

**MINUTES  
CITY COUNCIL MEETING  
December 17, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, December 17, 2019, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Dwaine Spieker, Terri Buck, Jon Haase, Jennifer Sievers, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Chris Woehler.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on December 5, 2019, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Mayor Giese advised the public that a copy of the Open Meetings Act was located on the southwest wall of the Council Chambers and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Councilmember Buck made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting December 3, 2019, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** AMERITAS, SE, 87.86; AMERITAS, SE, 72.00; AMERITAS, SE, 2882.74; AMERITAS, SE, 109.47; APPEARA, SE, 82.71; ARNIE'S FORD, SU, 40750.00; BAIRD HOLM LLP, SE, 48.55; BATTERY SOLUTIONS, SU, 219.90; BMI, FE, 322.20;

BOMGAARS, SU, 869.29; BORDER STATES INDUSTRIES, SU, 940.72; CHEMQUEST, SE, 695.00; CITY EMPLOYEE, RE, 1540.91; CITY EMPLOYEE, RE, 88.05; CITY EMPLOYEE, RE, 56.38; CITY EMPLOYEE, RE, 3076.34; CITY EMPLOYEE, RE, 3329.15; CITY EMPLOYEE, RE, 96.48; CITY EMPLOYEE, RE, 88.37; CITY OF WAYNE, PY, 86532.57; CITY OF WAYNE, RE, 273.59; CORE & MAIN, SU, 6672.00; CREATIVE DISPLAYS, SU, 122.74; CREDIT MANAGEMENT SERVICES, RE, 183.54; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; EASYPERMIT POSTAGE, SU, 843.17; ED M. FELD EQUIPMENT, SU, 354.00; ENGINEERED EQUIPMENT SOLUTIONS, SE, 1585.40; FLOOR MAINTENANCE, SU, 255.02; FREDRICKSON OIL, SU, 1001.22; FREVERT, BRIAN, RE, 20.00; GODINEZ, EMILY, RE, 55.00; HAWKINS, SU, 539.31; HEIKES AUTOMOTIVE, SE, 110.00; HERITAGE HOMES, RE, 150.00; HILAND DAIRY, SE, 88.74; HUBER TECHNOLOGY, SU, 268.00; HYDRAULIC SALES & SERVICE, SE, 249.25; HYDRO OPTIMIZATION, SE, 17970.00; ICMA, SE, 8002.39; INTERSTATE BATTERY SYSTEM, SU, 127.95; IRS, TX, 9740.90; IRS, TX, 3355.66; IRS, TX, 14348.22; JACK'S UNIFORMS, SU, 89.85; JOHN'S WELDING AND TOOL, SE, 2338.46; KNEIFL, BROOKS, SE, 72.00; KNEIFL, JACOB, SE, 60.00; L.G. EVERIST, SU, 710.43; LESEBERG MASONRY & CONST, SE, 1308.10; LUTT OIL, SU, 5017.62; MACQUEEN EQUIPMENT, SU, 107.69; MAIN STREET GARAGE, SE, 50.95; MARCO, SE, 126.36; MATHESON-LINWELD, SU, 32.75; MATT PARROTT, SU, 267.69; METERING & TECHNOLOGY SOLUTIONS, SU, 12526.96; MIDWEST LABORATORIES, SE, 177.00; MIDWEST TAPE, SU, 189.96; NE DEPT OF REVENUE, TX, 4093.03; NE ECONOMIC DEVELOPERS ASSN, FE, 150.00; NE TURFGRASS ASSOCIATION, FE, 100.00; NPPD, SE, 29195.75; NORTHEAST POWER, SE, 2028.10; NORTHEAST TIRE SERVICE, SE, 120.00; PAC N SAVE, SU, 670.72; PAC N SAVE, SU, 35.14; PENGUIN RANDOM HOUSE, SU, 108.00; PITNEY BOWES, SE, 253.85; QHA CLEANING, SE, 2515.00; QUALITY 1 GRAPHIC, SU, 185.00; QUALITY FOOD CENTER, SU, 126.31; REHAB SYSTEMS, SE, 1000.00; REPCO MARKETING, SU, 48.30; STADIUM SPORTING GOODS, SE, 90.00; STATE NEBRASKA BANK & TRUST, RE, 9421.71; STATE NEBRASKA BANK & TRUST, RE, 13390.00; STATE NEBRASKA BANK & TRUST, RE, 424918.61; STATE NEBRASKA BANK & TRUST, RE, 304760.42; STATE TREASURER OF NE, RE, 799.10; TOTAL GRAPHICS, SU, 180.00; US BANK, SU, 8776.30; VERIZON, SE, 413.32; WATCHGUARD VIDEO, SU, 90.00; WAYNE AUTO PARTS, SU, 759.34; WAYNE COUNTY CLERK, SE, 54.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 336.00; WAYNE HERALD, SE, 829.01; WAYNE VETERINARY CLINIC, SE, 28.00; WAPA, SE, 19224.90; WISNER WEST, SU, 54.98; WORLDPAY INTERGRATES PAYMENTS, FE, 240.69; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 70.00; ALARCON-FLOREY,PERLA, SE, 25.00; BAKER & TAYLOR BOOKS, SU, 816.00; BIG RIVERS ELECTRIC CORPORATION, SE, 157731.59; CITY EMPLOYEE, RE, 69.00; CITY EMPLOYEE, RE, 96.50; CORNHUSKER INTERNATIONAL TRUCKS, SU, 79.55; COTTONWOOD WIND PROJECT, SE, 15334.34; DAVE'S DRY CLEANING, SE, 78.00; EAKES OFFICE PLUS, SE, 158.76; GALE/CENGAGE LEARNING, SU, 74.72; GRANQUIST, CONNIE, SE, 45.00; GROSSENBURG IMPLEMENT, SU, 33.60; HILAND DAIRY, SE, 9.04; HORIZON CONSTRUCTION, RE, 100.00; INGRAM LIBRARY SERVICES, SU, 663.96; INTERSTATE BATTERY SYSTEM, SU, 134.95; MAILFINANCE, SE, 2691.00; MAIN STREET GARAGE, SE, 332.76; MARCO TECHNOLOGIES, SE, 182.96; MIDWEST TAPE, SU, 67.99; MUNICIPAL EMERGENCY SERVICES, SU, 7347.12; NE ECONOMIC DEVELOPERS ASSN, FE, 150.00; OCC BUILDERS, RE, 12367.00; OVERDRIVE, SU, 444.99; PCAN, FE, 50.00; PRONUNCIATOR, SU, 50.00; RADIO EXPRESS, SU, 18044.00; SOOLAND BOBCAT, SU, 1,223.21; STADIUM SPORTING GOODS, SU, 1400.00; STAPLES, SU, 197.80; STEFFEN TRUCK EQUIPMENT, SU, 959.36; T & S TRUCKING, SE, 222.88; US FOODSERVICE, SU, 860.53; WESTRUM LEAK DETECTION, FE, 3800.00; YOUNG, ANTHONY, RE, 150.00

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

Phill Monahan, Fire Chief, introduced Sumaya Ibrahim and requested Council consideration to approving her membership application to the Wayne Volunteer Fire Department.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving the membership application of Sumaya Ibrahim to the Wayne Volunteer Fire Department. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who was absent, the Mayor declared the motion carried.

David Wiggins, Senior Civil Project Engineer, Leo A Daly, updated the Council on the 2019 Wayne Trail Repair Project. The cost estimate of the project is \$1,505,078. Bidding will take place in mid-February, with construction taking place in May.

Councilmember Eischeid introduced Resolution 2019-73, and moved for its approval; Councilmember Buck seconded.

#### RESOLUTION NO. 2019-73

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE “2019 WAYNE TRAIL REPAIR PROJECT;” AUTHORIZING SUBMITTAL OF THE PLANS AND SPECIFICATIONS TO THE NEBRASKA DEPARTMENT OF TRANSPORTATION AND US ARMY CORPS OF ENGINEERS; AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

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

Cap Peterson with Northeast Nebraska Insurance Agency presented and reviewed the 2020 Property and Casualty Insurance Package. The total package is \$356,694. This is about a 4% increase from last year.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving the 2020 Property & Casualty Insurance Package as presented by Northeast Nebraska Insurance Agency. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who was absent, the Mayor declared the motion carried.

Luke Virgil, Director of Wayne Area Economic Development, was present representing the LB840 Revolving Loan Fund Review Committee. He stated this Committee met on December 13, 2019, and reviewed a revolving loan fund application to Wayne's Economic Development Program (WEDP) by Johnnie Byrd Brewing Co. Johnnie Byrd Brewing Co. intends to utilize the WEDP Funds to purchase the real estate at 121 Pearl Street and conduct minor improvements at the aforementioned property. Following the meeting with Johnnie Byrd Brewing Co., the Review Committee discussed and took action on the request by Johnnie Byrd Brewing Co. for an LB840 RLF Loan of \$40,000. The LB840 Revolving Loan Fund Review Committed voted unanimously to recommend the following terms for a loan to Johnnie Byrd Brewing Co.:

- Approval of the loan request of \$40,000;
- An interest rate to be set at one half the rate set by the primary lender; and
- A loan repayment period to match the primary lender.

This LB840 Revolving Loan Fund Review Committee is separate from the LB840 Sales Tax Advisory Committee. This committee consists of a CPA, finance administrator from Wayne State College, and a former banker from Wayne.

Greg Ptacek, owner of Johnnie Byrd Brewing Co., was present to answer questions.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, to approve the recommendation of the LB840 Revolving Loan Fund Review Committee for a \$40,000 revolving loan to Johnnie Byrd Brewing Co., with the following terms:

- An interest rate to be set at one half the rate set by the primary lender; and
- A loan repayment period to match the primary lender.

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

Mayor Giese declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Zoning Text, specifically Section 152.139 Parking Regulations, specifically Section (F) Design Standards (6) Schedule of Minimum Off-Street Parking and Loading Requirements. The applicant, Wayne Rentals LLC/Tom Jacobsen, is seeking the request to revert the parking requirement for R-5 Residential back to one parking space per sleeping room.

Joel Hansen, Street and Planning Director, stated that the Planning Commission held a public hearing on this matter on December 2, 2019, and forwarded the following recommendation of approval, with the "Finding of Fact" being staff's recommendation:

- To revert the parking requirement for **R-5 Residential** back to one parking space per sleeping room.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

Tom Jacobsen was present to answer questions.

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

Councilmember Sievers introduced Ordinance 2019-19, and moved for approval thereof; Councilmember Brodersen seconded.

#### ORDINANCE NO. 2019-19

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING (SUPPLEMENTARY DISTRICT REGULATIONS), SECTION 152.139 PARKING REGULATIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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

The second reading will take place at the next meeting.

Administrator Blecke and Joel Hansen, Street & Planning Director, reviewed the changes to Ordinance 2019-17. The changes were as follows:

(5) (a) Exception: used, previously erected or occupied modular or mobile homes seeking approval to move into **or within** the city shall meet all of the above conditions, except divisions (A)(3)(a), (b), (f), (h), (i), (l), (n), (o), (p), (q), (r), and (s) above. Upon inspection, the Building Official may require the owner to comply to any or all of the expected divisions listed above, where justified by inspection results. Appeal of the Building Official's decision shall be presented in writing to the Building Official's office, requesting an appeal to the specific divisions above not accepted by the Building Official, a minimum of ten days prior to the next regularly scheduled City Council meeting.

(b) ~~In addition to the above, once located onsite on a lot in the city, the modular or mobile home owner shall:~~ **In accordance with the exception above, such modular or mobile home owners, excluding those moving from one mobile home park to another within the city limits, after placing the home on a lot within the City shall be required to:**

1. Close/skirt or underpin the area directly under the unit to the ground, including the tongue or towing apparatus if non-detachable;
  2. Construct or otherwise provide a landing at all exterior doors a minimum of three feet in any direction;
  3. Construct or otherwise provide a set of steps that meet current Building Code regulations;
  4. Where indicated by current Building Code, construct a guard and handrails for the above landing and steps;
  5. ~~Install at least one egress window in all bedrooms, per current Building Code requirements~~ **Obtain a statement from a licensed electrician the structure is safe to connect to the City's electrical system;**
  6. Install GFCI receptacles at all appropriate locations per current NEC requirements;
  7. ~~Install minimally battery operated smoke detectors per current Building Code; and~~
- 8.7. Meet all requirements as set forth in § 152.140 of this code, including tongue or towing mechanism removal and the City's adopted Property Maintenance Code.**

The intent is to make it easier for a trailer in a mobile home park to be moved to another mobile home park. They would still need to fill out a moving permit so that staff is aware of the route that will be taken, etc.

BJ Woehler was present and stated he was opposed to all of the language therein. In addition, he had emailed the following comments to be included in the record:

“The Ordinance as written is likely unenforceable due to the arbitrary application of the law and the overreaching nature of applying international building and property codes to a mobile home. Moreover, there is a disproportionate impact on lower income persons. Mobile homes are by and large occupied by lower income persons or students who struggle to find affordable housing. With the restrictions imposed by this ordinance as well as the overly burdensome inspection and permitting process, you will no doubt contribute to a shortage of low income housing in Wayne.”

After discussion, Councilmember Eischeid introduced Ordinance 2019-17, and moved for approval of the third and final reading thereof as amended and to remove “(t)” from Sub-Section 5(a); Councilmember Karsky seconded.

#### ORDINANCE NO. 2019-17

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.03 MOVING BUILDINGS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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

Councilmember Eischeid introduced Ordinance No. 2019-18, and moved for approval of the third and final reading thereof; Councilmember Buck seconded.

#### ORDINANCE NO. 2019-18

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE SOUTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE (LAGE PROPERTY).

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

Roger Protzman, representing JEO Consulting Group, Inc., was present and stated that the plans, specifications and opinion of cost for the “Wayne Senior Center Freezer/Pantry Storage Addition Project” are completed and ready for Council review and approval. The estimated construction cost is \$50,000.

Jill Brodersen, Architect on the project, stated she found the brick for the building.

Councilmember Sievers introduced Resolution 2019-74, and moved for its approval;  
Councilmember Buck seconded.

RESOLUTION NO. 2019-74

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE “SENIOR CENTER FREEZER/PANTRY STORAGE ADDITION PROJECT,” AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

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

The following Resolution would approve a “Pole Use Agreement” with WayneNet, LLC, who will be laying fiber in the City’s right-of-way and will be providing internet service in the future. They are asking to use the City’s utility poles, mainly in the downtown area, for overhead access until the City resurfaces the alleys. This agreement is very similar to the agreement the City has with American Broadband.

Councilmember Sievers introduced Resolution 2019-75, and moved for its approval;  
Councilmember Eischeid seconded.

RESOLUTION NO. 2019-75

A RESOLUTION APPROVING POLE USE AGREEMENT BETWEEN THE CITY OF WAYNE AND WAYNENET, LLC.

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

The following Resolution would approve an Administrative Services Agreement with ICMA Retirement Corporation for a 4-year term, which would include the reduced fees proposed when staff sought proposals from different retirement investment firms a year ago. ICMA had not advised staff that a new contract would need to be entered into with them before being able to receive the reduced fees. That has now been brought to staff’s attention. Staff and Mayor Giese visited with two of their representatives in Wayne.

Mayor Giese stated while he was unhappy with them not being able to go back and provide the fee reduction for the past year, the offerings they have are very good. Their fees are very cheap.

Councilmember Sievers introduced Resolution 2019-76, and moved for its approval; Councilmember Spieker seconded.

#### RESOLUTION NO. 2019-76

#### A RESOLUTION REAFFIRMING ICMA-RC DEFERRED COMPENSATION RETIREMENT SAVINGS PLAN AND ADOPTING ICMA-RC ADMINISTRATIVE SERVICES AGREEMENT.

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

The Northeast Nebraska Economic Development District has provided a “Letter of Intent” which will be sent to the Nebraska Department of Economic Development and give them official notice that the City of Wayne intends to apply for an award through the Community and Civic Center Financing Found Program. Administrator Blecke stated this is the grant he tried to find a way to use for City Hall (new or improvements). Jan Merrill of the Northeast Nebraska Economic Development District has advised the only way we could use this grant for City Hall is to renovate the existing to better accommodate the public (i.e. ADA upgrades). Even if we put on a civic room (i.e. Council Chambers, etc.), she said that portion would not be eligible, as the primary use would be for government. With all of that said, staff started talking at the last mini-retreat about CAC updates. This intent to apply would be for a planning grant to determine what we would like to do with the CAC (remodel, additional space for weights and/or a gym, indoor pool, all of that, or none of that). This only commits us to plan for the facility, not to make the improvements. However, these planning grants tend to put you in very good position to receive full grant funding (up to \$562,000) if you follow through with the planned project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the Letter of Intent directed to the Nebraska Department of Economic

Development to apply for an award through the Community and Civic Center Financing Fund Program. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who was absent, the Mayor declared the motion carried.

Mayor Giese requested Council consideration to the reappointment of Jill Brodersen, Council Representative – term would expire 12/23, to the Wayne Community Redevelopment Authority.

Councilmember Spieker made a motion, which was seconded by Councilmember Sievers, approving the reappointment of Jill Brodersen, Council Representative, to the Wayne Community Redevelopment Authority. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who was absent, the Mayor declared the motion carried.

Mayor Giese requested Council consideration to the reappointment of Jon Meyer (at-large citizen) - term would expire 12/23, to the Wayne Community Redevelopment Authority.

Councilmember Spieker made a motion, which was seconded by Councilmember Sievers, approving the reappointment of Jon Meyer (at-large citizen) to the Wayne Community Redevelopment Authority. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who was absent, the Mayor declared the motion carried.

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