

**AGENDA
CITY COUNCIL MEETING
COUNCIL CHAMBERS – CITY HALL
306 PEARL STREET
May 2, 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 – April 18, 2023](#)
4. [Approval of Claims](#)
5. [Ordinance 2023-9: Amending Wayne Municipal Code Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.15 Building Code](#)

Background: City staff is recommending that Council considers amending the 2018 IBC pertaining to storm shelters (Section 423). With both Wayne Community Schools and the City of Wayne (specifically the police department) renovating/constructing new buildings, staff/architects have found the storm shelter sections to be very arduous. When the Council adopted and amended the 2018 IBC code in 2021, these provisions were not reviewed for amendment. While safety is always the key component of establishing and upholding building codes, the reason local jurisdictions have the ability to amend is so it can fit certain circumstances in their communities. Staff feels the amendments proposed in Ordinance 2023-9 protects the public, employees, and students while making the code more cost effective to the end user/consumer.

6. [Action on Application for Payment No. 8 in the amount of \\$82,695 to OCC Builders, LLC, for the Freedom Park Trailhead Project — Jill Brodersen, Architect](#)

Background: This is for work completed and approved by the architect.

7. [Action to set Council Retreat Date – May 30, 2023, at 5:30 p.m. in the Wayne Fire Hall](#)
8. [Update on 513 Main Street \(New Police and City Municipal Building Renovation Project\)](#)
9. [Discussion on housing](#)
10. [City Administrator Evaluation](#)
11. [Adjourn](#)

**MINUTES
CITY COUNCIL MEETING
April 18, 2023**

The Wayne City Council met in regular session at City Hall on April 18, 2023, at 5:30 o'clock P.M.

Mayor Cale Giese 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, Matt Eischeid and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmember Jason Karsky.

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 Giese 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 Brodersen made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting of April 4, 2023, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACE HARDWARE & HOME, SU, 170.97; AMERITAS, SE, 179.47; AMERITAS, SE, 35.00; AMERITAS, SE, 3273.62; AMERITAS, SE, 72.00; AMERITAS, SE, 116.56; APPEARA, SE, 287.32; ASCHOFF CONTRACTING, RE, 1000.00; BAKER & TAYLOR BOOKS, SU, 1033.30; BIG RED PRINTING, SU, 911.94; BLADES GROUP, SU, 1815.00; CHARTWELLS DINING SERVICES, SE, 370.76; CITY EMPLOYEE, RE, 1245.32; CITY EMPLOYEE, RE, 1528.80; CITY EMPLOYEE, RE,

140.00; CITY OF NORFOLK, SE, 173.97; CITY OF WAYNE, PY, 96966.99; CITY OF WAYNE, RE, 405.90; COPY WRITE PUBLISHING, SE, 260.25; CUSIP SERVICE BUREAU, SE, 91.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 62.36; DAVE'S DRY CLEANING, SE, 57.00; DEARBORN LIFE INSURANCE, SE, 2891.71; ECHO GROUP, SU, 328.26; ED M. FELD EQUIPMENT CO, SU, 169.00; ESRI, SE, 2879.29; FAITH REGIONAL PHYSICIAN SERV, SE, 30.00; FASTENAL, SU, 560.00; FLOOR MAINTENANCE, SU, 1502.00; GALE/CENGAGE LEARNING, SU, 50.03; GENO'S STEAKHOUSE, SE, 2349.60; GERHOLD CONCRETE, SU, 148.20; GROSSENBURG IMPLEMENT, SU, 1091.59; HK SCHOLZ COMPANY, SU, 21500.00; HALLE, KIM, RE, 20.00; HAWKINS, SU, 124.12; HEIKES AUTOMOTIVE, SE, 100.00; HILAND DAIRY, SE, 293.98; ICMA, SE, 1463.13; ICMA, SE, 36.84; ICMA, SE, 186.63; ICMA, SE, 166.28; ICMA, SE, 372.24; ICMA, SE, 226.66; ICMA, SE, 8959.20; ICMA, SE, 127.36; ICMA, SE, 70.00; ICMA, SE, 137.38; ICMA, SE, 413.68; ICMA, SE, 18875.00; ICMA, SE, 1940.74; INGRAM LIBRARY SERVICES, SU, 690.18; IRS, TX, 2590.20; IRS, TX, 16418.98; IRS, TX, 298.11; IRS, TX, 11533.98; IRS, TX, 3,839.90; IRS, TX, 605.78; KASEYA US LLC, SU, 10327.44; KTCH, SE, 310.00; LUTT OIL, SU, 5802.40; MAIN STREET GARAGE, SE, 100.00; MERCHANT SERVICES, SE, 42.86; MERCHANT SERVICES, SE, 5050.64; MERCHANT SERVICES, SE, 80.06; MERCHANT SERVICES, SE, 12.60; MERCHANT SERVICES, SE, 1753.26; MIDWEST LABORATORIES, SE, 225.57; MOBILITYWORKS, SE, 89.25; NE DEPT OF REVENUE, TX, 5275.50; NE DEPT OF REVENUE, TX, 114.53; NE DEPT OF REVENUE-CHARITABLE GAMING DIV, TX, 2589.00; NE NEBRASKA VOLUNTEER FIREFIGHTERS ASSN, FE, 50.00; NEBRASKA JOURNAL LEADER, SE, 86.04; NPPD, SE, 8076.56; NICK'S WOOD SHOP, SU, 4538.40; NMPP ENERGY, SE, 4809.47; NNEDD, SE, 5010.00; NSVFA FIRE SCHOOL, FE, 1050.00; ONE CALL CONCEPTS, SE, 79.12; O'REILLY AUTOMOTIVE, SU, 30.03; OVERDRIVE, SU, 662.64; PAC N SAVE, SU, 1583.16; PAC N SAVE, SU, 15.57; PIP MARKETING, SIGNS & PRINT, SU, 1109.86; PLUMBING & HEATING WHOLESALE, SU, 299.33; QUADIENT LEASING USA, SE, 2691.00; QUALITY FOOD CENTER, SU, 27.97; SKARSHAUG TESTING LAB, SE, 261.10; STAPLES, SU, 189.15; STATE NEBRASKA BANK & TRUST, SE, 60.72; THE PENDER TIMES, SU, 46.75; THE WAKEFIELD REPUBLICAN, SU, 45.00; THETA PHI ALPHA, RE, 200.00; TYLER TECHNOLOGIES, SE, 3976.11; US FOODSERVICE, SU, 2682.93; VAN DIEST SUPPLY, SU, 564.00; VERIZON, SE, 584.33; WASTE CONNECTIONS, SE, 115.00; WAYNE AUTO PARTS, SU, 661.45; WAYNE VETERINARY CLINIC, SE, 207.00; WESCO, SU, 487.92; WAPA, SE, 23588.49; WESTERN IOWA TECH, FE, 285.00; WILLIAMS, LACEY, RE, 20.00; WISNER WEST, SU, 36.13; ABC MOBILE STORAGE, SU, 520.00; BIG RIVERS ELECTRIC CORPORATION, SE, 138614.56; BLACK HILLS ENERGY, SE, 5158.77; CITY EMPLOYEE, RE, 67.36; CITY EMPLOYEE, RE, 4200.00; CITY OF WAYNE, RE, 489.66; COTTONWOOD WIND PROJECT, SE, 17019.22; DOESCHER CONSTRUCTION, RE, 500.00; ELLIS HOME SERVICES, SE, 968.52; FLOOR MAINTENANCE, SU, 1050.51; ICC, RE, 265.00; ICMA, FE, 775.85; MAIN STREET GARAGE, SE, 100.00; MONAHAN, PHILLIP, SU, 55.27; NEBRASKA GENERATOR SERVICE, SE, 1907.13; O'REILLY AUTOMOTIVE STORES, SU, 76.90; RIEKES EQUIPMENT, SE, 455.64; SOOLAND BOBCAT, SU, 225.30; STADIUM SPORTING GOODS, SU, 171.00; STAPLES, SU, 446.18; STATE NEBRASKA BANK & TRUST, RE, 49398.75; TOTAL GRAPHICS, SU, 3444.90; US BANK, SU, 8463.57; USA BLUE BOOK, SU, 459.95; WAYNE HERALD, SE, 1462.00; WAYNE HERALD, SE, 190.00; WAYNE HERALD, SE, 1512.34; WAYNE STATER, SE, 50.00; WESCO, SU, 524.30

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

Cap Peterson, President of Northeast Nebraska Insurance Agency, the city's property and casualty insurance carrier, presented the City with a dividend check in the amount of \$15,613.21.

Sandy Brown, representing the Wayne Green Team, gave her yearly update/report on their recycling efforts. She noted they have diverted over 546,000 pounds of materials from the landfill, which covers electronics, glass, batteries and light strings combined. That is a 21% increase from last year. They have hosted nine electronic recycling events and eight seven Earth Day Movies. Since 2013, the City of Wayne Green Team has secured over \$110,000 in grant funds for the community. Wayne continues to have a strong reputation across the State as a rural community committed to sustainability.

Mayor Giese stated the time was at hand for the public hearing regarding the non-domestic well permit application of Carl and Peggy Johnson.

The Wayne Municipal Code requires council approval of a permit to drill any well within its zoning jurisdiction. This is a non-domestic well (30 gallons or less per minute). The permit requires an “impact study” by an engineering firm to verify the new well will not adversely impact our city wells. In the past, staff has been recommending that the Council waive the impact study requirement for the following reasons:

- 1) A well this small would have no significant impact on the city wells;
- 2) If we cannot show any harm to a city well, we have no legal justification or authority to deny a private well on private property outside city limits; and
- 3) Nebraska well regulations are relatively strict, and licensed well drillers are closely regulated regarding protection against ground water pollution from use or construction of new wells.

Carl and Peggy Johnson were present to answer questions, and to request that the impact study requirement be waived. This well is to water their livestock.

City Clerk McGuire had not received any comments, either verbal or written, for or against the well permit application.

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

Councilmember Eischeid introduced Resolution No. 2023-30 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2023-30

A RESOLUTION APPROVING THE WATER WELL PERMIT FOR CARL AND PEGGY JOHNSON.

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

Irene Mock, Assistant Director, representing Wayne Area Economic Development, and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- Friday, July 7th, from 2:30 p.m. until midnight for the annual Henoween Celebration: Main Street from 1st Street to 4th Street; 2nd Street from the east alley to the west alley and 3rd Street from Pearl Street to the alley east of Main Street; and that closed areas on 3rd Street from the alley to Pearl Street be identified for handicap parking.
- Saturday, July 8th from 6:00 a.m. until 5:00 p.m. for the Annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and intersections at 10th and Lincoln, 9th and Lincoln, and 9th and Lincoln Streets are also requested to be closed, with the intersections at 10th and Douglas and 9th and Douglas open to allow traffic flow adjacent to the park.
- On behalf of Wayne Kiwanis: to close part of East 2nd Street from 6:00 a.m. until 10:30 a.m. on Saturday, July 8th from the intersection of 2nd and Main Streets to the alley for their omelet feed and seating area.
- Saturday, July 8th from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st Street to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade. West 1st Street from Main to Sherman Street and Grainland Road will be closed for the parade line up and monitoring entries via golf cart or ATV.
- Sunday, July 9th, for the Crowing Motors Car Show from 7:00 a.m. until 5:00 p.m.: 2nd Street from Main Street to Pearl Street and Pearl Street from 2nd - 3rd Street, including the intersection of 2nd and Pearl Street be closed.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, approving the request of the Chicken Show Committee to close the following streets during the Chicken Show activities:

- Friday, July 7th, from 2:30 p.m. until midnight for the annual Henoween Celebration: Main Street from 1st Street to 4th Street; 2nd Street from the east alley to the west alley and 3rd Street from Pearl Street to the alley east of Main Street; and that closed areas on 3rd Street from the alley to Pearl Street be identified for handicap parking.

- Saturday, July 8th from 6:00 a.m. until 5:00 p.m. for the Annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and intersections at 10th and Lincoln, 9th and Lincoln, and 9th and Lincoln Streets are also requested to be closed, with the intersections at 10th and Douglas and 9th and Douglas open to allow traffic flow adjacent to the park.
- On behalf of Wayne Kiwanis: to close part of East 2nd Street from 6:00 a.m. until 10:30 a.m. on Saturday, July 8th from the intersection of 2nd and Main Streets to the alley for their omelet feed and seating area.
- Saturday, July 8th from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st Street to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade. West 1st Street from Main to Sherman Street and Grainland Road will be closed for the parade line up and monitoring entries via golf cart or ATV.
- Sunday, July 9th, for the Crowing Motors Car Show from 7:00 a.m. until 5:00 p.m.: 2nd Street from Main Street to Pearl Street and Pearl Street from 2nd - 3rd Street, including the intersection of 2nd and Pearl Street be closed.

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

Councilmember Brodersen introduced Resolution No. 2023-31 and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-31

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

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the request for a fireworks display on Friday, July 7, 2023, for the Henoween Celebration at the ballfield at Prairie Park. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

The following Resolution would amend the Communication Tower and Real Estate Lease Agreement with Alltel Corporation, d/b/a Verizon Wireless. Because Verizon is removing 6 antennas and installing 6 new smaller antennas with required mount modifications to the tower at City Hall, the original

lease agreement has been amended to reflect this change. Attorney Miller has reviewed the agreement and approved the same.

Councilmember Eischeid introduced Resolution No. 2023-32 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-32

A RESOLUTION APPROVING AMENDMENT NO. 8 TO COMMUNICATION TOWER AND REAL ESTATE LEASE AGREEMENT WITH ALLTEL CORPORATION, D/B/A VERIZON WIRELESS, AS SUCCESSOR TO ALLTEL COMMUNICATIONS OF NEBRASKA, LLC, d/b/a VERIZON WIRELESS.

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

The following Resolution would approve Letter Agreement Amendment #4 with Olsson regarding the “Wayne Prairie Park Development Project.” These additional design services would be provided for a fee of \$69,000. This has been reduced from what was originally proposed (\$72,000). They changed the line item – Fountains/Aeration Design to time and materials.

Matthew Smith, Engineer with Olsson, was present to explain the reason for Amendment #4. This is for additional drainage design services on 4th Street, kayak launch amenity, pond aeration foundation, structural design services – pedestrian bridge, etc., for the Prairie Park Development Project. He also updated the Council on the project. This fall, there should be a lake with water in it, everything should be graded, and water, sanitary, and storm sewer should be in. There may also be seeding. He noted that everything will be graded to be ready for trails, sidewalks, etc.

Councilmember Brodersen introduced Resolution 2023-33, and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-33

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #4 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL SERVICES ON THE “WAYNE PRAIRIE PARK DEVELOPMENT PROJECT” – UP TO \$69,000.

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

Jill Brodersen, Architect, on the Freedom Park Trailhead Project, presented three Change Orders totaling \$12,946 to OCC Builders, LLC. The Change Orders are for the following:

- Added electrical fixtures (\$4,265);
- Fire coating interior exposed trusses and roof sheathing (\$7,648); and
- Additional plumbing requests (\$1,033)

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the three Change Orders in the total amount of \$12,946 on behalf of OCC Builders, LLC, for the “Freedom Park Trailhead Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Jill Brodersen, Architect, presented Application for Payment No. 7 in the amount of \$44,348 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.”

Councilmember Eischeid made a motion, which was seconded by Councilmember Bratcher, approving Application for Payment No. 7 for \$44,348 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Discussion took place on the request of the Wayne Community Redevelopment Authority for funding assistance from the City of Wayne for moving houses and preparing said houses to be sold.

Mayor Giese, representing the Community Redevelopment Authority (CRA) updated the Council on this request.

The CRA is requesting funds to move up to 3 houses from the Wayne State College (WSC) campus. WSC is starting construction on a new dormitory this summer/fall in this area. The CRA is being given these houses by the WSC Foundation. This is the reason the City gave the CRA those lots on S. Lincoln/Chicago Street. The bids to move the houses came in at \$38,850 (502 Hillcrest), \$42,000 (506 Hillcrest) and \$75,500 (1119 Walnut - Alumni House). This order is also the priority order for the CRA.

The CRA has approximately \$100,000 left in its line of credit. Moving these houses and then preparing the same for sale will require more funds than what is now in their line of credit.

The CRA is requesting from the City up to \$200,000 for each house to move and finish (this would extend the line of credit to a maximum of \$1,000,000). The CRA currently pays 0.5% on their line of credit. If Council denies the request or provides a lower line of credit amount, the CRA will determine how many houses, if any, it can move in the priority listed above.

Mayor Giese was in favor of funding all three houses. He would like to hire one general contractor to oversee all three remodels at once. However, if someone would want to purchase the houses before renovations begin, the CRA would consider the same.

The CRA was not sold on getting all three of the houses, which is why they prioritized them.

After discussion, Councilmember Webber made a motion, which was seconded by Councilmember Bratcher, to approve the action on the request of the Wayne Community Redevelopment Authority requesting funding up to \$200,000 for each house from the City of Wayne to move the houses and to prepare said houses to be sold, with the option if someone wants to purchase a house before we move them, they have that ability, with a current interest rate of a half a percent on the line of credit. If someone chooses to purchase a house before it is moved, they will pay the moving costs for whichever house they choose, and any other expenses incurred. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Lowell Heggemeyer, Park and Recreation Director, gave a report on what is taking place in his department.

Amber Schwarte, Recreation Services Coordinator, updated the Council on what is taking place at the Community Activity Center.

Administrator Blecke updated the Council on 513 Main Street (New Police and City Municipal Building Renovation Project).

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:06 p.m.



Vendor	Payable Description	Payment Total
ACES	WIND ENERGY SERVICE AGREEMENT	1,093.66
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	3,147.94
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	97.94
AMERITAS LIFE INSURANCE	AMERITAS ROTH	35.00
AMERITAS LIFE INSURANCE	AMERITAS ROTH	168.44
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
APPEARA	LINEN & MAT SERVICE	117.79
ATCO INTERNATIONAL	FOAMACIDE	155.60
BOMGAARS	PAINT/SPACKLE/HOSE/WAND/FAUCET/HEATER	830.05
BORDER STATES INDUSTRIES, INC	LOADBREAK ELBOW/COPPER FITTING	1,336.00
CARHART LUMBER COMPANY	WOOD/SCREWS/BALLAST/SAFETY GLASSES	232.45
CARLSON WEST PVONDRA ARCHITECTS	NEW CITY HALL RENOVATION DESIGNS	21,005.14
CIRBA SOLUTIONS SERVICES	BATTERY BUCKET	102.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	420.36
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	4,200.00
CITY EMPLOYEE	ENERGY INCENTIVE	146.07
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	415.29
CITY OF WAYNE	PAYROLL	97,266.73
CITY OF WAYNE	UTILITY REFUNDS	193.83
CJH TECHNOLOGIES	REC BUILDING LAYOUT DESIGN	1,000.00
CLAUSSEN & SONS IRRIG.	HANK OVERIN ZONE VALVE REPAIRS	256.09
COMMUNITY REDEVELOPMENT AUTHORITY	LINE OF CREDIT DRAW	10,000.00
COMPLETE FLOORS, INC.	EPOXY SUNNYVIEW BATHROOM FLOORS	1,990.00
D.J. GONGOL & ASSOCIATES, INC.	GRIT PUMP REBUILD	2,750.00
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DEARBORN LIFE INSURANCE COMPANY	VFD INSURANCE	86.00
DUNKLAU, RYAN	REC SOFTBALL REFUND	30.00
FASTWYRE BROADBAND	TELEPHONE CHARGES	1,512.16
FIRST CONCORD GROUP LLC	FLEX FEES	4,284.64
FLOOR MAINTENANCE	WASHBAY SOAP	232.39
GERHOLD CONCRETE CO INC.	CONCRETE	738.08
GRAINLAND ESTATES LLC	TIF INTEREST	1,799.69
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	330.59
HOEPPNER, CHAD	ENERGY INCENTIVE	332.85
HYTREK LAWN	LIBRARY/SR CENTER GROUND CLEAN UP	900.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	8,687.90
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	127.36
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	166.28
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	413.68
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	137.38

Vendor	Payable Description	Payment Total
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	70.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	372.24
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	255.46
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	1,460.02
IIMC	MEMBERSHIP DUES	185.00
INTERNATIONAL CODE COUNCIL, INC	MEMBERSHIP DUES	145.00
IRS	MEDICARE WITHHOLDING	10.38
IRS	FICA WITHHOLDING	44.36
IRS	FICA WITHHOLDING	16,258.18
IRS	FEDERAL WITHHOLDING	11,290.81
IRS	MEDICARE WITHHOLDING	3,802.24
ISLAND SPRINKLER SUPPLY CO	RELIEF VALVE	766.63
JENSEN BUILDERS	BUILDING PERMIT DEPOSIT REFUND	1,000.00
JEO CONSULTING GROUP	MASTER AGREEMENT	969.00
KASEYA US LLC	BACKUP ADAPTER KIT	356.50
KELLY SUPPLY COMPANY	SOLENOID VALVE	181.81
MAAS, COURTNEY	REC RUN CLUB PAINT/SIGNS	103.75
MAIN STREET GARAGE, LLC	IMPACT SENSOR/TOWING CHARGES	211.89
MARCO INC	COPIER LEASE	175.92
MARCO TECHNOLOGIES LLC	COPIER LEASE	180.50
MATTHES, LONNIE	COMMUNITY GARDEN DEPOSIT REFUND	50.00
MONAHAN, PHILLIP	TRAINING MEETING-DRINKS	134.35
NE DEPT OF REVENUE	STATE WITHHOLDING	6.65
NE DEPT OF REVENUE	STATE WITHHOLDING	5,207.12
NE PUBLIC HEALTH ENVIRONMENTAL LAB	FLUORIDE/COLIFORM TESTING	111.00
NE STATE VOLUNTEER FIREFIGHTERS ASSOC	MEMBERSHIPS	60.00
NICK'S WOOD SHOP	SENIOR CENTER CABINETS DOWN PAYMENT	13,645.45
NO SWETT FENCING	BACKSTOP NETTING	4,350.00
NORTHEAST NE ECONOMIC DEV DIST	2023-2024 MEMBERSHIP DUES	7,884.36
NORTHEAST NE ECONOMIC DEV DIST	21-PW-022 FEB/MARCH 2023 SERVICES	356.25
NORTHEAST POWER	WHEELING CHARGES	21,756.30
OLSSON	FAIRGROUNDS AVE RECREATIONAL DEVELOPMENT	7,128.46
O'REILLY AUTOMOTIVE STORES, INC.	BATTERY/FUEL CAP/OIL FILTER	165.43
PER MAR SECURITY SERVICES	MONITORING SERVICES	984.83
PLUMBING & HEATING WHOLESALE INC.	TOILET REPAIRS	1,176.16
PROKOP, KEN	RAZING BOND REFUND	384.00
SID SUDBECK CONSTRUCTION	SIDEWALK PERMIT OVERPAYMENT	35.00
SKL RENTALS	BUILDING PERMIT DEPOSIT REFUND	500.00
SPARTAN ATHLETIC CO	CROSSBAR SOCCER GOAL	519.86
STAPLES, INC	OFFICE SUPPLIES	106.37
STATE NEBRASKA BANK-PETTY CASH	LIBRARY PETTY CASH	109.09
ULINE	NITRILE GLOVES	396.81
UTILITY EQUIPMENT CO	COUPLING/FLANGE WITH GASKETS	1,665.90
WAYNE COUNTY AG	BUILDING PERMIT DEPOSIT REFUND	500.00
WESCO DISTRIBUTION INC	4 POINT JUNCTION STRAP/WIRE BRUSHES/MARKING PAINT	1,904.60
WISNER WEST	FD GASOLINE	157.56
WSC FOUNDATION CHEERLEADING	CHEER CAMP	400.00
ZIMCO SUPPLY	FERTILIZER	2,098.00

Grand Total: 277,116.09

ORDINANCE NO. 2023-9

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.15 BUILDING CODE; BUILDING PERMITS; SECTION 150.16 ELECTRICAL CODE; SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; SECTION 150.18 PLUMBING CODE; PLUMBERS; SECTION 150.19 MECHANICAL CODE; SECTION 150.31 PROPERTY MAINTENANCE CODE; SECTION 150.32 ENERGY CONSERVATION CODE; AND SECTION 150.33 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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

Section 1. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.15 Building Code; Building Permits of the Wayne Municipal Code is amended to read as follows:

§ 150.15 BUILDING CODE; BUILDING PERMITS.

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction, and uses of materials in buildings erected, constructed, enlarged, altered, repaired, relocated and converted, the “2018 International Building Code” as published by The International Code Council, Inc. is hereby adopted as the building code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (D) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction. (2002 Code, § 18-41)

(B) *Conflicts.* In the event of a conflict between the provisions of the publication adopted by reference in this article and any other provisions of this Code, such other provisions of this Code shall be controlling.

(C) *Permit determinations.* The Building Inspector shall determine when a building permit is required pursuant to this section. Any appeal of the Building Inspector’s decision of the requirement to obtain a building permit shall be appealed to the City Administrator. (2002 Code, § 18-43)

(D) *Additions, insertions, and changes.* The following sections of the building code adopted in Section 150.15 (A) are hereby revised as follows:

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

Section 103.1 Creation of enforcement agency. Add the following after the last sentence:

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

Section 104.1 General. Add the following after the last sentence:

The code official shall also be responsible for zoning ordinance enforcement, issuance of Right-of-Way permits, attendance at all planning commission meetings, board of adjustment meetings, and all meetings pertinent to this position.

Section 105.2 Work exempt from permit. Amend item 1 under “Building” to read as follows:

1. One-story detached accessory structures used as playhouses and similar uses, provided the floor area does not exceed 64 square feet.
2. Fences not over 8 feet high.
3. Retaining wall less than 48” high when measured from the top of the finished grade at base of retaining wall to top of retaining wall unless supporting a surcharge of impounding Class I, II, or IIIA liquids. Retaining walls over 48” above finished grade shall be provided with a guardrail. The guardrail shall be a minimum of 36” high.

Section 107.3.1 Approval of construction documents. Delete this section.

Section 109.2 Schedule of permit fees. Insert the Building Permit Fees as set forth by the City Council and a copy shall be on file at the City Clerk’s office.

Section 114.4 Violation penalties. Amend to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 115.2 Issuance. Amend to read as follows:

Upon notice from the code official, work on any building or structure that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work, however, a written notice as provided for in this section shall be given as soon as practicable following the work stoppage order.

Section 115.3 Unlawful continuance. Amend to read as follows:

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

***Section 423.3 Critical Emergency Operations.* Amend to read as follows:**

In areas where the shelter design wind speed for tornados in accordance with Figure 304.2(1) of ICC 500 is 250 MPH, 911 call stations, emergency operation centers and fire, rescue, ambulance

and police stations shall comply with Table 1604.5 as a Risk Category IV structure and shall be provided with a storm shelter constructed in accordance with ICC 500.

Exceptions:

1. Emergency Operations that are relocated within an existing building shall be exempt from meeting the requirements of ICC-500, but shall take reasonable steps to ensure continuity of services in the event of a natural disaster.
2. New construction for Emergency Operations with an occupant load less than 50.

Section 423.4 Group E Occupancies. Amend to read as follows:

In areas where the shelter design wind speed for tornados is 250 mph in accordance with Figure 304.2(1) of ICC 500, all Group E occupancies with an occupant load of 50 or more shall have a storm shelter constructed in accordance with ICC 500.

Exceptions:

1. Group E day care facilities.
2. Group E occupancies accessory to places of religious worship.
3. Buildings meeting the requirements for shelter design in ICC 500.
4. Additions to existing Group E occupancies in which the gross area of new construction is less than 25% of the gross area of the existing building.

Section 1612.3 Establishment of flood hazard areas. Amend to read as follows:

To establish flood hazard areas, the governing body has adopted flood hazard maps and regulations as set forth in Chapter 152 of the Official Code of the City of Wayne, Nebraska. The adopted flood hazard maps and supporting data are hereby adopted by reference and declared to be part of this section.

Section 3410.2 Applicability. Insert: ~~July 1, 2021~~ **July 1, 2023**

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

[A] B101.1 Application. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. A fee set forth by the City Council shall accompany each application for appeal to the board of appeals. Such fee shall be refunded to the applicant in the event the board of appeals finds in favor of the applicant.

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

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

Adopt Appendix F – Rodent Proofing.

(E) *Building permits; duplicate to County Assessor.* Whenever a building permit is issued for the erection, alteration or repair of any building within the city's zoning jurisdiction, and the improvement is

\$1,000 or more, a duplicate of such permit shall be issued to the County Assessor.
(2002 Code, § 18-45)

(F) *Building permits; cash deposits.*

(1) Cash deposits shall be required with the submittal of each building permit application. The cash deposits shall be set by the Council, and a schedule of the same is on file and available in the City Clerk's office.

(2) The cash deposit shall be forfeited to the city if the contractor fails to call the Building Official to request the required inspections as noted on the building permit card. Upon forfeiture of the building permit cash deposit, a new cash deposit of the same amount shall be required before construction can continue.

(3) The building permit cash deposit shall not be waived.

(4) The cash deposit shall be returned to the owner or contractor as stated on the building permit application within two business days after issuance of the certificate of occupancy.
(2002 Code, § 18-46)

(G) *Building permits; penalty.* A penalty for not obtaining a building permit prior to the start of the project shall be established in an amount of two times the building permit fee.

(2002 Code, § 18-47)

(Ord. 98-19, passed 11-24-1998; Ord. 2000-15, passed 7-25-2000; Ord. 2007-13, passed 11-20-2007; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2011-4, passed 4-5-2011) Penalty, see § 150.99

Statutory reference:

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

Related provisions, see Neb. RS 18-1743

Section 2. That 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



APPLICATION FOR PAYMENT

TO (OWNER): City of Wayne
306 Pearl Street
Wayne, Nebraska 68787

PROJECT: Freedom Park Trailhead Project

FROM (CONTRACTOR): OCC Builders, LLC.
521 South Centennial Road
Wayne, Nebraska 68787

CONTRACTORS PROJECT NO.: 22-11
PERIOD THROUGH: April 30, 2023
APPLICATION DATE: April 27, 2023
APPLICATION NO.: 8

Application is made for Payment, as shown below, in connection with the Contract. Cost Breakdown is attached.

1. ORIGINAL CONTRACT SUM	\$	<u>372,310</u>
2. NET CHANGE BY CHANGE ORDERS (see attached)	\$	<u>12,946</u>
3. CONTRACT SUM TO DATE (Line 1 +/- Line 2)	\$	<u>385,256</u>
4. WORK COMPLETED & STORED TO DATE (see attachment) TOTAL WORK COMPLETED & STORED (Column G on Cost Breakdown Sheet)	\$	<u>291,922</u>
5. RETAINAGE:		
a. 10% of Completed Work (Columns D-E on Cost Breakdown Sheet)	\$	<u>29,193</u>
b. 10% of Stored Material (Column F on Cost Breakdown Sheet)	\$	<u>0</u>
TOTAL RETAINAGE (Total in Column I on Cost Breakdown Sheet)	\$	<u>29,193</u>
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 total)	\$	<u>262,729</u>
7. LESS PREVIOUS APPLICATIONS FOR PAYMENT	\$	<u>180,034</u>
8. CURRENT PAYMENT DUE	\$	<u>82,695</u>
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	\$	<u>122,527</u>

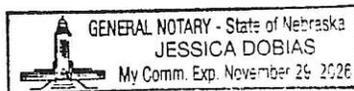
The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due. Application for Payment is to be received by the Architect no later than the last day of the month, and the Owner shall make payment to the Contractor no later than the last day of the following month.

CONTRACTOR: OCC Builders LLC.

By: [Signature] Date: 4/27/2023

State of: Nebraska Nebraska
County of: Wayne Wayne
Subscribed and sworn to before
me this 27 day of April, 2023

Notary Public:
My Commission expires:



[Signature]

In accordance with the Contract and this Application for Payment, the Contractor is entitled to payment in the amount shown below.

AMOUNT CERTIFIED \$ _____
(Attach explanation if amount certified differs from the amount applied for.)

ARCHITECT:

<input type="checkbox"/>	OWNER
<input type="checkbox"/>	ARCHITECT
<input type="checkbox"/>	CONTRACTOR

By: _____ Date: _____

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

COST BREAKDOWN SHEET



City of Wayne - Freedom Park Trailhead

CONTRACTORS PROJECT NO.:

22-11

PERIOD THROUGH:

April 30, 2023

APPLICATION DATE:

April 27, 2023

APPLICATION NO.:

8

Page 1 of 1

APPLICATION AND CERTIFICATED FOR PAYMENT - Contractor's signed Certification is attached.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D		E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE 10%
			FROM PREVIOUS APPLICATION	WORK COMPLETED THIS PERIOD					
	General Conditions (Bonds, Trash, Supervision, Cleaning, Etc.)	23,200	14,815	3,050	0	17,865	5,335	1,787	
	Demolition	9,610	9,610	0	0	9,610	0	961	
	Interior Concrete Floor & Sealer	17,580	16,900	0	0	16,900	680	1,650	
	Masonry	12,830	8,030	0	0	8,030	4,800	803	
	HM Frames/Doors, Wood Doors, & Hardware	13,780	10,430	0	0	10,430	3,350	1,043	
	Aluminum Entries & Windows	32,820	31,520	0	0	31,520	1,300	3,152	
	Interior Framing & Insulation Board	12,290	12,290	0	0	12,290	0	1,229	
	Roof Framing & Sheathing	24,900	24,900	0	0	24,900	0	2,490	
	Canopy Framing & Support	24,100	24,100	0	0	24,100	0	2,410	
	Asphalt Shingles	12,170	0	12,170	0	12,170	0	1,217	
	Aluminum Soffit & Gutters	8,950	5,010	2,100	0	7,110	1,840	711	
	Canopy Wood Soffit	7,020	0	3,890	0	3,890	3,130	389	
	Drywall	14,160	0	0	0	0	14,160	0	
	Painting, Staining, & Joint Sealants	16,335	0	0	0	0	16,335	0	
	Cabinetry, Countertops, & Window Sills	14,550	0	4,600	0	4,600	9,950	460	
	Vinyl Base	1,850	0	0	0	0	1,850	0	
	Toilet Accessories	995	0	0	0	0	995	0	
	Plumbing, Fixtures, & Site Utilities	27,960	11,743	8,605	0	20,348	7,612	2,035	
	HVAC & Floor Heat	41,700	17,100	17,511	0	34,611	7,089	3,461	
	Electrical	13,680	9,020	1,560	0	10,580	3,100	1,058	
	Site Paving	41,830	4,570	33,100	0	37,670	4,160	3,767	
	SUB-TOTAL	372,310	200,038	86,586	0	286,624	85,686	28,663	
	CHANGE ORDERS								
	Light Fixture Package	4,265	0	4,265	0	4,265	0	427	
	Interior Truss Fire Coating	7,648	0	0	0	0	7,648	0	
	Additional Plumbing Requests	1,033	0	1,033	0	1,033	0	103	
	SUB-TOTAL CHANGE ORDERS	12,946	0	5,298	0	5,298	7,648	530	
	TOTALS	385,256	200,038	91,884	0	291,922	93,334	29,193	