

AGENDA  
January 13, 2026

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1. Please silence all cell phones
2. Pledge of Allegiance and Prayer
3. Roll call
4. Inform public of the posting of the open meeting laws
5. The meeting notice was published in the Columbus Telegram on January 7th, 2026 and the Humphrey Democrat on January 8th, 2026.
6. Approve the agenda as written
7. Approve the minutes for December 16th, 2025 as written, and the claims as written for December 30th, 2025.
8. **Discussion and possible action on the following:**
9. Consideration of entering into Closed session to discuss pending litigation
  - 9.a. to return to regular session at
10. Consideration of ServiceMaster by Shevlin price increase
11. Veterans Services - Eric Mullaly
  - 11.a. Consideration of COLA increases for Veteran Service Office Staff
12. Consideration of Elected Officials Salary (2027-2030)
13. Tim Hofbauer - Emergency Management
  - 13.a. Discussion and possible approval of contractor for FEMA Hazard Mitigation Program Property
  - 13.b. Discussion on possible transfer of funds from Inheritance to FEMA to cover property purchase
14. Highway Department
  - 14.a. Consideration of Utility Applications as presented.  
Midstates Data - 2 Applications A 2423 and MS65 & MS 532 Fiber Optic  
Vyve - MS 1413 - Utility Pole
  - 14.b. Consideration of the Certificate of Compliance with NDOT and authorize the Chairperson and Clerk to sign.
  - 14.c. Consideration of Change order 1 & 2 Gus Construction
  - 14.d. Consideration to set the Public Hearing for the 1&6 Year Road Improvement Plan for February 10, 2026 at 10:00 a.m. and approve publication.
  - 14.e. Road report
15. Consideration of Resolution 26-01 - Adoption of Floodplain Regulations
16. Committee Reports

17. Motion to accept, file, and credit the proper accounts on correspondence: Certificates of Liability Insurance for Straight-Line Striping and Shevlin Family Enterprises LLC, Official Bond for Kaylene M. Luedtke, Columbus Rural Fire Protection District, Department of Water, Energy, and Environment - Issued Permit - Modified Construction and Operating for Hoessel Farms, Inc. Animal Feeding Operation, Charter Communications — Upcoming Changes, Treasurer Receipts \$957,472.87
18. To approve all claims, as well as all claims from December 30th, 2025.
19. Public Comments
20. Motion to Adjourn to January 27th, 2026 at 9:10 a.m.

The agenda for the meeting subject to change, is kept continuously current and is available for public inspection at the office of the County Clerk in the Platte County Courthouse, Columbus, Nebraska.

ServiceMaster by Shevlin  
 2104 13th Street  
 Columbus, NE 68601

# Invoice

Date	Invoice #
12/11/2025	12469

Bill To
Platte County Court House Jennifer Brown 2610 14th Street Columbus, NE 68601

Ship To
Platte County Court House Jennifer Brown 2610 14th Street Columbus, NE 68601

Due Date	P.O. No.	Terms
12/16/2025		Net 15

Description	Rate	Amount
Monthly Janitorial Services for the current month at the Courthouse.	7,408.00	7,408.00T
Monthly Janitorial Services for the Annex.	513.00	513.00T
Monthly Janitorial Services for Extension.	413.00	413.00T
Monthly Janitorial Services for Probation.	1,021.00	1,021.00T
Monthly Janitorial Services for PCCH North Building.	859.00	859.00T
Sales Tax	0.00%	0.00

<i><b>We Appreciate Your Business!</b></i>	<b>Total</b>	\$10,214.00
<b>1-402-564-9192</b>		

November 12<sup>th</sup>, 2025

Platte County Courthouse  
2610 14<sup>th</sup> Street  
Columbus, NE 68601

Dear Jennifer Brown,

First off, we would like to thank you for partnering with ServiceMaster by Shevlin for your cleaning needs. It is our pleasure to work with you to maintain a clean environment.

Over the past year our labor costs (minimum wage mandates) and overhead (mandated sick leave) have increased drastically. On top of this all of our supplies and equipment have increased in cost as well. Due to these increases, it has become necessary to adjust our pricing.

Effective January 1<sup>st</sup>, 2026 your monthly fee for janitorial services will increase to:

Facility	Current Price	2026 Monthly Increase	2026 % Increase	2026 Monthly Price
PCCH	\$7,408.00	\$519.00	7%	\$7,927.00
PCCH Annex	\$513.00	\$21.00	4%	\$534.00
Platte County Extension	\$413.00	\$20.00	5%	\$433.00
Probation	\$1,021.00	\$51.00	5%	\$1,072.00
PCCH North Building	\$859.00	\$43.00	5%	\$902.00
Total:	\$10,214.00	\$654.00	6.4%	\$10,868.00

We greatly appreciate your understanding and continued partnership with ServiceMaster by Shelvin. If you have any questions regarding this change, please don't hesitate to reach out directly to me at 402-564-9192 or [kurt@smbyshevlin.com](mailto:kurt@smbyshevlin.com).

Thank you for your trust and loyalty, we look forward to continuing to serve you.

Regards,

Kurt Shevlin  
Owner  
ServiceMaster by Shevlin

## RESOLUTION NO. 26-02

**WHEREAS**, Sec. 23-1114, Neb.Rev.Stat. (Reissue 1987), requires the Board of Supervisors of Platte County, Nebraska to fix the salaries of all elected officers of the County of Platte, Nebraska, prior to January 15, of any year in which a general election will be held for the respective county elective offices; and

**WHEREAS** Secs. 32-307, 32-308, and 32-310, Neb.Rev.Stat. (Reissue 1988) and 23-268, Neb.Rev.Stat. (Reissue 1987), provide that general elections shall be held in 2026 for the office of Platte County Clerk, Platte County Assessor, Platte County Sheriff, Clerk of the District Court of Platte County, Platte County Register of Deeds, Platte County Treasurer, Platte County Attorney, and Platte County Surveyor; and

**WHEREAS** Sec. 23-1114.09 Neb.Rev.Stat. (Reissue 1987) provides that the salary of one full-time deputy of the various county offices shall not be less than sixty-five percent (65%) of the county officer's salary; and

**WHEREAS**, the next four (4) year term for the elected officers will begin January 7, 2027, and end January 8, 2031; and

**WHEREAS** the deadline for filing for any elected officer of Platte County for the primary election of May 12, 2026, is February 17, 2026, for the incumbent and March 1, 2026, for all other candidates; and

### **BE IT RESOLVED BY THE PLATTE COUNTY BOARD OF SUPERVISORS**

the annual salary of the office of the Platte County Clerk is established at \$80,000 for the calendar year 2027, \$82,600.00 for calendar year 2028, \$85,080.00 for the calendar year 2029 and \$87,850.00 for the calendar year 2030.

**BE IT FUTHER RESOLVED**, the annual salary of the office of the Platte County Assessor be established at \$84,000 for the calendar year 2027, \$86,730.00 for calendar 2028, \$89,330.00 for the calendar 2030 and \$92,235.00 for the calendar 2030. **If the County Board designates any elected county official who is qualified to perform appraisal for the county, he or she shall receive \$5,000.00 for the calendar year 2027 and \$5,000.00 for 2028, \$5,000.00 for 2029, and \$5,000.00 for 2030.**

**BE IT FURTHER RESOLVED**, the annual salary of the office of the Platte County Register of Deeds established at \$80,000 for the calendar year 2027, \$82,600.00 for calendar 2028, \$85,080.00 for the calendar 2029 and \$87,850.00 for the calendar 2030.

**BE IT FURTHER RESOLVED**, the annual salary of the office of the Platte County Treasurer established at \$86,000.00 for the calendar year 2027, \$88,795.00 for calendar 2028, \$91,460.00 for the calendar 2029 and \$94,435.00 for the calendar 2030.

**BE IT FURTHER RESOLVED**, the annual salary of the office of the Platte County Clerk of the District Court be established at \$80,000 for the calendar year 2027, \$82,600.00 for calendar year 2028, \$85,080.00 for the calendar year 2029 and \$87,850.00 for the calendar year 2030.

**BE IT FURTHER RESOLVED**, the annual salary of the office of the Platte County Attorney be established at \$130,000.00 for the calendar year 2027, \$134,225.00 for the calendar year 2028, \$138,250.00 for the calendar year 2029 and \$142,750.00 for the calendar year 2030.

**BE IT FURTHER RESOLVED** the annual salary of the office of the Platte County Surveyor be established at \$20,000.00 for the calendar year 2027, \$20,500.00 for the calendar year 2028, \$21,000.00 for the calendar year 2028 and \$21,500.00 for the calendar year 2030.

**BE IT FURTHER RESOLVED**, the annual salary of the office of the Platte County Sheriff be established at \$108,000.00 for the calendar year 2027, \$111,510.00 for the calendar year 2028, \$114,855.00 for the calendar year 2029 and \$118,600.00 for the calendar year 2030. The Platte County Sheriff will receive an additional \$15,000.00 for 2027, 2028, 2029 and 2030 for the duties and responsibilities at the Detention Facility. If the Sheriff does not want the responsibility to take care of the Detention Facility, they do not get the \$15,000.00.

**BE IT FURTHER RESOLVED**, the annual salary of the office of the Platte County Board of Supervisors will be established at \$19,000 for the calendar year 2027, \$19,000 for the calendar year 2028, \$19,000 for the calendar year 2029 and \$19,000 for the calendar year 2030.

**BE IT FURTHER RESOLVED**, that, beginning with the term of office commencing on January 7, 2027, the Platte County Attorney shall devote his or her full time to the legal work of the county and shall not engage in the private practice of law directly or indirectly and shall not directly or indirectly refer any legal matter or civil or criminal litigation to any lawyer or nor directly or indirectly recommend or suggest to any person the employment of an particular lawyer or lawyers to counsel in, conduct, defend, or prosecute any action, case, claim, demand or legal proceeding, whether in litigation or otherwise.

**BE IT FURTHER RESOLVED**, that in addition to the above stated salary the elected official shall receive during his or her term of office at county expense the employer's portion of the county's health and medical plan, the same as offered to all county employees.

**BE IT FURTHER RESOLVED** that in addition to the above stated salary the elected official shall receive during his or her term of office at the employee's expense the county's dental plan, the same as offered to all county employees.

**BE IT FURTHER RESOLVED**, on **January 13<sup>th</sup>, 2026**, by a majority vote of the Platte County Board of Supervisors, the salaries for the elected officials were set for the new term for 2027-2030.

**BE IT FURTHER RESOLVED** that all elected officials of the County of Platte, Nebraska, shall be enrolled in and receive the benefits of the County Employees Retirement System. Pursuant to the county Employees Retire Ace, Sec. 23-2301 to 23-2331, Neb.Rev.Stat.

Dated this 13th day of January 2026

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Jennifer Brown  
Platte County Clerk

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Kim Kapnioski, Chairman Board of  
Supervisors of Platte County, Nebraska

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

# CERTIFICATE OF COMPLIANCE

Maintenance Agreement No. 117 QE 2014 Supp 1  
Maintenance Agreement between the Nebraska Department of Transportation and the  
County of Platte  
County Extensions in Platte

We hereby certify that all roadway surface maintenance has been accomplished as per terms of the Maintenance Agreement specified above.

As per Section 8d of the Agreement, we are submitting this certificate to District Engineer Kevin Domogalla, Department of Transportation, Norfolk, Nebraska.

ATTEST: Btm day of January, 2026.

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

\_\_\_\_\_  
Mayor/Designee

I hereby certify that all roadway surface maintenance was performed as per the above listed agreement and payment for the same should be made.

\_\_\_\_\_  
District Engineer, Department of Transportation

### For Office Use Only

Agreement No.: \_\_\_\_\_

Pay/Bill Code: \_\_\_\_\_

Contractor No.: \_\_\_\_\_

Amount: \$ \_\_\_\_\_



www.mvaeng.com

**Mainelli Wagner & Associates, Inc.**

6920 Van Dorn Street, Lincoln, NE 68506 Phone: (402) 421-1717 Fax: (402) 421-6061

December 12, 2025

Gus Construction Co., Inc.  
Mr. Jeffrey Ocheltree  
P.O. Box 77  
Casey, IA 50048

RE: Platte County 2025 CBC's, C007123045, C-71(559), C007102030, C-71(749), &  
C007102045, C-71(902)  
Pay Application No. 2, Change Order No.1 and Change Order No.2

Dear Mr. Ocheltree,

Enclosed please find a "Summary of Pay Quantities No. 2" and an "Application and Certification for Payment" for the above-referenced project. If acceptable, please sign and notarize the "Application and Certification for Payment" and return it to our office for further handling.

Also enclosed please find Change Order No.1 and Change Order No.2. Please review, sign and return to our office for further handling.

If you have any questions, please do not hesitate to call.

Sincerely,

Brandon Anderson  
Mainelli Wagner & Associates, Inc.

cc: Mr. Justin Laudenklos, Platte County Highway Superintendent

**Platte County**  
**Platte Center East C007123045(559), Tarnov West C007102030(749),**  
**& Creston South C007102045(902)**



Summary of Pay Quantities No : 2  
 Progress Estimate / Final Estimate : Progress  
 For Work Complete Through : 12/11/2025

**Platte Center East, C007123045(559)**

ITEM	DESCRIPTION	PLAN QUANTITY	UNITS	UNIT BID	CONTRACT AMOUNT	QTY. PREVIOUS	QTY. THIS PAY PERIOD	TOTAL QTY TO DATE	TOTAL VALUE
1-1	Mobilization	1.000	Lump Sum	\$12,000.00	\$12,000.00	1.000	0.000	1.000	\$12,000.00
1-2	Site Preparation	1.000	Lump Sum	\$6,500.00	\$6,500.00	0.500	0.500	1.000	\$6,500.00
1-3	Earthwork Measured in Embankment	2,533.000	Cu. Yds.	\$6.00	\$15,198.00	1,000.000	1,533.000	2,533.000	\$15,198.00
1-4	24" Corrugated Metal Driveway Pipe	72.000	Lin. Ft.	\$55.00	\$3,960.00	0.000	72.000	72.000	\$3,960.00
1-5	Crushed Rock for Base Course	68.000	Tons	\$60.00	\$4,080.00	66.930	0.000	66.930	\$4,080.00
1-6	Class 47B-4000 Concrete for Box Culvert	201.800	Cu. Yds	\$600.00	\$121,080.00	201.800	0.000	201.800	\$121,080.00
1-7	Reinforcing Steel for Box Culverts	31,093.000	Lbs.	\$1.00	\$31,093.00	31,093.000	0.000	31,093.000	\$31,093.00
1-8	Crushed Rock Surface Course	187.000	Tons	\$80.00	\$14,960.00	0.000	187.880	187.880	\$15,030.40
1-9	Fabric Silt Fence, Low Porosity	481.000	Lin. Ft.	\$3.50	\$1,683.50	0.000	0.000	0.000	\$0.00
1-10	Access Crossing	1.000	Lump Sum	\$0.00	\$0.00	0.000	0.000	0.000	\$0.00
1-11	Covercrop Seeding	1.500	Acres	\$800.00	\$1,200.00	0.000	0.000	0.000	\$0.00
1-12	Erosion Control, Class 1D	7,260.000	Sq. Yds.	\$1.40	\$10,164.00	0.000	0.000	0.000	\$0.00
1-13	Temporary Silt Fence	200.000	Lin. Ft.	\$4.75	\$950.00	200.000	0.000	200.000	\$950.00
1-14	Traffic Control	1.000	Lump Sum	\$3,500.00	\$3,500.00	0.500	0.300	0.800	\$2,800.00
C.O. #1	Install 24" x 40' Corrugated Metal Pipe	N/A	Lin. Ft.	\$20.16	N/A	0.000	40.000	40.000	\$806.40
<b>Subtotal =</b>					<b>\$226,928.50</b>	<b>Total Work Complete =</b>			<b>\$213,972.20</b>

Change Order #1 = \$806.40  
 Current Subtotal = \$227,734.90  
 Total Amount of Completed Work = \$213,972.20  
 % Complete = 94.0%  
 10.0% Retainage = \$11,386.75  
 5.0% Retainage = \$5,005.24  
 Less Previous Payments = \$165,970.31  
**Subtotal Amount Due This Estimate for C-71(559) = \$31,609.90**

**Tarnov West, C007102030(749)**

ITEM	DESCRIPTION	PLAN QUANTITY	UNITS	UNIT BID	CONTRACT AMOUNT	QTY. PREVIOUS	QTY. THIS PAY PERIOD	TOTAL QTY TO DATE	TOTAL VALUE
2-1	Mobilization	1.000	Lump Sum	\$12,000.00	\$12,000.00	0.500	0.500	1.000	\$12,000.00
2-2	Site Preparation	1.000	Lump Sum	\$2,000.00	\$2,000.00	1.000	0.000	1.000	\$2,000.00
2-3	Earthwork Measured in Embankment	5,190.000	Cu. Yds.	\$6.00	\$31,140.00	2,000.000	500.000	2,500.000	\$15,000.00
2-4	Crushed Rock for Base Course	113.000	Tons	\$80.00	\$9,040.00	133.000	0.000	133.000	\$10,640.00
2-5	Class 47B-4000 Concrete for Box Culvert	412.800	Cu. Yds.	\$600.00	\$247,680.00	0.000	412.800	412.800	\$247,680.00
2-6	Reinforcing Steel for Box Culvert	54,771.000	Lbs.	\$1.00	\$54,771.00	0.000	54,771.000	54,771.000	\$54,771.00
2-7	Crushed Rock for Surface Course	61.000	Tons	\$80.00	\$4,880.00	0.000	0.000	0.000	\$0.00
2-8	Fabric Silt Fence, Low Porosity	108.000	Lin. Ft.	\$3.50	\$378.00	0.000	0.000	0.000	\$0.00
2-9	Access Crossing	1.000	Lump Sum	\$0.00	\$0.00	0.000	0.000	0.000	\$0.00
2-10	Covercrop Seeding	0.800	Acres	\$800.00	\$640.00	0.000	0.000	0.000	\$0.00
2-11	Erosion Control, Class 1D	3,872.000	Sq. Yds.	\$1.40	\$5,420.80	0.000	0.000	0.000	\$0.00
2-12	Temporary Silt Fence	200.000	Lin. Ft.	\$475.00	\$95,000.00	200.000	0.000	200.000	\$95,000.00
2-13	Traffic Control	1.000	Lump Sum	\$3,500.00	\$3,500.00	0.500	0.250	0.750	\$2,625.00
C.O. #2	Install 6" Perforated Drain Tile	N/A	Lin. Ft.	\$11.89	N/A	0.000	380.000	380.000	\$4,518.20
C.O. #2	Traffic Control	N/A	Lin. Ft.	\$45.00	N/A	0.000	60.000	60.000	\$2,700.00
<b>Subtotal =</b>					<b>\$466,449.80</b>	<b>Total Work Complete =</b>			<b>\$446,934.20</b>

Change Order #2 = \$7,218.20  
 Current Subtotal = \$473,668.00  
 Total Amount of Completed Work = \$446,934.20  
 % Complete = 94%  
 10.0% Retainage = \$23,683.40  
 5.0% Retainage = \$10,605.01  
 Less Previous Payments = \$114,651.00  
**Subtotal Amount Due This Estimate for C-71(749) = \$298,094.79**



Summary of Pay Quantities No : 2  
 Progress Estimate / Final Estimate : Progress

Creston South, C00710205(902)

ITEM	DESCRIPTION	PLAN QUANTITY	UNITS	UNIT BID	CONTRACT AMOUNT	QTY. PREVIOUS	QTY. THIS PAY PERIOD	TOTAL QTY TO DATE	TOTAL VALUE
3-1	Mobilization	1.000	Lump Sum	\$12,000.00	\$12,000.00	1.000	0.000	1.000	\$12,000.00
3-2	Site Preparation	1.000	Lump Sum	\$6,500.00	\$6,500.00	0.600	0.600	1.000	\$6,500.00
3-3	Remove Pavement	377.000	Sq. Yds.	\$8.00	\$3,016.00	330.000	47.000	377.000	\$3,016.00
3-4	Earthwork Measured In Embankment	2,736.000	Cu. Yds.	\$6.00	\$16,416.00	1,368.000	1,368.000	2,736.000	\$16,416.00
3-5	Crushed Rock for Base Course	67.000	Tons	\$80.00	\$5,360.00	103.000	0.000	103.000	\$8,240.00
3-6	Class 47B-4000 Concrete for Box Culvert	260.900	Cu. Yds	\$600.00	\$156,540.00	260.900	0.000	260.900	\$156,540.00
3-7	Reinforcing Steel for Box Culvert	37,210.000	Lbs.	\$1.00	\$37,210.00	37,210.000	0.000	37,210.000	\$37,210.00
3-8	Access Crossing	1.000	Lump Sum	\$0.00	\$0.00	0.000	0.000	0.000	\$0.00
3-9	8" Doweled Concrete Pavement, Class 47B-3500	452.000	Sq. Yds.	\$80.00	\$36,160.00	0.000	452.000	452.000	\$36,160.00
3-10	Subgrade Preparation	452.000	Sq. Yds.	\$2.00	\$904.00	0.000	452.000	452.000	\$904.00
3-11	Earth Shoulder Construction	4.200	Sta.	\$350.00	\$1,470.00	0.000	4.200	4.200	\$1,470.00
3-12	Water	6.000	Mgal.	\$60.00	\$300.00	0.000	0.000	0.000	\$0.00
3-13	Permanent Pavement Marking, Paint	417.000	Lin. Ft.	\$3.00	\$1,251.00	0.000	0.000	0.000	\$0.00
3-14	Covercrop Seeding	0.500	Acres	\$800.00	\$400.00	0.000	0.000	0.000	\$0.00
3-16	Erosion Control, Class 1D	2,420.000	Sq. Yds.	\$1.40	\$3,388.00	0.000	0.000	0.000	\$0.00
3-16	Fabric Silt Fence, Low Porosity	146.000	Lin. Ft.	\$3.50	\$511.00	0.000	0.000	0.000	\$0.00
3-17	Temporary Silt Fence	200.000	Lin. Ft.	\$4.75	\$950.00	200.000	0.000	200.000	\$950.00
3-18	Traffic Control	1.000	Lump Sum	\$4,250.00	\$4,250.00	0.500	0.500	1.000	\$4,250.00
<b>Subtotal =</b>					<b>\$286,626.00</b>	<b>Total Work Complete =</b>			<b>\$283,656.00</b>

Change Order #1 = \$0.00

Current Subtotal = \$286,626.00

Total Amount of Completed Work = \$283,656.00

% Complete = 99%

10.0% Retainage = \$14,331.30

5.0% Retainage = \$7,017.15

Less Previous Payments = \$212,439.20

**Subtotal Amount Due This Estimate for C-71(902) = \$49,868.35**

**Total for Project Contract**

Original Contract Total for C-71(559) = \$226,928.50

Original Contract Total for C-71(749) = \$466,449.80

Original Contract Total for C-71(902) = \$286,626.00

Original Complete Contract Total = \$980,004.30

Change Order Total = \$6,024.60

Current Contract Amount = \$988,028.90

Total Amount of Completed Work (all sites) = \$944,562.40

% Complete = 96%

Retainage for C-71(559) = \$16,391.99

Retainage for C-71(749) = \$34,188.41

Retainage for C-71(902) = \$21,348.45

Less Previous Payments = \$493,060.51

**Total Amount Due This Estimate = \$379,573.04**

# APPLICATION AND CERTIFICATION FOR PAYMENT

OWNER: Platte County

PROJECT: Platte Center East C007123045(559), Tamov West C007102030(749),  
& Creston South C007102045(902)

CONTRACTOR: Gus Construction Co., Inc.



CERTIFICATION No.: 2

PROGRESS / FINAL ESTIMATE: Progress  
SIGNED CONTRACT DATE: Sept. 2025

## PAYMENT SUMMARY

1. ORIGINAL CONTRACT.....	\$980,004.30		
2. CHANGE BY CHANGE ORDERS.....	\$8,024.60		
3. TOTAL CONTRACT AND CHANGE ORDERS.....	\$988,028.90		
4. WORK COMPLETE AND STORED.....	\$944,562.40		
5. RETAINAGE .....	\$71,928.85		
6. TOTAL EARNED LESS RETAINED (LINE 4 LESS LINE 5).....	\$872,633.55		
7. LESS PREVIOUS PAYMENTS.....	\$493,060.51		
8. PAYMENT DUE AT DATE.....	\$379,573.04		
9. REMAINING BALANCE.....	\$115,395.35		

## CHANGE ORDERS

	Additions	Deductions
Previous Change Order	\$0.00	\$0.00
This Payment	\$8,024.60	\$0.00
Total	\$8,024.60	\$0.00

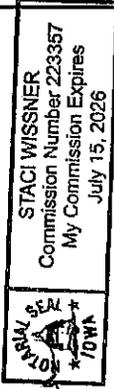
**Net Contract Change \$8,024.60**

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

Contractor: Gus Construction Co., Inc.

By: *Staci Wissner* Date: 12/15/25

State of IOWA  
County of GUTHRIE  
Subscribed and sworn to before me this 15 day of DECEMBER, 2025  
Notary Public: *Staci Wissner*  
My Commission Expires: July 15, 2026



## Engineer's Certification for Payment

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Engineer certifies to the Owner that to the best of the Engineer'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: \$379,573.04**

Mainelli Wagner & Associates Inc.

By: \_\_\_\_\_ Date: \_\_\_\_\_

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



www.mwvaeng.com

**Mainelli Wagner & Associates, Inc.**

6920 Van Dom Street, Lincoln, NE 68506 Phone: (402) 421-1717 Fax: (402) 421-6061

<b>Change Order - Supplemental Agreement</b>		<b>Date:</b>	12/12/2025
<b>Contractor:</b>		<b>County:</b>	Platte
Gus Construction Co., Inc.		<b>Project Number:</b>	C-71(749)
<b>Groups of Work:</b>	<b>Station:</b> 25+67 to 26+17	<b>Project Name:</b>	Tarnov West
All		<b>Date of Original Contract:</b>	September 2025

WE HEREBY REQUEST APPROVAL OF CHANGES IN THE PLANS, SPECIFICATIONS, OR WORK NOT INCLUDED IN THE PLANS OR CONTRACT, DESCRIBED AS FOLLOWS:

**Change Order No.:** 2

Change Order No. 2 is being written to include the installation of drain tile and PVC to ensure existing drain tile flows for the above referenced project.

The completed work will be paid for at the agreed upon prices.

Platte County has reviewed the submitted unit prices and agree that they are fair and reasonable.

The agreed upon prices in this change order shall be full compensation for all material, labor, equipment, tools and incidentals necessary to complete the work.

**ESTIMATED CHANGES IN QUANTITIES OF ITEMS OF WORK AT CONTRACT OR AGREED UNIT PRICES**

Item of Work	Unit	Increased Quantity	Decreased Quantity	Contract Unit Price	Agreed Unit Price	Increased(+) or Decreased(-)
Install 6" Perforated Drain Tile	Lin. Ft.	380.000			\$11.89	+\$4,518.20
Install 8" PVC outlets	Lin. Ft.	60.000			\$45.00	+\$2,700.00
<b>TOTAL NET INCREASE (+) or DECREASE (-) :</b>						<b>+\$7,218.20</b>

<b>Platte County, Nebraska</b>	For and in consideration of the prices set forth in this agreement, the Contractor agrees to complete the extra and additional work or reduced quantities of work described herein and accept the prices shown as full payment. The insurance, bond and terms of the contract remain in full effect, except as specifically changed herein, and shall apply to this agreement.
<b>Approved : Mainelli Wagner &amp; Assoc., Inc.</b>	
<b>Approved : Platte County</b>	
	<b>Name of Contractor:</b>
	Gus Construction Co., Inc.
<b>Approved :</b>	<b>Authorized By (Signature):</b>



www.mwaeng.com

6920 Van Dom Street, Lincoln, NE 68506 Phone: (402) 421-1717 Fax: (402) 421-6061

**Mainelli Wagner & Associates, Inc.**

<b>Change Order - Supplemental Agreement</b>		<b>Date :</b>	12/12/2025
<b>Contractor:</b>		<b>County:</b>	Platte
Gus Construction Co., Inc.		<b>Project Number:</b>	C-71(559)
<b>Groups of Work:</b>	<b>Station:</b> 21+25	<b>Project Name:</b>	Platte Center East
All		<b>Date of Original Contract:</b>	September 2025

WE HEREBY REQUEST APPROVAL OF CHANGES IN THE PLANS, SPECIFICATIONS, OR WORK NOT INCLUDED IN THE PLANS OR CONTRACT, DESCRIBED AS FOLLOWS:

<b>Change Order No.:</b>	1
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Change Order No. 1 is being written to include the installation of a 24" x 40' CMP at Sta. 21+25 requested by Platte County for the above referenced project. Platte Co. provided the CMP and Gus Construction installed the culvert.

The completed work will be paid for at the agreed upon price.

Platte County has reviewed the submitted unit prices and agree that they are fair and reasonable.

The agreed upon prices in this change order shall be full compensation for all material, labor, equipment, tools and incidentals necessary to complete the work.

**ESTIMATED CHANGES IN QUANTITIES OF ITEMS OF WORK AT CONTRACT OR AGREED UNIT PRICES**

Item of Work	Unit	Increased Quantity	Decreased Quantity	Contract Unit Price	Agreed Unit Price	Increased(+) or Decreased(-)
Install 24" x 40' Corrugated Metal Pipe	Lin. Ft.	40.000			\$20.16	+\$806.40
<b>TOTAL NET INCREASE (+) or DECREASE (-) :</b>						<b>+\$806.40</b>

<b>Platte County, Nebraska</b>	<p>For and in consideration of the prices set forth in this agreement, the Contractor agrees to complete the extra and additional work or reduced quantities of work described herein and accept the prices shown as full payment. The insurance, bond and terms of the contract remain in full effect, except as specifically changed herein, and shall apply to this agreement.</p>
<b>Approved : Mainelli Wagner &amp; Assoc., Inc.</b>	
<b>Approved : Platte County</b>	
<b>Approved :</b>	
	<b>Name of Contractor:</b>
	Gus Construction Co., Inc.
	<b>Authorized By (Signature):</b>

**ORDINANCE/RESOLUTION NO. 26-01**  
***Floodplain Management Ordinance***

**60.3(d)**

*AN ORDINANCE INTRODUCED BY THE GOVERNING BODY CREATING FLOODWAY AND FLOOD FRINGE AREAS DEFINING THE SAME AND SETTING FORTH REGULATIONS THEREOF.*

**SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES**

**1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt floodplain regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in *Nebraska Revised Statutes* Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with jurisdiction over the flood prone area. Therefore, the Board of Supervisors of Platte County, Nebraska ordains as follows:

**1.2 FINDINGS OF FACT**

**A. Flood Losses Resulting from Periodic Inundation**

The flood hazard areas of Platte County, Nebraska are subject to inundation that 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 the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

**1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.2 by applying the provisions of this ordinance to:

- A. Restrict or prohibit uses that 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 that service such

uses, be provided with flood protection at the time of initial construction.

- C. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

#### **1.4 ADHERENCE TO REGULATIONS**

The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

### **SECTION 2.0 GENERAL PROVISIONS**

#### **2.1 LANDS TO WHICH ORDINANCE APPLIES**

This ordinance shall apply to all lands within the jurisdictions of the Platte County identified on the Flood Insurance Rate Map (FIRM) panels 31141C0010E, 31141C0025E, 31141C0030E, 31141C0035E, 31141C0050E, 31141C0065E, 31141C0075E, 31141C0080E, 31141C0090E, 31141C0100E, 31141C0125E, 31141C0150E, 31141C0175E, 31141C0185E, 31141C0200E, , 31141C0205E, 31141C0215E, 31141C0225E, 31141C0250E, 31141C0275E, 31141C0300E, 31141C0305E, 31141C0310E, 31141C0315E, 31141C0320E, 31141C0330E, 31141C0335E, 31141C0340E, 31141C0345E, 31141C0375E, and 31141C0400E dated 04/19/2010 as Zones A, A1-30, AE, AO, or AH and within the Floodplain Areas FW and FF established in Section 3.0 of this ordinance. In all areas covered by this ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the Platte County Board of Supervisors 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 in Sections 4.0 and 5.0.

#### **2.2 RULES FOR INTERPRETATION OF FLOODPLAIN BOUNDARIES**

The boundaries of the floodway and the flood fringe areas shall be determined by scaling distances on the official community map or on the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the areas as shown on the FIRM or other community map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Supervisors will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the floodplain boundary on the land. The person contesting the location of the floodplain boundary shall be given a reasonable opportunity to present their case to the Board of Supervisors and to submit their own technical evidence, if so desired.

## **2.3 COMPLIANCE**

Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

## **2.4 ABROGATION AND GREATER RESTRICTIONS**

This ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

## **2.5 INTERPRETATION**

In their interpretation and application, the provisions of this ordinance 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.

## **2.6 WARNING AND DISCLAIMER OF LIABILITY**

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

## **2.7 SEVERABILITY**

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

## **SECTION 3.0 ESTABLISHMENT OF FLOODPLAIN AREAS**

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following areas: a floodway (FW) and a flood fringe (FF) as identified in the Flood Insurance Study 31141CV000A dated 04/19/2010 and on accompanying FIRM panels as established in Section 2.1. The flood fringe shall correspond to flood zones A, AE, A1-30, AH, AO, AR, A99, and floodway areas in Zone AE that are identified on FIRM panels. The floodway shall correspond to the floodway areas in Zone AE that are identified on the FIRM panels. Within the floodplain, all uses not meeting the standards of this ordinance and those standards of the flood fringe and floodway shall be prohibited.

## **SECTION 4.0 FLOODPLAIN MANAGEMENT ADMINISTRATION**

### **4.1 DESIGNATION OF FLOODPLAIN ADMINISTRATOR**

The Floodplain Administrator shall hereby be designated as the community's local floodplain administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. The designated floodplain administrator may as required by the Board of Supervisors, shall within one year of being designated, become a Certified Floodplain Manager. If the local floodplain administrator position is unfilled, the Chairperson of the Board of Supervisors shall assume the duties and responsibilities herein.

### **4.2 PERMITS REQUIRED**

A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

### **4.3 DUTIES OF THE FLOODPLAIN ADMINISTRATOR**

- A. Duties of the Platte County Floodplain Administrator shall include, but not be limited to the following:
- i. Review, approve, or deny all applications for floodplain development permits.
  - ii. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
  - iii. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
  - iv. 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.

- v. Notify adjacent communities and the Nebraska Department of Water, Energy, and Environment prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- vi. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
- vii. 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 the floodplain.
- viii. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
- ix. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
- x. Ensure comprehensive development plan as amended is consistent with this ordinance.
- xi. In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance with this ordinance.
- xii. Along watercourses where FIS data is provided, determine the elevation of the base flood utilizing the FIS referenced in Section 3.0 of this ordinance. In Zone A areas where base flood elevation data is not provided, request such data produced by a registered, professional engineer or architect from the applicant or the DWEE.

#### **4.4 APPLICATION FOR PERMIT AND DEMONSTRATION OF COMPLIANCE**

- A. 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:
  - i. Identify and describe the proposed development and estimated cost to be covered by the floodplain development permit.
  - ii. Describe the land on which the proposed development is to be done by lot, block, tract, and house and streets address, or similar description that will readily identify and definitely locate the proposed building or development. Site location may be identified by legal descriptions, including County Parcel Identification Number.
  - iii. Indicate the use or occupancy for which the proposed development is intended.

- iv. Be accompanied by plans and specifications for proposed construction.
  - v. Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
- B. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:
- i. All such proposals are consistent with the need to minimize flood damage;
  - ii. All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
  - iii. Structures will be anchored to prevent flotation, collapse, or lateral movement;
  - iv. Construction materials are flood resistant;
  - v. Appropriate practices to minimize flood damage have been utilized; and
  - vi. Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
- C. For all new and substantially improved structures, surveyed elevations based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.
- D. When floodproofing is utilized for an applicable structure, a floodproofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.
- E. For all development proposed in the floodway, no-rise certification shall be provided to the floodplain administrator and be completed by a licensed professional engineer.
- F. Any other such information as reasonably may be required by the Platte County floodplain administrator shall be provided.
- G. The Floodplain Administrator shall not sign a community acknowledgement form for any Conditional Letter of Map Revision based on Fill (CLOMR-F) or Letter of Map Revision Based on Fill (LOMR-F) applications unless all criteria set forth in the following paragraphs are met:
- i. Applicant has obtained a floodplain development permit before applying for a LOMR-F;
  - ii. No fill has been placed in the regulatory floodway;
  - iii. All necessary Federal, State, and local permits have been obtained;
  - iv. For CLOMR-F requests, the applicant has documented or will document Endangered Species Act (ESA) compliance prior to issuance of the CLOMR-F determination. For LOMR-F requests, compliance with Sections 9 and 10 of the ESA has been achieved; and,
  - v. Applicant has demonstrated that the property and any existing or proposed structures will be reasonably safe from flooding, according to the minimum

design standards in FEMA Technical Bulletin 10 dated March 2023.

#### **4.5 FLOOD DATA REQUIRED**

- A. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this ordinance. 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, including from a study commission by the applicant pursuant to best technical practices.
- B. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain 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 (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.

#### **4.6 VARIANCE AND APPEALS PROCEDURES**

- A. The Board of Supervisors as established by Platte County shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The Platte County Board of Supervisors shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- C. Any person aggrieved by the decision of the Board of Supervisors or any taxpayer may appeal such decision to the District Court as provided in *Nebraska Revised Statutes* Section 23-168.02.
- D. In evaluating such appeals and requests, the Board of Supervisors shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
  - i. The danger to life and property due to flooding or erosion damage;
  - ii. The danger that materials may be swept onto other lands to the injury of others;
  - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
  - iv. The importance of the services provided by the proposed facility to the community;
  - v. The necessity of the facility to have a waterfront location, where applicable;
  - vi. The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;

- vii. The compatibility of the proposed use with existing and anticipated development;
- viii. The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
- ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- x. 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,
- xi. The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

#### **4.7 CONDITIONS FOR VARIANCES**

- A. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.
- B. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
- C. Variances shall only be issued based upon a determination that the granting of a variance will not result in 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.
- D. 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 E-I below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- E. 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 an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.
- G. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- H. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and also that such construction below the base flood elevation

increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

- I. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.
- J. Agricultural structures:
  - i. A variance is authorized to be issued for the construction or substantial improvement of agricultural structures provided the requirements of this section and the following are satisfied:
    - a. Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
    - b. Has low damage potential (amount of physical damage, contents damage, and loss of function).
    - c. Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.
    - d. Complies with the wet floodproofing construction requirements of paragraph 5.2(C) of this ordinance.

## **4.8 ENFORCEMENT**

### **A. Violations**

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.

### **B. Notices**

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:

- i. Be in writing;
- ii. Include an explanation of the alleged violation;
- iii. Allow a reasonable time for the performance of any remedial act required;

- iv. Be served upon the property owner or their agent as the case may require; and
- v. Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

### **C. Penalties**

- i. 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 \$100.00 and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- ii. 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.
- iii. Nothing herein contained shall prevent Platte County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

## **SECTION 5.0            STANDARDS FOR FLOODPLAIN DEVELOPMENT**

### **5.1    GENERAL PROVISIONS**

#### **A. Alteration or Relocation of a Watercourse**

- i. A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
- ii. No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Water, Energy, and Environment have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.

#### **B. Encroachments**

- i. When proposing to permit any of the following encroachments, the standards in Section 5.1 (B) (ii) shall apply:
  - a. Any development that will cause a rise in the base flood elevations within the floodway; or
  - b. Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or

- c. Alteration or relocation of a stream; then
- ii. The applicant shall:
  - i. Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
  - ii. Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.

### C. Floodway

- i. Standards for the Floodway
  - a. Within any floodway, all new construction or substantial improvements shall be prohibited; except that the community may maintain, repair, or improve any existing infrastructure without the requirement of obtaining a variance. Any such maintenance, repairs, or improvements to infrastructure in the floodway must follow the provisions of Section 5.1.C.i.b and 5.1.C.i.c.
  - b. 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 the occurrence of the base flood discharge. These developments are also subject to all the standards of Section 5.
  - c. A community may permit encroachments within the regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements of such revisions as established under the provisions of Section 5.1.B.ii of this ordinance, and receives FEMA approval.
- ii. Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway:
  - a. Agricultural uses such as general farming, pasture, nurseries, and forestry
  - b. Residential uses such as lawns, gardens, parking, and play areas
  - c. Nonresidential uses such as loading areas, parking, and airport landing strips
  - d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.

## 5.2 ELEVATION AND FLOODPROOFING REQUIREMENT

### A. Residential Structures

- i. In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
- ii. In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
- iii. In the floodway, new structures for human habitation are prohibited.

### B. Nonresidential Structures

- i. In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
  - a. The structure is watertight with walls substantially impermeable to the passage of water and
  - b. The structure has structural components with 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 subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

- ii. In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
  - a. The structure is watertight with walls substantially impermeable to the passage of water and
  - b. The structure has structural components with 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 subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

### C. Wet-floodproofing for Agricultural Structures by Variance

- i. When owners elect to wet floodproof agricultural structures, the structure shall:

- a. Be anchored to resist flotation, collapse, and lateral movement.
- b. Have flood damage-resistant materials below the base flood elevation in compliance with the definition in Section 8.0 “Flood damage resistant materials”
- c. Have mechanical, electrical, and utility equipment 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:
  - i. Watertight and substantially impermeable to the passage of water; and,
  - ii. Capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy

A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

- d. Have flood openings in compliance with the requirements below:
  - i. 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.
- e. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

#### D. Critical Facilities

- i. New construction or substantial improvement of any critical facility is prohibited in all areas of the floodplain and the 0.2% annual chance floodplain, unless all of the following provisions are met:
  - 1. No feasible alternative site exists for the construction of an equivalent facility within the corporate or extraterritorial jurisdiction boundaries of Platte County;
  - 2. The facility has the lowest floor, including basement, of all structures elevated to one (1) foot above the 0.2% annual chance flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot

above the 0.2% annual chance flood elevation:

- a. The structure is watertight with walls substantially impermeable to the passage of water and
- b. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy

A registered professional engineer or architect shall certify that the standards of the subsection are satisfied. Such certifications shall be provided to the floodplain administrator as set forth in Section 4.

3. If the 0.2% annual chance floodplain is not identified, the facility shall have the lowest floor, including basement, elevated to three (3) feet above the base flood elevation or be floodproofed to three (3) feet above the base flood elevation with the standards in 5.2 C (i) (c).
4. The facility has at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of carrying emergency support vehicles and the top of the access road is no lower than the 0.2% annual chance flood elevation.

#### E. Enclosures Below Lowest Floor

- i. For all new construction, substantially improved, or substantially damaged structures, fully enclosed areas below the lowest floor (excluding basements) and below one (1) foot above the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
- ii. For all new construction, substantially improved, or substantially damaged structures, fully enclosed areas below the lowest floor (excluding basements) and below one (1) foot above the base flood elevation shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. Designs for this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two openings on different sides of each enclosed area having a net total open area of not less than one (1) square inch for every one (1) square foot of enclosed space;
  - b. The bottom of all openings shall not be higher than one (1) foot above the interior or exterior grade, whichever is higher; and
  - c. Openings may be equipped with screens, louvers, valves, or other coverings provided that they allow the automatic entry and exit of floodwaters and shall be accounted for in the determination of net total open area.
- iii. For all new construction, substantially improved, and substantially damaged structures, fully enclosed areas below the lowest floor and below one (1) foot above the base flood elevation shall have a non-conversion agreement signed by both the floodplain administrator and the property owner and filed with the office of the Register of Deeds. The non-conversion agreement must establish the following provisions:

- a. That the enclosed area below the lowest floor shall be used solely for parking of vehicles, limited storage, or access to the building and will never be used for human habitation without first becoming fully compliant with the flood damage prevention ordinance in effect at the time of conversion.
- b. That all interior walls, ceilings, and floors below one (1) foot above the base flood elevation shall be unfinished or constructed of flood-resistant materials.
- c. That mechanical, electrical, or plumbing devices that service the building shall not be installed below one (1) foot above the base flood elevation.
- d. That the openings in the walls of the enclosed area below the lowest floor shall not be blocked, obstructed, or otherwise altered to reduce the size of the openings or restrict the automatic entry and exit of floodwater.
- e. That any variation in construction beyond what is permitted shall constitute a violation of this agreement and 5.2 E of this ordinance.
- f. That the owner and subsequent owners agree to allow a representative of Platte County in the premises to inspect the enclosure and verify compliance with this agreement. The representative will provide notice at least 48 hours in advance.
- g. That this agreement shall be recorded with the deed to the above property so that proper notice of such restrictions shall be made to subsequent owners.

F. Accessory Structures

- i. 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:
    - i. 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,
    - ii. The bottom of all openings shall not be higher than one (1)

foot above grade, and

- iii. 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:
  - i. Watertight and substantially impermeable to the passage of water; and,
  - ii. Capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy

A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

- 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. Manufactured Homes

- i. All new and substantially improved mobile homes to be placed within the **Special Flood Hazard Area** shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.2 G (iii).
- ii. New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of Section 5.3 (I) "Subdivisions".
- iii. 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 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 manufactured 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. Any additions to the manufactured home be similarly anchored.

## H. Existing Structures

- i. The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of 5.2 (H) (ii-iv) shall apply.
- ii. Any additions, alterations, reconstruction, or improvements to an existing or nonconforming use structure when combined with any additional improvements or repairs within the ten (10) years prior to the date of the permit application where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall require the structure and any additions to fully comply with the provisions of this ordinance. Such improvements shall constitute a “substantial improvement” as defined in Section 8.0 of this ordinance.
- iii. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of 5.1 (C).
- iv. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.

## 5.3 DESIGN AND CONSTRUCTION STANDARDS

### A. Anchoring

- i. All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

### B. Building Materials and Utilities

- i. All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
- ii. All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, 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.

### C. Drainage

- i. Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

### D. Water Supply and Sanitary Sewer Systems

- i. All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
- ii. All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
- iii. On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

E. Other Utilities

- i. All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

F. Storage of Materials

- i. 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.
- ii. The 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.

G. All Recreational Vehicle Parks as defined in Section 8.0 of this ordinance shall:

- i. Obtain a floodplain development permit from the Platte County floodplain administrator annually for the operation of campgrounds within the Special Flood Hazard Area in addition to permits for any permanent new construction within the campground. This permit shall be in addition to any other necessary license to operate the campground that may be required by any other authority.
- ii. Have an Emergency Action Plan (EAP) with procedures specific to flooding/flash flooding that includes the following elements:
  - a. Identification and detailed description of the flood hazard and risk at the site.
  - b. Identification and description of the monitoring/detection and emergency alert system including equipment.
  - c. Management/oversight functions including interpretation of warnings, decision making, method of warning, content of warning, channel of warning. The EAP shall identify specific personnel responsible for monitoring and activating the EAP at any time.
  - d. Procedures for evacuation tied to specific action thresholds and the identification of specific evacuation routes and endpoints
  - e. Specific procedures (frequency, process, personnel) for regularly exercising the plan.
  - f. Specific procedures for making staff and campers aware of the plan.

- iii. Ensure all RVs placed in the park meet the requirements of Section 5.3 H of this ordinance.

#### H. Recreational Vehicles

- i. Recreational vehicles to be placed on sites within the floodplain shall:
  - a. Be on site for fewer than 180 consecutive days; and
  - b. Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
  - c. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

#### I. Subdivisions

- i. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance 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 subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

### **SECTION 6.0 NONCONFORMING USE**

- A. A structure or use of a structure or premises that was lawful before the passage or amendment of this ordinance, but that is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
  - i. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Floodplain Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months. The Floodplain Administrator shall notify the property owner at least 6 months

prior to the end of the 12 month period.

- ii. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

- B. If any existing or nonconforming use structure is destroyed by any means, including flood, it shall not be reconstructed if the cost to return the structure to pre-damaged conditions when combined with any additional repairs or improvements within ten (10) years prior to the date of the permit application is equal to or exceeds fifty (50) percent of the pre-damage market value of the structure except that if the structure and any additions are (re)constructed in conformity with the provisions of this ordinance. Such damage shall constitute “substantial damage” as defined in Section 8.0 of this ordinance.

## **SECTION 7.0 AMENDMENTS**

- A. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be take until after a public hearing in relation thereto, at which citizens and parties in interest 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 in Platte County. At least 10 days shall elapse between the date of this publication and the public hearing.
- B. A copy of such amendments will be provided to the Nebraska Department of Water, Energy, and Environment the Federal Emergency Management Agency for review and approval before being adopted.

## **SECTION 8.0 DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it’s most reasonable application:

**0.2% Annual Chance Floodplain** means the floodplain that would be inundated by the 0.2% annual chance flood and delineated on the Flood Insurance Rate Maps.

**0.2% Annual Chance Flood Elevation** means the elevation to which floodwaters are expected to rise during a 0.2% annual chance flood.

**Accessory Structure** shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure. Also shall be known as “appurtenant structure.”

**Agricultural Structure** for floodplain management purposes shall mean a walled and roofed

structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

**Area of Shallow Flooding** means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent 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** means the flood having one (1) percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation** means the elevation to which floodwaters are expected to rise during the base flood.

**Basement** means any area of the building having its floor subgrade (below ground level) on all sides.

**Building** means “structure.” See definition for “structure.”

**Critical Facility** means any property that, if flooded, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to: facilities that produces, use, or store hazardous materials; hospitals, nursing homes, and housing likely to contain vulnerable populations; emergency support function facilities like police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers; public and private utility facilities vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

**Existing Manufactured Home Park or Subdivision** means 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** means 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** means a general and temporary condition of partial or complete inundation of normally dry land areas.

**Flood Fringe** is that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

**Floodplain** means any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this ordinance.

**Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

**Flood-resistant material** includes any building product capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Prolonged contact is defined as at least 72 hours.

**Floodway or Regulatory Floodway** means 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** means 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 of urbanization of the watershed.

**Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure** means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of 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** means 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 or modified so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Manufactured Home** means 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** means 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, "new construction" means 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** means 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.

**Obstruction** means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Water, Energy, and Environment pursuant to the Safety of Dams and Reservoirs Act (*Nebraska Revised Statutes* 46-1601 to 46-1670 as amended).

**Overlay District** is 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** means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated 9/21/1998, whichever is later.

**Pre-FIRM Structure** means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated 9/21/1998, whichever is later.

**Principally Above Ground** means that at least 51 percent of the actual cash value of the structure is above ground.

**Recreational Vehicle** means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recreational Vehicle Park** means a parcel or tract of land with three or more sites made available for recreational vehicles and includes the outdoor recreational facilities located on the real property. For the purposes of these regulations, a recreational vehicle park does not include manufactured home parks.

**Regulatory Flood Elevation** means the base flood elevation (BFE) plus a freeboard factor as specified in this ordinance.

**Special Flood Hazard Area (SFHA)** is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

**Start of Construction** means the date the floodplain development 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. “Start of construction” also 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** means 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.

**Subdivision** means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

**Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition when combined with any additional repairs or improvements within ten (10) years prior to the floodplain development permit application would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement, when combined with any additional repairs or improvements within ten (10) years prior to the floodplain development permit application. This term 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”.

**Variance** is a grant of relief to an applicant from the requirements of this ordinance that allows construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**Violation** means a failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means any depression two feet or more below the surrounding land that serves to give direction to a current of water at least nine months of the year and that has a bed and well-defined banks.

ADOPTED AND APPROVED by the Governing Body of {community name}

This {day} day of {month}, {year}

(community seal)

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
County Clerk