

**MINUTES
CITY COUNCIL MEETING
July 21, 2020**

The Wayne City Council met in regular session at the Wayne Community Activity Center on July 21, 2020, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order with the following in attendance: Councilmembers Dwaine Spieker, Terri Buck, Jon Haase, Jennifer Sievers, Chris Woehler (arrived at 5:33 p.m.), Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 16, 2020, 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 Community Room of the Wayne Community Activity Center, as well as on the City of Wayne website at cityofwayne.org/8/Government, and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meeting July 7, 2020, 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: ACTIVE NETWORK, SU, 6960.00; AMERICAN LIBRARY ASSOC, FE, 225.00; APPEARA, SE, 90.73; ARNIE'S FORD, SE, 604.08; AUTO ANATOMY ALTERNATIVES, SU, 220.13; BAKER & TAYLOR BOOKS, SU, 718.47; BLACKSTONE PUBLISHING, SU, 106.74; BROWN SUPPLY, SU, 111.12; CARROLL DISTRIBUTING, SU, 1394.00; CITY EMPLOYEE, RE, 313.16; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, RE, 938.79; CIVICPLUS, SU, 4375.00; CLAUSSEN,

HEATHER, RE, 62.50; CONTINENTAL FIRE SPRINKLER, SE, 215.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; DAVE'S DRY CLEANING, SE, 57.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2533.77; ECHO GROUP, SU, 265.04; ED M. FELD EQUIPMENT, SE, 95.00; ELLIS HOME SERVICES, SU, 117.48; EMPLOYERS MUTUAL CASUALTY, SE, 2532.63; ENVIRONMENTAL ANALYSIS SOUTH, SE, 470.00; GALE/CENGAGE LEARNING, SU, 24.69; GERHOLD CONCRETE, SU, 2599.77; GILL HAULING, SE, 261.25; GROSSENBURG IMPLEMENT, SU, 126.96; HILAND DAIRY, SE, 238.45; HOMETOWN LEASING, SE, 436.02; ICMA, SE, 8180.46; INGRAM LIBRARY SERVICES, SU, 826.37; IOWA PUMP WORKS, FE, 49.30; ISLAND SPRINKLER SUPPLY, SU, 441.32; LAMP CONSTRUCTION, RE, 500.00; LAMP, MACKENZIE, SE, 600.00; LEAK INVESTIGATORS, SE, 6770.00; LEO A DALY, SE, 10125.00; LUEDERS, RYAN, RE, 500.00; MATHESON-LINWELD, SU, 34.25; MERCHANT SERVICES, SE, 57.22; MERCHANT SERVICES, SE, 1886.71; MERCHANT SERVICES, SE, 894.52; MIDWEST LABORATORIES, SE, 946.50; MILO MEYER CONSTRUCTION, SE, 150.00; NE POWER REVIEW BOARD, SE, 983.73; NPPD, SE, 36345.50; NORFOLK DAILY NEWS, SE, 267.60; NORFOLK FAMILY YMCA, SE, 100.00; OCLC, INC, SE, 518.75; PAC N SAVE, SU, 897.24; PAC N SAVE, SU, 49.16; PITNEY BOWES, SE, 253.85; PLUMBING & ELECTRIC SERVICE, SE, 11054.65; PLUNKETT'S PEST CONTROL, SE, 92.12; POLLARD PUMPING, SE, 250.00; QUALITY FOOD CENTER, SU, 68.39; QUALITY FOOD CENTER, SU, 81.04; SARGENT DRILLING, SE, 900.00; ST OF NE-CHARITABLE GAMING DIVISION, TX, 296.85; STAPLES, SU, 121.10; STATE NEBRASKA BANK-PETTY CASH, RE, 95.23; STEWART, RAE, RE, 720.00; THOMPSON, LUCAS, RE, 250.00; THRASHER, RE, 500.00; TOTAL GRAPHICS, SU, 439.00; TYLER TECHNOLOGIES, SE, 1910.00; VERIZON, SE, 513.84; WAYNE COMMUNITY HOUSING, SE, 20000.00; WAYNE COUNTY CLERK, SE, 16.00; WAYNE VETERINARY CLINIC, SE, 84.00; WESCO, SU, 770.40; WAPA, SE, 19178.16; WORLDPAY INTERGRATES PAYMENTS, SE, 181.26; ZACH HEATING & COOLING, SU, 879.50; ACES, SE, 928.29; AMAZON, SU, 546.90; AMERITAS, SE, 199.60; AMERITAS, SE, 3485.62; AMERITAS, SE, 72.00; AMERITAS, SE, 108.81; BEBEE, TIMOTHY J. & LESLIE A., RE, 3076.60; BIG RIVERS ELECTRIC CORPORATION, SE, 211582.92; BLADES GROUP, SU, 990.00; BORDER STATES INDUSTRIES, SU, 166.62; CERTIFIED TESTING SERVICES, SE, 2566.25; CITY OF WAYNE, PY, 92768.05; CITY OF WAYNE, RE, 339.61; COTTONWOOD WIND PROJECT, SE, 8242.83; CREATIVE SITES, SU, 61411.00; DEMCO, SU, 851.60; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 3253.14; FAITH REGIONAL PHYSICIAN SERV., SE, 169.00; GERHOLD CONCRETE, SU, 2491.20; HAWKINS, SU, 1119.50; HEWLETT PACKARD ENTERPRISE, SE, 4407.37; IOWA PUMP WORKS, SU, 16014.12; IRS, TX, 11533.31; IRS, TX, 3637.56; IRS, TX, 15553.56; ITRON, SE, 4282.71; JEO CONSULTING GROUP, SE, 23242.10; JOHNSON'S PLUMBING & HEATING, SU, 415.78; JORGENSEN, KEN, RE, 3409.55; MARCO TECHNOLOGIES., SE, 191.17; MUNICIPAL SUPPLY, SU, 599.88; NE DEPT OF REVENUE, TX, 4845.15; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 90.00; NNEDD, SE, 570.00; NORTHEAST NE INS AGENCY, SE, 64.00; NORTHEAST POWER, SE, 19171.64; ORIENTAL TRADING CO, SU, 48.95; PETERSON, CARTER, RE, 1398.46; RAGER, ALISSA, RE, 25.00; REEG, BETTY S. REVOCABLE TRUST, RE, 2796.91; S & S WILLERS, INC, SU, 309.37; SEBADE HOUSING, RE, 7943.27; STADIUM SPORTING GOODS, SE, 20.00; TOMPKINS, RODNEY R. IRREVOCABLE TRUST, RE, 2796.91; WAED, SE, 7000.00; WAYNE AUTO PARTS, SU, 750.61; WAYNE COMMUNITY SCHOOLS, RE, 3335.75; WAYNE HERALD, SE, 625.09; WAYNE HERALD, SE, 175.50

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

Councilmember Woehler arrived at the meeting at 5:33 p.m.

Jon Mooberry, representing JEO Consulting Group, Inc., presented Contractor's Application for Payment No. 5 in the amount of \$13,352.25 to Robert Woehler & Sons Construction, Inc., for the "2019 Nebraska Street Improvements Project – CDBG No. 16-CD-208." In addition, he updated the Council on the project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving Contractor's Application for Payment No. 5 for \$13,352.25 to Robert Woehler & Sons Construction, Inc., for the "2019 Nebraska Street Improvements Project - CDBG No. 16-CD-208." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, 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 regarding a Use by Exception Request under Wayne Municipal Code Section 152.080(E)(4) of the B-1 Highway Business District, Special Conditions and Conditions for Granting Exceptions. The applicant, Sunnyview Place, LLC, is seeking the request to allow for a drive-thru at Providence Community Pharmacy at 803 Providence Road.

Joel Hansen, Street and Planning Director, advised the Council that the Planning Commission reviewed this matter at their public hearing on July 6, 2020, and recommended approval thereof, subject to the following "Findings of Fact:"

1. Consistency with the current and future land use maps; and
2. Staff's recommendation.

He noted that there is sufficient vehicle stack or queue space provided on this site for the drive-thru pharmacy.

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

Jim Frank, CEO - Providence Medical Center and representing Providence Community Pharmacy, and Huck Jager, representing Vakoc Builder's Resource, were present to answer questions.

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

Councilmember Spieker introduced Resolution 2020-37, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2020-37

A RESOLUTION APPROVING THE APPLICATION OF SUNNYVIEW PLACE LLC FOR A ZONING USE BY EXCEPTION PERMIT FOR A DRIVE-THRU AT PROVIDENCE COMMUNITY PHARMACY AT 803 PROVIDENCE ROAD.

Mayor Giese stated the motion, and the result of roll call being all Yeas, 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 regarding a request to rezone an area from B-1 Highway Business to B-3 Neighborhood Commercial. The location is 527 E. 7th Street, more specifically described as Lots 1, 2, and 17, Block 1, East Addition to the City of Wayne. The applicant, Scooter's Coffee, wishes to construct a Scooter's drive-thru coffee kiosk at this location.

Joel Hansen, Street and Planning Director, advised the Council that the Planning Commission held a public hearing on July 6, 2020, regarding this rezoning request, and have recommended approval thereof, with the "Findings of Fact" being:

1. Consistency with the current and future land use maps; and
2. Staff's recommendation.

Mr. Hansen noted that the use of the property has already existed. The reason they are before you is that the building that is currently there was considered at the time a temporary building, so it did not meet the B-1 setbacks. It does, however, meet the B-3 setbacks, which is why they want to erect a permanent structure in the current location. If they rezone the property from B-1 to B-3, the structure can stay in the same location as it is now. It was noted that everything to the west of this property on 7th Street is B-3 so it would not be considered spot zoning.

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

Nathan Lindley, representing Scooter's, was present to answer questions.

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

Councilmember Spieker introduced Ordinance No. 2020-15 and moved for its approval; Councilmember Brodersen seconded.

ORDINANCE NO. 2020-15

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF PROPERTY OR AREA KNOWN AS LOTS 1, 2, AND 17, BLOCK 1, EAST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM B-1 HIGHWAY BUSINESS DISTRICT TO B-3 NEIGHBORHOOD COMMERCIAL DISTRICT (SCOOTER'S COFFEE).

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading would take place at the next meeting.

Councilmember Brodersen brought this item back as a result of the request of Mr. Lindley, and made a motion, which was seconded by Councilmember Spieker, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to move for final approval of Ordinance No. 2020-15. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution would approve an Interlocal Cooperation Agreement and Special Operation and Maintenance Agreement between the City of Wayne and the Lower Elkhorn Natural Resource District for the "Wayne Pedestrian Trail – Phase II Project."

This pertains to a grant the City received from the Lower Elkhorn Natural Resource District back in 2005. The Lower Elkhorn NRD will reimburse the City 50% of eligible costs up to a limit of \$26,000 on approved projects. Because the trail construction is now underway, this action will just update the said agreements that were previously approved.

Councilmember Sievers introduced Resolution No. 2020-38 and moved for its approval; Councilmember Karsky seconded the motion.

RESOLUTION NO. 2020-38

A RESOLUTION APPROVING INTERLOCAL COOPERATION AGREEMENT AND SPECIAL OPERATION AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF WAYNE AND THE LOWER ELKHORN NATURAL RESOURCE DISTRICT FOR THE “WAYNE PEDESTRIAN TRAIL – PHASE II PROJECT.”

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Roger Protzman, representing JEO Consulting Group, Inc., presented Contractor’s Application for Payment No. 3 in the amount of \$340,307.53 to Rutjens Construction, Inc., for the “2019 Water Transmission Main Project.” In addition, he updated the Council on the project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving Contractor’s Application for Payment No. 3 for \$340,307.53 to Rutjens Construction, Inc., for the “2019 Water Transmission Main Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A brief tour was taken of the Community Activity Center and the Aquatic Center.

The budget work session took place. City Sales Tax Capital Projects were discussed.

Other discussion items discussed were:

Keno Funds (approx. \$58,000)

Use Keno Funds for the renovation of the old pool building/shelter house (seek proposals for an engineer to undertake a feasibility study and design)

Public Art – Increase to \$20,000

Park Equipment – \$75,000 (adult/sport style park equipment at the old pool park)

Put actual windows back in Auditorium - staff will get an estimate on the same

Replace/install lights for the mural at Majestic Theater

Levy – keep the same and put the extra in reserves

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 8:11 p.m. Mayor Giese noted the next Council meeting will be held in the north meeting room of the City Auditorium.