

**MINUTES
CITY COUNCIL MEETING
June 1, 2021**

The Wayne City Council met in regular session at City Hall on June 1, 2021, at 5:30 o'clock P.M.

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

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 20, 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 Council Chambers, 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.

Mayor Giese reminded Council about the town hall meeting to be held on Tuesday, June 8th, at 7:00 p.m. at the Community Activity Center regarding the 2021 Community Attitude Survey and renovation of the old bathhouse.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to approve the minutes of the meeting of May 18, 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 Spieker and Karsky 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: ACES, SE, 956.14; AMERITAS, SE, 174.53; AMERITAS, SE, 103.40; AMERITAS, SE, 2562.06; AMERITAS, SE, 72.00; APPEARA, SE, 44.40; ARKFELD LOCK & SECURITY, SE, 177.25; BATTERY SOLUTIONS, SU, 329.85; BIG RIVERS ELECTRIC CORPORATION, SE,

117565.44; BLUE CROSS BLUE SHIELD, SE, 48131.31; BOK FINANCIAL, RE, 228027.50; BOK FINANCIAL, RE, 220811.25; BOMGAARS, SU, 1688.62; BROWN SUPPLY, SU, 270.00; CITY EMPLOYEE, RE, 500.00; CITY EMPLOYEE, RE, 130.55; CITY EMPLOYEE, RE, 305.60; CITY EMPLOYEE, RE, 26.86; CITY OF WAYNE, PY, 92279.03; COLONIAL RESEARCH, SU, 322.25; CORE & MAIN, SU, 4521.24; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE, SE, 103.20; DGR & ASSOCIATES, SE, 1177.00; DSF WAYNE SHORT STOP, RE, 85000.00; DUGAN BUSINESS FORMS, SU, 625.00; DUTTON-LAINSON, SE, 3210.00; ECHO GROUP, SU, 87.94; ESRI, SE, 2150.00; FIRST CONCORD GROUP, SE, 3467.88; FLOOR MAINTENANCE, SU, 187.12; GERHOLD CONCRETE, SU, 2302.26; GROSSENBURG IMPLEMENT, SU, 42.32; HAWKINS, SU, 2649.18; HILAND DAIRY, SE, 149.13; HOMETOWN LEASING, SE, 436.02; HORIZON CONSTRUCTION, RE, 500.00; HYDRO TECH, SU, 100.00; ICMA, SE, 275.65; ICMA, SE, 1446.86; ICMA, SE, 147.00; ICMA, SE, 124.70; ICMA, SE, 366.40; ICMA, SE, 61.88; ICMA, SE, 8360.08; ICMA, SE, 112.52; ICMA, SE, 145.28; ICMA, SE, 154.72; INTERSTATE BATTERY SYSTEM, SU, 126.95; IRS, TX, 3624.40; IRS, TX, 10646.15; IRS, TX, 15497.82; ISLAND SPRINKLER SUPPLY, SU, 145.12; JEO CONSULTING GROUP, SE, 1172.06; KELLY SUPPLY COMPANY, SU, 133.29; LAWYER, MICHELLE, RE, 70.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 420.00; LOBERG, JACKIE, RE, 75.00; MURRAY CONSTRUCTION, RE, 500.00; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 88010.38; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 199932.24; NE DEPT OF REVENUE, TX, 4541.10; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 221.00; NERC, FE, 1819.50; NMPP ENERGY, SE, 400.00; NORTHEAST POWER, SE, 13882.96; OLSSON ASSOCIATES, SE, 6407.50; O'REILLY AUTOMOTIVE STORES, SU, 20.22; R & L CARRIERS, SU, 1634.63; REZURRECTED ROD & KUSTOM, SE, 2744.09; STADIUM SPORTING GOODS, SE, 80.00; STAN HOUSTON EQUIPMENT, SE, 175.00; STAPLES, SU, 26.17; STATE NEBRASKA BANK & TRUST, RE, 87048.75; THE HOME DEPOT PRO, SU, 43.68; THRASHER, RE, 500.00; TOTAL GRAPHICS, SU, -157.20; WISNER WEST, SU, 102.63; ADAMSON, TOM, SU, 8.00; APPEARA, SE, 52.40; BLACK HILLS ENERGY, SE, 511.59; CITY EMPLOYEE, RE, 831.43; CITY EMPLOYEE, RE, 500.00; CITY EMPLOYEE, RE, 126.93; CITY EMPLOYEE, RE, -831.43; CITY EMPLOYEE, RE, 704.50; CITY OF WAYNE, RE, 5,937.85; DANIELSON, SARALOU, RE, 46.00; GERHOLD CONCRETE, SU, 1339.81; HILAND DAIRY, SE, 157.83; HORIZON CONSTRUCTION, RE, 500.00; JANWAY COMPANY, SU, 208.42; JOHNSON'S PLUMBING & HEATING, SU, 572.80; LIFE LINE SCREENING, RE, 200.00; MAGNUSON HOPKINS EYE CARE, SU, 111.20; MARCO, SE, 175.92; MILLER LAW, SE, 5416.67; MUNICIPAL SUPPLY, SU, 102.33; NORTHEAST POWER, SE, 6502.00; PING TREE SERVICE, SE, 603.00; TYLER TECHNOLOGIES, SE, 200.00; WAED, SE, 8592.41

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

Mike Powicki, representing the Wayne Kiwanis Club, was present requesting Council consideration on their request to close 2nd Street from Main Street east to the west side of the alley on Saturday, July 10, 2021, from 6:00 a.m. until the start of the Chicken Show parade, for the “Kiwanis Club Omelet Feed.” They have provided the necessary proof of insurance for the event.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the request of the Wayne Kiwanis Club to close 2nd Street from Main Street east to the west side of the alley on Saturday, July 10th, from 6:00 a.m. until the start of the Chicken Show parade. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker and Karsky who were absent, the Mayor declared the motion carried.

Ordinance No. 2021-8 came on for the third and final reading with the proposed amendments included therein, as recommended from the previous meeting. The same was tabled at the last meeting.

Joel Hansen, Street and Planning Director, reviewed the changes made to “Temporary Occupancy:”

“Section 110.4 Temporary Occupancy. Add the following text to the end of this section, “The owner of the building shall provide an additional cash deposit in the amount of \$1,000 that will be returned upon issuance of a final certificate of occupancy. If at any time the building permit is revoked or becomes invalid the deposit will be forfeited to the City.”

In order to obtain a temporary occupancy the following items shall be completed:

1. House numbers on the front of the building.
2. Exterior siding (not just moisture barrier) placed on the building.
3. Driveway surfaced as required by the zoning code.
4. All smoke/carbon monoxide detectors installed per code.
5. Handrails on all stairs as required by code.
6. Hot water available as required by code.
7. One working sink.
8. One working toilet.
9. One working tub or shower.
10. Front stoop/stairs completed.
11. Any deck over 30” above the adjacent grade must have guardrails installed as required by code or access to the deck denied by removing operational hardware from any exterior door entering the deck, or by other means that prevent the door from being unlocked and opened. Also any access from the ground level may not be put in place without guardrails on the deck for temporary occupancy to be allowed.”

After some discussion, the consensus of Council was to add another item to the list as recommended by staff above: “Final approval by the State Electrical Inspector.”

In addition, the following language was added to Section 105.5 Expiration: “The two years shall include any temporary occupancy of the building.”

Mr. Hansen also noted that another change was needed in Section 3410.2 Applicability — the date needed to be changed from June 1, 2021 to July 1, 2021.

After discussion, Councilmember Eischeid introduced Ordinance No. 2021-8, and moved for approval of the third and final reading thereof as amended and with the following changes:

Add “Final approval by State Electrical Inspector” to the Temporary Occupancy list, and change the date from June 1, 2021, to July 1, 2021, in Section 3410.2 Applicability; Councilmember Woehler 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 Councilmembers Spieker and Karsky who were absent, the Mayor declared the motion carried.

Mayor Giese stated that BJ Woehler visited with him regarding Ord. No. 2021-9 amending the zoning of Lot 3, Southeast Addition to the City of Wayne. He was against rezoning this property from I-1 to R-4.

After discussion Councilmember Eischeid introduced Ordinance No. 2021-9, and moved for approval of the second reading thereof; Councilmember Buck seconded.

ORDINANCE NO. 2021-9

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOT THREE (3), SOUTHEAST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM I-1 LIGHT INDUSTRIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT.

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

Councilmember Brodersen introduced Ordinance No. 2021-10, and moved for approval of the second reading thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2021-10

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.064 — R-4 RESIDENTIAL DISTRICT, SUBSECTION (D) PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND 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 Councilmembers Spieker and Karsky who were absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Blecke stated the following Ordinance would amend Sec. 31.26 Public Administration to bring it in line with LB83 that was recently passed regarding virtual conferencing. This is to allow virtual conferencing through the Open Meetings Act. The League is recommending that cities amend their code books to meet State Statute.

Councilmember Eischeid introduced Ordinance No. 2021-11 and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2021-11

AN ORDINANCE TO AMEND TITLE III PUBLIC ADMINISTRATION, CHAPTER 31 CITY COUNCIL, SECTION 31.36 PUBLIC PARTICIPATION; 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 Councilmembers Spieker and Karsky who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, 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 Councilmembers Spieker and Karsky who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to move for final approval of Ordinance No. 2021-11. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker and Karsky who were absent, the Mayor declared the motion carried.

Mayor Giese requested Council to table action on Resolution 2021-28 adopting City Administrator Employment Agreement until the next meeting.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to table action on Resolution 2021-28 until the next meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker and Karsky who were absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Woehler, to set the next Council Mini-Retreat for Tuesday, June 29th, at 5:30 p.m. at the Wayne Fire Hall. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker and Karsky who were absent, the Mayor declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:02 p.m.