

**MINUTES
CITY COUNCIL MEETING
January 19, 2021**

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on January 19, 2021, 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, Nick Muir, Yasuko Taoka, Jason Karsky, and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Chris Woehler and Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 7, 2021, 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 Buck, to approve the minutes of the meeting of January 5, 2021, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Woehler and Eischeid who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACE HARDWARE & HOME, SU, 438.68; AMAZON.COM, SU, 1448.97; APPEARA, SE, 184.13; ARBOR DAY FOUNDATION, FE, 100.00; ARNIE'S FORD, SE, 254.30; BAKER & TAYLOR BOOKS, SU, 604.62; BLUE CROSS BLUE SHIELD, SE, 50005.40; BORDER STATES INDUSTRIES, SU, 293.18; BROWN SUPPLY, SU, 1035.87; CITY EMPLOYEE, RE, 16.80; CITY EMPLOYEE, RE, 671.70; CITY EMPLOYEE, RE, 21.83; CITY OF WAYNE, RE, 955.45;

CONSOLIDATED MANAGEMENT, SE, 63.51; COPY WRITE PUBLISHING, SU, 612.06; CORE & MAIN LP, SU, 1267.69; COTTONWOOD WIND PROJECT, SE, 16394.32; DANKO EMERGENCY EQUIPMENT, SU, 24.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2597.75; DUTTON-LAINSON COMPANY, SU, 13982.99; ECHO GROUP INC JESCO, SU, 36.23; EMPLOYERS MUTUAL CASUALTY, RE, 2001.74; FAIR MANUFACTURING, SE, 1763.04; FAITH REGIONAL PHYSICIAN SERV, SE, 199.00; FIRST CONCORD GROUP, SE, 168.00; FIRST CONCORD GROUP, SE, -168.00; FLOOR MAINTENANCE, SU, 204.86; FREDRICKSON OIL, SU, 1465.20; GILL HAULING, SE, 261.25; HILAND DAIRY, SE, 211.08; HOMETOWN LEASING, SE, 436.02; ICMA, SE, 8437.91; INGRAM LIBRARY SERVICES, SU, 703.95; JACK'S UNIFORMS, SU, 215.80; JOHN'S WELDING AND TOOL, SU, 393.14; JOHNSON'S PLUMBING & HEATING, SU, 530.81; KLEIN ELECTRIC, SE, 4134.00; LINCOLN WINWATER WORKS CO, SU, 484.99; LINDLEY, NATE, RE, 900.00; LOGIC LAWNS, SE, 195.00; LUTT OIL, SU, 5225.21; MALLOY ELECTRIC, SU, 65.85; MATHESON-LINWELD, SU, 35.06; MIDWEST LABORATORIES, SE, 321.00; MUNICIPAL SUPPLY, SU, 2336.68; NE DEPT OF REVENUE, TX, 171.35; NE DEPT OF REVENUE-GAMING DIVISION, TX, 907.00; NE HARVESTORE, SU, 168.02; NPPD, SE, 28303.58; NEBRASKA RECYCLING COUNCIL, FE, 200.00; NORFOLK DAILY NEWS, SE, 40.00; NOVA FITNESS EQUIPMENT, SU, 4228.60; OCC BUILDERS LLC, SU, 20240.00; ONE CALL CONCEPTS, SE, 32.67; O'REILLY AUTOMOTIVE STORES, SU, 30.97; QUADIENT FINANCE USA, SU, 1000.00; QUALITY 1 GRAPHIC, SU, 25.00; QUALITY FOOD CENTER, SU, 18.73; QUALITY FOOD CENTER, SU, 56.79; ROCKMOUNT RESEARCH AND ALLOYS, SU, 261.27; SALT CREEK SOFTWARE, SE, 2140.00; SKARSHAUG TESTING LAB, SE, 222.91; STAPLES, SU, 34.86; STATE NEBRASKA BANK & TRUST, SE, 66.40; TYLER TECHNOLOGIES, SE, 2171.25; US BANK, SU, 4896.63; US FOODSERVICE, SE, 1411.61; VERIZON, SE, 416.68; VILLAGE OF CONCORD, SU, 260.00; WATCHGUARD VIDEO, SE, 4750.00; WAYNE AUTO PARTS, SU, 1280.01; WAYNE COUNTY CLERK, SE, 50.00; WAYNE HERALD, SE, 210.00; WAYNE HERALD, SE, 748.72; WAYNE VETERINARY CLINIC, SE, 154.00; WESCO, SU, 581.33; WAPA, SE, 21559.44; Y & Y LAWN SERVICE, SE, 380.00; AMERITAS, SE, 208.22; AMERITAS, SE, 2594.30; AMERITAS, SE, 72.00; AMERITAS, SE, 47.89; APPEARA, SE, 114.03; BIG RIVERS ELECTRIC CORPORATION, SE, 129122.89; BORDER STATES INDUSTRIES, SU, 132.14; CITY EMPLOYEE, RE, 85.62; CITY EMPLOYEE, RE, 5.07; CITY OF WAYNE, PY, 85679.64; CONSOLIDATED MANAGEMENT, SE, 106.10; DAS STATE ACCTG-CENTRAL FINANCE, SE, 61.04; DAVE'S DRY CLEANING, SE, 45.00; FIRST CONCORD GROUP, SE, 168.00; FLOOR MAINTENANCE, SU, 295.58; GRAINLAND ESTATES, RE, 2436.05; HAWKINS, SU, 1588.19; HILAND DAIRY, SE, 151.95; HOEPPNER, CHAD, RE, 500.00; HYDRO OPTIMIZATION, SE, 400.00; IRS, TX, 11438.65; IRS, TX, 14577.12; IRS, TX, 3409.08; KELLY SUPPLY COMPANY, SU, 322.45; NE DEPT OF REVENUE, TX, 4822.41; PEERLESS WIPING CLOTH, SU, 427.00; STAPLES, SU, 39.04; STATE NEBRASKA BANK-PETTY CASH, RE, 91.26; STEFFEN TRUCK EQUIPMENT, SU, 1045.51; WAYNE COMMUNITY SCHOOLS, RE, 4809.00

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

Brian Kesting, Information Technology Specialist, gave a report on what is taking place in his department.

Councilmember Eischeid arrived at 5:45 p.m.

Mayor Giese declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to a request to rezone property from A-1 (Agriculture) to A-2 (Agriculture Residential). The applicant, Layne Mann, is seeking the request to separately parcel the house and outbuildings on a 2.5 acre lot. The requested area to be rezoned is more accurately described as: A tract of land located in the North 1/2 of the Northeast 1/4 of Section 1, T26N, R3E of the 6th P.M., Wayne County, Nebraska.

Joel Hansen, Street and Planning Director, advised the Council that the Planning Commission held a public hearing on January 11, 2021, regarding this rezoning request, and their recommendation, which was different than what was requested, was to rezone the area north and east of the centerline of Dog Creek A-2 Agriculture Residential and to zone the area south and west of the centerline of Dog Creek A-1 Agriculture, with the "Findings of Fact" being:

- Consistency with the Comprehensive Plan and the future land use map; and
- Staff's recommendation.

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

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

Councilmember Buck introduced Ordinance No. 2021-4 and moved for its approval; Councilmember Brodersen seconded.

Mr. Hansen recommended that the motion clarify the recommendation of the Planning Commission, if that is what the Council wished to do.

Councilmember Buck then reintroduced Ordinance No. 2021-4 and moved for its approval, with the amendment that it include the Planning Commission's recommendation which was "***to rezone the area north and east of the centerline of Dog Creek A-2 Agriculture Residential and to zone the area south and west of the centerline of Dog Creek A-1 Agriculture;***" Councilmember Brodersen seconded the motion.

ORDINANCE NO. 2021-4

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 26 NORTH, RANGE 3 EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, FROM A-1 AGRICULTURE DISTRICT TO A-2 AGRICULTURE RESIDENTIAL DISTRICT.

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 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, with the exception of Councilmember Woehler who was absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to move for final approval of Ordinance No. 2021-4. 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 then declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the "Final Plat for the Beckman Farm Subdivision." The applicant for the request is Mann Acres, LLC. The area of the subdivision is more particularly described as: A tract of land located in the North 1/2 of the Northeast 1/4 of Section 1, T26N, R3E of the 6th P.M., Wayne County, Nebraska.

Joel Hansen, Street and Planning Director, stated the Planning Commission held a public hearing on this matter on January 11, 2021, and approved the same, with the "Findings of Fact" being:

- Consistency with the Comprehensive Plan and future land use map; and
- Staff's recommendation.

This is the same area that was rezoned in the previous agenda item. This will create the 2.5 acre lot the property owners wish to sell. The plat will include the entire property so the owners have the ability to sell off a few more lots if they wish in the future via an administrative subdivision.

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

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

Councilmember Eischeid introduced Resolution 2021-4, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2021-4

A RESOLUTION APPROVING THE FINAL PLAT FOR THE “BECKMAN FARM SUBDIVISION,” WAYNE COUNTY, NEBRASKA.

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 regarding the Preliminary Plat for “Greenwood Addition.” The applicant for the request is the City of Wayne. The area is located in the East Half of the Southeast Quarter of the Southwest Quarter of Section 12, T26N, R3E of the 6th P.M., Wayne County, Nebraska.

Joel Hansen, Street and Planning Director, stated the Planning Commission held a public hearing on this matter on January 11, 2021, and approved the same, with the “Findings of Fact” being:

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

This plat, when finalized, will allow the City to take ownership of the west driveway in the cemetery which provides access to the west water tower. The preliminary plat shows the layout of the existing driveway and how it lays within the platted outlot. By taking ownership of the outlot as shown, the City would have the ability to improve the concrete driveway this summer.

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

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

Councilmember Spieker introduced Resolution 2021-5, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2021-5

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR “GREENWOOD ADDITION,” CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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, in regard to the following ordinance, asked staff to notify those affected by this ordinance of the restrictions being placed on their streets.

Councilmember Spieker introduced Ordinance No. 2021-3, and moved for approval of the second reading thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2021-3

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 78 PARKING, SECTION 78-126 PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

The following Resolution would approve an agreement with McLaury Engineering, Inc., for the design services for the 4th Street, Thorman Street and Cityside Drive Projects. The total fee for said services is \$66,900.

Kim McLaury, representing McLaury Engineering, Inc., was present to answer questions.

The scope of services provides design of the following:

- 4th Street – Storm Sewer, Street and Water Main
- Thorman Street – Storm Sewer and Street
- Cityside Drive (Now Joel Street and Erin Street) – Storm Sewer, Street, Sanitary Sewer and Water Main

This is in an effort to have shovel-ready projects in case the new Biden administration comes out with stimulus funds.

The start date is set for April 15, 2021, with the completion date being August 1, 2021.

Councilmember Eischeid introduced Resolution 2021-6, and moved for its approval;
Councilmember Buck seconded.

RESOLUTION NO. 2021-6

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING AGREEMENT BETWEEN THE CITY OF WAYNE AND MCLAURY ENGINEERING, INC., FOR ENGINEERING SERVICES RELATING TO THE “4TH STREET (STORM SEWER, STREET & WATER MAIN), THORMAN STREET (STORM SEWER & STREET) AND CITYSIDE DRIVE (STORM SEWER, STREET, SANITARY SEWER & WATER MAIN) PROJECTS.”

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 the appointment of Amy K. Miller as City Attorney and also approve the Retainer Agreement for her services.

Councilmember Spieker introduced Resolution 2021-7, and moved for its approval;
Councilmember Buck seconded.

RESOLUTION NO. 2021-7

A RESOLUTION APPROVING THE APPOINTMENT OF AMY K. MILLER AS CITY ATTORNEY AND RETAINER 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.

Council reviewed and discussed Chapters 7-13 of the City of Wayne Employee Personnel Manual.

Discussion took place concerning possible shovel-ready projects – one being 21st and Centennial Road. Joel Hansen, Street and Planning Director, and City Administrator Blecke updated the Council on their discussion with the County Commissioners. They were agreeable to having the City/County Attorney prepare an Interlocal Agreement for sharing 25% of the design cost to be acted upon at the next meeting. After discussion, direction was given to City Staff to negotiate with the County Commissioners on behalf of the City and to obtain estimates from engineers for design services.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:38 p.m.