Than Cause, and Consideration Given for Release of All Claims Against City. Either party may terminate this Agreement during any Term for any reason whatsoever upon sixty (60) days' written notice to the other party.

(i) Sense of Council. In the event the Mayor, during any Term under this Agreement, terminates Employee's employment for reasons other than Cause, prior to such termination, the Mayor will seek the sense of the Council regarding such termination through a non-binding vote of the Council, but authority for termination shall ultimately reside with the Mayor.

(ii) In the event of termination by the Mayor during any term for reasons other than Cause, the City agrees to pay Employee an amount equivalent to six (6) months of Employee's Base Salary and six (6) months of health insurance premiums at the level of coverage at the time of termination, but excluding the City's obligation for (1) retirement, (2) benefits other than as described above in this Section, and (3) any allowances for said six (6) month period. Such payment shall be made over the course of six (6) months, shall commence within thirty (30) days of termination of Employee's employment by the City, and shall be made on the City's regular paydays and pursuant to the City's regular payroll practices ("Severance").

(iii) Conditions of Severance Payment. As a condition to payment of any Severance to Employee, Employee does hereby waive and release the City, and its elected and appointed officials, managers, employees, attorneys, and agents, from any and all claims of any nature whatsoever which may arise by reason of such termination, including but not limited to, an alleged breach of this Agreement (or any other express or implied contract), or any federal law, state law, or local ordinance, or a constitutional due process claim that Employee's termination by the City deprived Employee of a property interest in continued employment with the City and/or of a liberty interest in Employee's good name and reputation, and will execute appropriate documentation demonstrating such waivers and releases as a condition of payment.

(iv) Employee, in accepting this Severance, agrees after termination of employment with the City that he will voluntarily participate and cooperate with the City in the defense of the City and its elected and appointed officials, managers, employees, attorneys, and agents, and the prosecution of any action or proceeding about which Employee has knowledge, including any litigation related to these actions. Such participation and cooperation includes, for example, agreeing to speak with the City's attorneys at mutually convenient times regarding the facts of the matter and agreeing to make himself available for a deposition and/or trial.

6.3. Termination by Reason of Employee's Death. If Employee dies during the Term of this Agreement, the City shall only be obligated to pay Employee his Base Salary and other compensation up to and including the date of Employee's death.

6.4. Termination by Reason of Employee's Disability. If Employee becomes Disabled during the Term of this Agreement, the City shall be obligated to pay Employee his Base Salary up to and including the date on which it is determined that Employee is Disabled. For purposes of this Agreement, Employee shall be deemed "Disabled" if a physical or mental condition or impairment renders Employee unable to perform Employee's normal and customary duties under this Agreement, with or without reasonable accommodation. If a dispute arises with respect to whether Employee is Disabled, the Disability of Employee shall be determined by a qualified medical doctor mutually selected by the City and Employee. In the event the parties cannot agree on the selection of a qualified medical doctor, each party shall select one qualified medical doctor and these two qualified medical doctors will mutually select a third qualified medical doctor who will then determine whether Employee is Disabled for purposes of this Agreement.

**SECTION VII.  
EMPLOYEE EVALUATION**

7.1. The governing body and Employee shall establish a mutually acceptable procedure for evaluating the Employee's performance.

**SECTION VIII.  
INDEMNIFICATION**

8.1. The City shall defend, hold harmless, and indemnify the Employee against any tort or professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Employee's duties as City Administrator. The City or its insurance carriers may compromise or settle any such claim or suit, and the City shall pay the amount of any settlement or judgment rendered thereon.

Executed in duplicate.

THE CITY OF WAYNE, NEBRASKA,

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

Attest:

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

\_\_\_\_\_  
Employee