

AGENDA
CITY COUNCIL MEETING
COUNCIL CHAMBERS – CITY HALL
306 PEARL STREET
March 21, 2023

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

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the southwest wall of the Council Chambers as well as on the City of Wayne website.

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

3. [Approval of Minutes – March 7, 2023](#)
4. [Approval of Claims](#)
5. [Action on the claim of Allison Szantor against the City of Wayne in the amount of \\$24,054.03 for damages sustained in the lower level of her home at 713 Pine Heights Road as a result of the City’s sewer main being plugged](#)

Background: Allison sustained damage to the lower level of her home at 713 Pine Heights Road as a result of a blocked sewer main. The total amount of her claim is \$24,054.03. She has provided invoices which are included in the packet. Everything was submitted to the City’s insurance carrier, EMC, and their letter denying the claim and why is included in the packet, also.

6. Action on the appointment of Marian Clark to the Wayne Housing Authority as Resident Commissioner (5 year term)
7. Report of Senior Center — Diane Bertrand, Senior Center Coordinator
8. [Action on the submission of the Wayne Senior Center’s Fiscal Year 2023 detailed plan of operation and budget to the Northeast Nebraska Area Agency on Aging; acceptance of new fiscal year Service Awards that have been awarded by the Area Agency; and approval of any revisions made during the fiscal year to the Service Awards](#)

Background: This is an annual action required to apply for and receive about \$40,000-60,000 per year in State subsidies for our Senior Center meals and meals on wheels.

9. [Resolution 2023-21: Authorizing City Administrator to apply for Nebraska Public Transportation Act Funds for the operation of the Wayne Public Transportation System](#)

Background: This is an annual action required to apply for and receive about \$50,000 per year in State subsidies for our public transportation system.

10. [Resolution 2023-22: Supporting the Application for Nebraska Public Transportation Act Funds and approving the local fund match in the amount of \\$41,066](#)

Background: This is an annual action also. Please note that the numbers in the Resolution represent a 2-year grant funding period.

11. [Resolution 2023-23: Adopting Title VI Non-Discrimination Plan – 2023 for the City of Wayne Public Transit](#)

Background: This is another step/document that needs to be approved by the Mayor and Council. This updates our accessibility commitments for public transit and is required by all cities receiving grant funds for public transit operations. It was last approved in 2015. The said plan has been prepared by the University of Nebraska at Omaha.

12. [Resolution 2023-24: Approving Interlocal Cooperation Act Agreement by and between the Board of Trustees of the Nebraska State Colleges, d/b/a Wayne State College and the City of Wayne](#)

Background: This Interlocal Cooperation Act Agreement between the City and WSC pertains to the installation of a new sewer line and manholes which will serve the future college athletic and recreation dome as well as connect to the sewer line to the southeast portion of Zone 3 where an existing lift station will be eliminated. You will see on Appendix A those portions that the City will be responsible for which comes to \$72,700.39. That amount represents all of Zone 4 which is a new sewer line extension for future city expansion and then 4” of the 12” line material cost and 50% of the installation cost in Zone 1.

13. [Public Hearing: To consider the Planning Commission’s recommendation in regard to amending the Future Land Use Map of the Comprehensive Plan The applicant for the request is the City of Wayne. \(Advertised Time: 5:30 p.m.\)](#)

Background: The Planning Commission does an annual review of the “Future Land Use Map” and has brought forth the following revisions: To move the five recently annexed properties into the corporate limits as industrial and to have the City Council continue to work on areas that are targeted for annexation by 2027.

14. [Ordinance: 2023-3: Amending the Future Land Use Map of the Comprehensive Plan for the City of Wayne](#)

15. [Ordinance 2023-4: Amending Wayne Municipal Code Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.31 Property Maintenance Code; 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](#)

Background: This ordinance will amend the code to add a “violation penalty.”

16. [Ordinance 2023-5: Amending Wayne Municipal Code Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.17 One- and Two-Family Dwelling Code regarding temporary occupancy permits](#)

(siding requirement only pertains to R and B Districts); and to provide that said ordinance be published in pamphlet form

Background: This ordinance will amend the code to remove siding requirements in the A1 and A2 zoning districts when getting a temporary occupancy permit.

17. Ordinance 2023-6: Authorizing the issuance of Tax Supported Municipal Improvement Bonds, Series 2023, of the City of Wayne, Nebraska, in the principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000) for the purpose of paying the costs of certain capital improvements to be owned by the City; and to provide that said ordinance be published in pamphlet form

Background: This ordinance will authorize the issuance of municipal improvement bonds in the principal amount not to exceed \$7,500,000.00 to use towards the cost of capital improvements.

18. Ordinance 2023-7: Amending Wayne Municipal Code Title XI Business Regulations, Chapter 110 Occupation Taxes, Section 110.02 Alcoholic Liquors

Background: Johnnie Byrd has 3 liquor licenses: Class C (on and off sale), Class LK (Craft Brewery) and Class Z (Microdistillery). The license fees for the same are \$300, \$350 and \$250 respectively. The City, by State Statute, collects an occupation tax double the license fee, which means an additional \$600, \$700 and \$500 respectively. Greg Ptacek has requested that Council give consideration to reducing the amount of the occupation taxes. Staff is proposing that the code be amended to add the following language:

If a liquor license holder of the city has more than one type of liquor license for the establishment at the same address, the occupation tax for said liquor license will be two times the amount of the highest license fee established by the State Liquor Control Commission.

If approved, Johnnie Byrd would pay \$700 instead of \$1,800. The City cannot do anything regarding the license fee, only the occupation tax.

19. Discussion and possible action to consider the sale of City properties (204 S Lincoln Street, 208 S Lincoln Street and 401 S Sherman Street) to the Community Redevelopment Authority
20. Adjourn

**MINUTES
CITY COUNCIL MEETING
March 7, 2023**

The Wayne City Council met in regular session at City Hall on March 7, 2023, at 5:30 o'clock P.M.

Mayor Pro Tempore Matt Eischeid called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Brendon Pick, Terri Buck, Nick Muir, Brittany Webber, Clayton Bratcher and Jason Karsky; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Mayor Cale Giese and Councilmember/Council President Jill Brodersen.

Notice of the convening meeting was given in advance thereof by publication in the Wayne Herald, Wayne, Nebraska, the designated method of giving notice, as shown by Affidavit of Publication. In addition, notice was given to the Mayor and all members of the City Council, and a copy of their acknowledgement of receipt of notice and agenda is on file with the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the Council convened in open session.

Mayor Pro Tempore Eischeid advised the public that a copy of the Open Meetings Act was located on the southwest wall of Council Chambers, as well as on the City of Wayne website 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 Buck made a motion, which was seconded by Councilmember Webber, to approve the minutes of the meeting of February 21, 2023, and to waive the reading thereof. Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACES, SE, 1093.66; ALL HOURS TOWING, SE, 225.00; AMERITAS, SE, 170.94; AMERITAS, SE, 35.00; AMERITAS, SE, 100.28; AMERITAS, SE, 3130.84; AMERITAS, SE, 72.00; APPEARA, SE, 93.88; APPEARA, SE, 63.00; APWA, FE, 382.00; ARC-HEALTH & SAFETY, SE, 1080.00; ARKFELD LOCK & SECURITY, SU, 343.21; ASPEN EQUIPMENT, SU, 70.61; BLUE CROSS BLUE SHIELD, SE, 46680.30; BOMGAARS, SU, 1336.54; BURBACH, SCOTT, RE, 100.00; CAMPOS, ANNA, SE, 35.00; CARHART LUMBER COMPANY, SU, 376.13; CITY EMPLOYEE, RE, 674.84; CITY EMPLOYEE, RE, 37.60; CITY EMPLOYEE, RE, 165.84; CITY EMPLOYEE, RE, 942.22; CITY OF WAYNE, PY, 107684.17; CITY OF WAYNE, RE, 597.05; COLONIAL RESEARCH, SU, 418.91; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 3000.00; CONSOLIDATED MANAGEMENT, SE, 21.75; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DAVE'S DRY CLEANING, SE, 45.00; DEARBORN LIFE INSURANCE COMPANY, SE, 75.68; DIAMOND K CONSTRUCTION, RE, 250.00; ECHO GROUP, SU, 86.01; ED M. FELD EQUIPMENT, SU, 758.51; FIRST CONCORD GROUP, SE, 4284.64; FLOOR MAINTENANCE, SU, 496.22; GALE/CENGAGE LEARNING, SU, 122.80; HALLIDAY PRODUCTS, SU, 859.05; HERMAN, KELBY, RE, 500.00; HILAND DAIRY, SE, 172.78; HILAND DAIRY, SE, 148.71; ICMA, SE, 36.84; ICMA, SE, 123.92; ICMA, SE, 70.00; ICMA, SE, 137.38; ICMA, SE, 181.73; ICMA, SE, 160.32; ICMA, SE, 413.68; ICMA, SE, 366.72; ICMA, SE, 226.66; ICMA, SE, 1491.78; ICMA, SE, 9291.09; IOWA PUMP WORKS, SE, 12077.42; IRS, TX, 17727.74; IRS, TX, 11636.46; IRS, TX, 4145.98; JEO CONSULTING GROUP, SE, 9300.00; JONES, MATT, SE, 50.00; KAY PARK REC CORP, SU, 5825.00; MARC JONES CONSTRUCTION, RE, 500.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MARKWORTH, NATALI, SE, 72.29; MATTEO SAND AND GRAVEL, SU, 491.64; MILLER LAW, SE, 5416.67; MUHS, JAMIE, RE, 35.00; MUNICIPAL SUPPLY, SU, 4879.10; NDEE-FISCAL SERVICES, SE, 40.00; NE DEPT OF REVENUE, TX, 5337.11; NE LAW ENFORCEMENT, SE, 485.00; NE LIBRARY COMMISSION, FE, 750.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 153.00; NPPD, SE, 7892.56; NICK'S WOOD SHOP, SE, 10589.60; NNEDD, SE, 1676.24; NORTHEAST POWER, SE, 5462.00; NORTHEAST POWER, SE, 18978.90; NOVELTY MACHINE & SUPPLY, SU, 531.57; OPTK NETWORKS, SE, 408.54; O'REILLY AUTOMOTIVE STORES, SU, 320.90; OVERHEAD DOOR, SE, 1085.95; PLAYAWAY PRODUCTS, SU, 52.24; POSTMASTER, SU, 1031.03; PREMIER BIOTECH, SE, 94.68; RESCO, SU, 797.10; RETAIL RECLAIMERS, RE, 500.00; SOOLAND BOBCAT, SU, 243.49; STAN HOUSTON EQUIPMENT, SE, 390.00; STATE FARM INSURANCE, SE, 563.00; US BANK, SU, 19053.62; UTILITY EQUIPMENT, SU, 676.50; VIAERO, SE, 69.88; WAED, SE, 8980.41; WESCO, SU, 770.40; WISNER WEST, SU, 185.51; APPEARA, SE, 118.00; APWA, FE, 1290.00; CITY EMPLOYEE, RE, 100.00; CITY EMPLOYEE, RE, 53.78; CITY OF NORFOLK, SE, 173.97; CITY OF WAYNE, RE, 255.74; COLEMAN & KATELYN BRODERS, RE, 40000.00; COPY WRITE PUBLISHING, SE, 77.48; COTTONWOOD WIND PROJECT, SE, 17297.87; DEARBORN LIFE INSURANCE COMPANY, SE, 2954.95; ECHO GROUP, SU, 185.30; EPP FOUNDATION REPAIR, SE, 31737.60; GLOBAL PAYMENTS INTEGRATED, SE, 589.23; HOMETOWN LEASING, SE, 365.84; HORIZON CONSTRUCTION, RE, 500.00; JORGENSEN CONCRETE & CONSTRUCTION, RE, 500.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 421.00; LUTT OIL, SU, 6103.44; MERCHANT SERVICES, SE, 46.94; MERCHANT SERVICES, SE, 1386.09; MERCHANT SERVICES, SE, 4484.89; MIDWEST LABORATORIES, SE, 200.57; NE HARVESTORE, SU, 210.56; NPPD, SE, 184.00; NORFOLK DAILY NEWS, SE, 247.50; ODEYS, SU, 1169.60; ONE CALL CONCEPTS, SE, 17.52; PAC N SAVE, SU, 48.42; PAC N SAVE, SU, 1301.06; PEERLESS WIPING CLOTH, SE, 580.76; PLUNKETT'S PEST CONTROL, SE, 46.29; QUADIENT FINANCE USA, SU, 176.33; QUALITY FOOD CENTER, SU, 31.43; STAPLES, SU, 233.92; STATE NEBRASKA BANK & TRUST, SE, 59.60; STATE NEBRASKA BANK-PETTY CASH, RE, 103.66; WAYNE AUTO PARTS, SU, 776.67; WAYNE COUNTY CLERK, SE, 22.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 190.00; WAYNE HERALD, SE, 2037.36; WAYNE HERALD, SU, 49.95; WAYNE HERALD, SE, 971.00; WAPA, SE, 23555.78; WISNER WEST, SU, 69.01; Y & Y LAWN SERVICE, SE, 130.00

Councilmember Webber made a motion, which was seconded by Councilmember Bratcher, to approve the claims. Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

Heather Headley, Library Director, gave a report on what is taking place at the Library. Also in attendance was Sharon Carr, Librarian/Public Relations/Adult Programmer, and Kim Endicott, Board Member.

Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), was present requesting Council consideration to closing off a portion of East 10th Street 200' east of Angel Avenue to Hillside Drive for an electric vehicle power drive rally (State Championship) on Saturday, May 6th, from 7:00 a.m. until 5:00 p.m. In addition, he was requesting that portable restrooms be provided as in the past, and also that the streets be cleaned/swept prior to the event.

Councilmember Karsky made a motion, which was seconded by Councilmember Pick, approving the request of Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), to close off East 10th Street 200' east of Angel Avenue to Hillside Drive for the 2023 Power Drive State Championship on Saturday, May 6th, from 7:00 a.m. until 5:00 p.m., and that portable restrooms be provided and that the streets be cleaned/swept prior to the event. Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

Travis Meyer, representing the Wayne Airport Authority, gave an update/presentation on the WayneAmerica Fly-In Event that will take place on May 26 – May 28, 2023, at the Wayne Airport.

Andrea Henderson, on behalf of the Wayne Airport Authority, was present requesting Council consideration to approving their Special Designated Liquor License Permit for the WayneAmerica Fly-In Event to be held on May 25, 26, 27, and 28, 2023, at the Wayne Airport. All of the same safety protocols will be in place this year as were in place last year. They are also asking for wine and distilled spirits on

their license so they can have some limited happy hours where they can serve alcohol to the pilot groups. Beer will only be available to the spectators.

Councilmember Karsky made a motion, which was seconded by Councilmember Webber, approving the request of Andrea Henderson, representing the Wayne Airport Authority, for a Special Designated Liquor License Permit for the WayneAmerica Fly-In Event to be held on May 25, 26, 27, and 28, 2023. Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

A Liquor License Manager Application was received from the Nebraska Liquor Control Commission on behalf of Christopher C. Sieck for Casey's Retail Company (Casey's 2738).

Mr. Sieck was unable to be in attendance due to another commitment.

Councilmember Muir made a motion, which was seconded by Councilmember Bratcher, approving the Liquor License Manager Application of Christopher C. Sieck for Casey's Retail Company (Casey's 2738). Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

The following Resolution would approve a "Community-Wide Blanket Construction Permit Agreement" between the City and Black Hills Nebraska Gas, LLC, d/b/a Black Hills Energy. This would be the fourth one applied for and approved by Council. This permit will be for the southwest quadrant (Area C). A map showing the locations was provided to Council.

No one was present representing Black Hills Energy.

The permit fee will remain the same as last year - \$1,000.

Councilmember Karsky introduced Resolution No. 2023-19 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-19

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

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

Councilmember Muir introduced Ordinance No. 2023-1, and moved for approval of the third and final reading thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-1

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE III, ADMINISTRATION, CHAPTER 37 TAXATION, RELATING TO SALES AND USE TAX; EXTENDING THE IMPOSITION OF ONE AND ONE-HALF PERCENT SALES AND USE TAX UPON THE SAME TRANSACTIONS WITHIN THE CITY OF WAYNE UPON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX; PROVIDING EFFECTIVE DATE; PROVIDING TERMINATION DATE; PROVIDING DEPOSIT IN THE GENERAL FUND AND THE ALLOCATION THEREOF.

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

Councilmember Bratcher introduced Ordinance No. 2023-2, and moved for approval of the third and final reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2023-2

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, AMENDING ITS ECONOMIC DEVELOPMENT PROGRAM TO DESCRIBE THE TERMS, CONDITIONS AND GOALS OF SAID ECONOMIC DEVELOPMENT PROGRAM; TO ESTABLISH THE DURATION OF SAID ECONOMIC DEVELOPMENT PROGRAM; TO PROVIDE FOR YEARS FOR COLLECTION OF FUNDS; TO PROVIDE FOR A SOURCE OF FUNDS; TO PROVIDE FOR A TOTAL AMOUNT TO BE COLLECTED; TO REPEAL CONFLICTING ORDINANCES AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

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

Administrator Blecke, on behalf of Jill Brodersen, Architect, presented Application for Payment No. 6 in the amount of \$19,566.00 to OCC Builders, LLC, for the "Freedom Park Trailhead Project." Administrator Blecke also updated the Council on the project.

Councilmember Karsky made a motion, which was seconded by Councilmember Bratcher, approving Application for Payment No. 6 for \$19,566.00 to OCC Builders, LLC, for the "Freedom Park Trailhead Project." Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

Administrator Blecke stated the following Resolution would approve a Renewable Energy Certificate Purchase and Sale Agreement between the City and STX Commodities, LLC. Big Rivers Electric Corporation used to take care of this matter for us. However, there are new regulations in Kentucky that they can no longer be our participant. We have to be our own. This is just simply for the sale of renewable energy credits for 2022. This is a one-time transaction that is in this agreement. In the future, we will, in all likelihood, enter into an agreement with JEO Consulting Group, Inc. (Dave Peterson) to do this for us.

The contract with Big Rivers expires December 31, 2026. We need to give them notice if we are not going to continue with them by the end of this calendar year.

Councilmember Bratcher introduced Resolution No. 2023-20 and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-20

A RESOLUTION APPROVING RENEWABLE ENERGY CERTIFICATE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF WAYNE AND STX COMMODITIES, LLC.

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

There being no further business to come before the meeting, Mayor Pro Tempore Eischeid declared the meeting adjourned at 6:13 p.m.



Vendor	Payable Description	Payment Total
ACE HARDWARE & HOME	TOOLS/ELECTRIC BOXES/AIRLINE/BALL VALVE	735.73
AMERITAS LIFE INSURANCE	AMERITAS ROTH	178.96
AMERITAS LIFE INSURANCE	AMERITAS ROTH	35.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	3,185.88
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	99.98
APPEARA	LINEN & MAT SERVICE	118.02
ARC-HEALTH & SAFETY	CPR/AED TRAINING	288.00
BAKER & TAYLOR BOOKS	BOOKS	942.35
BIG RIVERS ELECTRIC CORPORATION	ELECTRICITY	133,117.73
CINTAS	FIRST AID SUPPLIES	246.29
CITY EMPLOYEE	VISION REIMBURSEMENT	133.20
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	227.56
CITY EMPLOYEE	VISION REIMBURSEMENT	101.80
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	268.44
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	46.06
CITY OF KEARNEY PUBLIC LIBRARY	CITY BAKER'S GUIDE	6.00
CITY OF WAYNE	PAYROLL	99,338.42
COPY WRITE PUBLISHING	FIRE DEPT SHIPPING CHARGE	15.57
DANKO EMERGENCY EQUIPMENT	UNIFORM REPAIR	214.93
DAS STATE ACCTG-CENTRAL FINANCE	WSC INTERNET CHARGES	62.36
DINKEL'S	CUTTING EDGE FOR SNOW BLADES	1,254.00
FIREMAN	EMS CONFERENCE/MILEAGE	75.00
EAKES OFFICE PLUS	CAC COPY CHARGES	210.75
FAITH REGIONAL PHYSICIAN SERV.	RANDOM TESTING	60.00
FASTENAL CO	JACKETS	82.35
FIREMAN	EMS CONFERENCE/ MILEAGE	225.85
FLOOR MAINTENANCE	JANITORIAL MAINTENANCE	889.68
GALE/CENGAGE LEARNING	BOOKS	74.07
GRAINLAND ESTATES LLC	TIF INTEREST	1,827.51
GROSSENBURG IMPLEMENT INC	FILTERS	566.85
HAWKINS, INC	AZONE	696.67
HEIKES AUTOMOTIVE LLC	UPLANDER-HUB BEARING/SENSOR REPLACEMENT	661.99
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	302.21
HYPERION	MONITORING	84.24
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	36.84
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	186.63
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	160.32
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	372.24
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	226.66
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	9,299.34

Vendor	Payable Description	Payment Total
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	127.36
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	1,401.78
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	70.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	137.38
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	413.68
INGRAM LIBRARY SERVICES	BOOKS	831.73
IOWA PUMP WORKS, INC.	RECIRCULATION PUMP REPAIR	5,405.42
IRS	FICA WITHHOLDING	16,723.18
IRS	FEDERAL WITHHOLDING	11,746.48
IRS	MEDICARE WITHHOLDING	3,911.14
JOHN'S WELDING AND TOOL LLC	BASKETBALL RACKS/CYLINDER FILL	157.14
L.G. EVERIST	CRUSHED QUARTZITE	888.40
LUNDAHL, EARL	WELL SITE RENTAL	350.00
MICRO FOCUS (US) INC	GROUPWISE EMAIL RENEWAL	3,075.75
MIDWEST TAPE LLC	AUDIO BOOKS	4,535.17
NE DEPT OF REVENUE	STATE WITHHOLDING	5,417.52
NE HARVESTORE	FILTERS/ FLUID/SWEEPER BRUSHES	1,273.11
NEW PIG CORORATION	ABSORBENT MAT PADS	194.37
NEXT LEVEL WRESTING	AUDITORIUM DEPOSIT REFUND	150.00
OMAHA FIGHT CLUB	AUDITORIUM DEPOSIT REFUND	150.00
O'REILLY AUTOMOTIVE STORES, INC.	MASS AIR FLOW SENSOR/SEALS/FILTERS	147.33
OVERDRIVE, INC.	AUDIO/E BOOKS	495.60
PREMIER BIOTECH, INC.	RANDOM TESTING	102.36
SEBADE HOUSING LLC	TIF INTEREST	4,783.19
US FOODSERVICE, INC.	SENIOR CENTER NOON MEAL SUPPLIES	3,212.17
VARLEY, MICHAEL	REC SOCCER REFUND	35.00
VERIZON WIRELESS SERVICES LLC	CELL PHONES	584.28
WAYNE COUNTRY CLUB	2023 GOLF MEMBERSHIPS	10,165.00
WAYNE COUNTY COURT	BOND	400.00
WAYNE VETERINARY CLINIC	DOG IMPOUND	70.00
	Grand Total:	333,682.02



February 8, 2023

ALLISON SZANTOR
713 PINE HEIGHTS RD
WAYNE, NE 68787

RE: Our Claim #: 1758106
Our Insured: City of Wayne
Date of Loss: 11-09-2022
Claimant: Allison Szantor

Dear Ms. Szantor:

This correspondence is in reference to the claim that has been submitted for damages to your residence at 713 Pine Heights Rd, Wayne, NE. We have carefully examined the circumstances surrounding the incident and believe we have sufficient information to make a proper decision regarding your claim. **In order for any payments to be issued under a liability claim, it has to be proven that our insured was negligent. At this time, with the facts we have been presented, we do not find our insured to be at fault or negligent in this accident and therefore your liability claim is being denied.**

If you can provide us with other information indicating negligence on the part of our insured, we will give your claim further consideration.

In providing the opportunity for further evidence to be presented, this company does not waive any of its rights or defenses under the Political Subdivision Tort Claims Act.

Please contact me at 402-951-8354 if you have any questions or wish to discuss this further.

Sincerely,

Nate Dobler, AIC
Claims Adjuster II

January 10, 2023

Mr. Wes Blecke
City Administrator
306 Pearl Street
Wayne, NE 68787

Dear Mr. Blecke:

This is a Notice of Claim against the City of Wayne, Nebraska for the amount of \$24,054.03.

On both November 9, 2022 and November 23, 2022 the finished lower level of my home, located at 713 Pine Heights Road, was flooded by sewage emanating from the City of Wayne's main sewer line under Pine Heights Road.

This claim includes the cost of sewage mitigation performed by ServiceMASTER in the amount of \$8110.89, the estimated repair cost of damage caused by the sewage to the family room (main room), a bedroom, bathroom, playroom, storage room, utility room, two closets, and stairway in the amount of \$12,325.14, and estimated property loss of \$3618.

Itemized documentation of these costs are attached.

As you are well aware, the extensive damage and disruption to my home was caused by a blockage/obstruction in the City of Wayne's main sewer line that was located several hundred feet down the street from my home. This blockage/obstruction was not discovered until after the second flooding incident occurred.

Because a significant amount of drywall, as well as other materials, had to be removed due to contamination caused by the sewage, approximately one-half of my home has regressed from a finished to unfinished state. I am, therefore, also requesting that my property taxes be reduced until this matter is resolved and the required repairs can be made.

I am hoping that the City of Wayne will promptly resolve this matter so that my daughter and I can regain the full use of my home.

Sincerely,

Allison Szantor-Kai

Betty McGuire - Fwd: [External] Allison Szantor-Kai - Sewer Backup

From: Allison Szantor-Kai <aszantor@gmail.com>
To: Betty McGuire <betty@cityofwayne.org>
Date: 1/11/2023 6:27 PM
Subject: Fwd: [External] Allison Szantor-Kai - Sewer Backup

----- Forwarded message -----

From: <mbatenhorst@voenterprises.com>
Date: Wed, Jan 11, 2023, 2:35 PM
Subject: Allison Szantor-Kai - Sewer Backup
To: <aszantor@gmail.com>

Allison,

In November 2022, you had reached out to our agency in hopes to turn a claim in for the backup of sewer that occurred in your dwelling at 713 Pine Heights Road Wayne, NE 68787. As stated, the dwelling listed at this location does not have a backup of sewer and water endorsement therefore there is no coverage. If you have any questions, please let me know!

Thank you,

Maci Batenhorst

VO Enterprises LLC

Branch of Scribner Insurance Agency

Phone: [402-528-3830](tel:402-528-3830)

Fax: [402-528-3839](tel:402-528-3839)

mbatenhorst@voenterprises.com



ServiceMASTER Of Sooland
 1905 A Street
 South Sioux City, NE 68776

Invoice

Date	Invoice #
12/2/2022	17239

402-494-3188

Bill To
Allison Szantor 713 Pine Heights Rd Wayne, NE 68787 USA

P.O. No.	Terms	Project
		22-0378-WTR

Quantity	Description	Rate	Amount
	Water Damage Services	6,457.76	6,457.76T
	Drying Equipment	819.41	819.41T
	Mileage Charge	303.10	303.10T
	Wayne	7.00%	530.62

Total		\$8,110.89
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ServiceMaster of Sooland Fed I.D. # 47-0768971

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Fed I.D. # 47-0768971

SZANTOR__ALLISON

GENERAL ITEM

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Emergency service call - during business hours Thursday 11/10/22	1.00 EA	0.00	175.57	12.73	188.30
2. Emergency service call - during business hours Service call for second back up on 11/28/22. Requested by customer	1.00 EA	0.00	175.57	12.73	188.30
3. Equipment setup, take down, and monitoring (hourly charge) Thursday 11/10/22 Initial set up of equipment	1.50 HR	0.00	57.65	6.27	92.75
4. Equip. setup, take down & monitoring - after hrs Sunday 11/13/22 Equipment Monitoring & Moisture Check	1.50 HR	0.00	86.57	9.41	139.27
5. Equipment setup, take down, and monitoring (hourly charge) Thursday 11/17/22 Equipment removal & final moisture check	1.50 HR	0.00	57.65	6.27	92.75
6. Haul debris - per pickup truck load - including dump fees Includes structural mitigation items and removal of contaminated couch for disposal.	3.50 EA	149.85	0.00	38.02	562.50
7. Add for personal protective equipment (hazardous cleanup)	6.00 EA	0.00	12.49	11.26	86.20
8. Additional driving charge - per mile Vehicle mileage per round trip. (6)	480.00 EA	0.00	0.63	21.92	324.32
9. Water Extraction & Remediation Technician - per hour Technician travel time (*round trip) per technician	12.00 HR	0.00	57.65	50.16	741.96
Totals: GENERAL ITEM				168.77	2,416.35

Equipment

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
10. Dehumidifier (per 24 hour period) - XLarge - No monitoring Charged 3 days	3.00 EA	0.00	102.50	22.29	329.79
11. Negative air fan/Air scrubber (24 hr period) - No monit.	3.00 DA	0.00	70.00	15.23	225.23



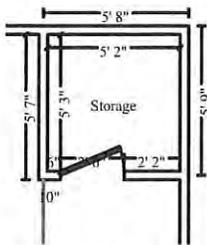
ServiceMaster of Sooland Fed I.D. # 47-0768971

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CONTINUED - Equipment

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
12. Air mover (per 24 hour period) - No monitoring 4 air movers @ 3 days	12.00 EA	0.00	25.00	21.75	321.75
13. Add for HEPA filter (for negative air exhaust fan)	1.00 EA	0.00	195.37	28.36	223.73
Totals: Equipment				87.63	1,100.50

Basement



Storage

Height: 8'

166.67 SF Walls	27.12 SF Ceiling
193.79 SF Walls & Ceiling	27.12 SF Floor
3.01 SY Flooring	20.83 LF Floor Perimeter
20.83 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
14. Water extraction from carpeted floor - Category 3 water	27.12 SF	0.00	1.29	2.54	37.52
15. Tear out wet non-salvageable carpet, cut/bag - Cat 3 water	27.12 SF	0.91	0.00	1.94	26.62
16. Tear out wet carpet pad, cut/bag - Category 3 water	27.12 SF	0.85	0.00	1.82	24.87
17. Apply plant-based anti-microbial agent to the floor	27.12 SF	0.00	0.29	0.68	8.54
Initial application of Decon-30 Anti-microbial per IICRC S500 guidelines for Category 3 sewer water.					
18. Clean floor	27.12 SF	0.00	0.45	0.91	13.11
Initial per-clean of floor per IICRC S500 guidelines for Category 3 sewer water.					
19. Content Manipulation charge - per hour	1.00 HR	0.00	45.95	3.33	49.28
20. Apply plant-based anti-microbial agent to the floor	27.12 SF	0.00	0.29	0.68	8.54
Final application of Decon-30 Anti-microbial with machine clean per IICRC S500 guidelines for Category 3 sewer water.					
21. Clean floor - Heavy	27.12 SF	0.00	0.64	1.28	18.64
Final rotary heavy machine clean per IICRC S500 guidelines for Cat 3 sewer water					
Totals: Storage				13.18	187.12

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Play Room

Height: 8'

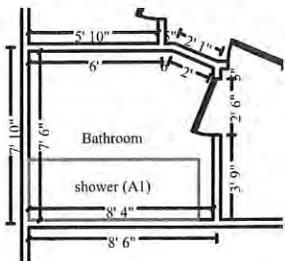
400.22 SF Walls	146.48 SF Ceiling
546.70 SF Walls & Ceiling	146.48 SF Floor
16.28 SY Flooring	49.50 LF Floor Perimeter
52.67 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

3' 2" X 6' 8"

Opens into PLAY_CLST

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
30. Water extraction from carpeted floor - Category 3 water	146.48 SF	0.00	1.29	13.70	202.66
31. Tear out wet non-salvageable carpet, cut/bag - Cat 3 water	146.48 SF	0.91	0.00	10.46	143.76
32. Tear out wet carpet pad, cut/bag - Category 3 water	146.48 SF	0.85	0.00	9.82	134.33
33. Tear out wet drywall, cleanup, bag, per LF - to 2' - Cat 3	10.50 LF	5.53	0.00	4.49	62.56
34. Apply plant-based anti-microbial agent to the floor	146.48 SF	0.00	0.29	3.65	46.13
Initial application of Decon-30 Anti-microbial per IICRC S500 guidelines for Category 3 sewer water.					
35. Clean floor	146.48 SF	0.00	0.45	4.90	70.82
Initial per-clean of floor per IICRC S500 guidelines for Category 3 sewer water.					
36. Content Manipulation charge - per hour	1.00 HR	0.00	45.95	3.33	49.28
37. Apply plant-based anti-microbial agent to the floor	146.48 SF	0.00	0.29	3.65	46.13
Final application of Decon-30 Anti-microbial with machine clean per IICRC S500 guidelines for Category 3 sewer water.					
38. Clean floor - Heavy	146.48 SF	0.00	0.64	6.91	100.66
Final rotary heavy machine clean per IICRC S500 guidelines for Cat 3 sewer water					
Totals: Play Room				60.91	856.33



Bathroom

Height: 8'

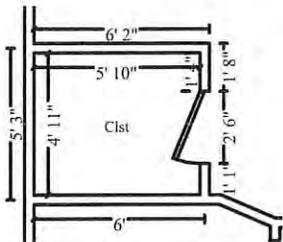
248.52 SF Walls	61.82 SF Ceiling
310.34 SF Walls & Ceiling	41.38 SF Floor
4.60 SY Flooring	31.07 LF Floor Perimeter
31.07 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
SZANTOR_ALLISON				11/30/2022	Page: 5

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CONTINUED - Bathroom

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
39. Water extraction from hard surface floor - Cat 3 water	41.38 SF	0.00	0.78	2.34	34.62
40. Apply plant-based anti-microbial agent to the floor	41.38 SF	0.00	0.29	1.03	13.03
Initial application of Decon-30 Anti-microbial per IICRC S500 guidelines for Category 3 sewer water.					
41. Clean floor	41.38 SF	0.00	0.45	1.38	20.00
Initial per-clean of floor per IICRC S500 guidelines for Category 3 sewer water.					
42. Tear out wet drywall, cleanup, bag, per LF - to 2' - Cat 3	4.00 LF	5.53	0.00	1.71	23.83
43. Apply plant-based anti-microbial agent to the floor	41.38 SF	0.00	0.29	1.03	13.03
Final application of Decon-30 Anti-microbial with machine clean per IICRC S500 guidelines for Category 3 sewer water.					
44. Clean floor - Heavy	41.38 SF	0.00	0.64	1.95	28.43
Final rotary heavy machine clean per IICRC S500 guidelines for Cat 3 sewer water					
Totals: Bathroom				9.44	132.94



Clst

Height: 8'

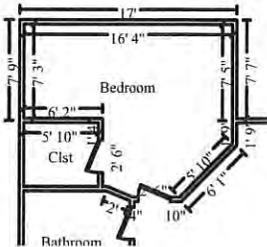
172.00 SF Walls	28.68 SF Ceiling
200.68 SF Walls & Ceiling	28.68 SF Floor
3.19 SY Flooring	21.50 LF Floor Perimeter
21.50 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
45. Water extraction from carpeted floor - Category 3 water	28.68 SF	0.00	1.29	2.68	39.68
46. Tear out wet non-salvageable carpet, cut/bag - Cat 3 water	28.68 SF	0.91	0.00	2.05	28.15
47. Tear out wet carpet pad, cut/bag - Category 3 water	28.68 SF	0.85	0.00	1.93	26.31
48. Apply plant-based anti-microbial agent to the floor	28.68 SF	0.00	0.29	0.71	9.03
Initial application of Decon-30 Anti-microbial per IICRC S500 guidelines for Category 3 sewer water.					
49. Clean floor	28.68 SF	0.00	0.45	0.96	13.87
Initial per-clean of floor per IICRC S500 guidelines for Category 3 sewer water.					
50. Content Manipulation charge - per hour	0.50 HR	0.00	45.95	1.67	24.65

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CONTINUED - Clst

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
51. Apply plant-based anti-microbial agent to the floor Final application of Decon-30 Anti-microbial with machine clean per IICRC S500 guidelines for Category 3 sewer water.	28.68 SF	0.00	0.29	0.71	9.03
52. Clean floor - Heavy Final rotary heavy machine clean per IICRC S500 guidelines for Cat 3 sewer water	28.68 SF	0.00	0.64	1.35	19.19
Totals: Clst				12.06	170.43



Bedroom

Height: 8'

449.70 SF Walls	170.33 SF Ceiling
620.03 SF Walls & Ceiling	170.33 SF Floor
18.93 SY Flooring	56.21 LF Floor Perimeter
56.21 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
53. Water extraction from carpeted floor - Category 3 water 1/2 of floor area	85.16 SF	0.00	1.29	7.96	117.82
54. Tear out wet non-salvageable carpet, cut/bag - Cat 3 water 1/2 of floor area	85.16 SF	0.91	0.00	6.08	83.58
55. Tear out wet carpet pad, cut/bag - Category 3 water 1/2 of floor area	85.16 SF	0.85	0.00	5.71	78.10
56. Tear out wet drywall, cleanup, bag, per LF - to 2' - Cat 3 1/2 of floor area	5.00 LF	5.53	0.00	2.13	29.78
57. Apply plant-based anti-microbial agent to part of the floor Initial application of Decon-30 Anti-microbial per IICRC S500 guidelines for Category 3 sewer water. 1/2 of floor area	85.16 SF	0.00	0.29	2.12	26.82
58. Clean floor Initial per-clean of floor per IICRC S500 guidelines for Category 3 sewer water. 1/2 of floor area	85.16 SF	0.00	0.45	2.84	41.16
59. Content Manipulation charge - per hour	0.50 HR	0.00	45.95	1.67	24.65
60. Apply plant-based anti-microbial agent to part of the floor Final application of Decon-30 Anti-microbial with machine clean per IICRC S500 guidelines for Category 3 sewer water. 1/2 of floor area	85.16 SF	0.00	0.29	2.12	26.82

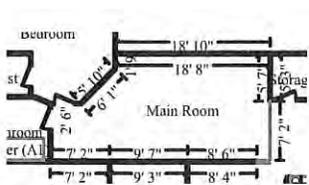


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CONTINUED - Bedroom

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
61. Clean floor - Heavy	85.16 SF	0.00	0.64	4.02	58.52
Final rotary heavy machine clean per IICRC S500 guidelines for Cat 3 sewer water. 1/2 of floor area					
Totals: Bedroom				34.65	487.25



Main Room

Height: 8'

543.92 SF Walls	302.20 SF Ceiling
846.11 SF Walls & Ceiling	302.20 SF Floor
33.58 SY Flooring	67.73 LF Floor Perimeter
69.31 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

1' 7" X 6' 8"

Opens into UTILITY

Missing Wall

7' 2" X 8'

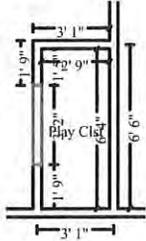
Opens into UTILITY

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
62. Water extraction from carpeted floor - Category 3 water	302.20 SF	0.00	1.29	28.26	418.10
63. Tear out wet non-salvageable carpet, cut/bag - Cat 3 water	302.20 SF	0.91	0.00	21.58	296.58
64. Tear out wet carpet pad, cut/bag - Category 3 water	302.20 SF	0.85	0.00	20.26	277.13
65. Tear out wet drywall, cleanup, bag, per LF - to 2' - Cat 3	20.00 LF	5.53	0.00	8.54	119.14
66. Apply plant-based anti-microbial agent to the floor	302.20 SF	0.00	0.29	7.53	95.17
Initial application of Decon-30 Anti-microbial per IICRC S500 guidelines for Category 3 sewer water.					
67. Clean floor	302.20 SF	0.00	0.45	10.10	146.09
Initial per-clean of floor per IICRC S500 guidelines for Category 3 sewer water.					
68. Content Manipulation charge - per hour	1.00 HR	0.00	45.95	3.33	49.28
69. Apply plant-based anti-microbial agent to the floor	302.20 SF	0.00	0.29	7.53	95.17
Final application of Decon-30 Anti-microbial with machine clean per IICRC S500 guidelines for Category 3 sewer water.					
70. Clean floor - Heavy	302.20 SF	0.00	0.64	14.26	207.67
Final rotary heavy machine clean per IICRC S500 guidelines for Cat 3 sewer water					
Totals: Main Room				121.39	1,704.33



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Play Clst

Height: 8'

124.62 SF Walls	17.49 SF Ceiling
142.11 SF Walls & Ceiling	17.49 SF Floor
1.94 SY Flooring	15.05 LF Floor Perimeter
18.22 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

3' 2" X 6' 8"

Opens into PLAY_ROOM

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
71. Water extraction from carpeted floor - Category 3 water	17.49 SF	0.00	1.29	1.64	24.20
72. Tear out wet non-salvageable carpet, cut/bag - Cat 3 water	17.49 SF	0.91	0.00	1.25	17.17
73. Tear out wet carpet pad, cut/bag - Category 3 water	17.49 SF	0.85	0.00	1.17	16.04
74. Apply plant-based anti-microbial agent to the floor	17.49 SF	0.00	0.29	0.43	5.50
Initial application of Decon-30 Anti-microbial per IICRC S500 guidelines for Category 3 sewer water.					
75. Clean floor	17.49 SF	0.00	0.45	0.58	8.45
Initial per-clean of floor per IICRC S500 guidelines for Category 3 sewer water.					
76. Tear out wet drywall, cleanup, bag, per LF - to 2' - Cat 3	15.05 LF	5.53	0.00	6.43	89.66
77. Apply plant-based anti-microbial agent to the floor	17.49 SF	0.00	0.29	0.43	5.50
Final application of Decon-30 Anti-microbial with machine clean per IICRC S500 guidelines for Category 3 sewer water.					
78. Clean floor - Heavy	17.49 SF	0.00	0.64	0.82	12.01
Final rotary heavy machine clean per IICRC S500 guidelines for Cat 3 sewer water					
Totals: Play Clst				12.75	178.53
Total: Basement				326.64	4,594.04
Line Item Totals: SZANTOR_ALLISON				583.04	8,110.89



ServiceMaster of Sooland Fed I.D. # 47-0768971

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Grand Total Areas:

2,991.36 SF Walls	1,053.93 SF Ceiling	4,045.30 SF Walls and Ceiling
1,056.35 SF Floor	117.37 SY Flooring	369.38 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	375.24 LF Ceil. Perimeter
1,056.35 Floor Area	1,121.86 Total Area	2,820.01 Interior Wall Area
1,206.94 Exterior Wall Area	134.10 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	



ServiceMaster of Sooland Fed I.D. # 47-0768971

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Summary for Dwelling

Line Item Total	7,527.85
Material Sales Tax	34.78
Subtotal	7,562.63
Total Tax	548.26
Replacement Cost Value	\$8,110.89
Net Claim	\$8,110.89

Manley, Scott

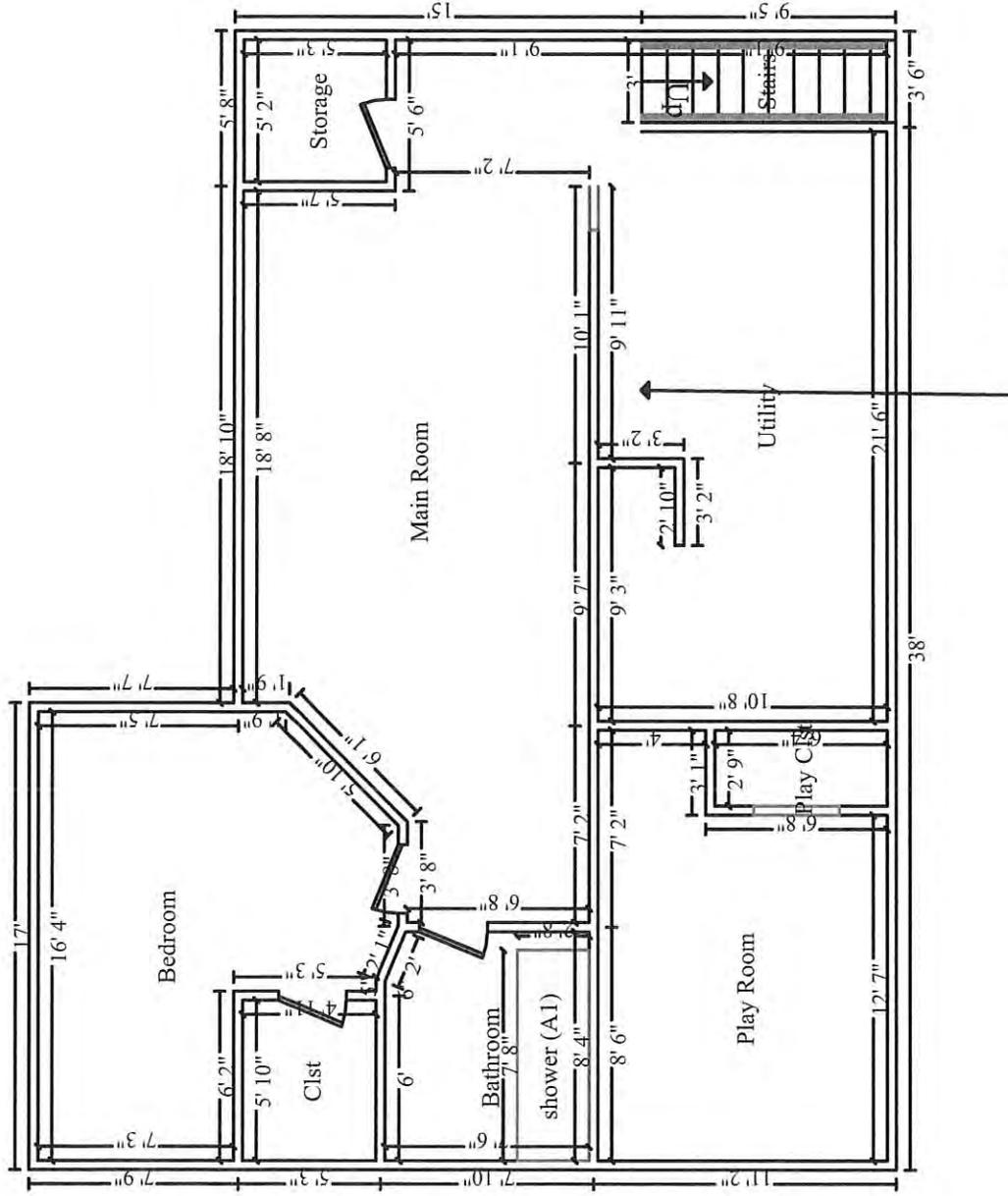


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Recap by Category

Items	Total	%
CLEANING	1,065.43	13.14%
CONTENT MANIPULATION	229.76	2.83%
GENERAL DEMOLITION	1,894.72	23.36%
PERMITS AND FEES	302.40	3.73%
WATER EXTRACTION & REMEDIATION	4,035.54	49.75%
Subtotal	7,527.85	92.81%
Material Sales Tax	34.78	0.43%
Total Tax	548.26	6.76%
Total	8,110.89	100.00%



Source & Flow
Source = floor drain



ServiceMaster of Sooland Fed I.D. # 47-0768971

ServiceMaster of Sooland
1905 A St.
South Sioux City, NE 68776
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Fed I.D. # 47-0768971

Insured: Szantor, Allison
Property: 713 Pine Heights Rd
Wayne, NE 68787
Home: 713 Pine Heights Rd
Wayne, NE 68787

Home: (716) 990-1436
Cellular: (716) 990-1436
E-mail: aszantor@gmail.com

Claim Rep.: Unknown

Estimator: Manley, Scott
Company: ServiceMaster of Sooland
Business: 1905 A St.
South Sioux City, NE 68776

Business: (402) 494-3188
E-mail: scott.manley@smsooland.com

Contractor:
Company: ServiceMaster of Sooland
Business: 1905 A. St.
South Sioux City, NE 68776

Business: (402) 494-3188
E-mail: scott.manley@smsooland.com

Claim Number: 202211090828

Policy Number:

Type of Loss: WATER

Date Contacted: 11/9/2022 9:00 AM
Date of Loss: 11/9/2022 12:00 AM
Date Inspected: 11/10/2022 9:15 AM
Date Est. Completed: 11/18/2022 12:11 PM
Date Received: 11/9/2022 8:29 AM
Date Entered: 11/9/2022 8:38 AM

Price List: NENO8X_NOV22
Restoration/Service/Remodel
Estimate: SZANTOR_REPAIRS



ServiceMaster of Sooland Fed I.D. # 47-0768971

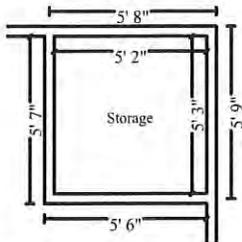
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 www.smsooland.com
 Fed I.D. # 47-0768971

SZANTOR_REPAIRS

GENERAL ITEM

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
1. Additional driving charge - per mile Vehicle mileage from Sioux City per round trip (5)	400.00 EA	0.00	0.63	21.92	50.40	324.32
2. Finish Carpenter - per hour Finish carpenter travel time from Sioux City per round trip (5)	10.00 HR	0.00	76.02	66.13	152.04	978.37
3. Furnace or A/C - check, clean, replace filters and service	1.00 EA	0.00	180.11	16.13	36.10	232.34
Totals: GENERAL ITEM				104.18	238.54	1,535.03

Basement



Storage

Height: 8'

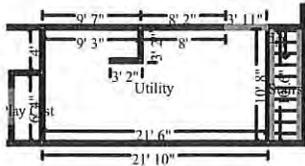
166.67 SF Walls	27.12 SF Ceiling
193.79 SF Walls & Ceiling	27.12 SF Floor
3.01 SY Flooring	20.83 LF Floor Perimeter
20.83 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
4. Carpet 15 % waste added for Carpet.	31.19 SF	0.00	3.54	16.15	23.28	149.84
5. Carpet pad	27.12 SF	0.00	0.63	2.57	3.62	23.28
6. Baseboard - 3 1/4"	20.83 LF	0.00	3.77	9.74	16.24	104.51
7. Paint baseboard - two coats	20.83 LF	0.00	1.21	2.44	5.08	32.72
8. Floor protection - plastic and tape - 10 mil	27.12 SF	0.00	0.27	0.90	1.50	9.72
9. Paint the walls - one coat	166.67 SF	0.00	0.59	10.52	20.02	128.88
10. Final cleaning - construction - Residential	27.12 SF	0.00	0.29	0.68	1.58	10.12
Totals: Storage				43.00	71.32	459.07



ServiceMaster of Sooland Fed I.D. # 47-0768971

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 Fed I.D. # 47-0768971



Utility

Height: 8'

584.56 SF Walls	227.28 SF Ceiling
811.83 SF Walls & Ceiling	227.28 SF Floor
25.25 SY Flooring	72.42 LF Floor Perimeter
76.33 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

3' 11" X 6' 8"

Opens into MAIN_ROOM

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
11. Seal/prime then paint the walls (2 coats)	584.56 SF	0.00	0.83	51.88	98.82	635.88
12. Seal & paint full height cabinetry - inside and out	3.00 LF	0.00	42.71	13.71	26.10	167.94
13. Floor protection - plastic and tape - 10 mil	227.28 SF	0.00	0.27	7.49	12.68	81.54
14. Final cleaning - construction - Residential	227.28 SF	0.00	0.29	5.74	13.18	84.83
Totals: Utility				78.82	150.78	970.19



Play Room

Height: 8'

400.22 SF Walls	146.48 SF Ceiling
546.70 SF Walls & Ceiling	146.48 SF Floor
16.28 SY Flooring	49.50 LF Floor Perimeter
52.67 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

3' 2" X 6' 8"

Opens into PLAY_CLST

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
15. 1/2" drywall - hung, taped, with smooth wall finish	24.00 SF	0.00	3.15	7.92	15.36	98.88
16. Baseboard - 3 1/4"	49.50 LF	0.00	3.77	23.14	38.60	248.36
17. Paint baseboard - two coats	49.50 LF	0.00	1.21	5.80	12.08	77.78
18. Floor protection - plastic and tape - 10 mil	146.48 SF	0.00	0.27	4.82	8.18	52.55
19. Seal/prime then paint the walls (2 coats)	400.22 SF	0.00	0.83	35.51	67.66	435.35
20. Carpet	168.45 SF	0.00	3.54	87.20	125.76	809.27
15 % waste added for Carpet.						
21. Carpet pad	146.48 SF	0.00	0.63	13.92	19.54	125.74

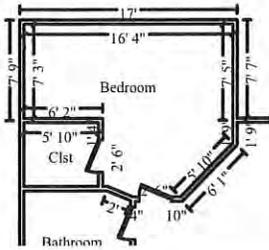


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CONTINUED - Clst

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
31. R&R Carpet pad	28.68 SF	0.14	0.63	3.08	4.64	29.81
32. Final cleaning - construction - Residential	28.68 SF	0.00	0.29	0.72	1.66	10.70
Totals: Clst				21.71	32.84	211.17



Bedroom

Height: 8'

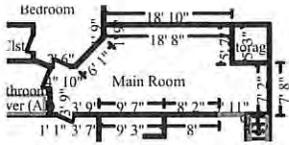
449.70 SF Walls	170.33 SF Ceiling
620.03 SF Walls & Ceiling	170.33 SF Floor
18.93 SY Flooring	56.21 LF Floor Perimeter
56.21 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
33. 1/2" drywall - hung, taped, with smooth wall finish	12.00 SF	0.00	3.15	3.97	7.68	49.45
34. Baseboard - 3 1/4"	56.21 LF	0.00	3.77	26.28	43.82	282.01
35. Paint baseboard - two coats	56.21 LF	0.00	1.21	6.57	13.72	88.30
36. Floor protection - plastic and tape - 10 mil	170.33 SF	0.00	0.27	5.61	9.50	61.10
37. Seal/prime then paint the walls (2 coats)	449.70 SF	0.00	0.83	39.92	76.04	489.21
38. Carpet	195.88 SF	0.00	3.54	101.39	146.24	941.05
15 % waste added for Carpet.						
39. Carpet pad	170.33 SF	0.00	0.63	16.19	22.72	146.22
40. Final cleaning - construction - Residential	170.33 SF	0.00	0.29	4.30	9.88	63.58
Totals: Bedroom				204.23	329.60	2,120.92



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Main Room

Height: 8'

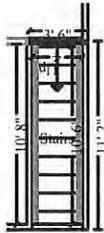
672.36 SF Walls	340.42 SF Ceiling
1,012.78 SF Walls & Ceiling	340.42 SF Floor
37.82 SY Flooring	83.39 LF Floor Perimeter
87.31 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

3' 11" X 6' 8"

Opens into UTILITY

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
41. 1/2" drywall - hung, taped, with smooth wall finish	36.00 SF	0.00	3.15	11.88	23.06	148.34
42. Baseboard - 3 1/4"	83.39 LF	0.00	3.77	38.98	65.02	418.38
43. Paint baseboard - two coats	83.39 LF	0.00	1.21	9.77	20.36	131.03
44. Floor protection - plastic and tape - 10 mil	340.42 SF	0.00	0.27	11.22	18.98	122.11
45. Seal/prime then paint the walls (2 coats)	672.36 SF	0.00	0.83	59.68	113.66	731.40
46. Carpet	391.48 SF	0.00	3.54	202.64	292.26	1,880.74
15 % waste added for Carpet.						
47. Carpet pad	340.42 SF	0.00	0.63	32.34	45.42	292.22
48. Final cleaning - construction - Residential	340.42 SF	0.00	0.29	8.59	19.74	127.05
Totals: Main Room				375.10	598.50	3,851.27



Stairs

Height: 14' 3"

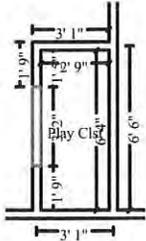
269.77 SF Walls	31.50 SF Ceiling
301.27 SF Walls & Ceiling	54.36 SF Floor
6.04 SY Flooring	27.24 LF Floor Perimeter
24.00 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
49. Paint steps & risers the floor - one coat	54.36 SF	0.00	0.59	3.43	6.54	42.04
50. Final cleaning - construction - Residential	54.36 SF	0.00	0.29	1.37	3.16	20.29
Totals: Stairs				4.80	9.70	62.33



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Play Clst

Height: 8'

124.62 SF Walls	17.49 SF Ceiling
142.11 SF Walls & Ceiling	17.49 SF Floor
1.94 SY Flooring	15.05 LF Floor Perimeter
18.22 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

3' 2" X 6' 8"

Opens into PLAY_ROOM

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
51. 1/2" drywall - hung, taped, with smooth wall finish	30.10 SF	0.00	3.15	9.94	19.28	124.04
52. Baseboard - 3 1/4"	15.05 LF	0.00	3.77	7.03	11.72	75.49
53. Paint baseboard - two coats	15.05 LF	0.00	1.21	1.76	3.68	23.65
54. Floor protection - plastic and tape - 10 mil	17.49 SF	0.00	0.27	0.57	0.98	6.27
55. Seal/prime then paint the walls (2 coats)	124.62 SF	0.00	0.83	11.07	21.06	135.56
56. Carpet	20.11 SF	0.00	3.54	10.41	15.02	96.62
15 % waste added for Carpet.						
57. Carpet pad	17.49 SF	0.00	0.63	1.67	2.34	15.03
58. Final cleaning - construction - Residential	17.49 SF	0.00	0.29	0.44	1.02	6.53
Totals: Play Clst				42.89	75.10	483.19
Total: Basement				999.17	1,649.74	10,615.54

Labor Minimums Applied

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
59. Drywall labor minimum	1.00 EA	0.00	75.03	6.53	15.00	96.56
60. Heat, vent, & air cond. labor minimum	1.00 EA	0.00	60.62	5.27	12.12	78.01
Totals: Labor Minimums Applied				11.80	27.12	174.57
Line Item Totals: SZANTOR_REPAIRS				1,115.15	1,915.40	12,325.14



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Grand Total Areas:

3,088.42 SF Walls	1,051.12 SF Ceiling	4,139.54 SF Walls and Ceiling
1,053.54 SF Floor	117.06 SY Flooring	377.21 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	388.14 LF Ceil. Perimeter
1,053.54 Floor Area	1,122.44 Total Area	2,831.99 Interior Wall Area
1,223.91 Exterior Wall Area	135.99 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	



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Summary for Dwelling

Line Item Total	9,294.59
Material Sales Tax	281.95
Subtotal	9,576.54
Overhead	957.70
Profit	957.70
Total Tax	833.20
Replacement Cost Value	\$12,325.14
Net Claim	\$12,325.14

Manley, Scott

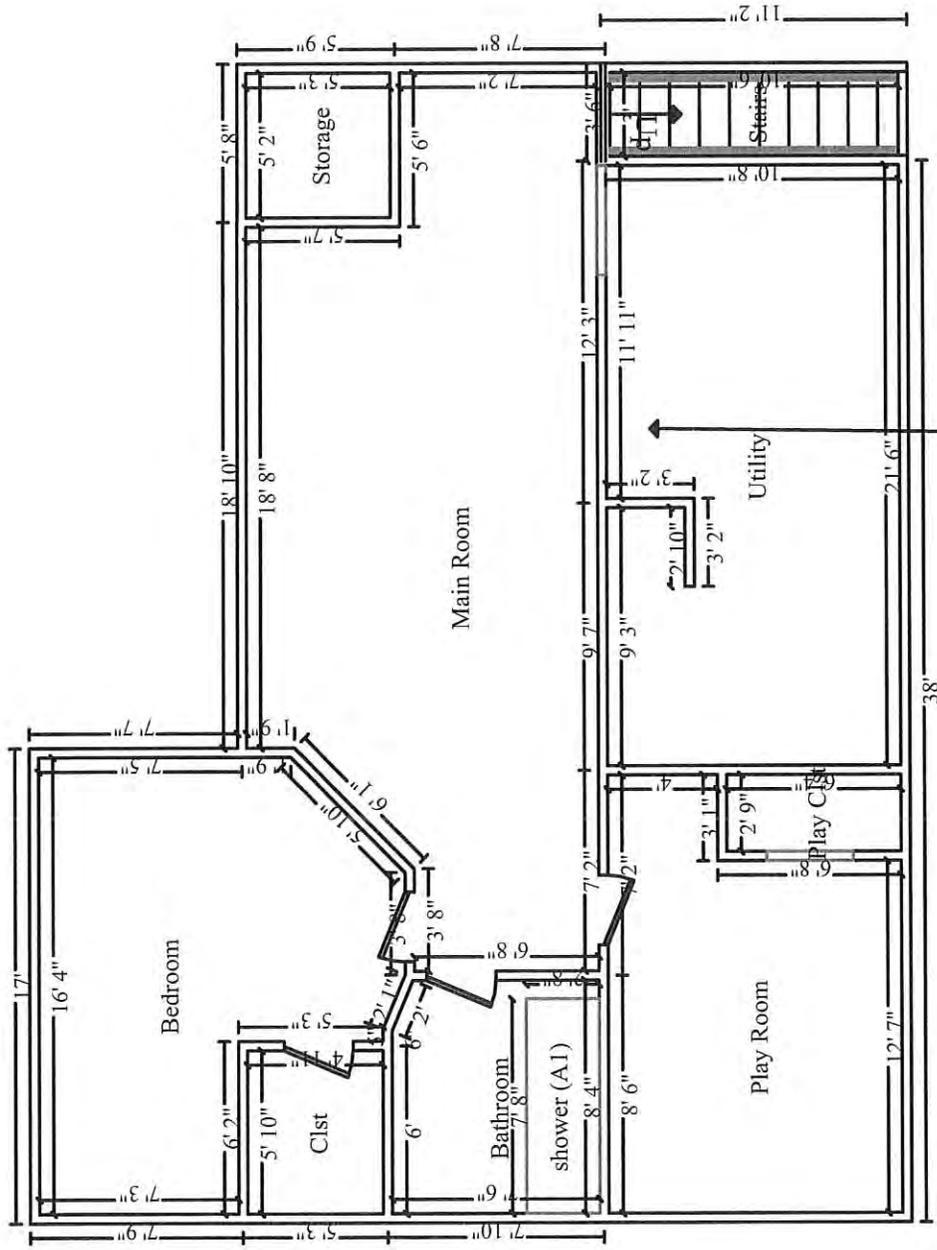


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Recap by Category

O&P Items	Total	%
CLEANING	305.52	2.48%
GENERAL DEMOLITION	13.48	0.11%
DRYWALL	434.45	3.52%
FLOOR COVERING - CARPET	3,434.15	27.86%
PERMITS AND FEES	252.00	2.04%
FINISH CARPENTRY / TRIMWORK	1,725.51	14.00%
HEAT, VENT & AIR CONDITIONING	240.73	1.95%
PAINTING	2,888.75	23.44%
O&P Items Subtotal	9,294.59	75.41%
Material Sales Tax	281.95	2.29%
Overhead	957.70	7.77%
Profit	957.70	7.77%
Total Tax	833.20	6.76%
Total	12,325.14	100.00%



Source & Flow
Source = floor drain



Basement



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Insured: Szantor, Allison
Property: 713 Pine Heights Rd
Wayne, NE 68787
Home: 713 Pine Heights Rd
Wayne, NE 68787

Home: (716) 990-1436
Cellular: (716) 990-1436
E-mail: aszantor@gmail.com

Claim Rep.: Unknown

Estimator: Manley, Scott
Company: ServiceMaster of Sooland
Business: 1905 A St.
South Sioux City, NE 68776

Business: (402) 494-3188
E-mail: scott.manley@smsooland.com

Contractor:
Company: ServiceMaster of Sooland
Business: 1905 A. St.
South Sioux City, NE 68776

Business: (402) 494-3188
E-mail: scott.manley@smsooland.com

Claim Number: 202211090828

Policy Number:

Type of Loss: SEWAGE

Date Contacted: 11/9/2022 9:00 AM

Date of Loss: 11/9/2022 12:00 AM

Date Inspected: 11/10/2022 9:15 AM

Date Est. Completed: 11/18/2022 12:11 PM

Date Received: 11/9/2022 8:29 AM

Date Entered: 11/9/2022 8:38 AM

Price List: NENO8X_NOV22
Restoration/Service/Remodel
Estimate: SZANTOR__ALLISON

City of Wayne submits herewith the Service Component Plan of Operation for a component of the Northeast Nebraska Area Agency on Aging's Plan and hereby agrees to administer such Detailed Plan of Operation in accordance with the regulations, policies and procedures prescribed by the Administration of Community Living, the Nebraska Health & Human Services – State Unit on Aging, the Area Agency on Aging including, but not necessarily limited to the following conditions and contracts:

1. To ensure that all published material and news releases conspicuously acknowledge the Nebraska Health & Human Services – State Unit on Aging and the Area Agency on Aging's support of this project.
2. To report promptly and accurately to the Nebraska HHS – State Unit on Aging and the Area Agency on Aging when requested to do so and to supply such data and information as may be requested.
3. To make the financial and program records of the project supported by this award or contract available to representatives of the Nebraska HHS – State Unit on Aging and the Area Agency on Aging when requested to do
4. To ensure that the federal share of this III-B project year shall meet any amount less than 34,595.00 but in no case shall the federal share exceed 34,595.00 of the total project costs.
5. To ensure that the federal share of this III-C project year shall meet any amount less than 35,492.00 but in no case shall the federal share exceed 35,492.00 of the total project costs.
6. To ensure that the federal share of this III-E project year shall meet any amount less than \$3,500 but in no case shall the federal share exceed \$3,500 of the total project costs.
7. To have, and to furnish assurance thereof that it has in force, third party blanket liability coverage sufficient to protect it and the Area Agency on Aging in case of accident on the project premises.
8. To comply with Title VI of the Civil Rights Act of 1964, (P.L. 88-352), and the regulations issued pursuant thereto. An assurance of compliance with such regulations (Form AoA-441) is attached.
9. To maintain methods of personnel administration consistent with the State of Nebraska, where applicable and with a written EEO Affirmative Action Manual on file with the Nebraska HHS—State Unit on Aging.
10. To assure that all expenditures incurred by the sponsor will be in accordance with the cost policies of the Nebraska HHS – State Unit on Aging and the Department of Health, Education and Welfare as set forth in Federal Regulations Title 45, Part 74.
11. To operate in accordance with the Older Americans Act of 1965, as amended, and the regulations and instructions issued thereunder.

The Contractor is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a known as the E-Verify Program or an equivalent federal program designated by the United States Department of Homeland Security or other federal program authorized to verify the work eligibility status of a newly hired employee.

It is understood and agreed by the undersigned that: 1) Funds granted as a result of this request are to be expected for the purpose set forth herein and in accordance with all applicable laws, regulations, policies, procedures and instructions of the Area Agency on Aging, the State, the Nebraska HHS – State Unit on Aging and Administration of Community Living of the U.S. Department of Health & Human Services; 2) Any proposed changes in the proposal as approved will be submitted in writing by the applicant and upon notification of approval by the Area Agency on Aging and the State Agency, shall be deemed incorporated into and become a part of this agreement; 3) The attached Assurance of Compliance which the Department of Health & Human Services regulations issued pursuant to Title VI of the Civil Rights Act of 1964 applies to this proposal as approved; and 4) Funds awarded by the Area Agency on Aging and the Department may be terminated at any time for violations of any terms and requirements of this Agreement.

Date _____

Signature _____

Name (please print) Cale Giese

Title Mayor

III-B / III-C / III-E ASSURANCE OF COMPLIANCE
With the Department of Health, Education, and Welfare Regulations
Under Title VI of the Civil Rights Act of 1964

FY 2022

City of Wayne (hereinafter called the "Contractor") **HEREBY AGREES**

THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health, Education, and Welfare (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Sub Recipient receives federal financial assistance from the Northeast Nebraska Area Agency on Aging, a recipient of federal financial assistance from the Department (hereinafter referred to as "NENAAA"); and **HEREBY GIVES ASSURANCE THAT** it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the Sub Recipient by NENAAA, this assurance shall obligate the Sub Recipient, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose of which the federal financial assistance is expended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Sub Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Sub Recipient for the period during which the federal financial assistance is expended to it by NENAAA.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Sub Recipient by NENAAA, including installment payments after such date on account of applications for federal financial assistance which were approved before such date. The Sub Recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that NENAAA or the United States or both shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Sub Recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below who are authorized to sign this assurance on behalf of the Sub Recipient.

Date _____

Signature _____

Name (please print) Cale Giese

Title Mayor

RESOLUTION NO. 2023-21

A RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS.

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program; and

WHEREAS, the City of Wayne desires to apply for said funds to provide public transportation in the City of Wayne.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the City Administrator is authorized to apply for the above-mentioned funds and that said funds will be used for the City of Wayne's transportation operations in the FY 2023-2024 Application for Public Transportation Assistance.

PASSED AND APPROVED this 21st day of March, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2023-22

A RESOLUTION SUPPORTING THE APPLICATION FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS AND APPROVING LOCAL MATCH.

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program; and

WHEREAS, the City of Wayne is applying for said funds to provide public transportation in the City of Wayne; and

WHEREAS, the estimated cost of said program by source of funds is \$136,025 in Federal Funds, \$41,068 in State Funds and \$41,066 in local funds from the City of Wayne.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the City hereby supports the application for Nebraska Public Transportation Act Funds and agrees to provide the necessary \$41,066 in matching funds for said program.

PASSED AND APPROVED this 21st day of March, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2023-23

A RESOLUTION ADOPTING TITLE VI – NON-DISCRIMINATION PLAN FOR THE CITY OF WAYNE PUBLIC TRANSIT PROGRAM.

WHEREAS, the City of Wayne Public Transit operates a public transit program serving the residents of Wayne; and

WHEREAS, as a condition of receiving Federal financial assistance to operate these services, the City must ensure that its programs, policies, and activities comply with Title VI of the Civil Rights Act.

THEREFORE, BE IT RESOLVED that the City of Wayne City Council does hereby adopt and bind itself to comply with all of the rules and regulations of the Title VI Non-Discrimination Plan, a copy of which is attached hereto and incorporated herein by reference, and authorizes the Mayor to execute said Plan on behalf of the City.

PASSED AND APPROVED this 21st day of March, 2023.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

Title VI

Non-Discrimination Plan | 2023

Wayne Public Transit

Under the Civil Rights Act of 1964 and related statutes, Wayne Public Transit ensures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, denied the benefits or services of, or be otherwise subjected to discrimination in all programs, services or activities administered by the agency.



Signed By _____

All entities who receive Federal Transit Administration (FTA) grant dollars either directly from the FTA or through the Nebraska Department of Transportation (NDOT) are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the U.S. Department of Transportation's implementing regulations. This manual provides technical assistance on Title VI compliance requirements.

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I. Introduction and Overview

Plan Statement

Wayne Public Transit (WPT) operates a demand response public transit program serving residents in the city of Wayne, Nebraska. As a condition of receiving Federal financial assistance to operate these services, the agency ensures that its programs, policies, and activities comply with Title VI of the Civil Rights Act. The following program details how WPT meets the Title VI requirements set forth in FTA Circular 4702.1B.

WPT is the recipient of the following FTA funds:

- Federal Section 5311 Non-Urbanized Area Formula Grant Program

WPT receives Federal funding through the Nebraska Department of Transportation Transit Section. NDOT administers WPT's FTA transit service funding and provides all Title VI program oversight for WPT.

Policy

Section 601 under Title VI of the Civil Rights Act of 1964 states the following:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

WPT is committed to ensuring that no person, on the basis of race, color, or national origin, shall be excluded from participation in or subjected to discrimination under its programs or services, or be denied the benefits of the level and quality of transit services provided by the agency's employees, affiliates, and contractors.

Authorizing Legislation

Most Federal transit laws are codified at title 49 U.S.C. Chapter 53. Authorizing legislation is substantive legislation enacted by Congress that establishes or continues the operation of a Federal program or agency. FTA's most recent authorizing legislation is entitled the *Bipartisan Infrastructure Law*, signed into law on November 15, 2021.

How to Contact FTA and WPT

FTA's regional and metropolitan offices are responsible for providing financial assistance to FTA grant recipients and for oversight of grant implementation for FTA programs. Certain specific programs are the responsibility of FTA headquarters. Inquiries should be directed to either the regional or metropolitan office responsible for the geographic area in which the recipient is located.

For more information regarding WPT's Title VI Program, please contact the agency at:

Wayne Public Transit

Attn: Diane Bertrand, Manager
410 Pearl Street
Wayne, NE 68787
(402) 375-1460
dbertrand@cityofwayne.org

FTA Headquarters can be contacted at:

Federal Transit Administration

Office of Civil Rights
Attn: Title VI Program Coordinator
1200 New Jersey Avenue SE
Washington, D.C. 20590
888-446-451

The Nebraska Department of Transportation can be contacted at:

Nebraska Department of Transportation

Attn: Title VI Transit Manager
1400 Hwy 2
Lincoln, NE 68502
(402) 479-4694
kari.ruse@nebraska.gov

Governing Body

The governing body of WPT is the mayor and city council for the city of Wayne. The mayor and eight council members are elected to represent Wayne, Nebraska.

FTA Circular 4702.1B

WPT's Title VI Plan has been developed to address FTA's Title VI requirements and oversight responsibilities. The plan follows the guidelines set forth in FTA Circular 4702.1B.

II. General Reporting Requirements

Chapter III of FTA Circular 4702.1B addresses the general reporting requirements for recipients and subrecipients of FTA funding to ensure that their activities comply with US DOT Title VI regulations. Those requirements are summarized below, accompanied by details on how WPT's Title VI Transit Program fulfills each requirement.

1. Requirement to Provide Title VI Assurances

In accordance with 49 CFR Section 21.7(a), every application for FTA financial assistance must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT Title

VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA.

WPT annually submits its Certifications and Assurances to the Nebraska Department of Transportation (NDOT). NDOT collects WPT's Title VI Assurances prior to passing through FTA funds.

2. Requirement for First-Time Applicants: N/A

New applicants will submit a Title VI program that is compliant with FTA Circular 4702.1B, as well as an assurance that the applicant will carry out the program in compliance with DOT Title VI regulations.

WPT is not a first-time applicant and is therefore exempt from this requirement.

3. Requirement to Prepare and Submit a Title VI Program

FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA Regional Civil Rights Officer once every three years, or as otherwise directed by FTA. For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decision prior to submission to FTA. Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.

The Wayne City Council and Mayor will approve this Title VI Program by resolution. Documentation of such approval will be submitted with the agency's Title VI Program. The effective date of the Program will be the date of the resolution.

WPT will submit its Title VI Program to the Nebraska Department of Transportation for review and approval.

4. Requirement to Notify Beneficiaries of Protection under Title VI

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and appraise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles.

A copy of WPT's Title VI Notice to the Public is displayed below. The notice is also displayed in English and Spanish within the agency's service vehicles and in a public location at the agency's main office in Wayne, Nebraska. The notice is also available in English on the agency website at <https://www.cityofwayne.org/137/Handi-Van>

Title VI Notice to the Public

Wayne Public Transit

Wayne Public Transit operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint of discrimination by completing and submitting the agency's Title VI Discrimination Complaint Form. This form can be downloaded on the agency website at <https://www.cityofwayne.org/137/Handi-Van>; additionally, the form can be requested by contacting the agency at the address provided below. A telephone interpreter can be provided to assist persons of limited English proficiency.

To request more information on the agency's Title VI obligations, or to obtain a detailed description of the agency's Title VI discrimination complaint procedures, please visit the agency website or contact the agency using the information provided. Title VI Discrimination Complaint Forms and additional information can also be obtained through the Nebraska Department of Transportation (NDOT) website at www.dot.nebraska.gov, or by contacting NDOT using the information provided below. A telephone interpreter can be provided to assist persons of limited English proficiency.

Wayne Public Transit

Attn: Diane Bertrand, Manager
410 Pearl Street
Wayne, NE 68787
(402) 375-1460
dbertrand@cityofwayne.org

Nebraska Department of Transportation

Attn: Title VI Transit Manager
1400 Hwy 2
Lincoln, NE 68502
(402)-479-4694
kari.ruse@nebraska.gov

Federal Transit Administration Office of Civil Rights

Attn: Title VI Program Coordinator
East Building, 5th Floor-TCR
1200 New Jersey Ave., SE
Washington, D.C. 20590

Wayne Public Transit opera sus programas y servicios sin tomar en cuenta raza, color, u origen nacional de conformidad con el Título VI del Acta de Derechos Civiles. Cualquier persona que cree que ha sido agraviada por cualquier práctica discriminatoria ilegal bajo el Título VI puede presentar una queja de discriminación por completar y enviar el Formulario de Queja de Discriminación de Título VI de la agencia. Este formulario se puede descargar en el sitio de web de la agencia en <https://www.cityofwayne.org/137/Handi-Van>. adicionalmente, se puede solicitar el formulario poniéndose en contacto con la agencia a la dirección proporcionada arriba. Un interprete telefónico está disponible para asistir personas de dominio de Inglés limitado.

Para solicitar mas información sobre las obligaciones de Título VI de la agencia, o para obtener una descripción detallada del procedimiento de Quejas de Discriminación del Título VI, favor de visitar la pagina de la agencia o contactar la agencia a la dirección proporcionada arriba. También se puede obtener los Formularios de Quejas de Discriminación del Título VI y información adicional en el sitio de web del Departamento de Transporte de Nebraska (NDOT) en www.dot.nebraska.gov o poniéndose en contacto con NDOT a la dirección proporcionada arriba. Un interprete telefónico está disponible para asistir personas de dominio de Inglés limitado.



5. Requirement to Develop Title VI Complaint Procedures and Complaint Form

All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them, and shall make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website:

WPT has adopted the Nebraska Department of Transportation's procedures and forms for investigating and tracking Title VI complaints of discrimination. Discrimination Complaint Forms (pictured below) are available in English on the agency website at <https://www.cityofwayne.org/137/Handi-Van> and are maintained in print form by WPT for upon-request distribution; instructions for accessing these forms are provided on the WPT's Title VI Notice to the Public.

Copies of WPT's Title VI Complaint Procedures and Complaint Form are displayed below. A description of WPT's Title VI Complaint Procedures follows the forms.

Title VI Complaint Procedures

Wayne Public Transit

Any person who believes they have been discriminated against on the basis of race, color, or national origin by Wayne Public Transit may file a complaint by completing and submitting the agency's Title VI Complaint Form. Complaints must be submitted within 180 days following the alleged incident. Complaints received after 180 days will not be eligible for investigation.

All Title VI and related statute complaints are considered formal—there is no informal process. Complaints must be made in writing and signed by the complainant on the Complaint Form provided. If complaints are received by telephone, the information will be documented in writing and provided to the complainant for confirmation or revision and signature prior to processing. Complaints must include the complainant's name, address, and telephone number, and should specify all issues and circumstances of the alleged discrimination. Allegations must be based on issues involving race, color, or national origin. Complaints can be submitted to the agency at the following contact information:

Wayne Public Transit

Attn: Diane Bertrand, Transit Manager
410 Pearl Street
Wayne, NE 68787
(402) 375-1460
dbertrand@cityofwayne.org

Nebraska Department of Transportation

Attn: Transit Manager
1400 Hwy 2
Lincoln, NE 68502
(402) 479-4694
kari.ruse@nebraska.gov

Complaints may also be filed with the Federal Transit Administration by obtaining their form at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/fta-civil-rights-complaint-form>.

Wayne Public Transit will notify the Nebraska Department of Transportation that a complaint has been received. The complainant will receive an acknowledgment letter informing her/him whether the complaint will be investigated. NDOT has 30 days to investigate the complaint. If more information is needed to resolve the case, the agency may contact the complainant to request additional information. The complainant has 15 days from the date of the letter to supply requested information to the investigator assigned to the case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and interviews regarding the alleged incident and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days following the closure letter or LOF to do so.

Este documento describe el Procedimiento de Queja por Discriminación del Título VI de Wayne Public Transit. Para obtener una copia de este documento en español, comuníquese con el Departamento de Transporte de Nebraska al número de teléfono que figura arriba. Un intérprete telefónico está disponible para ayudar a personas con dominio limitado del inglés.



Title VI Discrimination Complaint Form

Wayne Public Transit

To file a Title VI complaint of discrimination, please complete this Complaint Form in full and submit it within 180 days following the alleged incident using the provided agency contact information. Complaints received after 180 days will not be eligible for investigation. Title VI complaints must involve issues pertaining to race, color, or national origin. Complaint Forms may be submitted by an individual or a representative of that individual.

Complaints must be made in writing and contain as much information as possible about the alleged discrimination. If complaints are received by telephone, the information will be documented in writing and provided to the complainant for confirmation or revision and signature prior to processing. The written complaint should include the complainant's name, address, and telephone number, as well as a detailed description of the issues and the name(s) and job title(s) of individuals perceived as parties in the complaint.

After completing this Complaint Form, please return it to the address below:

Wayne Public Transit

Attn: Diane Bertrand, Manager
410 Pearl Street
Wayne, NE 68787
(402) 375-1460
dbertrand@cityofwayne.org

Complainants may also choose to return this form to the Nebraska Department of Transportation at the following address:

Nebraska Department of Transportation

Attn: Title VI Transit Manager
1400 Hwy 2
Lincoln, NE 68502
(402) 479-4694
kari.ruse@nebraska.gov

Complaints may also be filed with the Federal Transit Administration by obtaining their form at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/fta-civil-rights-complaint-form>. Complaints using the FTA form may be submitted via email to FTACivilRightsCommunications@dot.gov or mailed to the following address:

Federal Transit Administration

Office of Civil Rights
Attn: Complaint Team
East Building, 5th Floor-TCR
1200 New Jersey Ave., SE
Washington, D.C. 20590

Para obtener una copia de este documento en español, visite el sitio web de la agencia en <https://www.cityofwayne.org/137/Handi-Van>. Para asistencia adicional, comuníquese con el Departamento de Transporte de Nebraska al número de teléfono que figura arriba. Un intérprete telefónico está disponible para ayudar a personas con dominio limitado del inglés.



WPT Title VI Complaint Procedures

WPT forwards all Title VI complaints of discrimination to the Nebraska Department of Transportation Transit Section for review. Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by WPT may file a complaint by completing and submitting the agency's Title VI Complaint Form. Only complaints received no more than 180 days following the alleged incident will be subject to investigation.

All Title VI and related statute complaints are considered formal – there is no informal process. Complaints must be made in writing and signed by the complainant on the form provided. Complaints received by telephone will be placed in writing and provided to the complainant for confirmation or revision and signing prior to processing. For assistance filing a complaint in a language other than English, complainants may contact the agency by phone and an interpreter will be provided to assist the individual as necessary.

Complaints may be filed by the affected individual or a representative of that individual. Complaints must include the complainant's name, address, and telephone number, and should specify all incidences and circumstances of the alleged discrimination. Allegations must be based on issues involving race, color, or national origin.

Complaints may be filed with the agency using the following contact information:

Wayne Public Transit

Attn: Diane Bertrand, Manager

410 Pearl Street

Wayne, NE 68787

(402) 375-1460

dbertrand@cityofwayne.org

Complainants who do not wish to file with the transit agency may contact the Nebraska Department of Transportation to receive assistance filing a complaint. NDOT can also assist individuals in submitting a Title VI Complaint in a language other than English. NDOT can be contacted using the following information.

Nebraska Department of Transportation

Attn: Title VI Transit Manager

1400 Hwy 2

Lincoln, NE 68502

(402) 479-4694

kari.ruse@nebraska.gov

Complaints may also be filed with the Federal Transit Administration by obtaining their form at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/fta-civil-rights-complaint-form>. Complaints to FTA may be submitted via email to FTACivilRightsCommunications@dot.gov or mailed to the following address:

Federal Transit Administration
Office of Civil Rights
Attn: Title VI Program Coordinator
1200 New Jersey Avenue SE
Washington, D.C. 20590
888-446-451

If a complaint is received by WPT, the agency will submit the complaint to the Nebraska Department of Transportation for review. Upon receipt of the complaint, the NDOT Transit Section will notify the Federal Transit Administration that a complaint has been filed. The NDOT Transit Manager or another investigator will contact the complainant to:

- Acknowledge receipt of the complaint by the investigator.
- Confirm the complainant received adequate assistance to file the complaint.
- Confirm that the complainant wishes to proceed with the complaint.
- Confirm the existence of allegations that require investigation and/or resolution.
- Gather additional facts and further clarify the complaint.

The complainant will be notified in writing that the complaint was received and will be reviewed by the NDOT Transit Section and FTA Region VII, with the involvement of WPT. If the complaint is determined to have validity, it will be investigated. As part of the review, the investigator will, at minimum:

- Gather relevant documentation from the complainant that was not included in the complaint, such as forms, memos, letters, and photographs;
- Maintain a log of all activities associated with the complaint;
- Complete an investigative report containing information, findings, photos, and recommendations for corrective action to be submitted to FTA.

A copy of the complaint, together with a copy of NDOT's investigative report, shall be forwarded to the FTA Region VII Office in Kansas City, MO within 60 days of the date at which the complaint was received by NDOT.

A decision by NDOT to dismiss a complaint can be made for the following reasons:

- The complaint was not filed within 180 days.
- The complaint is not covered by the Title VI statutes for which NDOT is responsible.
- The complaint does not allege any harm covered under the statutes for which NDOT is responsible.
- The complainant requests the withdrawal of the complaint.
- The complainant fails to respond to repeat, documented requests for additional information needed to process the complaint.
- The complainant cannot be located after documented reasonable attempts.

A log will be maintained which is to include the following information:

- The date the complaint/lawsuit was filed.
- A summary of the allegation(s).
- The status of the investigation.
- The actions taken by the recipient/subrecipient in response to the complaint/lawsuit and investigation.
- Documentation to be retained includes the complaint form and a summary of findings.

After the investigator reviews the complaint, they will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation, and the complaint will be closed. An LOF summarizes the allegations and interviews regarding the alleged incident and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wished to appeal the decision, they have 30 days following the closure letter or LOF to do so.

For additional questions regarding WPT's Title VI complaint procedures or Civil Rights Program, individuals may contact the transit agency at the contact information provided above. For more information on NDOT's Title VI complaints procedure or Civil Rights Program, individuals may contact NDOT at the address provided above.

6. Requirement to Record and Report Title VI Complaints, Investigations, and Lawsuits

In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint.

At this time, WPT has not received Title VI complaints of discrimination, and therefore there were no investigations or lawsuits to report.

WPT will maintain a list of all investigations, lawsuits, and/or complaints naming the agency, in accordance with the guidelines specified by FTA Circular 4702.1B. A copy of the form that will be used to track such complaints is displayed below. WPT will maintain permanent records of all complaint-related documents. The agency will report all Title VI complaints of discrimination to the Nebraska Department of Transportation and the Federal Transit Administration.

Title VI Complaint and Lawsuit Tracking Form

Title VI Complaints

Complainant Name	Date of Incident	Date Filed	Summary of Complaint (include basis of complaint: race, color, or national origin)	Complaint resulted in investigation? (Y/N)	Status of complaint: active or closed?	Summary of Findings OR Reason Complaint was not Investigated (N/A if active)	Notes

Title VI Lawsuits

Name of plaintiff	Date of Incident	Date Filed	Allegation(s)	Status: Active or Closed?	Result (N/A if active)	Notes:

Submitted by:

Diane Bertrand, Manager
 410 Pearl Street
 Wayne, NE 68787
 (402) 375-1460
 dbertrand@cityofwayne.org

7. Plan to Promote Inclusive Public Participation

WPT's public involvement strategy is intended to promote awareness and provide ample opportunity for the public to participate in the agency's transportation decision-making process surrounding projects, fare and/or service changes, and application for Federal operating assistance. This process allows for:

- Ensuring the timely dissemination of information to the public.
- Considering the input and encouraging the participation of underserved groups in the agency's transportation decision-making processes.
- Granting timely public notice and an adequate review period through this process.
- Facilitating adequate public review of major project revisions.
- Granting opportunity for the review of proposed and final plans.
- Encouraging and documenting public comment.

For these purposes, the agency will announce and hold a public hearing in the event of a fare increase, major change in service, or in the event of a capital construction project. Additionally, the agency will provide adequate public notice in the event of a vehicle purchase or upon the submission of an application for State or Federal operating assistance funds with no major service changes or fare increases.

For the purpose of definition, a major change or reduction service shall include a reduction in total system vehicle hours of 10% or more, the elimination of service in an area with a population of 2,000 or more, the elimination of service on one or more days of the week, or a change in the type of transit service in an area with a population of 2,000 or more. A fare increase shall include an increase in single ride fare for any transit service including other fare categories, or a decrease in the discount(s) offered for fare categories.

Public hearings will be advertised in a newspaper of general circulation in the geographic area the project will serve at least 14-21 calendar days in advance of the public hearing, and again no later than 5-12 calendar days in advance of the public hearing. Notice of hearings shall include a concise description of the proposed project and will advertise the availability of translated copies of said hearing notice and/or other publicly released meeting documents in non-English languages. Hearings will be held in accessible locations and at times convenient for public attendance.

Written or verbal comments from the public will be accepted during and for at least 10 days following the public hearing. These comments will be reviewed as part of the agency's decision-making process surrounding transportation projects.

An agency staff member will record and prepare formal minutes of the public hearing. These minutes will be available to the public upon request. Translations of these minutes, as well as of other publicly released meeting documents (e.g., announcements, surveys, comment cards, etc.) will be made available to members of the public upon request. The availability of translated minutes and/or other public documents will be advertised on the agency's public hearing notice.

Summary of Past Outreach Efforts

WPT routinely performs outreach to the public through a number of outlets including offering promotional items and rides as well as outreach presentations at schools about transit. It should be noted that WPT personnel report seldom interaction with minority persons or persons of limited English

proficiency – an estimate supported by the Service Area Profile data presented in the Four Factor Analysis accompanying the current Title VI Program submission. Nonetheless, the agency’s current public participation strategy has been revised as described above to enhance opportunities for participation by persons of limited English proficiency.

8. Providing Meaningful Access to LEP Persons

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people’s lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofits.

Four Factor Analysis Results Summary

Wayne Public Transit provides transportation to the general public; transportation is provided to residents in the city of Wayne, Nebraska. Wayne Public Transit personnel report that contact with clients of limited English proficiency (LEP) is rare with few LEP clients in contact with the program at the current time. However, the following analysis was carried out to inform a Language Assistance Plan that considers the needs of limited English proficient (LEP) persons who could potentially be encountered by the agency as it administers its programs and services in Wayne County.

To facilitate this analysis, 2016-2020 American Community Survey data was analyzed at the county level. This data was used to inform the Language Assistance Plan accompanying this Four Factor Analysis. The data show that the number and proportion of LEP persons in Wayne County, Nebraska is low but significant, with approximately 92.9% of the population estimated to speak English only.

WPT Four Factor Analysis

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient

WPT provides transportation service for the residents in the city of Wayne, Nebraska. To determine the number and proportion of LEP persons residing within the agency’s service area, 2016-2020 American Community Survey data representing languages spoken at home for persons over five years of age was analyzed for Wayne County. This analysis resulted in the following service area profile. In this analysis, “LEP” was defined as a person who speaks English “less than ‘very well’” according to the American Community Survey. LEP can also be defined as a person who has a limited ability to speak, read, or write the English language.

WPT service area LEP profile

- The total number of persons over the age of five included in the WPT service area is 8,912.
- Approximately 92.9% of this total population speak English only.

- From mid-February to mid-March 2022, riders were given a language survey to determine what language(s) riders were comfortable using. Wayne Public Transit received no responses.
- Spanish is the largest non-English language group in the WPT service area. Notably this language group contains only 142 LEP persons.
- Other language groups in the WPT service area contained a very low number and proportion of LEP persons and did not near the Safe Harbor Threshold of 1,000 LEP persons nor a 5% or greater proportion of LEP persons.

Service Area Profile Conclusions

The number and proportion of Spanish-speaking LEP persons in the vicinity of Wayne Public Transit is low. No additional non-English language groups exceed the Safe Harbor Threshold of 1,000 or more LEP persons or 5% of the service area population. Moreover, agency personnel report that contact with LEP persons is rare, with few LEP clients estimated to be in contact with the program at the current time.

Factor 1a: How LEP persons interact with the recipient's agency

WPT personnel report that contact with LEP persons while administering its programs and services is rare. It is estimated that such contact would most likely occur while scheduling or providing transportation.

Factor 1b: The literacy skills of LEP persons in their native languages, in order to determine whether the translation of written documents will be an effective practice.

No complete data could be obtained regarding the native language literacy of LEP Persons within the WPT service area. The agency did make surveys on language preference available to all riders from mid-February to mid-March 2022 in English and Spanish with other languages available upon request. The agency received no responses. If a complete data set becomes available, it will be utilized by the agency. However, due to the language assistance resources made available by the agency to LEP persons (see accompanying Language Assistance Plan), it is not estimated that barriers to service due to native language literacy would prevent LEP persons from accessing the agency's programs or services at this time.

Factor 1c: Whether LEP persons are underserved by the recipient due to language barriers

WPT personnel report that interaction with persons of limited English proficiency is rare. This estimate is supported by the very low number and proportion of LEP persons residing within the agency service area, as identified in the Service Area Profile above. It is not estimated that barriers to service due to language exist at this time.

Factor 2: The frequency with which LEP persons come into contact with the program

WPT personnel report that contact with LEP persons while administering programs and services is rare.

Factor 3: The Nature and Importance of the Program, Activity, or Service in People's Lives

WPT operates a public transportation service that is open to all individuals. Service is frequently provided to residents enabling them greater mobility and access to critical services. Trip purposes include, but are not limited to, doctor appointments; traveling to school, work, and residences; social activities; and engaging in regular daily activities. It is deemed that WPT's services are of high value to the residents of Wayne, Nebraska.

Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach

WPT has access to Title VI LEP outreach resources through the Nebraska Department of Transportation, including Spanish document translation assistance and verbal translation over the phone, Title VI template documents (e.g., Title VI Notice to the Public, Title VI Complaint form, etc.) for WPT's use, and general Title VI assistance and oversight.

WPT Language Assistance Plan

Wayne Public Transit currently has access to document translation assistance through the Nebraska Department of Transportation, as well as general Title VI assistance and oversight through this agency. Using this resource, Wayne Public Transit's Title VI Notice to the Public, Discrimination Complaint Form, and Discrimination Complaint Procedures Form have been translated into Spanish for public distribution and posting on the agency website. In the event of a public hearing by WPT, publicly distributed meeting documents, including meeting minutes, can also be translated upon request using these resources.

WPT also has access to verbal translation over the phone through the Nebraska Department of Transportation. The agency will use this resource if in-person or over the phone verbal translation is required when working with riders. The agency will also take reasonable steps to assist LEP persons who may choose to access its programs and services in the future.

Additionally, U.S. Census "I Speak" cards (displayed below) will also be located at the agency's main office to enable LEP persons to quickly identify their spoken language when it cannot be readily identified by a WPT staff member. This will assist WPT in determining additional language assistance needs as they arise.

United States
Census
2020

Language Identification Card

I work for the U.S. Census Bureau. Is someone here now who speaks English and can help us?
If not, someone may contact you who speaks _____.

Español (Spanish 02)

Trabajo para la Oficina del Censo de los EE. UU. ¿Se encuentra alguien que hable inglés y pueda ayudarnos? Si no, alguien que habla español podría comunicarse con usted.

普通话、广东话 (Chinese simplified)

我是美国人口普查局的工作人员。请问您这里有没有会说英语的人可以帮助我们？

(Mandarin 03): 如果没有，可能会有会讲普通话的人与您联系。

(Cantonese 04): 如果没有，可能会有会讲广东话的人与您联系。

如果您閱讀繁體中文，請參閱第2頁（普通話或廣東話）(Chinese traditional on pg 2)

Tiếng Việt (Vietnamese 05)

Tôi làm việc cho Cục Thống Kê Dân Số Hoa Kỳ. Hiện có ai ở đây biết nói tiếng Anh và có thể giúp quý vị và tôi không? Nếu không, một nhân viên nói tiếng Việt có thể sẽ liên lạc với quý vị.

한국어 (Korean 06)

저는 미국 인구조사국에서 일하고 있습니다. 여기 계신 분 중에서, 영어를 하실 수 있어서 저희를 도와주실 수 있는 분이 혹시 계신지요? 없으시면, 한국어를 하시는 분이 연락을 드릴 수도 있습니다.

Русский (Russian 07)

Я представляю Бюро переписи населения США. Присутствует здесь кто-нибудь, кто говорит по-английски и мог бы помочь нам? Если нет, то тогда возможно, с Вами свяжется наш сотрудник, говорящий по-русски.

العربية (Arabic 08)

أنا أعمل بـمكتب الإحصاء الأمريكي. هل يوجد شخص هنا يتكلم الإنجليزية و يمكنه ان يساعدنا الآن؟ إذا لا، ففد يتصل بكم شخص يتكلم اللغة العربية.

Tagalog (Tagalog 09)

Nagtatrabaho ako para sa Kawanihan ng Senso ng U.S. Mayroon ba rito ngayong nagsasalita ng Ingles at maaaring tumulong sa amin? Kung wala, maaaring may kumontak sa inyo na nagsasalita ng Tagalog.

Polski (Polish 10)

Jestem pracownikiem Urzędu Spisu Ludności USA. Czy w tej chwili jest tu ktoś, kto mówi po angielsku i może nam pomóc? Jeżeli nie, może skontaktować się z Państwem ktoś, kto mówi po polsku.

Français (French 11)

Je travaille pour le Bureau de recensement des États-Unis. Y a-t-il quelqu'un ici qui parle anglais et qui pourrait nous aider? Sinon, quelqu'un qui parle français pourrait vous contacter.

Kreyòl Ayisyen (Haitian Creole 12)

Mwen travay pou Biwo Resansman Etazini. Èske gen yon moun la ki pale anglè ki ka ede nou? Si pa genyen, yon moun isit la ki pale kreyòl ka rele ou.

Português (Portuguese 13)

Trabalho para a Agência do Censo dos EUA. Há alguém aqui, agora, que fale inglês e que possa nos ajudar? Caso não haja, uma pessoa que fala português poderá entrar em contato com você.

日本語 (Japanese 14)

私はアメリカ合衆国国勢調査局の係員です。こちらには英語を理解できこの調査にご協力いただける方がいらっしゃいますか？もしない場合は、日本語を話す係員があなたに連絡をすることがあります。

Monitoring, Evaluating, and Updating the LEP Plan

Wayne Public Transit will update the current Language Assistance Plan as required. At minimum, the plan will be reviewed and updated every three years. Updates may include the following:

- The number of documented LEP person contacts encountered since the last update. Description of how the needs of LEP persons have been addressed.
- Determination of the current LEP population within the agency service area.
- Determination of whether the need for language assistance has changed.
- Determination of whether local language assistance has been effective and sufficient at meeting needs.
- Determination of whether the agency's available outreach resources are sufficient to supply necessary language assistance.
- Determination of whether complaints have been received concerning the agency's failure to meet the needs of LEP persons.

Employee Training

WPT's transit personnel are required to review the current Title VI Program document and sign a written statement declaring their understanding of their obligation to provide service regardless to race, color, or national origin.

Necessary personnel will be familiar with the agency's procedures for handling a potential Title VI complaint.

WPT's Transit Manager has taken part in Title VI planning and training sessions through the Nebraska Department of Transportation and University of Nebraska.

Additional resources for employee training include a Title VI training hosted by the Nebraska Department of Transportation and the University of Nebraska, and ongoing Title VI assistance and oversight provided by the Nebraska Department of Transportation and University of Nebraska at Omaha.

9. Minority Representation on Planning and Advisory Bodies

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transit-related, nonelected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

WPT currently does not have a transit-related, non-elected planning board or committee. In the event such a committee were established prior to the agency's next Title VI program submission, the following table (pictured below) would be used to depict minority representation on said committee.

Sample Minority Representation Table

Minority Representation Table							
--------------------------------------	--	--	--	--	--	--	--

# of non-elected members	% Caucasian	% African American	% Latino	% Asian American	% Native American	% Other Ethnicity	Notes

10. Requirement to Provide Assistance to Subrecipients: N/A

WPT is not a primary recipient and is therefore exempt from this requirement.

11. Monitoring of Subrecipients: N/A

WPT is not a primary recipient and is therefore exempt from this requirement.

12. Equity Analysis to Determine Site or Location of Facilities

Title 49 CFR Section 21. 9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part."

Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For the purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc.

In the last seven years, WPT has not acquired land to build a new facility including storage, maintenance, and operations.

In possible future circumstances, WPT will ensure that both environmental analysis and Title VI environmental justice requirements are incorporated into the scope of work for all facilities projects. The agency will complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. The agency will engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis will compare the equity impacts of various siting alternatives, and the analysis will occur prior to the selection of the preferred site.

When evaluating the locations of facilities, WPT will give attention to other facilities with similar impacts in the area to determine whether any cumulative adverse impacts might result. Analysis will be conducted at the Census tract or block group, where appropriate, to ensure that proper perspective is given to localized impacts.

If the agency determines that the location of a project will result in a disparate impact on the basis of race, color, or national origin, the agency will only locate the project in that location if there is a substantial legitimate justification for locating the project there, and when there are no alternative locations that would have a less disparate impact on the basis of race, color, or nation origin. The agency will show how both tests are met and will consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin; the agency will then implement the least discriminatory alternative.

13. Requirement to Provide Additional Information upon Request

FTA may request, at its discretion, information other than that required by FTA Circular 4702.1B from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulation.

WPT will fully cooperate with any FTA investigation of discrimination complaints to the extent required by Title VI regulations.

III. Requirements and Guidelines for Fixed-Route Transit Providers: N/A

WPT is not a provider of fixed route transportation and is therefore exempt from this requirement.

IV. Requirements for States: N/A

V. Requirements for Metropolitan Planning Organizations: N/A

VI. FTA Compliance Reviews: N/A

RESOLUTION NO. 2023-24

A RESOLUTION APPROVING INTERLOCAL COOPERATION ACT AGREEMENT BY AND BETWEEN THE CITY OF WAYNE AND THE BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES, D/B/A WAYNE STATE COLLEGE FOR THE REIMBURSEMENT OF SEWER LINE EXTENSION COSTS.

WHEREAS, the City of Wayne is desirous to enter into an Interlocal Cooperation Act Agreement with the Board of Trustees of the Nebraska State Colleges, d/b/a Wayne State College, for the reimbursement of sewer line extension costs (\$72,700.30) by the City related to a new sewer line and related manholes being installed to serve the future College athletic and recreation dome and future city expansion; and

WHEREAS, a copy of the proposed Interlocal Cooperation Act Agreement is attached hereto and incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Interlocal Cooperation Act Agreement between the City of Wayne and the Board of Trustees of the Nebraska State Colleges, d/b/a Wayne State College, is hereby approved, and the Mayor and City Clerk are hereby authorized to execute the same.

PASSED AND APPROVED this 21st day of March, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**INTERLOCAL COOPERATION ACT AGREEMENT BY AND BETWEEN
THE BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES DBA WAYNE
STATE COLLEGE AND THE CITY OF WAYNE, NEBRASKA**

This Interlocal Cooperation Act Agreement (Agreement) is entered into by and between the **Board of Trustees of the Nebraska State Colleges DBA Wayne State College**, hereinafter referred to "College," and the **City of Wayne, Nebraska**, hereinafter referred to as "City."

RECITALS:

1. This Agreement is made pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801, et seq.
2. The purpose of this Agreement is to authorize the parties hereto to unite their efforts and resources to accomplish the intent of this Agreement.
3. The College owns property and desires to install a new sewer line and related manholes on said property, which is modeled as Zones 1, 2, and 3 on Appendix A, which will serve the future College athletic and recreation dome as well as connect to the sewer line to the southeast portion of Zone 3 where an existing lift station will be eliminated. The diagram on Appendix A shows that the new sewer line will make connections to the City's existing line at the north point of Zone 1. The City desires to have the size of the Zone 1 portion of the line increased from 8 inches in diameter to 12 inches in diameter and desires to have Zone 4 installed for City's future development.
4. The College and City recognize the benefit to both parties to extend the sewer line as above-described and as indicated on Appendix A, and are desirous to share the construction cost for this work. It is further agreed that the cost of engineering and design will be funded by College.

NOW, THEREFORE, in consideration of the foregoing recitals and their mutual covenants hereinafter expressed, the parties agree as follows:

- a. **Duration.** This Agreement will be effective as of March 23, 2023, and remain in effect until August 1, 2023.
- b. **Obligations of Each Party.**

College: The College has retained an engineering firm to design and engineer the project. Design and engineering costs as outlined in this Agreement shall be paid by the College. College shall keep City apprised of all construction progress as it becomes known to College.

City: The City agrees to reimburse the College for \$72,700.39 of the cost of the above-referenced construction. Any claim shall be submitted by the College to the City and paid within 45 days in accordance with the Nebraska Prompt Payment Act.

c. **Designated Representatives.**

The designated College representative for purposes of monitoring and oversight of this Agreement is:

<u>Angela Fredrickson</u>	<u>402-375-7220</u>	<u>anfredr1@wsc.edu</u>
Name	Phone	Email

The designated City representative for purposes of monitoring and oversight of this Agreement is:

<u>Wes Blecke</u>	<u>402-375-1733</u>	<u>wblecke@cityofwayne.org</u>
Name	Phone	Email

IN WITNESS WHEREOF, the parties have executed this Agreement.

Board of Trustees of the Nebraska State Colleges DBA Wayne State College

(Signature)

Marysz Rames, College President
(Printed Name, Title)

(Signature)

John Chaney, Board Chair
(Printed Name, Title)

City of Wayne, Nebraska

(Signature)

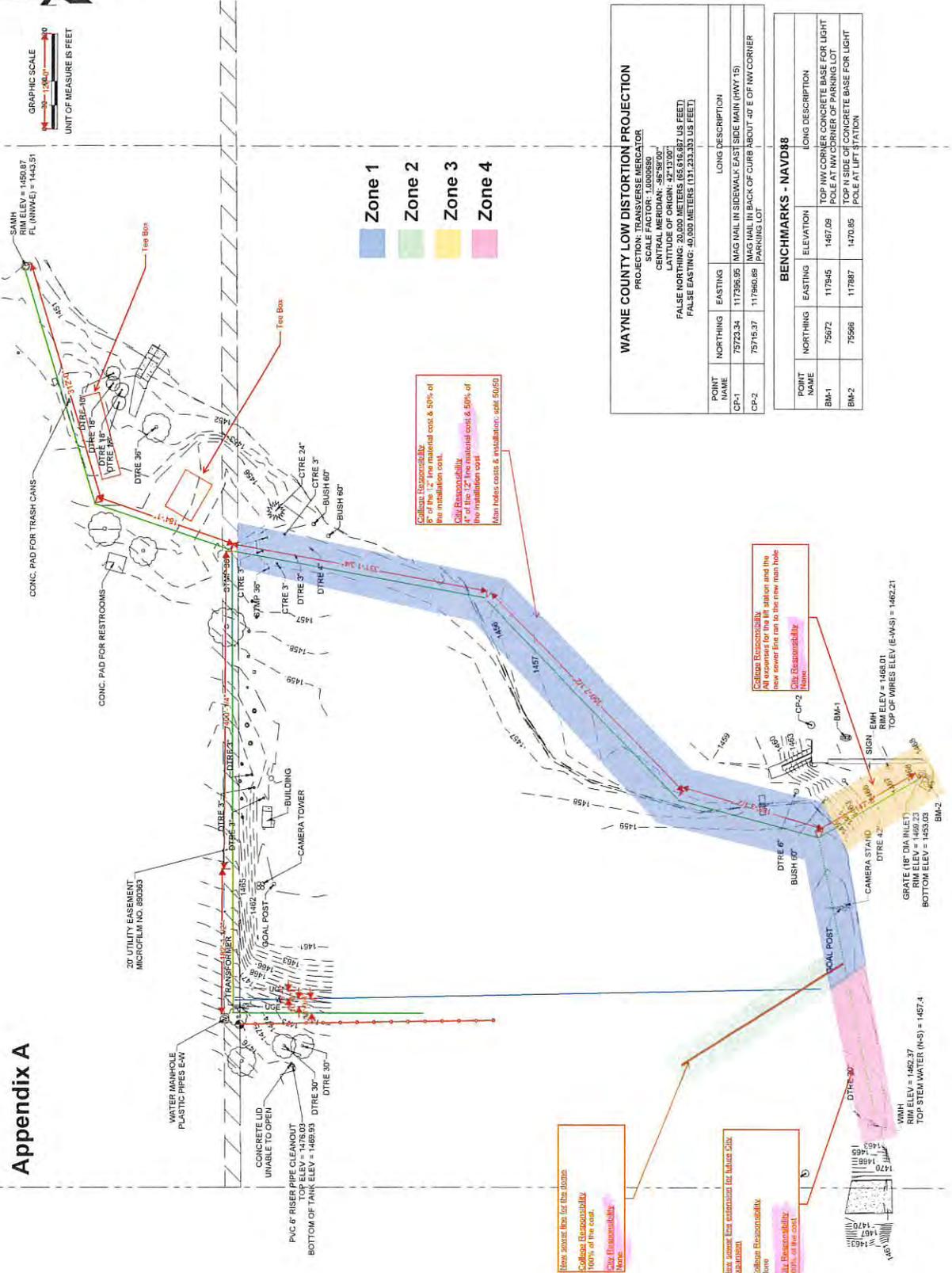
Cale Giese, Mayor
(Printed Name, Title)

(Signature)

Betty McGuire, City Clerk
(Printed Name, Title)



Appendix A



Callout Responsibility:
 2' of the 12" line material cost & 50% of the installation cost.
City Responsibility:
 4' of the 12" line material cost & 50% of the installation cost.
 Man holes costs & installation, split 50/50

Flow sewer line for the house
Callout Responsibility:
 100% of the cost.
City Responsibility:
 None

Flow sewer line extension for Manor Club expansion
Callout Responsibility:
 None
City Responsibility:
 100% of the cost

Callout Responsibility:
 All expenses for the lift station and the new sewer line run to the new man hole
City Responsibility:
 None

WAYNE COUNTY LOW DISTORTION PROJECTION
 PROJECTION: TRANSVERSE MERCATOR
 SCALE FACTOR: 1.000000
 FALSE NORTHING: 20,000 METERS (65,616.827 US FEET)
 FALSE EASTING: 40,000 METERS (131,233.653 US FEET)
 LATITUDE OF ORIGIN: 42° 33' 00"

POINT NAME	NORTHING	EASTING	LONG DESCRIPTION
CP-1	79723.34	117956.99	MAG NAIL IN SIDEWALK EAST SIDE MAIN (HWY 15)
CP-2	79719.37	117960.68	MAG NAIL IN BACK OF CURB ABOUT 40' E OF NW CORNER PARKING LOT

BENCHMARKS - NAVD88

POINT NAME	NORTHING	EASTING	ELEVATION	LONG DESCRIPTION
BM-1	7567.72	117845	1467.09	TOP NW CORNER CONCRETE BASE FOR LIGHT POLE AT NW CORNER OF PARKING LOT
BM-2	75666	117897	1470.95	TOP N SIDE OF CONCRETE BASE FOR LIGHT POLE AT LIFT STATION

WAYNE CITY ENGINEER

PRELIMINARY
 NOT FOR CONSTRUCTION
 DATE: 12/16/2021
 DRAWN BY: LARRY WITTEBOLD

PROJECT NO.	SH-16027-00
DATE	12/16/2021
DRAWN BY	LS
CHECKED BY	LS
SCALE	AS SHOWN ON PLAN
DATE	12/16/2021
PROJECT NO.	SH-16027-00
DATE	12/16/2021
DRAWN BY	LS
CHECKED BY	LS
SCALE	AS SHOWN ON PLAN
DATE	12/16/2021

**CITY OF WAYNE
INTEROFFICE MEMORANDUM**

DATE: March 7, 2023
TO: Cale Giese, Mayor
Wayne City Council
FROM: Wayne Planning Commission
Joel Hansen, Staff Liaison



At their meeting held on March 6, 2023, the Wayne Planning Commission made a recommendation on the following public hearing.

Public Hearing: Amending the Future Land Use Map; Applicant being: City of Wayne

The Planning Commission took evidence and testimony from the public and thereafter reviewed the information and evidence presented. After deliberation and discussion, a motion was made by Commissioner Meisenbach and seconded by Commissioner Sorenson to approve and forward a recommendation of approval to the City Council amending the Future Land Use Map by moving the five recently annexed properties into the Corporate Limits as industrial and to have the City Council continue to work on areas that are targeted for annexation by 2027, with the findings of fact being, staff's recommendation. Chair Melena stated the motion and second; all were in favor, motion approved and carried.

JH:cb

ORDINANCE NO. 2023-3

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR THE CITY OF WAYNE.

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

Section 1. On July 18, 2017, the City of Wayne adopted the “Comprehensive Plan” for the City of Wayne, Nebraska, and then approved the amendments thereto on May 19, 2020, January 5, 2021, and March 15, 2022.

Section 2. The Planning Commission, upon review of the “Future Land Use Map” of the Comprehensive Plan at their public hearing held on March 6, 2023, recommended approval of amendments thereto, based upon the following “Finding of Fact:”

➤ Staff’s recommendation.

Section 3. The existing “Future Land Use Map” of the Comprehensive Plan for the City of Wayne, Nebraska, is hereby repealed, and the amended “Future Land Use Map” of the Comprehensive Plan for the City of Wayne, Nebraska, of which a copy thereof is attached hereto and incorporated herein by reference, shall now be made a part of said Comprehensive Plan.

Section 4. This Ordinance shall be in full force and take effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this ____ day of _____, 2023.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

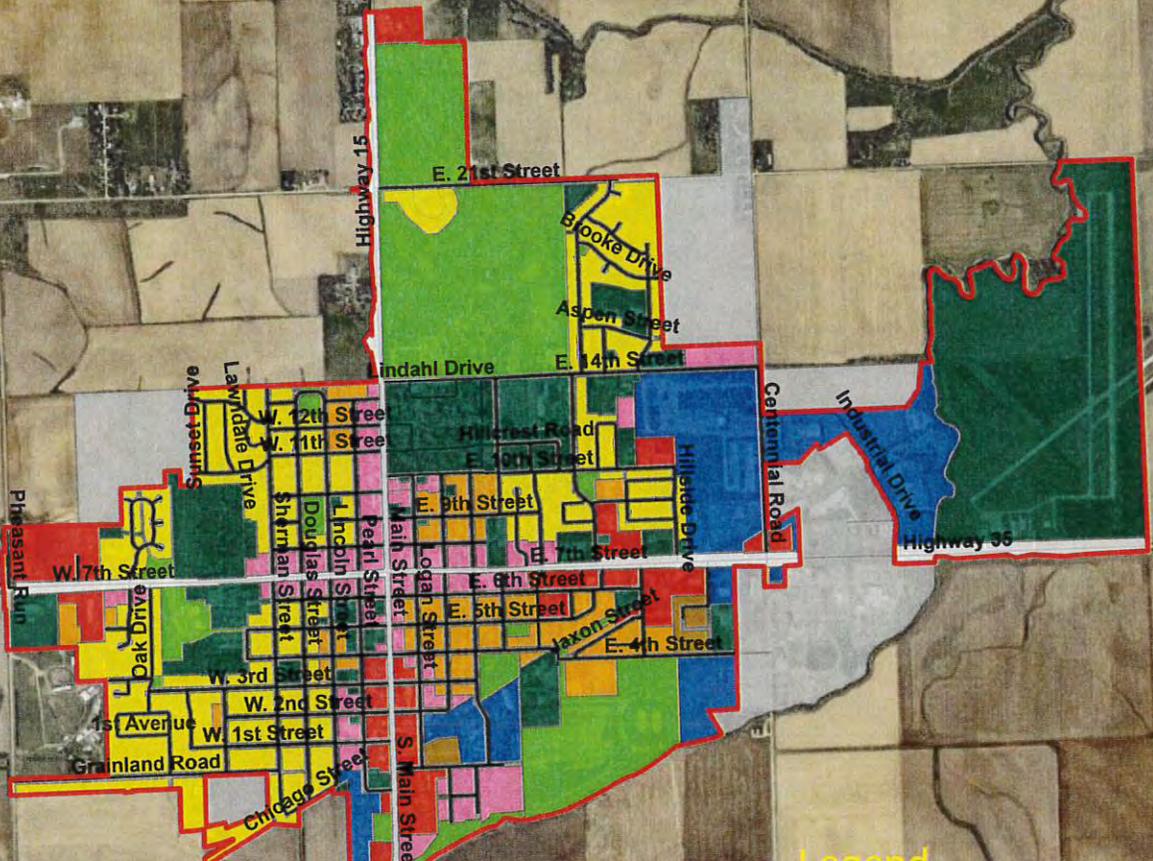
City Clerk

FUTURE LAND USE MAP

CORPORATE LIMITS

Wayne, Nebraska

2027



Legend

-  City Limits
-  Areas Targeted for Annexation
-  Commercial
-  Highway Corridor
-  Industrial
-  Mixed Use Residential/Commercial
-  Mobile Home Residential
-  Multifamily Residential
-  Parks/Recreation
-  Public/Quasi-Public
-  Single Family Residential
-  STREETS

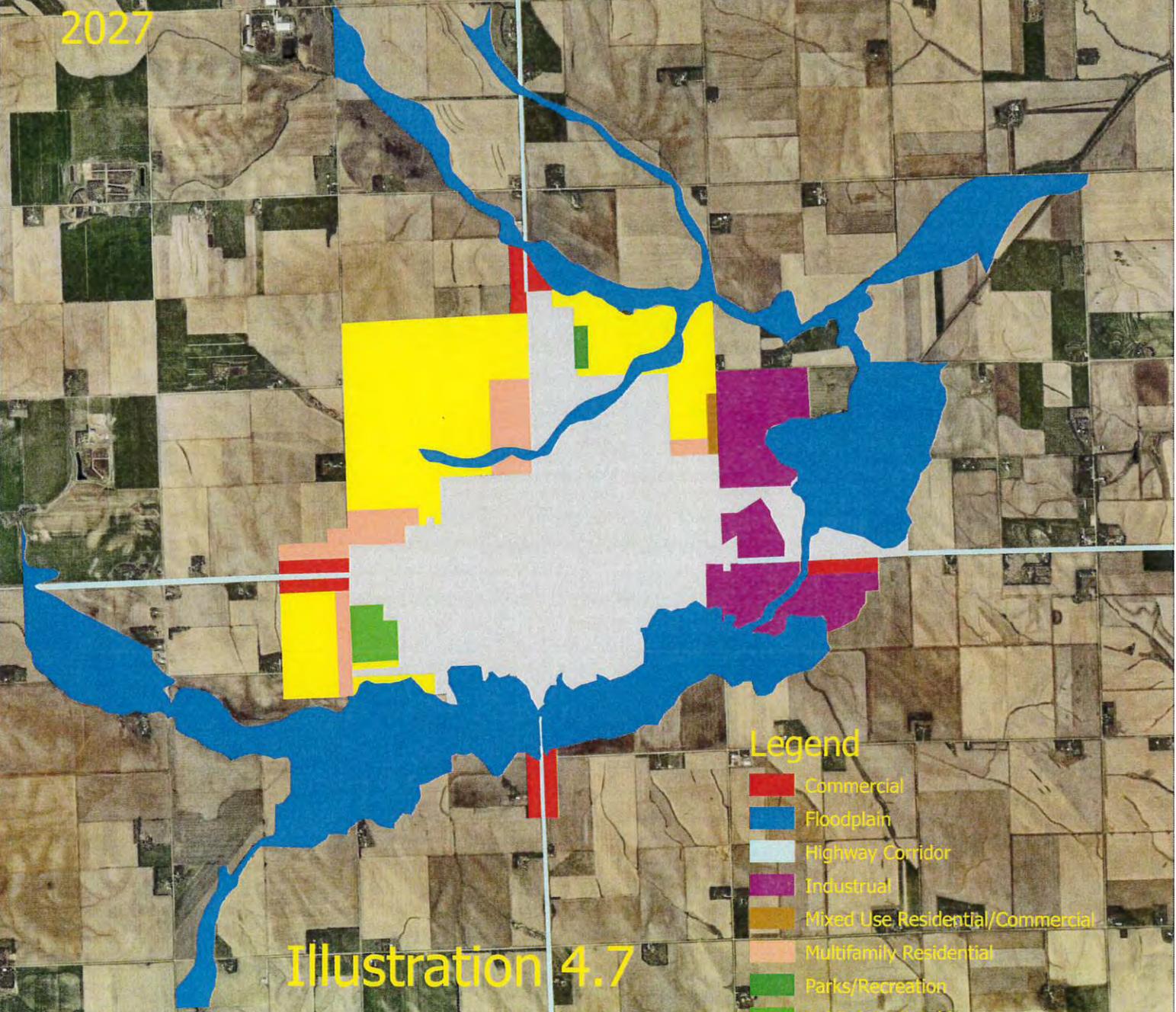
Illustration 4.6

FUTURE LAND USE MAP

TWO MILE PLANNING JURISDICTION

Wayne, Nebraska

2027



Legend

- Commercial
- Floodplain
- Highway Corridor
- Industrial
- Mixed Use Residential/Commercial
- Multifamily Residential
- Parks/Recreation
- Public/Quasi-Public
- Single Family Residential
- Wayne Incorporated Area

Illustration 4.7

ORDINANCE NO. 2023-4

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.31 PROPERTY MAINTENANCE CODE; 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 150.31 Property Maintenance 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 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 publication 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) 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)

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 106.4 Violation penalties.* Amend section to read as follows:**

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of a Class III Misdemeanor, punishable by a fine of up to \$500 per day for each day that a violation continues after due notice has been served. Each day shall be deemed a separate violation.

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.

Section (F) 704.6.2 Interconnection. Add the following to the end of the 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 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 _____, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2023-5

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; 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 150.17 One- and Two-Family Dwelling 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 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.

(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; Ord. 2017-29, passed 9-19-17)

Statutory reference:

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

(B) *Additions, insertions, and changes.* The following sections of the one- and two-family dwelling code adopted in Section 15.17 (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 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 **in any R or B District.**
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.

12. Final approval by the State Electrical Inspector.

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 or 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 the bottom of floor joists to top of concrete floor. Floor shall not be less than 3" thick. Supply and return 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:	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 of the 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 no less than 5/8" gypsum board applied to the interior and exterior walls."

Section R311.7.5.1 Risers. Add Exception: 1. Secondary stairways serving only storage and utility areas need not comply with rise height and tread depth.

Section 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 G2049.3 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.

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 _____, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2023-6

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX SUPPORTED MUNICIPAL IMPROVEMENT BONDS, SERIES 2023, OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS TO BE OWNED BY THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY A SALES AND USE TAX AND PROPERTY TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF SAID TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The Mayor and City Council (the "Council") of the City of Wayne, Nebraska (the "City"), hereby find and determine that:

- (a) The City imposes a sales and use tax in the amount of 1.50% (the "Sales Tax") upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax pursuant to the Local Option Revenue Act (Sections 77-27,142 to 77-27,148, R.R.S. Neb., as amended, the "Act").
- (b) Pursuant to Ordinance No. 2023-1 of the City adopted on March 7, 2023, the Sales Tax has been continued until June 30, 2039, unless further extended, and when collected shall be deposited in the general fund of the City of Wayne, Nebraska, and divided as follows:
 - 1) for the first 1.0%:
 - i. until July 1, 2024, three-fifths of one percent (0.6%) for general capital improvements over \$5,000.00 initial cost and having a useful life expectancy of more than seven years (such as fire trucks, swimming pool); two-fifths of one percent (0.4%) to fund economic activities under the Wayne Economic Development Program as described in its adopted Wayne Economic Development Plan; and
 - ii. from and after July 1, 2024, eighty-five hundredths of one percent (0.85%) for general capital expenditures to include, but not limited to, property development, infrastructure, fire, police, and street improvements, and fifteen hundredths of one percent (0.15%) to fund economic activities under the Wayne Economic Development Program as described in its adopted Wayne Economic Development Plan;
 - 2) for the last 0.5%:
 - i. until all of the indebtedness evidenced by bonds of the City approved by the voters of the City of Wayne, Nebraska on November 4, 2014 (including refunding bonds issued to refund such indebtedness) are no longer outstanding and unpaid, for the

purpose of paying the principal and interest of the City of Wayne, Nebraska bonds approved by the voters on November 4, 2014, in the principal amount not to exceed \$2,900,000.00 and paying costs related to such purpose; and

- ii. from and after such date, for parks and recreation purposes for the City.

The portion of the Sales Tax which may be used for capital improvements and capital expenditures, and which may be used for parks and recreation purposes for the City, are herein referred to as the **“Pledged Sales Tax.”**

- (c) The City is authorized to issue bonds pursuant to the Act for any municipal purpose, including payment of the cost of park and recreation improvements, infrastructure improvements and other capital expenditures for property to be owned by the City, (together, the **“Project”**) and to pledge receipts of the Pledged Sales Tax and dedicate a portion of its property tax levy authority as provided in Section 77-3442, R.R.S. Neb., as amended, for payment of such bonds.
- (d) All conditions, acts and things required to exist or to be done precedent to the issuance of Tax Supported Municipal Improvement Bonds, Series 2023, (or such other title as determined in a Designation as described below, the **“Bonds”**) of the City of Wayne, Nebraska, in one or more series in the aggregate principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000) pursuant to the Act to provide financing for a portion of the cost of the Project do exist and have been done as required by law.

Section 2. (a) To provide funds for the purpose of paying and reimbursing the costs of the Project as set forth in Section 1 hereof, there shall be and there are hereby ordered issued the Tax Supported Municipal Improvement Bonds of the City in one or more series, in the aggregate stated principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000); provided, however, such amount may be increased as necessary to the extent the Bonds are sold at a net original issue discount.

(b) The Bonds or any portion thereof are hereby authorized to be sold pursuant to a negotiated sale with D.A. Davidson & Co., as initial purchaser (the **“Underwriter”**). In connection with such sale, the Mayor, City Clerk, Finance Director and City Administrator (each, an **“Authorized Officer”**) are hereby authorized to specify, determine, designate, establish and appoint, as the case may be, in one or more written designations which may be included in a bond purchase agreement (each, a **“Designation”**), the following with respect to the Bonds: (i) the aggregate purchase price of the Bonds and the underwriting discount which shall not exceed 1.00% of the aggregate stated principal amount thereof; (ii) the form and contents of any bond purchase agreement in connection with such sale; (iii) for each series, the title, dated date, aggregate principal amount (which aggregate stated principal amount shall not exceed \$7,500,000; provided, however,

such amount may be increased as necessary to the extent the Bonds are sold at a net original issue discount); (iv) the final maturity date, which shall not be later than December 15, 2026, provided that any or all portions of the maturity schedules may be structured such that the amortization period and future repayment schedule (after refinancing) is longer than the initial term of the financing (commonly referred to as a balloon payment); (v) the principal amounts maturing in each year and whether maturities will be issued as serial or term bonds; (vi) the rate or rates of interest to be borne by each principal maturity, and any original issue premium or original issue discount, provided that the true interest cost of the Bonds shall not exceed 4.5%; (vii) the principal payment dates and interest payment dates; (viii) whether to establish a debt service reserve fund for each series of Bonds, and the amount and provisions related such debt service reserve fund; (ix) the prepayment provisions whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption; (x) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds; (xi) the designation of the Paying Agent and Registrar and the form and content of any agreement between the City and such entity; and (xii) all other terms and provisions of the Bonds not otherwise specified or fixed by this Ordinance.

(c) The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable on such dates as determined in the Designation, each an "Interest Payment Date", and the Bonds shall bear interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest

due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. BOKF, National Association, Lincoln, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds, provided that the City reserves the right to designate a bank or trust company to serve in such capacity and upon such agreed terms as may be determined in the Designation by one or more Authorized Officers or at any time by the Mayor at the Mayor's discretion. If a bank or trust company is designated, such bank or trust company shall serve as Paying Agent and Registrar in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City in the form as an Authorized Officer shall deem appropriate on behalf of the City. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its office. The names and registered addresses of registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be

transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one such bond may be transferred for several such bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such bonds may be transferred for one or several such bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City as said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof at par plus accrued interest on the principal amount redeemed to the date fixed for redemption (or such other date as may be determined in the Designation). The City may select the Bonds to be redeemed for optional redemption in its sole discretion.

Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 6. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in Wayne, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 7. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF NEBRASKA
COUNTY OF WAYNE

CITY OF WAYNE, NEBRASKA
TAX SUPPORTED MUNICIPAL IMPROVEMENT BOND, SERIES 2023

No. R-__ \$ _____

<u>Interest Rate</u> %	<u>Maturity Date</u> _____, 20__	<u>Date of Original Issue</u> _____, 2023	<u>CUSIP</u>
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Registered Owner: Cede & Co.
13-2555119

Principal Amount: _____ DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Wayne, Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable on _____, 20__, and semiannually thereafter on _____ and _____ of each year (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal of this bond is payable upon presentation and surrender of the bond at the office of BOKF, National Association, Lincoln, Nebraska, as Paying Agent and Registrar. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purposes become available.

This bond is one of an issue of fully registered bonds of the total principal amount of _____ Dollars (\$ _____), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City to pay the costs to construct, acquire, improve, furnish, and equip public infrastructure improvements of the City as more fully described in Ordinance No. ____ (the "Ordinance") legally passed and approved by the Mayor and City Council of said City on _____, 2023. The issuance of this bond and the bonds of this issue has been authorized by proceedings duly had and the Ordinance.

All Bonds of this issue are subject to redemption at the option of the City, in whole or in part, at any time on or after _____ years after the date of delivery, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption.

Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed at said registered owner's address in the manner specified in the Ordinance authorizing said issue of bonds. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This bond is transferable by the registered owner or such owner's attorney duly authorizing in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the date for payment of the principal or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of Wayne, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

For the prompt payment of the principal and interest on this bond and the other bonds of the same issue, as described in the Ordinance, the City of Wayne, Nebraska, has pledged funds received and to be received from revenues from the City's Pledged Sales Tax as defined and described in the Ordinance, with receipts from such Pledged Sales Tax to be allocated by the City to payment of principal and interest as the same fall due. In addition, the City has covenanted and agreed in the Ordinance that it shall designate a portion of its property tax authority pursuant to Section 77-3442, R.R.S. Neb., as amended, in such amount as will provide funds which, together with receipts from the Pledged Sales Tax as pledged to the payment of such principal and interest and any other money made available and used for such purpose, will be sufficient to make payment of the principal and interest on this bond and the other bonds of the same issue as the same fall due.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and City Council of the City of Wayne, Nebraska, have caused this bond to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

THE CITY OF WAYNE, NEBRASKA

(facsimile signature)
Mayor

ATTEST:

(facsimile signature)
City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by Ordinance of the Mayor and City Council of the City of Wayne, Nebraska, described in the foregoing bond.

BOKF, NATIONAL ASSOCIATION, LINCOLN,
NEBRASKA
as Paying Agent and Registrar

By: _____
Authorized Signature

ASSIGNMENT

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

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

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

Dated: _____

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

Medallion Signature Guarantee:

Section 8. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City. The Bonds shall be issued initially as “book-entry-only” bonds using the services of The Depository Trust Company (the “Depository”), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the “Letter of Representations”) in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as “book-entry-only” bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a “Bond Participant”) or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each, a “Beneficial Owner”) with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds.

The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (c) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Series 2022 Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed Bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. After being executed by the Mayor and City Clerk, said Bonds shall be delivered to

the Treasurer of the City who shall be responsible therefor under his/her official bond and such Treasurer shall maintain a record of information with respect to said Bonds in accordance with the requirements of Section 10-140, R.R.S. Neb., as amended, and shall cause the same to be filed with the Auditor of Public Accounts of the State of Nebraska. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as initial purchaser thereof, upon receipt of the purchase price thereof plus accrued interest thereon to date of payment of the Bonds. Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel (including the City's bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Bond Purchase Agreement (the "Purchase Agreement") to be entered into between the City and the Underwriter with respect to the purchase of the Bonds from the City, in such form as the Authorized Officer executing the Purchase Agreement shall in the exercise of his or her own independent judgment and absolute discretion determine to be necessary, proper, appropriate, advisable, or desirable in order to effectuate the issuance, sale, and delivery of the Bonds, be and the same is hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

Section 9. The City Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and City Council precedent to the issuance of said Bonds, a copy of which shall be delivered to the Underwriter.

Section 10. The proceeds of the Bonds shall be applied to the costs of the Project as described in Section 1 hereof, including payment of any related warrant indebtedness and issuance expenses for the Bonds. Pending such application the City Treasurer shall hold such proceeds.

Section 11. The Bonds are special obligations of the City payable from, and secured as to the payment of principal and interest by a pledge of the Pledged Sales Tax, as defined and described in Section 1 of this Ordinance. The City hereby pledges the Pledged Sales Tax to the payment of the principal of and interest on the Bonds. The City hereby further agrees that it shall dedicate such portion of its property tax levy authority (as provided in Section 77-3442, R.R.S. Neb., as amended) as is necessary to provide funds which, together with receipts from the Pledged Sales Tax as pledged to the payment of the Bonds and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Bonds as the same fall due (including mandatory sinking fund redemptions). The pledge of the Pledged Sales Tax provided for in this Section 11 for the Bonds shall not prevent the City from otherwise applying receipts from the Pledged Sales Tax in any year so long as sufficient receipts from such fund have been set aside for the payment of principal and interest falling due in such year on the Bonds. In addition, the City further reserves the right to issue additional bonds payable on par with the Bonds equally and ratably secured by a pledge of receipts from the Pledged Sales Tax.

Section 12. The Mayor and City Council hereby authorize the Authorized Officers, or each individually, to approve and deem final, within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended, a Preliminary Official Statement with respect to the Bonds and the information therein contained and to approve and deliver a final Official Statement for and on behalf of the City. The Authorized Officers, or any one or more of them, are hereby further authorized to take any and all actions and enter into any and all agreements and execute any documents deemed necessary or appropriate in connection with the issuance and sale of the Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 13. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, a continuing disclosure undertaking (the "Continuing Disclosure Undertaking") in such form as shall be satisfactory to the City and in compliance with Rule 15c2-12 of the Securities and Exchange Commission, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this

resolution, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 14. The City hereby covenants with the purchasers and holders of the Bonds herein authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the payment of principal and interest on said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103 and 148 and other related sections of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103 and 148 and related sections and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby authorizes the Authorized Officers, or any one or more of them, as, if and to the extent appropriate, to designate the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenant and warrant on behalf of the City that the City does not reasonably expect to issue tax-exempt bonds or other tax-exempt interest bearing obligations aggregating in principal amount more than \$10,000,000 during the calendar year in which the Bonds are issued (taking into consideration the exception for current refunding issues). The City agrees to take all further actions, if any, necessary and appropriate to qualify the Bonds herein authorized as such "qualified tax-exempt obligations" as and to the extent permitted by law.

Section 15. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have

been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16. All documents, agreements, certificates, and instruments related to the Bonds shall be valid, binding, and enforceable against the City when executed and delivered by means of (i) an original manual signature; (ii) a faxed, scanned, or photocopied manual signature, or (iii) any other electronic signature permitted by electronic signatures laws, including any relevant provisions of the Uniform Commercial Code, in each case to the extent applicable. Each faxed, scanned, or photocopied manual signature, or other electronic signature, shall for all purposes have the same validity, legal effect, and admissibility in evidence as an original manual signature. Each document, agreement, certificate, and instrument related to the Bonds may be executed in any number of counterparts, each of which shall be deemed to be an original, but such counterparts shall, together, constitute one and the same document, agreement, certificate, or instrument, as applicable.

Section 17. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet or electronic form as provided by law.

PASSED AND APPROVED this 21st day of March, 2023.

THE CITY OF WAYNE, NEBRASKA

By: _____
Cale Giese, Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2023-7

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XI BUSINESS REGULATIONS, CHAPTER 110 OCCUPATION TAXES, SECTION 110.02 ALCOHOLIC LIQUORS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Wayne Municipal Code Title XI, Chapter 110, Section 110.02 is hereby amended to read as follows:

§ 110.02 ALCOHOLIC LIQUORS.

For the purpose of raising revenue, an occupation tax is levied on the business regarding alcoholic liquors in the amount as authorized by Neb. RS § 53-132(4) of the State Liquor Control Act. Said occupation taxes for liquor license holders of the city will be two times the amount of the license fees established by the State Liquor Control Commission; provided, however, a non-profit corporation doing business under this section shall pay an occupation tax of \$150 for a Class C liquor license. A ***NON-PROFIT CORPORATION*** shall mean and be a non-profit corporation as defined by Neb. RS Ch. 53, as amended. For new licenses that are applied for and received on dates other than the renewal dates, the fees will be prorated on a quarterly basis as outlined by the State Liquor Control Commission.

In addition, if a liquor license holder of the city has more than one type of liquor license for the establishment at the same address, the occupation tax for said liquor license will be two times the amount of the highest license fee established by the State Liquor Control Commission.

(2002 Code, § 22-32) (Ord. 2005-28, passed 9-13-2005; Ord. 2011-17, passed 10-18-2011)

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 3. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk