

AGENDA
CITY COUNCIL MEETING
COUNCIL CHAMBERS – CITY HALL
306 PEARL STREET
August 15, 2023

(Amended: 8/14/23)

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 – August 1, 2023](#)

4. [Approval of Claims](#)

5. [Action on a request to approve Fireworks Displays for Wayne State College \(September 16th and October 14th – alternate date\) — Mike Powicki, Director of Athletics](#)

6. [Resolution 2023-58: Acknowledging Requirements for the Temporary Use of the State Highway System for Special Events \(WSC Homecoming Parade and Band Day - Saturday, October 7, 2023\)](#)

7. [Action on the Contract for Services between the City of Wayne and the Board of Trustees of the Nebraska State Colleges - Wayne State College for the homecoming parade](#)

8. [Ordinance 2023-14: Amending Wayne Municipal Code Title VII Traffic Code, Prohibitions and Enforcement, Section 78-13 Stop Sign Locations; West of Main Street, South of 7th Street \(Third and Final Reading\)](#)

9. [Ordinance 2023-15: Amending Wayne Municipal Code Title XV Land Usage, Chapter 152 Zoning, Section 152.111 SFP Floodplain District \(Third and Final Reading\)](#)

10. [Ordinance 2023-17: Amending Ordinance No. 2023-6 to authorize a stated principal amount of not to exceed \\$10,000,000 tax supported Municipal Improvement Bonds, Series 2023, of the City of Wayne, Nebraska, and amending certain parameters for such bonds](#)

Background: This ordinance will amend the previous ordinance which authorized tax supported municipal improvement bonds in an amount not to exceed \$7,500,000 to an amount not to exceed \$10,000,000. Increasing this amount was discussed at the budget work session. Andy Forney, the City’s bond agent, will be available through zoom to explain and answer any questions you may have.

11. [Resolution 2023-55: Approving the Plans, Specifications and Estimate of Cost for the New Police and City Municipal Building Renovation Project](#)

12. [Resolution 2023-56: Accepting Bid and Awarding Contract on the “Wayne Prairie Park Development - Phase II Utilities Project”](#)

Background: We received five bids on August 10th. Matthew Smith, Engineer with Olsson, will review the same and make a recommendation at meeting time. However, the apparent low bidder is Penro Construction - \$716,933.50. The engineer's estimate was \$1.2 million.

13. [Resolution 2023-57: Authorizing the signing of the Municipal Annual Certification of Program Compliance Form 2023 – Nebraska Board of Public Roads Classifications and Standards](#)

Background: This Municipal Annual Certification of Program Compliance Form 2023 and Resolution replaces the annual filing of the One and Six Year Plan or Program and the former standardized system of annual report with the Nebraska Board of Public Roads Classification and Standards. This must be adopted and returned to the NDOT by October 31, 2023.

14. [Budget Update](#)
15. [Discussion/Update/Action on potential negotiations on real property](#)
16. [Adjourn](#)

**MINUTES
CITY COUNCIL MEETING
August 1, 2023**

The Wayne City Council met in regular session at City Hall on August 1, 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 Brent Pick, Terri Buck, Nick Muir, Brittany Weber, Clayton Bratcher, and Matt Eischeid; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmembers Jason Karsky and 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 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 Eischeid made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting of July 18, 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 Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACES, SE, 1093.66; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 300.00; ALL-AMERICAN PUBLISHING, SE, 370.00; APPEARA, SE, 260.71; BAKER & TAYLOR BOOKS, SU, 1091.48; BINSWANGER GLASS, SU, 340.60; BLAZER PRODUCTIVE PRODUCTS, RE,

200000.00; BOMGAARS, SU, 2551.84; BRADY, JEFF, SE, 250.50; CARLSON WEST POVONDRA ARCHITECTS, SE, 32040.10; CITY EMPLOYEE, RE, 751.60; CITY EMPLOYEE, RE, 4068.39; CITY EMPLOYEE, RE, 879.57; CITY EMPLOYEE, RE, 250.40; CITY EMPLOYEE, RE, 150.83; CITY EMPLOYEE, RE, 69.23; CITY OF NORFOLK, SE, 149.12; CITY OF WAYNE, RE, 211.46; CIVICPLUS, SE, 320.00; CLAUSSEN & SONS IRRIG, SE, 8178.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 86.00; DITCH WITCH UNDERCON, SU, 658.64; ED M. FELD EQUIPMENT, SE, 8540.05; ELKINS PORTABLE RESTROOMS, SE, 985.00; FASTWYRE BROADBAND, SE, 1547.54; FLOOR MAINTENANCE, SU, 1177.63; GALE/CENGAGE LEARNING, SU, 103.31; GERHOLD CONCRETE, SU, 2073.76; GERHOLD CONCRETE, SU, 1116.64; GROSSENBURG IMPLEMENT, SU, 45.32; HILAND DAIRY, SE, 182.62; INGRAM LIBRARY SERVICES, SU, 622.04; ISLAND SPRINKLER SUPPLY, SU, 108.66; KAUP FORAGE & TURF, SU, 1425.00; KOUATIL, ZAYNAB, SE, 400.00; LIVING HERE, RE, 28.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MUNSON, TERRY, RE, 50.00; NATL LEAGUE OF CITIES, FE, 1239.00; NE DEPT OF REVENUE-CHARITABLE GAMING DIV, TX, 1829.00; NE FIRE CHIEFS ASSOC, FE, 100.00; NE STATE VOLUNTEER FIREFIGHTERS ASSOC, FE, 603.00; NNEDD, SE, 75.00; NORTHEAST NE INS AGENCY, SE, 466.00; NORTHEAST POWER, SE, 21756.30; NORTHWEST ELECTRIC, SU, 1577.01; O'REILLY AUTOMOTIVE STORES, SU, 135.54; OVERDRIVE, SU, 29.99; QUADIENT LEASING USA, SU, 2691.00; SCHMITZ, CINDY, SE, 90.00; SOOLAND BOBCAT, SE, 142.16; STAPLES, SU, 86.13; TOTAL GRAPHICS, SU, 516.25; US FOODSERVICE, SU, 46.25; VAKOC, SU, 87.04; AMERITAS, SE, 168.44; AMERITAS, SE, 35.00; AMERITAS, SE, 3380.94; AMERITAS, SE, 72.00; AMERITAS, SE, 100.57; BERTOLAS, RANDY, RE, 500.00; BLUE CROSS BLUE SHIELD, SE, 51132.79; BORDER STATES INDUSTRIES, SU, 625.18; CARHART LUMBER COMPANY, SU, 166.72; CHRISTIAN CHINCHILLA, RE, 200.00; CIRBA SOLUTIONS SERVICES, SU, 102.00; CITY EMPLOYEE, RE, 104.20; CITY OF WAYNE, PY, 124117.38; CITY OF WAYNE, RE, 760.63; CONTINENTAL FIRE SPRINKLER, SE, 223.00; DEMCO, SU, 3424.42; ED M. FELD EQUIPMENT, SU, 5805.50; FIRST CONCORD GROUP, SE, 4516.64; HAWKINS, SU, 3568.22; HAWKINS, SU, 2371.72; HILAND DAIRY, SE, 155.64; ICMA, SE, 70.00; ICMA, SE, 36.84; ICMA, SE, 189.32; ICMA, SE, 166.28; ICMA, SE, 200.00; ICMA, SE, 127.36; ICMA, SE, 8585.67; ICMA, SE, 2180.90; ICMA, SE, 495.46; ICMA, SE, 142.75; ICMA, SE, 413.68; IRS, TX, 4754.88; IRS, TX, 20331.14; IRS, TX, 12753.24; JEFF'S RPM SERVICE, SE, 529.75; JEO CONSULTING GROUP, SE, 7193.25; KENNY, KELLY, RE, 1000.00; LONGE, LUCAS, RE, 200.00; MARCO TECHNOLOGIES, SE, 46.81; MIDWEST TAPE, SU, 12.99; MILLER LAW, SE, 5416.67; MITCHELL, HALEY, RE, 300.00; NE DEPT OF REVENUE, TX, 6109.96; NEBRASKA GENERATOR SERVICE, SE, 1410.15; NNEDD, SE, 4646.68; OPTK NETWORKS, SE, 408.54; O'REILLY AUTOMOTIVE STORES, SU, 49.63; POSTMASTER, SU, 1088.28; SOOLAND BOBCAT, RE, 64.47; STANTON CO COURT, RE, 500.00; STATE NEBRASKA BANK-PETTY CASH, RE, 105.38; UNITED STATES THERMOAMP, SU, 8957.62; VIAERO, SE, 68.94; WAED, SE, 8980.41; WAYNE COMMUNITY SCHOOL FOUNDATION, RE, 200.00; WAYNE COUNTY SHERIFF, SE, 65.00; WISNER WEST, SU, 140.60; ZIMCO SUPPLY, SU, 2027.50

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to approve the claims.

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

Greg Ptacek, representing the Wayne Community Redevelopment Authority (CRA), was present requesting Council consideration to approving the request to allocate 2.6 cents per \$100.00 of the taxable

value of real property within the City of Wayne to the CRA. This would bring in approximately \$80,000 in revenue for the CRA. This levy is made available to the CRA by State Statute.

Councilmember Eischeid introduced Resolution No. 2023-49 and moved for its approval, Councilmember Muir seconded.

RESOLUTION NO. 2023-49

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE COMMUNITY REDEVELOPMENT AUTHORITY – 2.6 CENTS PER \$100.00 OF THE TAXABLE VALUE OF REAL PROPERTY WITHIN THE CITY OF WAYNE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent and Councilmember Pick voting Nay, the Mayor declared the motion carried.

Luke Virgil, Director of Wayne Area Economic Development, gave his semi-annual LB840 Activity Report to Council.

Administrator Blecke presented Application for Payment No. 11 for \$15,784 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.” Administrator Blecke updated the Council on the project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, approving Application for Payment No. 11 for \$15,784 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 Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Administrator Blecke, on behalf of Roger Protzman, Engineer with JEO Consulting Group, Inc., presented Application for Payment No. 1 for \$83,033.56 to Vrba Construction, Inc., for the “2023 Wayne Sanitary Sewer Service Improvement Project.” This contractor has done some extra things on the project that the City will not be paying for (e.g. connections to properties, etc.), and staff is assuming they have talked with those property owners.

Councilmember Webber made a motion, which was seconded by Councilmember Muir, approving Application for Payment No. 1 for \$83,033.56 to Vrba Construction, Inc., for the “2023 Wayne Sanitary Sewer Service Improvement Project.” Mayor Giese stated the motion, and the result of roll call being all

Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2023-14, and moved for approval of the second reading thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-14

AN ORDINANCE AMENDING TITLE VII TRAFFIC CODE, PROHIBITIONS AND ENFORCEMENT, SECTION 78-13 STOP SIGN LOCATIONS; WEST OF MAIN STREET, SOUTH OF SEVENTH STREET; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Eischeid introduced Ordinance 2023-15, and moved for approval of the second reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2023-15

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.111 SFP FLOODPLAIN DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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

The following Ordinance would amend Sec. 110.07 of the Wayne Municipal Code to increase the water and sewer utility franchise fees as follows:

- Electric – (remains the same) 10.5%
- Water from 8% to 10.5%
- Sewer from 7% to 10.5%

These franchise fees have not been amended since 2014. This additional revenue has already been built into the budget.

Councilmember Eischeid introduced Ordinance No. 2023-16, and moved for approval thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, TITLE XI BUSINESS REGULATIONS, CHAPTER 110 OCCUPATION TAXES, SECTION 110.07 UTILITY FRANCHISE FEES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to move for final approval of Ordinance No. 2023-16. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

The following Resolution would allocate \$79,044 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. Last year's allocation was \$69,337.

Councilmember Muir introduced Resolution No. 2023-48 and moved for its approval, Councilmember Buck seconded.

RESOLUTION NO. 2023-48

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY (\$79,044).

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

Marlen Chinn, Police Chief, advised the Council that the City of Wayne Emergency Operations Plan is a section of the Wayne County Local Emergency Operations Plan (LEOP). The LEOP needs to be updated every five years and was last renewed in 2018. Each Department Head was asked to review the same and bring forward any recommended or needed changes.

This document is in place to outline the responsibilities of the City of Wayne Elected Officials and City Departments in the event of a disaster for response and recovery efforts.

Councilmember Webber introduced Resolution 2023-50, and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-50

A RESOLUTION APPROVING WAYNE COUNTY LOCAL EMERGENCY OPERATIONS PLAN.

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

Marlen Chinn, Police Chief, stated Wayne Public Schools approached the City inquiring whether an agreement could be reached to add a part-time School Resource Officer (SRO) to work approximately 10 hours per week within the school district buildings this coming school year. The Memorandum of Understanding is a required document by State Statute for the schools to move forward that would need approval by both the School and the City. This is a one-year commitment.

Attorney Miller has reviewed both documents (Memorandum of Understanding and Interlocal Agreement). She did not have any changes at this time to the Memorandum of Understanding.

Councilmember Webber introduced Resolution 2023-51, and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-51

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY SCHOOL DISTRICT #90-0017.

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

The following Interlocal Agreement between the School District and the City of Wayne was created describing the work expected, along with details of liability coverage, training expectations and costs associated to the position. Per State Statute, the SRO position and school administration are required to obtain 20 hours of specialized training within six months of the start of the SRO program. The School District has agreed to fund the training in full for their administration involved and the Police Administrator, along with the officer assigned the SRO position. This type of program has never existed within the Wayne School District before, which is why this is for a trial period of one year. The SRO position would not add additional staff to the Police Department, and at this point, would only add some scheduling changes to make it work, as long as the Police Department is able to maintain its current staffing level.

Attorney Miller recommended the following change to 3. b. of the Interlocal Agreement:

“The School District will arrange and pay expenses for the required 20 hours of training within six months of the beginning of the 2023-24 school year. Should a new officer be assigned for future school years, the School District will do the same.”

In addition, Attorney Miller wanted to make sure the School District was going to provide the City with the same liability requirements as stated in Paragraph 12 of the Interlocal Agreement.

Councilmember Bratcher introduced Resolution 2023-52, and moved for its approval, as amended and recommended by Attorney Miller; Councilmember Webber seconded.

RESOLUTION NO. 2023-52

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT TO SHARE LAW ENFORCEMENT RESOURCES BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY SCHOOL DISTRICT #90-0017.

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

The following Resolution would approve the specifications and authorize the purchase of a John Deere 320G Skid Steer Loader and related equipment as per the proposal received from Murphy Tractor & Equipment in the amount of \$56,800 through the Sourcewell Cooperative Pricing Program.

Casey Junck, Water/Wastewater Superintendent, and Tim Sutton, Electric Distribution Superintendent, were present to answer questions. The purchase of this equipment will be shared one-third each by the Water, Wastewater and Electric Departments.

It was noted that payment for this vehicle will not be made until after October 1st.

Councilmember Muir introduced Resolution 2023-53, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-53

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A JOHN DEERE 320G SKID STEER LOADER AND RELATED EQUIPMENT AS PER THE BID PROPOSAL RECEIVED FROM MURPHY TRACTOR & EQUIPMENT (\$56,800) THROUGH THE SOURCEWELL COOPERATIVE PRICING PROGRAM.

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

Administrator Blecke stated the following Resolution would amend the schedule of fees as recommended by City staff.

Discussion took place on the rental fee for the new Freedom Park Trailhead building. After discussion, consensus was to set the rental fee at \$100/day and a damage deposit of \$150.

Councilmember Eischeid introduced Resolution No. 2023-54 and moved for its approval, as amended, but deleting the no rental fee for non-profits for the Freedom Park Trailhead building; Councilmember Buck seconded.

RESOLUTION NO. 2023-54

A RESOLUTION AMENDING SCHEDULE OF FEES.

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

Mayor Giese requested Council consideration to the appointment of Dwaine Spieker to the Planning Commission.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to set the Mini-Retreat date for Tuesday, August 29th, at 5:30 p.m. at the Freedom Park Trailhead building. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

There was no update on Agenda Item No. 20 – Budget Update.

There was no update on Agenda Item No. 21 – Discuss/Update on the potential negotiations on real property.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:47 p.m.

**COUNCIL APPROVED 8/2/23**

Vendor	Payable Description	Payment Total
OTTE CONSTRUCTION CO	FREEDOM PARK TRAILHEAD # 11	15,784.00
ACE HARDWARE & HOME	SHOP LIGHT/FASTENERS/HOSE/PRIMARY WIRE	310.59
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	104.70
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	3,230.06
AMERITAS LIFE INSURANCE	AMERITAS ROTH	35.00
AMERITAS LIFE INSURANCE	AMERITAS ROTH	168.44
APPEARA	LINEN & MAT SERVICE	74.63
AXON ENTERPRISE, INC.	TASER CARTRIDGES	467.55
BEIERMANN ELECTRIC	TROUBLESHOOT UV SYSTEM/WIRE LIFT STATION PUMP	450.00
BINSWANGER GLASS	SURFACE MOUNT CLOSER	309.50
BOK FINANCIAL	SWIMMING POOL SALES TAX REVENUE BONDS	684,566.25
BORDER STATES INDUSTRIES, INC	FUSE HOLDERS/HEAT SHRINK	1,586.86
CARDENAS, MARIBEL	AUDITORIUM DEPOSIT REFUND	200.00
CARHART LUMBER COMPANY	SUPPLIES	310.59
CARHART LUMBER COMPANY	SUPPLIES- VOID	-310.59
CARLSON WEST POVONDRA ARCHITECTS	CITY HALL RELOCATION DESIGN SERVICES	8,280.00
CITY EMPLOYEE	VISION REIMBURSEMENT	318.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	4,200.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	6,921.15
CITY EMPLOYEE	VISION REIMBURSEMENT	125.20
CITY OF WAYNE	PAYROLL	114,055.44
CITY OF WAYNE	UTILITY REFUNDS	71.37
COLONIAL RESEARCH	AIR FLOW DEODORANT BAGS	177.61
CONTRERAS, RUTILIO	AUDITORIUM DEPOSIT REFUND	200.00
COPY WRITE PUBLISHING	SHIPPING CHARGES	141.10
COTTONWOOD WIND PROJECT, LLC	WIND ENERGY	8,403.19
DEARBORN LIFE INSURANCE COMPANY	LIFE/DISABILITY INSURANCE	2,949.87
ED M. FELD EQUIPMENT CO INC	MOUNTING PLATE/FIRE GLOVES	984.56
ELLIS HOME SERVICES	POLICE DEPT LEAK	99.50
FASTWYRE BROADBAND	TELEPHONE CHARGES	125.52
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	338.26
FLOW CONTROL, INC.	ULTRASONIC LEVEL TRANSMITTERS	876.00
GENERAL TRAFFIC CONTROLS, INC.	TRAFFIC SIGNAL LIGHTS	535.00
GERHOLD CONCRETE CO INC.	CONCRETE	2,392.81
GLOBAL PAYMENTS INTEGRATED	CAC CREDIT CARD TRANSACTION FEES	750.27
GROSSENBURG IMPLEMENT INC	TOGGLE SWITCH	32.47
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	155.16
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	168.20
HOMETOWN LEASING	COPIER LEASES	465.14
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	36.84

ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	189.32
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	166.28
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	142.75
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	200.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	413.68
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	70.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	127.36
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	495.46
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	8,565.67
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	2,127.50
IRS	FEDERAL WITHHOLDING	12,040.33
IRS	MEDICARE WITHHOLDING	4,401.00
IRS	FICA WITHHOLDING	18,818.08
JOHN'S WELDING AND TOOL LLC	WASTER WATER PUMP GASKET REPAIR	180.25
KEPCO ENGRAVING	NAMEPLATE	16.90
KOUATIL, ZAYNAB	ART CAMP SESSION 4	400.00
KTCH AM/FM RADIO	REC ADS	160.00
LEAGUE OF NEBRASKA MUNICIPALITIES	MEMBERSHIP DUES	13,008.00
LUTT OIL	GASOLINE	8,605.34
LYNN PEAVEY CO	BLOOD/ALCOHOL TEST KITS	232.00
MERCHANT SERVICES	CREDIT CARD TRANSACTION FEES	1,271.94
MERCHANT SERVICES	CREDIT CARD TRANSACTION FEES	79.87
MERCHANT SERVICES	CREDIT CARD TRANSACTION FEES	5,325.89
MIDWEST ALARM SERVICES	FIRE ALARM INSPECTION/MONITORING FEE	212.54
MIDWEST ALARM SERVICES	FIRE ALARM INSPECTION/MONITORING FEE	606.56
MIDWEST LABORATORIES, INC	WASTEWATER ANALYSIS	216.57
MIDWEST SERVICE & SALES	BELL & GASKET	20,689.20
MUNICIPAL SUPPLY INC	WATER METERS	4,698.65
NE DEPT OF REVENUE	STATE WITHHOLDING	5,686.35
NE NOTARY ASSOC	NOTARY STAMP-D MARSHALL	157.95
NEBRASKA PUBLIC POWER DIST	TRANSMISSION SUBSTATION CHARGES/METER REPORTS	8,273.64
NORTHEAST POWER	ELECTRICITY	7,651.00
ONE CALL CONCEPTS, INC	DIGGERS HOTLINE	113.92
O'REILLY AUTOMOTIVE STORES, INC.	FUEL FILTER/SPARK PLUG/IGNITION WIRE SET/GLASS CLEANER	126.71
PAC N SAVE	SUMMER KIDS PROGRAM SNACKS/ICE	128.10
PAC N SAVE	SENIOR CENTER NOON MEALS SUPPLIES	1,184.82
PEPSI COLA OF SIOUXLAND INC	CAC POP	124.13
PLUMBING & ELECTRIC SERVICE INC	CURBSTOP DAMAGED -TRAIL CONSTRUCTION	1,290.78
PLUNKETT'S PEST CONTROL	PEST CONTROL	109.36
QUADIENT FINANCE USA, INC	POSTAGE	1,000.00
REHAB SYSTEMS	ANNUAL SEWER CLEANING	27,983.25
SEILER INSTRUMENT & MFG. CO. INC.	CATALYST ON DEMAND	970.00
STADIUM SPORTING GOODS	SHIRTS-DE	85.00
STATE NEBRASKA BANK & TRUST	MONTHLY ACH FEE	65.92
SUMMIT CARBON SOLUTIONS	FIRE HALL DEPOSIT REFUND	250.00
US FOODSERVICE, INC.	SENIOR CENTER NOON MEAL SUPPLIES	2,908.00
USA BLUE BOOK	HYDRANT WRENCHES/FITTINGS	318.31
UTILITIES SECTION	MEMBERSHIP DUES	3,786.00
VERIZON WIRELESS SERVICES LLC	CELL PHONES	584.13
VRBA CONSTRUCTION	2023 SANITARY SEWER IMPROVEMENTS	83,033.56

WASTE CONNECTIONS	DEHUMIDIFIERS/DUMP TRUCK CHARGE	79.73
WAYNE AUTO PARTS	POLICE GENERATOR REPAIRS/CLAMPS/STOP LEAK	576.09
WAYNE COMMUNITY HOUSING	AUDITORIUM DEPOSIT REFUND	200.00
WAYNE COUNTY SHERIFF	STATE JUVENILE PAYMENT(ISSUED TO WRONG AGENCY)	655.90
WAYNE HERALD	ADS AND NOTICES	790.83
WAYNE HERALD	CAC ADS	743.00
WAYNE HERALD	GREEN TEAM ADS	190.00
WAYNE VETERINARY CLINIC	CAT IMPOUND	238.00
WESTERN AREA POWER ADMIN	ELECTRICITY	24,504.38
WISNER WEST	FD GASOLINE	65.72
	Grand Total:	1,137,497.96

[Back to Top](#)



City Police Department
City of Wayne
306 Pearl Street
PO Box 8
Wayne, NE 68787

To whom it may concern:

On behalf of the Office of Student Activities at Wayne State College, I am writing to request a parade permit for the College's annual Homecoming Parade/Band Day Competition scheduled for Saturday, October 7th, 2023.

We are requesting that The City of Wayne grant a parade permit and assist in the closing of Highways 15 and 35 for the College's Homecoming/Band Day Parade. The parade will start at 1st Street and Main Street at 9:30 am and continue down Main Street, ending at the Willow Bowl (11th and Main). Parade will be done at approximately 11:30 am.

Wayne State Campus Security will assist the City Police Department with securing the parade route and that affected street crossings. Please contact me by email at amfran01@wsc.edu or by phone at 402-375-7322 if you have any questions or concerns regarding our request.

Thank you for your time and consideration. We look forward to working with the City Police Department to facilitate another eventful parade.

Respectfully,

Amy White
Director of Student Activities
Wayne State College
Amfran01@wsc.edu
402-375-7322

RESOLUTION NO. 2023-58

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

WHEREAS, the annual Wayne State College Student Activities Board Wildcat Days (Homecoming) Parade, which will include Band Day, will be held on Main Street from 1st Street to 11th Street on Saturday, October 7, 2023, from 8:00 a.m. to approximately 11:30 a.m. or until immediately after the parade, at which time the City will relinquish control of this section of Highway 15 back to the Nebraska Department of Transportation; and

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

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

WHEREAS, advanced warning signs and/or barricades will be used to notify motorists of closure and detour traffic and control officers will be placed at all major intersections to reroute traffic.

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

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

PASSED AND APPROVED this 15th day of August, 2023.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

Note: Contracts for Services are public records which are generally subject to statutory public disclosure and public website posting requirements.

CONTRACT FOR SERVICES

(Short Form)

Board of Trustees of the Nebraska State Colleges
Chadron State, Peru State, and Wayne State Colleges

This Contract is made by and between the Board of Trustees of the Nebraska State Colleges doing business as Wayne State College (the "College"), and City of Wayne, (the "Contractor").

The parties agree that the Contractor will perform the following work for the College as described herein in exchange for the financial consideration set forth below.

Note: The Contractor shall be an independent contractor and not a College employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act, minimum wage and overtime payments, the Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, any Nebraska revenue and taxation law, Nebraska workers' compensation law and Nebraska unemployment insurance law.

Contract Terms.

Description of Services

The City of Wayne will grant a parade permit and assist in the closing of Highways 15 and 35 for the College's Homecoming/Band Day Parade. The parade will start at 1st Street and Main Street at 9:30 am and continue down Main Street, ending at the Willow Bowl (11th and Main). Parade will be done at approximately 11:30 am.

Payment Amount

No charge from the Contractor

Payment Terms

N/A

Dates for Service Commencement and Completion

Saturday October 7th, 2023 from approx. 9:30 am until 11:30 am

New Employee Work Eligibility Status. One box below must be selected and marked.

Employee Work Eligibility Status. 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 agency authorized to verify the work eligibility status of a newly hired employee.

- The Contractor is an individual, LLC or sole proprietorship. The Contractor must complete the "United States Citizenship Attestation Form," available on the Department of Administrative Services website at <https://das.nebraska.gov/materiel/docs/pdf/Individual%20or%20Sole%20Proprietor%20United%20State%20Attestation%20Form%20English%20and%20Spanish.pdf>. If the Contractor indicates on such attestation form that he or she is a qualified alien, the Contractor agrees to provide US Citizenship and Immigration Services (USCIS) documentation required to verify the Contractor's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program. *The attestation form and USCIS documents (if applicable) must be attached to the Contract.*

The Contractor understands and agrees that lawful presence in the United States is required and the Contractor may be disqualified or the Contract terminated if such lawful presence cannot be verified as required by Neb. Rev. Stat. §4-108.

Prompt Payment Act. In the event any amount due under this Contract remains unpaid for forty-five (45) days after the due date, the unpaid amount shall bear interest from the 31st day after the due date at the rate specified in the Prompt Payment Act, Neb. Rev. Stat. §§81-2401 to 81-2408.

Non-Discrimination. The Contractor agrees to comply fully with Title VI of the Civil Rights Act of 1964, as amended, the Nebraska Fair Employment Practice Act, Neb. Rev. Stat. §§48-1101 to 48-1125, as amended, and Board Policy 5000 in that there shall be no discrimination against any employee who is employed in the performance of this Contract, or against any applicant for such employment, because of age, color, national origin, race, religion, disability, sex, sexual orientation, or gender identity. This provision shall include, but not be limited to employment, promotion, demotion, transfer, recruitment, layoff, termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The Contractor further agrees to insert a similar provision in all subcontracts for services allowed under this Contract.

ADA & Drug-Free Workplace Requirements. All provisions of this Contract are subject to the Americans with Disabilities Act (ADA). Further, the Contractor certifies that the Contractor operates a drug-free workplace and, during the term of this Contract, will be in compliance with the provisions of the Drug-Free Workplace Act of 1988.

Technology Access. All contracts, that include provisions of technology products, systems, and services, including data, voice, and video technologies, as well as information dissemination methods, shall comply with the Nebraska Technology Access Standards adopted pursuant to Neb. Rev. Stat. §73-205. These Standards are available for viewing on the Web at <https://nitc.nebraska.gov/standards/index.html>, and are incorporated into this Contract as if fully set forth herein.

Confidentiality. Contractor acknowledges that performance under the terms of this Contract may involve receipt of user data from the College. Contractor will utilize user data from the College only in the furtherance of this Contract. Contractor will notify College within twenty-four (24) hours of becoming aware of any data breach of its systems which expose confidential College user data. Contractor will reimburse the College for any and all expenses incurred by the College as a result of a data breach of Contractor's systems.

If the user data consists of confidential student information protected by The Family Educational Rights and Privacy Act (FERPA) the Contractor agrees and acknowledges that Contractor is acting as an officer of the College for the purposes of this Contract as defined by Nebraska State College Board Policy 3650 (at the time of this writing available at: <https://www.nscs.edu/policy-manual/detail/39-3650-student%20records>) and will take necessary steps to safeguard the confidential student information.

The Contractor further acknowledges the obligation and agrees to comply with the General Data Protection Regulation (GDPR) privacy laws in regard to the collection, processing, storage, security, management, transfer and erasure of user data.

Designated College Representative. The designated College representative for purposes of monitoring and oversight of this Contract is:

Amy White	402-375-7322	Amfran01@wsc.edu
Typed or Printed Name	Telephone	Email Address

Signatures:

CONTRACTOR	COLLEGE	SYSTEM OFFICE
_____ Signature	_____ Signature	_____ Signature
_____ Printed Name	Angela Fredrickson _____ Printed Name	_____ Printed Name
_____ Title	Vice President for Administration and Finance _____ Title	_____ Title
_____ Date	_____ Date	_____ Date

ORDINANCE NO. 2023-14

AN ORDINANCE AMENDING TITLE VII TRAFFIC CODE, PROHIBITIONS AND ENFORCEMENT, SECTION 78-13 STOP SIGN LOCATIONS; WEST OF MAIN STREET, SOUTH OF SEVENTH STREET; 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 Title VII Traffic Code, Prohibitions and Enforcement, Section 78-13 of the Wayne Municipal Code is amended to read as follows:

Sec. 78-13. Stop sign locations; west of Main Street, south of 7th Street.

(A) Stop signs are established at the following locations in the city:

Donner Pass at the west approach of Nathan Drive
Grainland Road at the north approach of South Maple Street
Grainland Road at the north approach of South Blaine Street
Grainland Road at the north approach of Pheasant Run Road
Main Street at the west approach of West 4th Street
Main Street at the west approach of West 5th Street
Main Street at the west approach of West 6th Street
Main Street at the west approach of West 1st Street
Oak Drive at the west approach of 3rd Avenue
Oak Drive at the east approach of West 3rd Street
Pearl Street at the east and west approaches of West 6th Street
Pearl Street at the east and west approaches of West 5th Street
Pearl Street at the east and west approaches of West 2nd Street
Pearl Street at the east and west approaches of West 3rd Street
Pearl Street at the east and west approaches of West 4th Street
Pheasant Run at the east and west approaches of Grainland Road
Schoolview Drive at the west approach of West 5th Street
Sherman Street at the east and west approaches of West 6th Street

South Sherman Street at the west approach of Grainland Road
South Main Street at the west approach of Clark Street
West 1st Street at the north and south approaches of Douglas Street
West 1st Street at the north and south approaches of Lincoln Street
West 1st Street at the north and south approaches of Pearl Street
West 1st Street at the north and south approaches of Sherman Street
West 1st Street at the north approach of Blaine Street
West 3rd Street at the north and south approaches of Douglas Street
West 3rd Street at the north and south approaches of Sherman Street
West 3rd Street at the south approach of Blaine Street
West 3rd Street at the south approach of Wilcliff Drive
West 3rd Street at the north and south approaches of Lincoln Street
West 4th Street at the north and south approaches of Sherman Street
West 5th Street at the north and south approaches of Sherman Street
West 7th Street at the south approach of Pearl Street
West 7th Street at the south approach of Lincoln Street
West 7th Street at the south approach of Douglas Street
West 7th Street at the south approach of Sherman Street
West 7th Street at the south approach of Oak Drive
West 7th Street at the south approach of Donner Pass
West 7th Street at the south approach of Pheasant Run West 7th Street at the south approach of Community Activity Center Driveway

(B) Except where directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop, which, for the purpose of this section, shall be a completed cessation or movement, at a clearly marked stop line, but if there is no such line, then before entering the crosswalk on the near side of the intersection or, if no crosswalk as indicated, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic from the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on such street as to constitute an immediate hazard if such driver moved across or into such intersection.

(C) It shall be unlawful for any person to violate the provisions of this section.

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 the passage, approval, and publication or posting as provided by law.

PASSED AND APPROVED this 15th day of August, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2023-15

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.111 SFP FLOODPLAIN DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

Section 1. That Title XV Land Usage, Chapter 152 Zoning, Section 151.222 SFP Flood Plain District, shall be amended in its entirety as follows:

152.111 SFP Floodplain District

(A) *Statutory authorization, findings of fact and purposes.*

(1) *Statutory authorization.* The legislature of the state has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The legislature, in Neb. RS 31-1001 to 31-1022 (as amended), has further assigned the responsibility to adopt, administer and enforce floodplain management regulations to the county, city, or village with zoning jurisdictions over the flood-prone area. Therefore, the city ordains as follows.

(2) *Findings of fact.*

(a) *Flood losses resulting from periodic inundation.* The flood hazard areas of the city are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

(b) *General causes of the flood losses.* These flood losses are caused by:

1. The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities; and
2. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

(c) *Methods used to analyze flood hazards.* This section uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps:

1. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated and the depth of the inundation. The base flood is selected for this section. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this section. It is in the general order of a flood which could be expected to have a 1% chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated **3-30-2006**

~~(preliminary) as amended and effective date not yet determined by FEMA effective on March 18, 2008.~~

2. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood;
3. Computation of the floodway required to convey this flood without increasing flood heights more than one foot at any point; and
4. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.

(3) *Statement of purpose.* It is the purpose of this section to promote the public health, safety, and general welfare and to minimize those losses described herein by applying the provisions of this section to:

- (a) Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
- (b) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction;
- (c) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard; and
- (d) Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

(B) *General provisions.*

(1) *Lands to which section applies.* This section shall apply to all lands within the jurisdiction of the city identified on the Flood Insurance Rate Map (FIRM) Panels **31179C0070C, 31179C0075C, 31179C0090C, 31179C0185C, 31179C0200C, 31179C0205C** dated ~~3-30-2006~~ ~~(preliminary) and effective date not yet determined by FEMA effective on March 18, 2008,~~ as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within Zoning Districts FW and FF established herein. In all areas covered by this section no development shall be permitted, except upon the issuance of a floodplain permit to develop, granted by the city or its duly designated representative under such safeguards and restrictions as the city or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted herein.

(2) *The Enforcement Officer.* The Zoning Administrator/Chief Building Official of the community is hereby designated as the community's duly designated Enforcement Officer under this section.

(3) *Rules for interpretation of district boundaries.* The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on

the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment (Appeal Board) will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case to the Board of Adjustment and to submit his or her own technical evidence, if he or she so desires.

(4) *Compliance.* Within identified special flood hazard areas of the community, no development shall be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.

(5) *Abrogation and greater restrictions.* It is not intended by this section to repeal, abrogate or impair any existent easements, covenants or deed restrictions. However, where this section imposes greater restrictions, the provision of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.

(6) *Interpretation.* In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(7) *Warning and disclaimer of liability.* The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by human-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This section shall not create liability on the part of the city or any officer or employee thereof for any flood damages that may result from reliance on this section or any administrative decision lawfully made thereunder.

(8) *Severability.* If any section, clause, provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

(9) *Appeal.* Where a request for a permit to develop or a variance is denied by the Zoning Administrator/Chief Building Official, the applicant may apply for such permit or variance directly to the Board of Adjustment.

(C) *Development permit.*

(1) *Permit required.* No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined herein.

(2) *Administration.*

(a) The Zoning Administrator/Chief Building Official is hereby appointed to administer and implement the provisions of this section.

(b) Duties of the Zoning Administrator/Chief Building Official shall include, but not be limited to:

1. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this section have been satisfied;

2. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;

4. Notify adjacent communities and the State Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

5. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;

6. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas;

7. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved **non-residential** structures have been floodproofed; and

8. When floodproofing is utilized for a particular structure the Zoning Administrator/Chief Building Official shall be presented certification from a registered professional engineer or architect.

(3) *Application for permit.* To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

(a) Identify and describe the development to be covered by the floodplain development permit;

(b) Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development;

(c) Indicate the use or occupancy for which the proposed development is intended;

(d) Be accompanied by plans and specifications for proposed construction;

(e) Be signed by the permittee or his or her authorized agent who may be required to submit evidence to indicate such authority; and

(f) Give such other information as reasonably may be required by the Zoning Administrator/Chief Building Official.

(D) *Establishment of zoning districts.* Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: a floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study dated March 18, 2008, and accompanying map(s). Within these districts all uses not meeting the standards of this section and those standards of the underlying zoning district shall be prohibited.

(E) *Standards of floodplain development.*

(1) No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO and AH zones) unless the conditions of this section are satisfied.

(2) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions hereof. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state or other sources.

(3) Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one foot at any location as shown on the Flood Insurance Study.

(4) New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:

(a) Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination;

(c) Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

(d) All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.

(5) Storage of material and equipment.

(a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

(b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(6) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that:

(a) All such proposals are consistent with the need to minimize flood damage;

(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage;

(c) Adequate drainage is provided so as to reduce exposure to flood hazards; and

(d) Proposals for development (including proposals for manufactured home parks and subdivision) of five acres or 50 lots, whichever is lesser, include within such proposals the base flood elevation.

(F) *Flood Fringe Overlay District (including AO and AH Zones).*

(1) *Permitted uses.* Any use permitted herein shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards hereof are met.

(2) *Standards for the Flood Fringe Overlay District.*

(a) Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one foot above the base flood elevation;

(b) Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this division (F)(2)(b) are satisfied. Such certification shall be provided to the Zoning Administrator/Chief Building Official as set forth herein;

(c) Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in

an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided that, they permit the automatic entry and exit of floodwaters;

(d) Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures;

(e) Manufactured homes:

1. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Manufactured homes must be anchored in accordance with local Building Codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;

b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;

c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

d. Any additions to the manufactured home be similarly anchored.

2. Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:

a. Outside of a manufactured home park or subdivision;

b. In a new manufactured home park or subdivision;

c. In an expansion to an existing manufactured home park or subdivision; or

3. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions hereof.

a. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions hereof be elevated so that either:

b. The lowest floor of the manufactured home is at or above one foot above the base flood elevation; or

c. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions hereof.

(f) Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use; or

3. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this section.

a. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

(g) Located within the areas of special flood hazard established herein are areas designated as AO Zones. These areas have special flood hazard associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones.

1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

2. All new construction and substantial improvements of non-residential structures shall:

a. Have the lowest floor elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth herein.

3. Adequate drainage paths around structures on slopes shall be required in order to guide flood waters around and away from proposed structure.

(h) Appurtenant Structures

1. Structures accessory to a principal building may have the lowest floor below one foot above base flood elevation provided that the structure complies with the following requirements:

(a) The structure shall not be used for human habitation.

(b) The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.

(c) The floor area shall not exceed 800 square feet.

(d) The structure shall have a low damage potential.

(e) The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.

(f) The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,

(2) The bottom of all openings shall not be higher than one (1) foot above grade, and

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

(g) No utilities shall be installed except electrical fixtures in the structure, which must be elevated to or above one (1) foot above the base flood elevation or floodproofed so that below one (1) foot above the base flood elevation they are:

(1) Watertight and substantially impermeable to the passage of water; and,

(2) Capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy

A registered professional engineer or architect shall certify that the standards of (h)(1)(g)(1) and (2) are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in section (C).

(h) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(i) If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

(G) Floodway Overlay District.

(1) *Permitted uses.* Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway District:

(a) Agricultural uses such as general farming, pasture, nurseries, forestry;

(b) Residential uses such as lawns, gardens, parking and play areas;

(c) Non-residential uses such as loading areas, parking and airport landing strips; and

(d) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

(2) *Standards for the Floodway Overlay District.* New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards hereof. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through federal, state or other sources or this section, in meeting the standards of this section.

(H) Variance procedures.

(1) *Variance procedures.*

(a) The Board of Adjustment as established by the city shall hear and decide appeals and requests for variances from the requirements of this section.

(b) The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Zoning Administrator/Chief Building Official in the enforcement or administration of this section.

(c) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in Neb. RS 19-912.

(d) In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this section, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles:
 - a. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - b. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

(2) *Conditions for variances.*

- (a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (c) Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(f) This application shall be given a written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
2. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this section.

(I) Enforcement.

(1) Violations.

(a) Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute a violation. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

(2) Notices.

(a) When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- 1. Be in writing;**
- 2. Include an explanation of the alleged violation;**
- 3. Allow a reasonable time for the performance of any remedial act required;**
- 4. Be served upon the property owner or their agent as the case may require; and**

5. Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

(3) Penalties.

(a) Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, corporate, or other entity that violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(b) The imposition of such fines or penalties for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.

(c) Nothing herein contained shall prevent the City of Wayne or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(J) Non-conforming use.

(1) A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this section may be continued subject to the following conditions.

(a) If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this section. The Utility Department shall notify the Zoning Administrator/Chief Building Official in writing of instances of non-conforming uses where utility services have been discontinued for a period of three months.

(b) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as non-conforming uses.

(2) If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except if that it is reconstructed in conformity with the provisions of this section. This limitation does not include the cost of any alteration to comply with existing state or local Health, Sanitary, Building or Safety Codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places; provided that, the alteration shall not preclude its continued designation.

(K) Amendments. The regulations, restrictions and boundaries set forth in this section may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided, however, that, no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

Notice of the time and place of such hearing shall be published in a newspaper of general circulation on the city. At least 15 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this section are in compliance with the National Flood Insurance Program Regulations as published in 44 C.F.R. and the 1983 Nebraska Flood Plain Management Act, being Neb. RS 31-1001 to 31-1023.

(L) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEAL. A request for a review of the Zoning Administrator/Chief Building Official's interpretation of any provision of this section or a request for a variance.

APPURTENANT STRUCTURE. A structure on the same parcel of property as the principal structure, the use of which is identical to the use of the principal structure.

AREA OF SHALLOW FLOODING. A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD. The flood having 1% chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EXISTING CONSTRUCTION. For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before 1-1-1975, for FIRMs effective before that date. **EXISTING CONSTRUCTION** may also be referred to as **EXISTING STRUCTURES**.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and

(b) The usual and rapid accumulation of runoff of surface waters from any source.

FLOOD FRINGE. The area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a 1% chance of flood occurrence in any one year).

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Flood Insurance Study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source. (See definition of flooding.)

FLOODWAY or REGULATORY FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FREEBOARD. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. **FREEBOARD** tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings and the hydrological effect on urbanization of the watershed.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or

2. Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's **LOWEST FLOOR**; provided that, such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION. For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

OVERLAY DISTRICT. A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

PRINCIPALLY ABOVE GROUND. At least 51% of the actual cash value of the structure is above ground.

RECREATIONAL VEHICLE. A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

SPECIAL FLOOD HAZARD AREA. The land in the floodplain within a community subject to 1% or greater chance of flooding in any given year.

START OF CONSTRUCTION. For other than new construction or substantial improvements under the Barrier Resources Act (Pub. Law No. 97-348), being 16 USC 3501 et seq., includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within

180 days of the permit date. The actual **START** means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual **START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local Health, Sanitary or Safety Code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure"; provided that, the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCES. A grant of relief to a person from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in necessary hardship.

VIOLATION. A failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

PASSED AND APPROVED this 15th day of August, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2023-17

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA AMENDING ORDINANCE NO. 2023-6 TO AUTHORIZE A STATED PRINCIPAL AMOUNT OF NOT TO EXCEED TEN MILLION DOLLARS (\$10,000,000) TAX SUPPORTED MUNICIPAL IMPROVEMENT BONDS, SERIES 2023, OF THE CITY OF WAYNE, NEBRASKA, AND AMENDING CERTAIN PARAMETERS FOR SUCH BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE 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) that the City Council has passed and approved Ordinance No. 2023-6 (the “Bond Ordinance”) authorizing the issuance of its Tax Supported Municipal Improvement Bonds, Series 2023, (the “Bonds”) in a principal amount of not to exceed \$7,500,000 with a final maturity date of December 15, 2026; and

(b) that the City has determined that costs of the improvements to be financed (as described in the Bond Ordinance) remaining after application of fund available to the City for such purposes are such that it is advisable and necessary to amend the Bond Ordinance to authorize not to exceed \$10,000,000 in stated principal amount of the Bonds; and

(c) that the City has determined that the interest rate markets are such that it is advisable and necessary to amend the Bond Ordinance to authorize issuance of Bonds with a final maturity of not later than December 15, 2027.

Section 2. Section 1 of the Bond Ordinance is hereby repealed and replaced with the following:

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 Ten Million Dollars (\$10,000,000) 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 3. Section 2 of the Bond Ordinance is hereby repealed and replaced with the following:

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 Ten Million Dollars (\$10,000,000); 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 \$10,000,000; 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, 2027, 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 4. The provisions of the Bond Ordinance are hereby confirmed in all respects, except to the extent modified or amended by the terms of this ordinance.

Section 5. This Ordinance shall take effect and be in full force from and after its passage and publication in pamphlet or electronic form as provided by law.

PASSED AND APPROVED this 15th day of August, 2023.

THE CITY OF WAYNE, NEBRASKA

By: _____
Cale Giese, Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2023-55

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE “NEW POLICE AND CITY MUNICIPAL BUILDING RENOVATION PROJECT,” AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the plans and specifications and estimate of cost of \$_____, as prepared by the City’s Architect and filed in the office of the City Clerk for the said project, are hereby approved, and the City Clerk is directed to advertise for bids in the form of the notice prepared by the City’s Architect.

PASSED AND APPROVED this 15th day of August, 2023.

THE CITY OF WAYNE, NEBRASKA

BY _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2023-56

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE
“WAYNE PRAIRIE PARK DEVELOPMENT – PHASE II UTILITIES
PROJECT.”**

WHEREAS, five bids were received on August 10, 2023, on the “Wayne Prairie Park Development – Phase II Utilities Project;” and

WHEREAS, the bids have been reviewed by the City’s Engineer on the project, Olsson; and

WHEREAS, Olsson is recommending that the bid outlined below be accepted as recommended.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the “Wayne Prairie Park Development – Phase II Utilities Project,” as submitted by the following contractor:

<u>Bidder</u>	<u>Amount</u>
Penro Construction 810 Industrial Rd Pender NE 68047	\$716,933.50

and filed with the City Clerk in accordance with the general terms calling for the proposals for the furnishing of labor, tools, materials, and equipment required for said project in the City of Wayne, Nebraska, be and the same is hereby accepted.

PASSED AND APPROVED this 15th day of August, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

July 28, 2023

Notice to file the Annual Certification of Program Compliance and Signing Resolution with the Nebraska Board of Public Roads Classifications and Standards (NBCS) by October 31, 2023.

Please make this an agenda item for your next City Council / Village Board meeting return to the NBCS by October 31, 2023.

To avoid the suspension of Highway-User Revenue to your municipality please complete the enclosed **MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE and SIGNING RESOLUTION** and **return them to the NBCS by October 31, 2023**. Reference Neb. Rev. Stat. §§39-2120 and 39-2121(1).

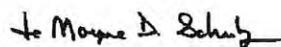
Penalties for failure to comply can be found in the following State Statutes:

- Failure to comply with the provisions of Neb. Rev. Stat. §39-2115.
- Failure to comply with the provisions of Neb. Rev. Stat. §39-2119.
- Failure to file the Municipal Annual Certification of Program Compliance with the NBCS, Neb. Rev. Stat. §39-2121(2).
- Filing of a materially false Municipal Annual Certification of Program Compliance, Neb. Rev. Stat. §39-2121(3).
- Construction below minimum standards without the prior approval of the NBCS, Neb. Rev. Stat. §39-2121(3).

Note: While the signature of the City Street Superintendent is optional on the certification, the NBCS strongly recommends that the superintendent sign this certification if said municipality has a superintendent.

Please let me know if you have any questions. Email: lemoyne.schulz@nebraska.gov
Phone: (402) 479-4436

Sincerely,



LeMoyne D. Schulz
Secretary for the Board

LDS/2023

xc: File

Attachments (2)

Vicki Kramer, Director
Department of Transportation

Board of Public Roads Classifications and Standards
1400 Nebraska Parkway
PO Box 94759
Lincoln, NE 68509-4759
dot.nebraska.gov

OFFICE 402-479-4436
ndot.blshelp@nebraska.gov

Roger A. Figard
Lincoln

Barbara J. Keegan
Alliance

John F. Krager, III
Omaha

Russell Kreachbaum, Jr.
Central City

James A. Litchfield
Wakefield

Brandie Neemann
Lincoln

Steven D. Ramos
Norfolk

Timothy W. Weander
Omaha

Edward R. Wootton, Sr.
Bellevue

LeMoyne D. Schulz
Secretary – ex officio

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31, 2023) may result in the suspension of Highway Allocation funds until the documents are filed.

RESOLUTION

**SIGNING OF THE
MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
2023**

Resolution No. _____

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor Village Board Chairperson of _____
(Check one box) (Print name of municipality)
is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this _____ day of _____, 20____ at _____ Nebraska.
(Month)

City Council/Village Board Members

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

City Council/Village Board Member _____
Moved the adoption of said resolution
Member _____ Seconded the Motion
Roll Call: ____ Yes ____ No ____ Abstained ____ Absent
Resolution adopted, signed, and billed as adopted.

Attest:

(Signature of Clerk)

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31, 2023) may result in the suspension of Highway Allocation funds until the documents are filed.

**MUNICIPAL
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
TO
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS
AND STANDARDS
2023**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads

Classifications and Standards, the City Village of _____
(Check one box) (Print name of municipality)

hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ **has included in its public records a copy of this certification and the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.**

Signature of Mayor Village Board Chairperson (Required) (Date)

Signature of City Street Superintendent (Optional) (Date)

Return the completed original signing resolution and annual certification of program compliance by October 31, 2023 to:

Nebraska Board of Public Roads Classifications and Standards
PO Box 94759
Lincoln NE 68509

