

MINUTES
CITY COUNCIL MEETING
April 20, 2021

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on April 20, 2021, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order with the following in attendance: Councilmembers Dwaine Spieker, Nick Muir, Yasuko Taoka, Chris Woehler, Jason Karsky, Matt Eischeid, and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Terri Buck.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 8, 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 Woehler, to approve the minutes of the meeting of April 4, 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 Councilmember Buck 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: ACE HARDWARE & HOME, SU, 377.38; ALL-AMERICAN PUBLISHING, SE, 339.00; AMERITAS, SE, 2552.24; AMERITAS, SE, 174.53; AMERITAS, SE, 72.00; AMERITAS, SE, 91.43; APPEARA, SU, 303.10; BATTERY SOLUTIONS, SU, 219.90; BIG RIVERS ELECTRIC CORPORATION, SE, 103941.94L BLADES GROUP, SU, 1320.00; BSN SPORTS, SU, 100.00; BURROWS, ROBERT, RE, 500.00; CITIZENS STATE BANK, RE, 3554.31; CITY EMPLOYEE, SE,

75.00; CITY EMPLOYEE, RE, 545.97; CITY EMPLOYEE, RE, 102.55; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 112.38; CITY OF WAYNE, PY, 84017.98; CONSOLIDATED MANAGEMENT, SE, 43.70; COTTONWOOD WIND PROJECT, SE, 17504.85; DANKO EMERGENCY EQUIPMENT, SU, 5315.00; DANLADI, PHIMWANALA, SE, 210.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 61.04; DEARBORN LIFE INSURANCE COMPANY, SE, 2593.47; DUTTON-LAINSON COMPANY, SU, 277.98; EISCHEID, MATT, SE, 25.00; ELLIS HOME SERVICES, SE, 33.46; FAITH REGIONAL PHYSICIAN SERV, SE, 129.50; FLOOR MAINTENANCE, SU, 464.70; GREENFIELD, BRETT, SE, 25.00; HEGGEMEYER, CANDACE, SE, 19.50; HILAND DAIRY, SE, 230.05; FIREMAN REIMBURSEMENT, FE, 51.25; HUNDERTMARK CLEANING SYSTEMS, SU, 8.25; ICMA, SE, 8324.79; ICMA, SE, 154.72; ICMA, SE, 121.15; ICMA, SE, 366.40; ICMA, SE, 145.28; ICMA, SE, 147.00; ICMA, SE, 1446.86; ICMA, SE, 112.52; ICMA, SE, 273.88; ICMA, SE, 61.88; IRS, TX, 10793.93; IRS, TX, 14293.40; IRS, TX, 168.32; IRS, TX, 39.36; IRS, TX, 117.15; IRS, TX, 3342.74; JOHN'S WELDING AND TOOL, SU, 5.64; FIREMAN REIMBURSEMENT, RE, 343.34; L.G. EVERIST, SU, 2241.37; LUTT OIL, SU, 5040.61; MATHESON-LINWELD, SU, 35.06; MCCORKINDALE, MARK, RE, 150.00; MERCHANT SERVICES, SE, 3428.16; MERCHANT SERVICES, SE, 1344.36; MERCHANT SERVICES, SE, 53.65; MIKEY C PRODUCTIONS, SE, 945.00; NE DEPT OF REVENUE, TX, 4596.48; NE DEPT OF REVENUE, TX, 50.61; NE DEPT OF REVENUE-CHARITABLE GAMING, TX, 1429.00; NE NEBRASKA VOLUNTEER FIREFIGHTERS ASSN, FE, 50.00; O'REILLY AUTOMOTIVE STORES, SU, 80.25; PEPSI COLA OF SIOUXLAND, SU, 462.60; PER MAR SECURITY SERVICES, SE, 868.50; PING, RASCHELL, SE, 9.95; POLLARD PUMPING, SE, 505.00; QUALITY FOOD CENTER, SU, 13.52; RAABE, WALKER, SE, 75.00; RUTJENS CONSTRUCTION, SE, 15733.00; SANCHEZ, CINDY, SE, 71.12; SEBADE HOUSING, RE, 7615.04; SEBADE HOUSING, RE, 4233.74; SHERWIN WILLIAMS, SU, 393.94; STADIUM SPORTING GOODS, SU, 1561.00; STAPLES, SU, 156.97; STATE NEBRASKA BANK & TRUST, RE, 50825.00; STATE NEBRASKA BANK & TRUST, RE, 4813.75; T & S TRUCKING, SE, 677.92; THACKER, JESSICA, RE, 30.00; TYLER TECHNOLOGIES, SE, 2456.25; US FOODSERVICE, SU, 2026.33; VERIZON, SE, 1465.77; WESCO, SU, 54.00; WESTRUM LEAK DETECTION, SE, 3300.00; WHEELER WORLD, SU, 948.83; WISNER WEST, SU, 42.64; ZEE MEDICAL SERVICE, SU, 61.72; AIR-FLO, SU, -908.60; ALL HOURS TOWING, SE, 275.00; AMAZON, SU, 547.84; BAKER & TAYLOR BOOKS, SU, 920.72; BARTLETT, TERESA L, RE, 236.79; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1286.28; BROWN SUPPLY, SU, 54.00; CITY EMPLOYEE, RE, 112.29; CITY EMPLOYEE, RE, 1395.26; CITY EMPLOYEE, RE, 644.44; CITY EMPLOYEE, RE, 264.26; CITY OF WAYNE, RE, 240.08; CONSOLIDATED MANAGEMENT, SE, 26.22; ED M. FELD EQUIPMENT, SU, 245.00; ELKHORN BLASTING, SE, 612.00; FLOOR MAINTENANCE, SU, 163.94; FREVERT, TYLER, RE, 500.00; GALE/CENGAGE LEARNING, SU, 73.42; GERHOLD CONCRETE, SU, 237.96; GROSSENBURG IMPLEMENT, SU, 7650.00; HUBER TECHNOLOGY, SE, 3608.44; HYDRO OPTIMIZATION, SU, 2439.60; INGRAM LIBRARY SERVICES, SU, 764.12; IOWA PUMP WORKS, SE, 5986.61; JEO CONSULTING GROUP, SE, 30342.20; KELLY SUPPLY COMPANY, SU, 317.98; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 200.61; MERCHANT JOB TRAINING, SU, 550.00; MUNICIPAL SUPPLY, SU, 1592.44; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 479.00; NNEDD, SE, 882.77; NORTHEAST POWER, SE, 13882.96; ORIENTAL TRADING, SU, 10.99; OVERDRIVE, SU, 1028.42; STAPLES, SU, 69.87; TOTAL GRAPHICS, SU, 1662.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE COUNTY COURT, RE, 300.00; WESCO, SU, 235.40; WIGMAN COMPANY, SU, 410.85

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

Mayor Giese proclaimed Friday, April 30, 2021, as “Arbor Day.”

Phill Monahan, Fire Chief, introduced Justin Gapp and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving the membership application of Justin Gapp 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 Buck who was absent, the Mayor declared the motion carried.

Cap Peterson, President of Northeast Nebraska Insurance Agency, the city’s property and casualty insurance carrier, presented the City with a dividend check in the amount of \$67,591.39. This is the 5th largest dividend that has been received by the City of Wayne, and it is the 20th dividend paid by the Company out of the past 27 years.

Andy Forney, Vice President Public Finance Banker with DA Davidson & Co., the City’s bonding agent, presented and reviewed the Ordinance authorizing the issuance of \$1,800,000 Swimming Pool Sales Tax Revenue Refunding Bonds. This Ordinance allows the City to refinance its current Swimming Pool Sales Tax Revenue Bonds, Series 2015, to obtain a lower interest rate. The interest savings is estimated to be about \$300,000. The current interest rate on the swimming pool bonds is 3.35%. Mr. Forney believes, in today’s market, he can get the interest rate down to somewhere in the neighborhood of 0.75%.

Councilmember Brodersen introduced Ordinance No. 2021-7, and moved for approval thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2021-7

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,800,000 PRINCIPAL AMOUNT OF SWIMMING POOL SALES TAX REVENUE REFUNDING BONDS, SERIES 2021, OF THE CITY FOR THE PURPOSE OF REFUNDING BONDS ORIGINALLY ISSUED TO CONSTRUCT AND EQUIP AN OUTDOOR SWIMMING POOL AND RELATED IMPROVEMENTS; PRESCRIBING THE FORM AND CERTAIN DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING THE REDEMPTION OF THE BONDS TO BE REFUNDED; AUTHORIZING OFFICERS OF THE CITY TO SET AND DETERMINE CERTAIN DETAILS OF THE BONDS; PROVIDING FOR THE PUBLICATION OF THIS

ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

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

Councilmember Brodersen 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 Buck who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to move for final approval of Ordinance No. 2021-7. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Luke Virgil, representing Wayne Area Economic Development, Inc., was requesting Council consideration to allowing them to close 6th Street between Dearborn Street and Wayside Lane for an “Outdoor Pop-Up Party and Movie Night” in the Ace Hardware and Dearborn Mall parking lots on Thursday, June 3rd from 3:00 p.m. until 11:00 p.m.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving the request of Wayne Area Economic Development to close 6th Street between Dearborn Street and Wayside Lane for an “Outdoor Pop-Up Party and Movie Night” in the Ace Hardware and Dearborn Mall parking lots on Thursday, June 3rd from 3:00 p.m. until 11:00 p.m. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Luke Virgil, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- a. Friday, July 9th, from 2:30 p.m. until 2:00 a.m. for the annual Henoween Celebration: Main Street from 1st Street to 4th Street; 2nd Street from the east alley to the west alley and 3rd Street from Pearl Street to the alley east of Main Street; and that closed areas on 2nd and 3rd Streets be dedicated to handicap and vendor parking.

- b. Saturday, July 10th from 6:00 a.m. until 5:00 p.m. for the Annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln and Douglas Streets from 10th Street to 8th Street; and intersections at 10th and Douglas, 10th and Lincoln, and 9th and Lincoln Streets are also requested to be closed.
- c. Saturday, July 10th from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st Street to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade. West 1st Street from Lincoln to Sherman Street and Grainland Road will be closed for the parade line up and monitoring entries via golf cart or ATV.
- d. Sunday, July 11th, for the Crowing Motors Car Show from 7:00 a.m. until 5:00 p.m.: 2nd Street from Main Street to Pearl Street and Pearl Street from 2nd - 3rd Street, including the intersection of 2nd and Pearl Street be closed.

Mr. Virgil noted that for the street closings on Sunday, they have conferred with Jan Casey, the owner of the apartment complex on the corner of 2nd and Pearl Streets, and she is okay with them closing the streets. They will follow-up with her a week prior thereto so she can notify her residents.

Councilmember Spieker made a motion, which was seconded by Councilmember Eischeid, approving the request of the Chicken Show Committee to close the following streets during the Chicken Show activities:

- a. Friday, July 9th, from 2:30 p.m. until 2:00 a.m. for the annual Henoween Celebration: Main Street from 1st Street to 4th Street; 2nd Street from the east alley to the west alley and 3rd Street from Pearl Street to the alley east of Main Street; and that closed areas on 2nd and 3rd Streets be dedicated to handicap and vendor parking.
- b. Saturday, July 10th from 6:00 a.m. until 5:00 p.m. for the Annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln and Douglas Streets from 10th Street to 8th Street; and intersections at 10th and Douglas, 10th and Lincoln, and 9th and Lincoln Streets are also requested to be closed.
- c. Saturday, July 10th from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st Street to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade. West 1st Street from Lincoln to Sherman Street and Grainland Road will be closed for the parade line up and monitoring entries via golf cart or ATV.
- d. Sunday, July 11th, for the Crowing Motors Car Show from 7:00 a.m. until 5:00 p.m.: 2nd Street from Main Street to Pearl Street and Pearl Street from 2nd - 3rd Street, including the intersection of 2nd and Pearl Street be closed.

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

Councilmember Karsky introduced Resolution No. 2021-24 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2021-24

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

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck 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 April 14, 2021, to review the revolving loan fund application of DSF Wayne Short Stop, LLC (Dan & Shelly Fehringer), to the Wayne Economic Development Program. The Fehringers intend to utilize the funds to conduct improvements at the Short Stop convenience store, which would include replacing the roof, increasing the building's R-value, and updating the fuel pump credit card reader system. Following the meeting, the Committee voted unanimously to recommend the following terms for a loan to DSF Wayne Short Stop, LLC:

- Approval of the loan request of \$85,000;
- A loan repayment period of 10 years; and
- An interest rate to be set at one-half the rate set by the primary lender.

Their primary lender is an SBA loan through a bank, and the interest rate was set at 2.75%, plus prime. Because the prime rate is variable, the committee is recommending 3%.

Dan and Shelley Fehringer were present to answer questions.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to approve the recommendation of the LB840 Revolving Loan Fund Review Committee for an \$85,000 revolving loan to DSF Wayne Short Stop, LLC, with the following conditions: a loan repayment period of 10 years, and an interest rate of 3%. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, reviewed the amendments he was requesting Council consideration on regarding Ordinance 2021-8. He noted that the City's current building codes are on the 2012 Edition. In 2019, the Unicameral adopted the 2018 Edition. The City has two years to adopt the 2018 Edition with our own revisions, additions, and deletions, or we are automatically switched over to what the State adopted. The City has just recently had its ISO Evaluation for the Building Department, and we are losing points due to being more than 2 Code Editions out of date (ICC puts out new Editions every 3 years). By adopting the 2018 Edition, we will gain back the points we have lost.

The City of Wayne also has an Interlocal Agreement with the City of Norfolk stating we will stay on the same versions/editions they are on.

Mr. Hansen also reviewed two items that could be somewhat controversial: 1) eliminating the temporary occupancy permit, and 2) the installation of interconnectivity smoke detectors.

He requested Council to email him if they would like to see changes or have any questions regarding these amendments.

After discussion, Councilmember Brodersen introduced Ordinance No. 2021-8, and moved for its approval; Councilmember Spieker seconded.

ORDINANCE NO. 2021-8

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.15 BUILDING CODE; BUILDING PERMITS; SECTION 150.16 ELECTRICAL CODE; SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; SECTION 150.18 PLUMBING CODE; PLUMBERS; SECTION 150.19 MECHANICAL CODE; SECTION 150.31 PROPERTY MAINTENANCE CODE; SECTION 150.32 ENERGY CONSERVATION CODE; AND SECTION 150.33 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; 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 Buck who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, to table action on setting a date, time and place for a town hall meeting on annexation until a later date. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, Mayor Giese declared the motion carried.

Mytzy Rodriguez-Kufner, Executive Director of Wayne Community Housing Development Corporation (WCHDC), gave a presentation on the purpose of the WCHDC, a brief history of the organization, projects completed over the years, grants received through the years, the future and sustainability of WCHDC, and goals and objectives through 2024.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:23 p.m.