

**AGENDA  
CITY COUNCIL MEETING  
COUNCIL CHAMBERS – CITY HALL  
513 MAIN STREET  
August 18, 2025**

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 table in 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 4, 2025](#)

4. [Approval of Claims](#)

5. [Request of Ivan Heise, 1904 Claycomb Road, to appear before Council to discuss the possible purchase of property located northwest of his property](#)

6. [Action on Application and Certificate of Payment No. 10 in the amount of \\$87,239.00 to Otte Construction Company, LLC, for the “Wayne Parks & Rec Maintenance Building Project” – Carlson West Povondra Architects](#)

**Background:** This is for work completed and approved by the engineer. Punch list items are being addressed. The floor heat issue is still a concern, but that can be addressed/negotiated in the final payment application as there is still over \$90,000 to be paid.

7. [Action on Certificate of Payment No. 2 in the amount of \\$45,862.67 to Robert Woehler & Sons Construction, Inc., for the “Wayne Prairie Park Phase 4 – East Ditch Storm Sewer Project” — Taylor Kube, Olsson](#)

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

8. [Ordinance 2025-12: Amending Wayne Municipal Code Title XV Land Usage, Chapter 152 Zoning, Section 152.111 SFP Floodplain District \(Third and Final Reading\)](#)

9. [Public hearing:](#) To consider the Planning Commission’s recommendation regarding a request to amend the zoning text, specifically Section 152.046 A-1 Agricultural District (B) Permitted Principal Uses and Structures and Section 152.046 A-1 Agricultural District (D) Exceptions – Rod Lutt, Applicant

**Background:** The Planning Commission met on July 28<sup>th</sup> regarding a request from Rod Lutt to consider amending zoning text in Section 152.046 (B) Permitted Principal Uses and Structures and Section 152.046 (D) Exceptions, more specifically to add “transportation warehousing” and “car/truck wash establishments” to (B) and move “repair garages,

automobile service stations, and major body repair” from (D) to (B). They approved the request with the findings of fact being consistency with the current and future land use maps, the Comprehensive Plan, and staff’s recommendation.

10. [Ordinance 2025-13: Amending Wayne Municipal Code, Section 152.046 A-1 Agricultural District \(B\) Permitted Principal Uses and Structures and Section 152.046 A-1 Agricultural District \(D\) Exceptions](#)
11. [Resolution 2025-50: Authorizing the signing of the Municipal Annual Certification of Program Compliance Form 2025 – Nebraska Board of Public Roads Classifications and Standards](#)

**Background:** This Municipal Annual Certification of Program Compliance Form 2025 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, 2025.

12. [Review of the “Wayne National Functional Classification Map” and action approving the same](#)

**Background:** This map is revised for each City and County by the Nebraska Department of Transportation and is used as a planning document for growth in future years.

13. Continuation of Budget Workshop and then Budget Update
14. Adjourn

**MINUTES**  
**CITY COUNCIL MEETING**  
**August 4, 2025**

The Wayne City Council met in regular session at City Hall on August 4, 2025, at 5:30 o'clock P.M.

Mayor Jill Brodersen called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Parker Bolte, Dwaine Spieker, Brittany Webber, Clayton Bratcher, Jason Karsky and Matt Eischeid; City Administrator Wes Blecke; City Clerk Betty McGuire; and City Attorney Amy Miller. Absent: Councilmembers Austyn Houser and Dallas Dorey.

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 Brodersen advised the public that a copy of the Open Meetings Act was located on the table in Council Chambers, as well as on the City of Wayne website and was available for public inspection. In addition, she 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 Bratcher made a motion, which was seconded by Councilmember Webber, to approve the minutes of the meeting of July 21, 2025, and to waive the reading thereof. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Houser and Dorey 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:** AMERITAS, SE, 72.00; AMERITAS, SE, 202.58; AMERITAS, SE, 35.00; AMERITAS, SE, 3402.28; APPEARA, SE, 253.54; BAKER & TAYLOR BOOKS, SU, 718.98; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1736.25; BOMGAARS, SU, 3147.79;

BORDER STATES INDUSTRIES, SU, 612.47; BOSE, JULIE, RE, 30.00; BROWN, SANDY, RE, 339.97; CARHART LUMBER COMPANY, SU, 258.95; CARLSON WEST POVONDRA ARCHITECTS, SE, 141.75; CDW GOVERNMENT, FE, 2915.31; CENGAGE LEARNING, SU, 106.56; CHAMBERLAIN, LUCIA, RE, 200.00; CHESTERMAN, SU, 1896.95; CINTAS, SU, 197.65; CIRBA SOLUTIONS SERVICES, SU, 878.50; CITY EMPLOYEE, REM 266.54; CITY EMPLOYEE, RE, 370.24; CITY EMPLOYEE, RE, 942.44; CITY EMPLOYEE, RE, 263.05; CITY EMPLOYEE, RE, 163.66; CITY EMPLOYEE, RE, 227.86; CITY OF WAYNE, PY, 153087.45; CITY OF WAYNE, RE, 2161.60; CONTINENTAL FIRE SPRINKLER, SE, 223.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 537.60; ED M. FELD EQUIPMENT, SU, 513.00; ENVIRONMENTAL SERVICES, SE, 3200.00; FIREMAN, RE, 852.42; FLOOR MAINTENANCE, SU, 596.48; GROSSENBURG IMPLEMENT, SU, 262.78; H.K. SCHOLZ COMPANY, SU, 1730.00; HASEMANN FUNERAL HOME, RE, 200.00; HAUSMANN CONSTRUCTION, RE, 1000.00; HAWKINS, SU, 3690.83; HEWLETT PACKARD ENTERPRISE, FE, 6014.18; HILAND DAIRY, SU, 189.81; ICMA, SE, 214.81; ICMA, SE, 272.00; ICMA, SE, 623.47; ICMA, SE, 584.44; ICMA, SE, 11156.23; ICMA, SE, 1300.04; ICMA, SE, 42.62; ICMA, SE, 148.60; ICMA, SE, 270.84; ICMA, SE, 369.23; ICMA, SE, 158.98; IRS, TX, 5802.72; IRS, TX, 15918.98; IRS, TX, 24811.72; J & A TRAFFIC PRODUCTS, SU, 2142.00; JEO CONSULTING GROUP, SE, 8325.56; KEPSCO ENGRAVING, SU, 11.70; KONE, SE, 3231.00; L.G. EVERIST, SU, 939.60; LUTT TRUCKING, SE, 375.00; MARCO, SE, 224.02; MARCO TECHNOLOGIES, SE, 184.50; MEYER, SU, 1325.00; MIDWEST TAPE, SU, 1964.90; NE DEPT OF REVENUE, TX, 7593.21; NE FIRE CHIEFS ASSOC, FE, 75.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 60.00; NE STATE FIRE MARSHAL, SE, 208.00; NE STATE VOLUNTEER FIREFIGHTERS ASSOC, FE, 820.00; NILES, TYSON, RE, 15.00; NORTHEAST NE INS AGENCY, SE, 9495.00; OLSSON, SE, 5630.00; OVERHEAD DOOR, SE, 293.75; POSTMASTER, SU, 1308.63; PREMIER BIOTECH, SE, 271.54; QC FOUNDATION REPAIR, RE, 500.00; QUADIEN FINANCE, SU, 1000.00; QUALITY 1 GRAPHIC, SE, 30.00; ROBERT WOehler & SONS, SE, 69427.98; RUBENDALL, RACHEAL, RE, 10.00; SCHULTZ, EVERETT, RE, 500.00; SILVER SILO DESIGN, SE, 265.32; STAPLES, SU, 50.52; TENTINGER, CRAIG, RE, 40.00; ULINE, SU, 144.33; WESCO, SU, 4606.35; WISNER WEST, SU, 71.43; CITY EMPLOYEE, RE, 399.83; CITY EMPLOYEE, RE, 115.49; CITY OF WAYNE, RE, 67.77; DAVIS FORD, SU, 109.60; DEARBORN LIFE INSURANCE COMPANY, SE, 75.68; DEARBORN LIFE INSURANCE COMPANY, SE, 3498.07; ED M. FELD EQUIPMENT, SE, 622.00; FIRST CONCORD GROUP, SE, 4481.12; GUARANTEE ROOFING, SE, 2100.00; HELENA AGRI-ENTERPRISES, SU, 1978.00; HILAND DAIRY, SE, 119.78; INTERSTATE BATTERY SYSTEM, SU, 101.46; JOHN'S WELDING AND TOOL, SU, 2.44; JOHNSON HEALTH TECH RETAIL, SE, 915.30; LOVE SIGNS, SE, 1852.91; MAIN STREET GARAGE, SU, 278.95; NE LAW ENFORCEMENT, FE, 315.00; NORTHEAST NE INS AGENCY, SE, 8654.00; O'REILLY AUTOMOTIVE STORES, SU, 9.99; PLUMBING & ELECTRIC SERVICE, SE, 10741.10; WAHLTEK, SE, 2500.00

Councilmember Bratcher made a motion, which was seconded by Councilmember Spieker, to approve the claims. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Houser and Dorey who were absent, the Mayor declared the motion carried.

Roger Protzman, representing JEO Consulting Group, Inc., presented (via phone) Contractor's Application for Payment No. 2 in the amount of \$201,445.79 to Gehring Construction and Ready Mix Co., Inc., for the "Wayne 7<sup>th</sup> Street Trail Project."

An analysis is being done by JEO regarding the discrepancy in storm drainage pipe size that was in the plans and what is actually underground, and an update would be brought to Council once that analysis has been completed.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving Contractor's Application for Payment No. 2 in the amount of \$201,445.79 to Gehring Construction and Ready Mix Co., Inc., for the "Wayne 7<sup>th</sup> Street Trail Project." Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Houser and Dorey who were absent, the Mayor declared the motion carried.

Cody Westerhold, Dean of Students at Wayne State College, submitted a request to close Main Street, between 1<sup>st</sup> and 11<sup>th</sup> Streets, on Saturday, September 27, 2025, from 8:00 a.m. to 11:30 a.m. for the WSC Homecoming/Wildcat Days Parade. This is an annual request.

Councilmember Karsky introduced Resolution No. 2025-45 and moved for its approval; Councilmember Spieker seconded.

#### RESOLUTION NO. 2025-45

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

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

Councilmember Spieker made a motion, which was seconded by Councilmember Bratcher, approving 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. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Houser and Dorey who were absent, the Mayor declared the motion carried.

Jordan Utesch, representing Olsson, (via phone) reviewed the one bid received on the "Wayne Prairie Park – Phase 4 Roundabout/Parks & Rec Building Paving Project."

The bid was from TR (Tim) Harris who has done most of the paving at Prairie Park so far. This bid was in line with the engineers' estimates, but a little lower on the alternate. The alternate was to "fill in" and pave the entire roundabout (minus the inside where the tree is and the islands). The bids were as follows:

- Bid for Phase 4B - **\$399,246.95** (engineers' estimate - **\$400,203.65**)
- Bid for Phase 4B with alternate - **\$490,012.85** (engineers' estimate - **\$510,309.17**)

Administrator Blecke stated the alternate is very good pricing, but is it something Council wants to do? The project would lose that \$90,000 for additional ballfield work, but we have an anchor area we won't have to maintain with rock and concrete/blacktop in the future. It would be maintenance free, but obviously at a substantial start-up cost. In Mr. Blecke's opinion, if the Council would ever want to concrete this roundabout, this would be the time to do it, especially since the City received the Walter Scott Foundation funds.

Pros and cons were discussed regarding the alternate.

After discussion, Councilmember Eischeid introduced Resolution No. 2025-46 and moved for its approval; Councilmember Karsky seconded.

#### RESOLUTION NO. 2025-46

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "WAYNE PRAIRIE PARK – PHASE 4 ROUNDABOUT/PARKS & REC BUILDING PAVING PROJECT" – TR HARRIS CONSTRUCTION, INC., FOR \$490,012.85.

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

The following Resolution would allocate \$96,105 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 \$83,787.

Beth Porter, Finance Director, was present to answer questions.

Councilmember Eischeid introduced Resolution No. 2025-47 and moved for its approval, Councilmember Webber seconded.

RESOLUTION NO. 2025-47

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY (\$96,105).

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

The Wayne Community Redevelopment Authority (CRA) is asking 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 \$99,950 based upon an estimated 6% increase in valuations, in revenue for the CRA. This levy is made available to the CRA by State Statute.

Councilmember Karsky introduced Resolution No. 2025-48 and moved for its approval, Councilmember Bolte seconded.

RESOLUTION NO. 2025-48

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

Councilmember Webber introduced Ordinance No. 2025-12, and moved for approval of the second reading thereof; Councilmember Bolte seconded.

ORDINANCE NO. 2025-12

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

Luke Virgil, Economic Development Director, presented his semi-annual LB840 program report.

Councilmember Spieker made a motion, which was seconded by Councilmember Webber, setting the second budget work session for August 18<sup>th</sup>. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Houser and Dorey who were absent, the Mayor declared the motion carried.

The budget work session then took place in the lower level conference room.

Beth Porter, Finance Director, reviewed the proposed budget.

- There is an assumption of a 6% increase in the current property valuation. Staff reviewed new budget forms changes.
- Keno Funds – there is a balance of approximately \$128,000 in that fund now. Mayor Brodersen wanted to use \$25,000 of said funds for a grant program to be available to any business in Wayne for façade improvements (up to \$5,000 and the business would need to match that amount). Other suggestions for the Keno funds were: topiary or sculpture in the roundabout at Prairie Park and painting the downtown light poles.
- The municipal equalization funds the City receives yearly is being reduced by approximately \$40,000 this year. The State has a new formula being used, and one item pertains to a City's current levy. Since we lowered the levy, we are getting penalized by the State. The thought process is, if you lower your levy, you have more room to increase taxes at the local level. Therefore, if you decide to lower the levy this year, we will probably lose more funds next year.

The following Departments reviewed their budgets with Council:

- Senior Center and Transit
- Fire Department
- Electric Production
- Electric Distribution
- Water/Wastewater
- Economic Development

Public Works, Parks and Rec, Library and Police will review their budgets at the next meeting.

There being no further business to come before the meeting, Mayor Brodersen declared the meeting adjourned at 7:43 p.m.



Vendor	Payable Description	Payment Total
ACE HARDWARE & HOME	BATTERIES/CLAMPS/GRASS SEED/WOOD/TOOLS	681.74
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	3,297.34
AMERITAS LIFE INSURANCE	AMERITAS ROTH	35.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
AMERITAS LIFE INSURANCE	AMERITAS ROTH	197.87
APPEARA	MAT & LINEN SERVICE	304.29
AUTOMATIC SYSTEMS CO	SUBMERSIBLE TRANSDUCER	1,066.92
BACON & VINTON	REDEVELOPMENT CONTRACT DOCUMENTS	30,500.00
BAIRD HOLM LLP	INTERCONNECTION	897.00
BLACK HILLS ENERGY	GAS BILLS	639.87
BLADES GROUP, LLC	ASPHALT	2,064.00
BLUE CROSS BLUE SHIELD	HEALTH PREMIUMS	59,701.62
BOILLING, JEFF	BUILDING PERMIT DEPOSIT REFUND	500.00
BORDER STATES INDUSTRIES, INC	METER SOCKETS	641.24
BSN SPORTS, INC	BATTING HELMETS/BALLS	730.41
CALIBRASKA ARTS INITIATIVE	ANIMATION CAMP	560.00
CERTIFIED TESTING SERVICES INC	7TH STREET TRAIL	4,922.00
CHASE PAYMENTECH	CREDIT CARD TRANSACTION FEES	6,287.30
CHASE PAYMENTECH	CREDIT CARD TRANSACTION FEES	651.12
CHASE PAYMENTECH	CREDIT CARD TRANSACTION FEES	14.25
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	125.72
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	91.23
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	345.50
CITY EMPLOYEE	VISION REIMBURSEMENT	234.88
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	54.50
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	42.80
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	652.61
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	2,897.94
CITY OF WAYNE	PAYROLL	145,890.85
CITY OF WAYNE	UTILITY REFUNDS	811.93
CUSIP SERVICE BUREAU	CUSIP MAINTENANCE	91.00
EAKES OFFICE PLUS	CAC COPY CHARGES/EGOLDFAX/PORTING FEE	122.01
ED M. FELD EQUIPMENT CO INC	AIR PACK FLOW & PUMP TESTING	2,140.00
ED M. FELD EQUIPMENT CO INC	BATTERIES	30.00
EGAN SUPPLY CO	GYM FLOOR RESURFACING	7,471.50
ELECTRIC PUMP	COMPACTOR REPAIRS	3,658.10
EVOQUA WATER TECHNOLOGIES LLC	BLADE SKIMMER/BACKUP BAR	748.47
FAITH REGIONAL PHYSICIAN SERV.	RANDOM TESTING	170.00
FAST PIK	GASOLINE	8,735.38
FIREMAN	FREEDOM PARK DEPOSIT REFUND	50.00
FIRST CONCORD GROUP LLC	FLEX FEES	4,481.12
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	607.14

Vendor	Payable Description	Payment Total
FOUNDATION WORKS	BUILDING PERMIT DEPOSIT REFUND	500.00
GACC	REC VOLLEYBALL TOURNAMENT FEE	150.00
GEHRING CONSTRUCTION & READY MIX CO INC	7TH STREET TRAIL	201,445.79
GERHOLD CONCRETE CO INC.	CONCRETE	1,962.57
GLOBAL PAYMENTS INTEGRATED	CAC CREDIT CARD TRANSACTION FEES	1,989.09
GROSSENBURG IMPLEMENT INC	GATOR AND MOWER RENTALS	750.00
GUARDIAN	GUARDIAN LIFE INSURANCE PREMIUMS (JULY & AUGUST)	1,783.20
HASEMANN FUNERAL HOME	AUDITORIUM DEPOSIT REFUND	200.00
HAWKINS, INC	POOL CHEMICALS/BIO-KAT/INJECTION VALVE	4,094.56
HOMETOWN LEASING	COPIER LEASES	375.26
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	272.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	148.60
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	584.44
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	11,217.14
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	2,500.04
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	214.81
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	42.62
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA-ICMA	270.84
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	170.50
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	158.98
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	623.47
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	369.23
ICMA RETIREMENT-FIRST NATL BANK-MARYLAND	PAYROLL RETIREMENT	-170.50
INGRAM LIBRARY SERVICES	BOOKS	118.05
IOWA PUMP WORKS, INC.	ANNUAL MONITORING FEES	118.00
IRS	MEDICARE WITHHOLDING	5,624.02
IRS	FICA WITHHOLDING	24,048.16
IRS	FEDERAL WITHHOLDING	15,146.42
JEFF'S RPM SERVICE	CHANGE OUT AIR CONDITIONER ON CONTROL PANEL	262.50
JEO CONSULTING GROUP	7TH STREET TRAIL	10,345.50
JOHN'S WELDING AND TOOL LLC	TORCH REGULATOR & REFILL	314.60
KAY PARK REC CORP	ALUMINUM PICNIC TABLES	4,907.80
KTCH AM/FM RADIO	CAC RADIO ADS	170.00
LEAGUE OF NEBRASKA MUNICIPALITIES	MEMBERSHIP DUES	16,323.00
LOVE SIGNS	50% DEPOSIT ON EXISTING PYLON SIGN PAINTING	522.75
MAJOR REFRIGERATION CO INC	ICE MACHINE REPAIR	151.25
MICHAEL TODD INDUSTRIAL SUPPLY	ONE LANE SIGNS/POST CAPS	409.59
MIDWEST LABORATORIES, INC	WASTEWATER ANALYSIS	204.57
MIDWEST TAPE LLC	AUDIO BOOK/DVD	73.97
MILLER LAW	ATTORNEY FEE	6,343.75
MUNICIPAL SUPPLY INC	WATER METERS/COUPLINGS	4,397.97
MUTUAL OF OMAHA	LIFE INSURANCE	-14.40
MUTUAL OF OMAHA	LIFE INSURANCE	14.40
NE DEPT OF REVENUE	STATE WITHHOLDING	7,218.14
NE LIBRARY ASSOCIATION	LIBRARY DUES	75.00
NEBRASKA PUBLIC POWER DIST	TRANSMISSION SUBSTATION CHARGES/METER REPORTS	8,250.24
NORTHEAST NE ECONOMIC DEV DIST	23-RCRP-034 MAY-JUNE 2025 SERVICES	270.00

Vendor	Payable Description	Payment Total
NORTHEAST POWER	ELECTRICITY/TRIPLEX	7,543.00
NORTHWEST ELECTRIC LLC	FAN MOTOR ASSEMBLY	76.88
OMAHA WINWATER	HYDRANT METER	3,052.43
ONE CALL CONCEPTS, INC	DIGGERS HOTLINE	86.13
ONE OFFICE SOLUTION	COPY PAPER	660.00
OPTK NETWORKS	POLICE ETHERNET SERVICES	488.32
O'REILLY AUTOMOTIVE STORES, INC.	BATTERY/FILTERS/U-JOINT/CAP WRENCH	367.63
OVERDRIVE, INC.	AUDIO/E BOOKS	850.84
OVERHEAD DOOR	D-BAR DOOR OPERATORS	2,698.00
PAC N SAVE	LIBRARY YOUTH PROGRAM TREATS	3.49
PAC N SAVE	SENIOR CENTER NOON MEAL SUPPLIES	1,145.64
PATRIOT YOUTH FUND	REC VOLLEYBALL TOURNAMENT FEE	50.00
PLUNKETT'S PEST CONTROL	PEST CONTROL	120.00
PLUNKETT'S PEST CONTROL	PEST CONTROL	118.28
QUADIENT, INC	INK/METER TAPE	217.55
QUALITY FOOD CENTER	ICE/GARBAGE BAGS	13.69
RECREONICS	CHAISE LOUNGE CHAIR FREIGHT	352.50
REHAB SYSTEMS	SEWER MAIN JET CLEANING	24,912.60
SIEVERS, TERRAN	POOL VACUUM	187.22
SKARSHAUG TESTING LAB INC	CLEAN/TEST ELECTRIC GLOVES & SLEEVES	292.01
STADIUM SPORTING GOODS	SCOREBOOKS	40.00
STATE NEBRASKA BANK & TRUST	MONTHLY ACH FEE	74.00
STATE NEBRASKA BANK-PETTY CASH	LIBRARY PETTY CASH	95.84
THE MAJESTIC THEATER	CAC THEATER RENTAL- SUMMER CLUB	225.00
UL LLC	ANNUAL AERIAL LADDER INSPECTIONS	3,175.00
US BANK	BOOKS/DVD'S/CHICKEN SHOW SERVICES/TECH SUPPLIES	19,100.41
US FOODSERVICE, INC.	SENIOR CENTER NOON MEAL SUPPLIES	3,094.22
UTILITIES SECTION	MEMBERSHIP DUES	3,918.00
WASTE CONNECTIONS	SANITATION BILLING	46.50
WAYNE AUTO PARTS	ANTIFREEZE/BATTERIES/FILTER/FUSES/SPEED WAX	458.99
WAYNE HERALD	GREEN TEAM ADS	190.00
WAYNE HERALD	CAC ADS	941.00
WAYNE HERALD	ADS AND NOTICES	1,443.54
WAYNE VETERINARY CLINIC	DOG/CAT IMPOUND	126.00
WESCO DISTRIBUTION INC	SWITCHGEAR/SHORTING CAPS	26,182.90
WESTERN AREA POWER ADMIN	ELECTRICITY	26,337.10
WISNER WEST	FD GASOLINE	57.52
ZACH HEATING & COOLING	A/C REFRIGERANT/DELAY FUSE	548.28
	<b>Grand Total:</b>	<b>757,455.08</b>

**Betty McGuire - Property to sell**

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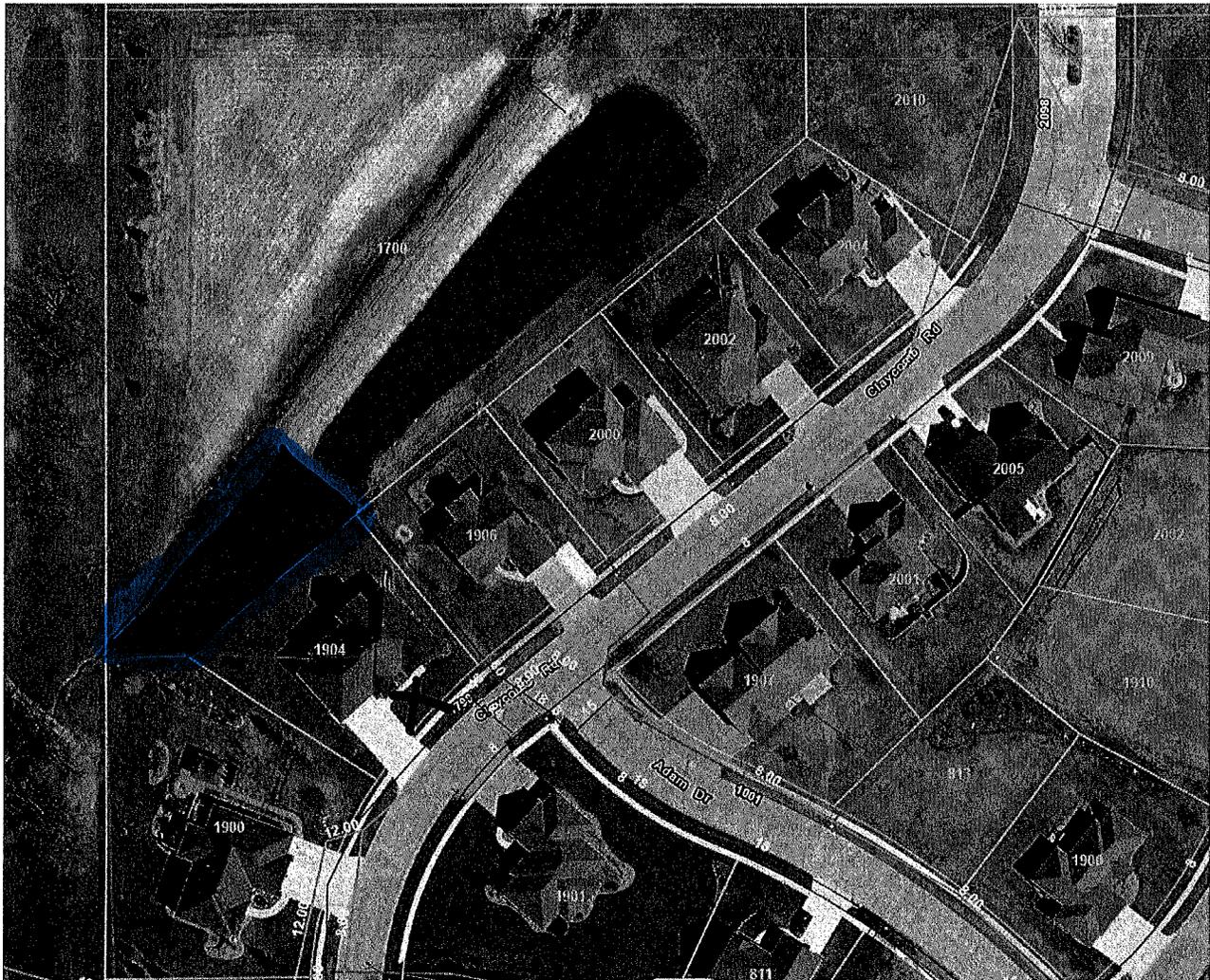
**From:** Wes Blecke  
**To:** Jill Brodersen  
**Date:** 7/22/2025 2:08 PM  
**Subject:** Property to sell  
**Cc:** Joel Hansen; Casey Junck; Clayton Dredge; anymillerlaw@gmail.com; Be...

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Jill,

Ivan Hesse at 1904 Claycomb would like to purchase about 8000 sq ft behind his current property from the city (outlined in blue). He currently sprinkles it and mows it. Joel and I talked to him and told him we'd see if you wanted to bring it to council to consider (before he goes to any expense in surveying/platting it off). It has an electrical line running through it (red on this map) that we would have to keep an easement on. I don't think we would make much on the "sale" of this property but it would be added to the tax roll. We can also discuss more at next agenda meeting if you would like.

Wes



**G702**

**Application and Certificate for Payment**

<b>To Owner:</b>	<b>Project:</b>	<b>Application No:</b>	<b>10</b>	<b>Distribution To:</b>	
City of Wayne	Wayne Parks & Rec Maintenance Building	<b>Period To:</b>	8/8/2025	Owner	<input type="checkbox"/>
306 Pearl Street	520 Fairgrounds Ave	<b>Contract For:</b>	General	Architect	<input type="checkbox"/>
Wayne, NE 68787	Wayne, NE 68787	<b>Contract Date:</b>	10/17/2023	Contractor	<input type="checkbox"/>
					<input type="checkbox"/>
<b>From Contractor:</b>	<b>Via Architect:</b>	<b>Project NOS:</b>	CWPA 24111	Field	
Otte Construction Company, LLC	Carlson West Povondra Architects			Other	<input type="checkbox"/>
521 Centennial Rd.	5060 Dodge Street				
Wayne, NE 68787	Omaha, NE 68132				

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract. AIA Document G703, Continuation Sheet, is attached.

1. ORIGINAL CONTRACT SUM .....	\$	1,437,065.00
2. NET CHANGE BY CHANGE ORDERS .....	\$	(71,501.00)
3. CONTRACT SUM TO DATE (Line 1 + 2) .....	\$	1,365,564.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) .....	\$	1,340,564.00
5. RETAINAGE:		
a. 5% of Completed Work		
(Column D + E on G703)	\$	67,032.00
b. 5% of Stored Material		
(Column F on G703)	\$	-
Total Retainage (Lines 5a + 5b, or Total in Column 1 of G703) .....	\$	67,032.00
6. TOTAL EARNED LESS RETAINAGE .....	\$	1,273,532.00
(Line 4 minus Line 5 Total)		
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT .....	\$	1,186,293.00
(Line 6 from prior Certificate)		
8. CURRENT PAYMENT DUE .....	\$	87,239.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE		
(Line 3 minus Line 6)	\$	92,032.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates of Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

**CONTRACTOR:** OTTE CONSTRUCTION COMPANY, LLC

By: [Signature] Date: 8/9/2025

State of: Nebraska

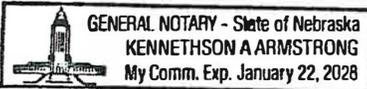
County of: Wayne

Subscribed and sworn to before me OTTE CONSTRUCTION KENNETHSON ARMSTRONG day of AUGUST, 2025

County of: Wayne

Notary Public: [Signature]

My commission expires: 6/22/2028



**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED..... \$ 87,239.00

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

**ARCHITECT:** Carlson West Povondra Architects

By: [Signature] Date: 08.08.2025

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

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ 56,495.00	\$ (127,904.00)
Total approved this month	\$ -	\$ (92.00)
<b>TOTAL</b>	<b>\$ 56,495.00</b>	<b>\$ (127,996.00)</b>
<b>NET CHANGES by Change Order</b>	<b>\$</b>	<b>(71,501.00)</b>

G703

APPLICATION NUMBER: 10

APPLICATION DATE: 8/8/2025

PERIOD TO: 7/31/2025

ARCHITECTS PROJECT NO: CWPA 24111

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)		H BALANCE TO FINISH (C-G)	I RETAINAGE
			FROM PREVIOUS APPLICATION (D+E)	THIS PERIOD		% (G/C)			
1	General Conditions, Supervision, Layout, & Profit	94,050	88,072	5,978	0	94,050	100%	0	4703
2	Payment & Performance Bonds	14,230	14,230	0	0	14,230	100%	0	712
3	Submittal Exchange	4,620	4,620	0	0	4,620	100%	0	231
4	Concrete Ftgs, Stem Walls, & Slabs	248,260	248,260	0	0	248,260	100%	0	12413
5	Concrete Floor Sealer & Joint Sealants	11,900	11,900	0	0	11,900	100%	0	595
6	Metal Stud Framing & Plywood Sheathing	31,460	31,460	0	0	31,460	100%	0	1573
7	PVC Wall Sheathing	18,010	15,890	2,120	0	18,010	100%	0	901
8	Doors, Frames, & Hardware	28,850	28,185	665	0	28,850	100%	0	1443
9	Sectional Overhead Doors	46,855	46,855	0	0	46,855	100%	0	2343
10	Windows	7,770	7,770	0	0	7,770	100%	0	389
11	Painting & High Performance Coatings	38,430	35,401	3,029	0	38,430	100%	0	1922
12	Signage	6,815	6,815	0	0	6,815	100%	0	341
13	Fire Extinguishers	510	0	510	0	510	100%	0	26
14	Pre-Engineered Metal Building & Erection	230,510	230,510	0	0	230,510	100%	0	11526
15	Insulated Wall & Roof Panels	206,125	206,125	0	0	206,125	100%	0	10306
16	Snow Guards	8,000	8,000	0	0	8,000	100%	0	400
17	Plumbing & HVAC	235,460	228,963	6,497	0	235,460	100%	0	11773
18	Electrical	180,210	176,459	3,751	0	180,210	100%	0	9011
19	Owner Contingency ALLOWANCE	25,000	0	0	0	0	0%	25,000	0
CO1	PEMB Design Changes	-127,134	-127,134	0	0	-127,134	100%	0	-6357
CO2	Earthwork Scope	56,495	56,495	0	0	56,495	100%	0	2825
CO3	Credit Rigid Insulation at Pier Footings	-770	-770	0	0	-770	100%	0	-39
CO4	Credit Bollard Changes & Splashblocks	-92	0	-92	0	-92	100%	0	-5
		1,365,564	1,318,106	22,458	0	1,340,564	98%	25,000	67032

**CERTIFICATE OF PAYMENT: 2**



**Date of Issuance:** August 13, 2025

**Project:** Wayne Prairie Park Phase 4 - East Ditch Storm Sewer

**Project No.:** 025-01686

**Contractor:** Robert Woehler & Sons Construction, Inc.

**DETAILED ESTIMATE**

Description	Unit Price	Extension
See Attached.		

**PLEASE REMIT PAYMENT TO: Robert Woehler & Sons Construction, Inc.**

Value of Work Completed This Request: \$99,350.72  
 Value of Materials Stored: \$10,500.00

Original Contract Cost: \$177,470.44  
 Approved Change Orders:  
     No. 1 \$0.00  
     No. 2 \$0.00  
     No. 3 \$0.00

Total Contract Cost: \$177,470.44

Value of completed work and materials stored to date ..... \$128,100.72  
 Less retainage percentage 10% ..... \$12,810.07  
 Net amount due including this estimate ..... \$115,290.65  
 Less: Estimates previously approved:

No. 1 <u>\$69,427.98</u>	No. 3 <u>\$0.00</u>	No. 5 <u>\$0.00</u>
No. 2 <u>\$0.00</u>	No. 4 <u>\$0.00</u>	No. 6 <u>\$0.00</u>

Total Previous Estimates: \$69,427.98

**NET AMOUNT DUE THIS ESTIMATE: \$45,862.67**

The undersigned hereby certifies, based upon periodic observations as set forth in scope of work and the data included in all applicable payment applications that, to the best of its knowledge, information and belief: (1) the work has progressed as indicated in the applicable payment applications; (2) the work performed and materials delivered by Contractor are in conformance with the plans and specifications; and (3) the Contractor, in accordance with the contract, is entitled to payment as indicated above.

This certification does not constitute a warranty or guarantee of any type. Client shall hold its Contractor solely responsible for the quality and completion of the Project, including construction in accordance with the construction documents. Any duty or obligation of Olsson hereunder is for the sole benefit of the Client and not for any third party, including the Contractor or any Subcontractor.

cc: - Owner  
 Robert Woehler & Sons Construction, Inc.  
 Project File

**OLSSON**

By: 



Pay App.

Project: Wayne Prairie Park Phase 4 - East Ditch Storm Sewer

Project #: 025-01686

2

Contractor: Robert Woehler & Sons Construction, Inc.

Date: 8/13/2025

ITEM NO.	DESCRIPTION OF WORK	Pay Unit	Total Est. Qty	Unit Price	SCHEDULED VALUE (D * E)	WORK COMPLETED				MATERIALS PRESENTLY STORED (NOT IN H OR J)	TOTAL QUANTITY TO DATE (G+I)	TOTAL COMPLETED AND STORED TO DATE (H+J+K)	% (M/F)	BALANCE TO FINISH (F-M)	RETAINAGE
						Qty from previous pay appl.	Total From previous pay appl.	Qty this Period	Total from this Period						
1	Mobilization	LS	1	\$10,000.00	\$10,000.00	1.00	\$10,000.00	0.00	\$0.00		1.00	\$10,000.00	100%	\$0.00	\$1,000.00
2	Earthwork	LS	1	\$22,000.00	\$22,000.00	0.25	\$5,500.00	0.25	\$5,500.00		0.50	\$11,000.00	50%	\$11,000.00	\$1,100.00
3	Traffic Control	LS	1	\$2,000.00	\$2,000.00	0.25	\$500.00	0.25	\$500.00		0.50	\$1,000.00	50%	\$1,000.00	\$100.00
4	Erosion Control	LS	1	\$5,000.00	\$5,000.00	0.25	\$1,250.00	0.00	\$0.00		0.25	\$1,250.00	25%	\$3,750.00	\$125.00
5	Remove Structure & Pipe	SY	1	\$1,000.00	\$1,000.00	1.00	\$1,000.00	0.00	\$0.00		1.00	\$1,000.00	100%	\$0.00	\$100.00
6	Remove RipRap	SY	50	\$20.00	\$1,000.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$1,000.00	\$0.00
7	Remove & Replace Unsuitable Soils	CY	100	\$20.00	\$2,000.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$2,000.00	\$0.00
8	60" Storm Pipe	LF	780	\$122.00	\$95,160.00	0.00	\$0.00	640.00	\$78,080.00	\$10,500.00	640.00	\$88,580.00	93%	\$6,580.00	\$8,858.00
9	42" Storm Pipe	LF	20	\$125.00	\$2,500.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$2,500.00	\$0.00
10	5.5' X 4.5' Area Inlet	EA	2	\$7,635.36	\$15,270.72	0.00	\$0.00	2.00	\$15,270.72		2.00	\$15,270.72	100%	\$0.00	\$1,527.07
11	5' X 6' Junction Box	EA	1	\$11,539.72	\$11,539.72	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$11,539.72	\$0.00
12	Seeding	AC	2	\$5,000.00	\$10,000.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$10,000.00	\$0.00
<b>Change Order</b>															
					\$0.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	#DIV/0!	\$0.00	
					\$0.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	#DIV/0!	\$0.00	
					\$0.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	#DIV/0!	\$0.00	
					\$0.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	#DIV/0!	\$0.00	
	<b>Contract Total</b>				<b>\$177,470.44</b>		<b>\$18,250.00</b>		<b>\$99,350.72</b>	<b>\$10,500.00</b>		<b>\$128,100.72</b>	<b>72%</b>	<b>\$49,369.72</b>	<b>\$12,810.07</b>



**Robert Woehler & Sons Construction, Inc.**  
 123 Fairgrounds Ave.  
 Wayne NE 68787

Phone: 402-375-3744  
 Fax: 402-833-5363  
 Cell: 402-369-0049

**Pay Application # 2**

**8/13/2025**

**To: City of Wayne**

Wayne Prairie Park Phase 4  
 Wayne, NE  
 Engineer: Olsson

Office:  
 Cell:  
 Fax:

	<b>Base Bid</b>		<b>Bid</b>	<b>Total Installed</b>	<b>Bid Price</b>	
1	Mobilization	LS	1	1.00	\$10,000.00	\$10,000.00
2	Earthwork 2900 CY	LS	1	0.50	\$22,000.00	\$11,000.00
3	Traffic Control	LS	1	0.50	\$2,000.00	\$1,000.00
4	Erosion Control	LS	1	0.25	\$5,000.00	\$1,250.00
5	Remove Structure & Pipe	SY	1	1.00	\$1,000.00	\$1,000.00
6	Remove RipRap	SY	50	0.00	\$20.00	\$0.00
7	Remove and Replace Unsuitable Soil	CY	100	0.00	\$20.00	\$0.00
8	60" Storm Pipe	LnFt	780	640.00	\$122.00	\$78,080.00
9	42" Storm Pipe	LnFt	20	0.00	\$125.00	\$0.00
10	5.5 x 4.5 Area Inlet	EA	2	2.00	\$7,635.36	\$15,270.72
11	5' x 6' Junction Box	EA	1	0.00	\$11,539.72	\$0.00
12	Seeding	AC	2	0.00	\$5,000.00	\$0.00

<b>Total</b>	\$117,600.72
<b>Stored Material</b>	\$10,500.00
<b>Total</b>	\$128,100.72
<b>Less 10% Retention</b>	\$12,810.07
<b>Total</b>	\$115,290.65
<b>Less Previous Payments</b>	\$69,427.98
<b>Total Due This Pay Application</b>	\$45,862.67

**ORDINANCE NO. 2025-12**

**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 **31179CV000B**, and illustrative materials

dated effective on ~~March 18, 2008~~ **September 5, 2025**.

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~~ **31179C0075D, 31179C0070D, 31179C0200D, 31179C0185D, 31179C0205D, 31179C0090D** dated effective on ~~March 18, 2008~~ **September 5, 2025**, 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~~ **Nebraska State NFIP Coordinating Office** 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 **31179CV000B** dated ~~March 18, 2008~~ **September 5, 2025**, 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. If no depth number is specified on the FIRM, at least as high as three (3) feet above the highest adjacent grade.

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. If no depth number is specified on the FIRM, at least as high as three (3) feet above the highest adjacent grade.

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.

**BASE FLOOD ELEVATION.** The elevation to which floodwaters are expected to rise during the base flood.

**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 FIS**. 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.)

**FLOODPROOFING**. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**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.

**POST-FIRM STRUCTURE.** A building that was constructed or substantially improved after December 31, 1974, or on or after the community's initial FIRM dated 12/02/1980, whichever is later.

**PRE-FIRM STRUCTURE.** A building that was constructed or substantially improved on or before December 31, 1974, or before the community's initial FIRM dated 12/02/1980, whichever is later.

**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 18<sup>th</sup> day of August, 2025.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**CITY OF WAYNE  
INTEROFFICE MEMORANDUM**

**DATE:** July 29, 2025  
**TO:** Jill Brodersen, Mayor  
Wayne City Council  
**FROM:** Wayne Planning Commission  
Joel Hansen, Staff Liaison



At their meeting held on July 28, 2025, the Wayne Planning Commission made a recommendation on the following public hearing.

**Public Hearing: Request to Amend Zoning Text, Specifically Section 152.046 A-1 Agricultural District (B) Permitted Principal Uses and Structures and Section 152.046 A-1 Agricultural District (D) Exceptions; Applicant: Rod Lutt**

The Planning Commission took evidence and testimony from the public and thereafter reviewed the information and evidence presented. After deliberation and discussion, a motion was made by Commissioner Schultz and seconded by Commissioner Giese to approve and forward a recommendation of approval to the Wayne City Council to amend the zoning text, specifically Section 152.046 (B) Permitted Principal Uses and Structures and Section 152.046 (D) Exceptions, to add "transportation warehousing" and "car/truck wash establishments" to (B) and move "repair garages, automobile service stations, and major body repair" from (D) to (B), with the findings of fact being consistency with the current and future land use maps, the Comprehensive Plan, and staff's recommendation. Chair Melena stated the motion and second; all were in favor, with Commissioner Sorensen voting nay, motion carried to approve.

JJH:cb  
Attachment



REQUEST FOR AMENDING ZONING TEXT

Applicant ROD L LUTT Date 6-27-25

Section of Ordinance to be Amended 152.046 (B) Permitted principal uses and structures  
152.046 (D) Exceptions

Reason for Amending Text To add "Transportation warehousing" and  
"Car/truck wash establishments to (B) and move "Repair garages,  
automobile service stations, and major body repair" from (D) to (B).

[Signature]  
Applicant's Signature

\*\*\*\*\*

Application Process:

1. An application requesting the amendment of the zoning ordinance and the reason for such amendment.
2. An application fee must be included with the request – current fee is \$200, which would cover the Planning Commission public hearing and the City Council public hearing.
3. Request for amendment of zoning language will be placed on the agenda of the Planning Commission for their next available meeting date and then a recommendation of approval or denial forwarded onto the City Council for their approval or denial of the same.

\*\*\*\*\*

Public Hearing by: Planning Commission 7/28/25 City Council 8-18-25

Request Approved / Denied by Planning Commission Approved

Request Approved / Denied by City Council \_\_\_\_\_

Date Fee Paid: \_\_\_\_\_

**ORDINANCE NO. 2025-13**

**AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.046 — A-1 AGRICULTURAL DISTRICT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.**

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

Section 1. The Planning Commission held a public hearing on July 28, 2025, regarding a request to consider amending the zoning text, specifically the A-1 Agricultural District, Section 152.046 (B) Permitted Principal Uses and Structures and Section 152.046 (D) Exceptions, and have recommended approval thereof subject to the “Findings of Fact” being:

- Consistency with the Comprehensive Plan and the current and future land use maps; and
- Staff’s recommendation.

Section 2. That Title XV Land Usage, Chapter 152 Zoning, Section 152.046 – A-1 Agricultural District of the Municipal Code of Wayne, is hereby amended as follows:

**§ 152.046 A-1 AGRICULTURAL DISTRICT.**

(A) *Intent.* The A-1 District is intended primarily for application to those rural areas of the county where it is necessary and desirable to reserve for exclusive agricultural use appropriately located areas suitable for the raising of crops or livestock because of high quality of soils, scenic characteristics, existing or potential irrigation or exclusive agricultural character of the area.

(B) *Permitted principal uses and structures.* The following shall be permitted as uses by right in an A-1 District:

- (1) Ranch and farm dwellings;
- (2) Crop production;
- (3) Bulk grain storage, both publicly or privately owned or managed;
- (4) Irrigation and flood control projects;
- (5) Child care home;
- (6) Public parks and recreation areas;
- (7) Greenhouses and nurseries;
- (8) Animal clinics, animal hospitals and veterinarian services;
- (9) Car/truck wash establishments; and**
- (10) Repair garages, automobile service stations and major body repair.**

(C) *Permitted accessory uses and structures.* The following are permitted accessory uses and structures in an A-1 District:

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures;
- (2) Home occupations in conformance with § 152.144 of this chapter;
- (3) Residences, including mobile home for farm residence or adjacent to farm residence for relatives of consanguinity and marriage or farm workers; and
- (4) Roadside stands for the sale of agricultural produce.

(D) *Exceptions.* In accordance with §§ 152.195 through 152.202 of this chapter, the following exceptions are allowed in an A-1 District:

- (1) Airports and heliports, including crop dusting strips;
- (2) Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
- (3) Public utility and public service structures, including electric transmission lines and the distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and reservoirs;
- (4) Public and/or private schools;
- (4) Places of worship such as churches, synagogues and temples;
- (5) Publicly owned open recreational facilities, operated for profit or otherwise, including golf courses, golf driving ranges, archery ranges, swimming pools, riding academies, parks and community centers, but not including enclosed uses such as a bowling alley;
- (6) Libraries, police and fire stations;
- (7) Sewage treatment plants;
- (8) Gas and oil wells;
- (9) Exploration and extraction of mineral resources;
- (10) Cemeteries, crematories, mausoleums and columbaria;
- (11) Child care centers;
- (12) Radio and television towers and transmitters;
- (13) Campgrounds;
- (14) Wind generating systems;
- (15) Auto wrecking yards, salvage yards and junkyards in conformance with § 152.199 of this chapter;

- (16) Kennels, in conformance with § 152.199 of this chapter, and stables;
- (17) Public and private charitable institutions;
- (18) Sanitary landfill operations and refuse deposit areas;
- (19) First class animal production;
- (20) Auto sales and services, including open air display of new or used vehicles;

~~(21) Repair garages, automobile service stations and major body repair.~~

(22) Industrial trades, including mechanical neat and air conditioning; carpenter shops, cabinet shops, plumbing shops and electrical shops; and light fabrication and equipment repair; (24) Heavy industry, provided that the use is not located within 1,000 feet of any existing residential structure; and

**(23) Transportation warehousing**

(E) *Conditions for granting exceptions.* Notwithstanding the requirements of §§ 152.195 through 152.202 of this chapter, the following regulations shall apply as minimum requirements for granting exceptions in the A-1 District.

(1) Airport sites shall be so situated that the Airport Hazard Area defined by the State Department of Aeronautics shall not include any existing obstruction regardless of public or private ownership of the airport.

(2) Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or an alley from any residential district shall be screened by a solid fence or masonry wall or a compact growth of natural plant materials not less than six feet in height if the Board of Adjustment finds the use to be unsightly.

(3) For first class animal production, there shall be no more than 999 animal units on any parcel, and any lagoon or confined feeding yard must be at least 1,000 feet from any residential dwelling located on another parcel.

(F) *Prohibited uses and structures.* All uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from the A-1 District.(2002 Code, § 90-116)(G) *Minimum area requirements.* Minimum area requirements in an A-1 District are as follows:

<b><i>Minimum Area Regulations</i></b>	
Distance between residential structures (in feet)	90
Lot area (in acres)	10
Lot width (in feet)	300
Required front yard (in feet)	50
Required rear yard (in feet)	50
Required side yard (in feet)	15

(H) *Maximum height.* The maximum height in an A-1 District is 35 feet; however, non-residential structures shall have no height limitations, except in conformance with the airport zoning regulations.

(I) *Sign regulations.* All signs in an A-1 District shall be in conformance with the provisions of § 152.142 of this chapter.

(J) *Parking regulations.* Parking in an A-1 District shall be in conformance with the provisions of § 152.139 of this chapter.

(K) *Permitted conditional uses.*

(1) A building or premises in an A-1 District may be used for the following in conformance with the prescribed conditions.

(2) Second class animal production:

(a) Where the parcel is adjacent to the city limits or any R District:

1. Two animal units per acre, not to exceed 40 animal units.
2. No more than four of those animal units may consist of turkeys, ducks and geese combined.
3. No more than four of those animal units may consist of chickens.
4. Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 100 feet from any property line which borders the city limits or any R District, and at least 300 feet from a residential dwelling on another property.

(b) Where the parcel is not adjacent to the city limits or any R District, and is less than 40 acres in size:

1. Two animal units per acre, not to exceed 40 animal units.
2. No more than ten of those animal units may consist of turkeys, ducks and geese combined.
3. No more than ten of those animal units may consist of chickens.
4. Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 100 feet from any property line which borders the city limits or any R District, and at least 300 feet from a residential dwelling on another property.

(c) Where the parcel is not adjacent to the city limits or any R District, and is at least 40 acres in size:

1. Two animal units per acre.

2. No more than 20 of those animal units may consist of turkeys, ducks and geese combined.

3. No more than 20 of those total animal units may consist of chickens.

4. Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 100 feet from any property line which borders the city limits or any R District, and at least 300 feet from a residential dwelling on another property.

(3) Stables

(a) No more than two animals per acre allowed outside of an enclosed building at any given time, with a maximum limit of 40 animals.

(b) No structure housing animals, or storing or composting manure, or any open area used for grazing, loafing, or spreading manure within 100 feet of any property line which borders the city limits, any R District, or any A District.

(c) No structure housing animals, or storing or composting manure, or any open area used for grazing, loafing, or spreading manure within 300 feet of a residential dwelling on another property when there are more than 15 animals associated with the use as a stable.

(d) Whenever second class animal production exists as a use at the same time as a stable on any premise, the animal units allowed under the use as a stable shall be counted as part of, and not in addition to, the animal units allowed under second class animal production and be limited under those regulations as well.

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of August, 2025.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

\_\_\_\_\_  
City 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, 2025) may result in the suspension of Highway Allocation funds until the documents are filed.

**RESOLUTION**

**SIGNING OF THE  
MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE  
2025**

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, 2025) 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  
2025**

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:

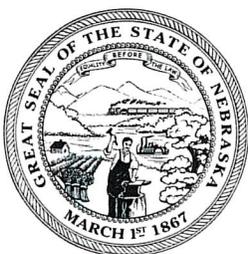
- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, 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, 2025 to:**

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



# WAYNE

WAYNE COUNTY  
NEBRASKA  
POPULATION 5,973  
2023



**URBAN AREA MAP  
WAYNE NEBRASKA**

PREPARED BY  
NEBRASKA DEPT. OF TRANSPORTATION  
BUSINESS TECHNOLOGY SUPPORT DIVISION

IN COOPERATION WITH  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

ALL BORDER LINE STREETS ARE CONSIDERED  
WITHIN THE URBAN AREA EXCEPT WHERE NOTED

**LEGEND**  
NATIONAL FUNCTIONAL CLASSIFICATION

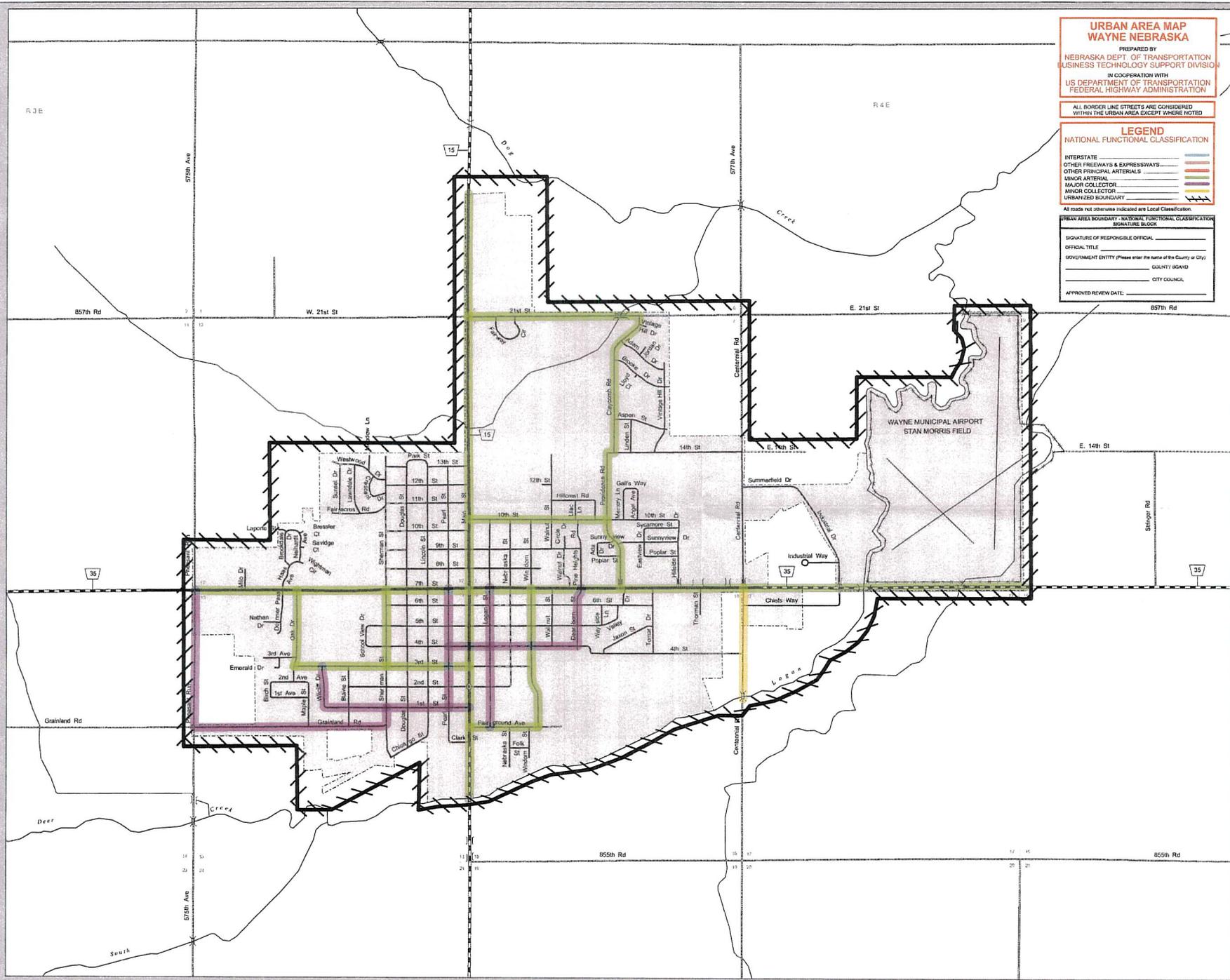
INTERSTATE	
OTHER FREEWAYS & EXPRESSWAYS	
OTHER PRINCIPAL ARTERIALS	
MINOR ARTERIAL	
MAJOR COLLECTOR	
MINOR COLLECTOR	
URBANIZED HIGHWAY	

All made not otherwise indicated are Local Classification.

**URBAN AREA BOUNDARY - NATIONAL FUNCTIONAL CLASSIFICATION**  
SIGNATURE BLOCK

SIGNATURE OF RESPONSIBLE OFFICIAL: \_\_\_\_\_  
OFFICIAL TITLE: \_\_\_\_\_  
GOVERNMENT ENTITY (Please enter the name of the County or City): \_\_\_\_\_ COUNTY BOARD \_\_\_\_\_ CITY COUNCIL \_\_\_\_\_  
APPROVED REVIEW DATE: \_\_\_\_\_

- STATE HIGHWAYS**
- Interstate Highway
  - Divided Highway
  - Multiple Lane Undivided Highway
  - Concrete/Asphalt Surface
  - Asphalt/Aluminous Surface
  - Gravel or Crushed Rock
- CITY STREETS AND COUNTY ROADS**
- Divided Street
  - Concrete/Asphalt Surface
  - Asphalt/Aluminous Surface
  - Gravel or Crushed Rock
  - Unimproved
  - Private
- Interstate Numbered Route
- U.S. Numbered Route
- State Numbered Spur
- State Numbered Spur
- State Numbered Link
- Main St: Street Name
- County Seat
- City Center
- Corporate Limits



This map is to be used for information only and is not intended to show ownership or to be definitive on which party any public under Nebraska Law. The Nebraska Department of Transportation makes no warranties, guarantees or representations for the accuracy of this information and assumes no liability for errors or omissions. Any inconsistencies should be reported by NDOT.