

**MINUTES  
CITY COUNCIL MEETING  
June 15, 2021**

The Wayne City Council met in regular session at City Hall on June 15, 2021, at 5:30 o'clock P.M.

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

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 3, 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](http://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 Council retreat on Tuesday, June 29<sup>th</sup>, at 5:30 p.m. at the Wayne Fire Hall.

Councilmember Brodersen made a motion, which was seconded by Councilmember Woehler, to approve the minutes of the meeting of June 1, 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 Eischeid 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:** AMERICAN BROADBAND, SE, 2444.50; AMERITAS, SE, 157.25; AMERITAS, SE, 2624.34; AMERITAS, SE, 72.00; AMERITAS, SE, 94.15; APPEARA, SE, 44.40; ASPEN EQUIPMENT, SU, 26091.00; BLACKBURN MANUFACTURING, SU, 325.26; BOARDERS INN &

SUITES, SE, 1666.00; BORDER STATES INDUSTRIES, SU, 1023.51; BRINER, WAYNE, RE, 150.00; CARHART LUMBER, SU, 644.07; CARPENTER PAPER CO, SU, 535.68; CARROLL DISTRIBUTING, SU, 587.45; CENTURYLINK, SE, 426.69; CITY OF WAKEFIELD, RE, 700.00; CITY OF WAYNE, PY, 84923.65; CITY OF WAYNE, RE, 2128.36; COPY WRITE PUBLISHING, SE, 217.95; DANKO EMERGENCY EQUIPMENT, SU, 600.00; DAUM, NICHELLE, RE, 200.00; DAVID & NIKKI LINDNER, RE, 250.00; DEARBORN LIFE INSURANCE, SE, 2596.52; EASYPERMIT POSTAGE, SU, 884.32; ED M. FELD EQUIPMENT, SU, 156.00; FLOOR MAINTENANCE, SU, 246.48; FRIDERES, AUSTIN, RE, 150.00; GERHOLD CONCRETE, SU, 1541.76; GLOBAL PAYMENTS INTEGRATED, FE, 450.69; GROSSENBURG IMPLEMENT, SU, 378.32; HAWKINS, SU, 165.56; HILAND DAIRY, SU, 145.37; HILL, MONTANA, RE, 150.00; ICMA, RE, 112.52; ICMA, RE, 372.47; ICMA, RE, 145.28; ICMA, RE, 159.20; ICMA, RE, 366.40; ICMA, RE, 8360.08; ICMA, RE, 1446.86; ICMA, RE, 147.00; ICMA, RE, 124.70; IRS, TX, 14552.16; IRS, TX, 3403.40; IRS, TX, 10708.73; JACK'S UNIFORMS, SU, 1044.70; JOHN'S WELDING AND TOOL, SU, 136.22; JONES, LEONARD, RE, 500.00; KRING, KYUANA, RE, 150.00; LUTT OIL, SU, 5755.53; MAAS, COURTNEY, SU, 21.35; MAIN STREET GARAGE, SE, 75.00; MERCHANT SERVICES, FE, 1495.59; MERCHANT SERVICES, FE, 103.40; MERCHANT SERVICES, FE, 2754.76; MIDWEST LABORATORIES, SE, 202.00; MILLER, GRANT, RE, 150.00; MONAHAN, PHILLIP, RE, 305.68; NE DEPT OF REVENUE, TX, 4573.88; NPPD, SE, 26538.36; ONE CALL CONCEPTS, SE, 236.27; O'REILLY AUTOMOTIVE STORES, SU, 210.58; PAC N SAVE, SU, 5.09; PAC N SAVE, SU, 522.08; PEARCY, SHAWN, RE, 150.00; PLUNKETT'S PEST CONTROL, SE, 97.34; QHA CLEANING, SE, 1375.00; QUADIANT LEASING USA, SE, 655.38; QUALITY FOOD CENTER, SU, 26.35; SERVICE TECH OF CENTRAL IOWA, SE, 1993.59; SKARSHAUG TESTING LAB, SE, 225.54; SPLASHTACULAR, SU, 650.00; STATE NEBRASKA BANK & TRUST, SE, 61.84; TAMIRAT, MOLLY, RE, 108.60; TITAN MACHINERY, SU, 316.00; TYLER TECHNOLOGIES, SE, 3239.29; UTILITY EQUIPMENT, SU, 67.39; VANHORN, NICK, RE, 150.00; VIAERO, SE, 67.32; WASTE CONNECTIONS, SE, 261.25; WAYNE FIREWORKS COMMITTEE, FE, 2000.00; WAYNE HERALD, SE, 190.00; WAYNE HERALD, SE, 140.50; WESCO, SU, 278.20; WAPA, SE, 16384.26; WINNING FINISH, SE, 210.00; APPEARA, SE, 49.90; BAKER & TAYLOR BOOKS, SU, 1286.79; BIG RIVERS ELECTRIC CORPORATION, SE, 726797.67; CITY EMPLOYEE, RE, 385.30; CITY EMPLOYEE, RE, 1083.90; CITY EMPLOYEE, RE, 115.60; CITY OF WAYNE, RE, 900.00; COTTONWOOD WIND PROJECT, SE, 13938.04; EXLINE, SU, 990.51; GROSSENBURG IMPLEMENT, SU, 259.85; HILAND DAIRY, SE, 222.62; INGRAM LIBRARY SERVICES, SU, 872.42; IOWA PUMP WORKS, SE, 5928.71; MARCO TECHNOLOGIES, SE, 200.61; NE HARVESTORE, SU, 511.25; OVERDRIVE, SU, 971.38; PER MAR SECURITY SERVICES, SE, 1307.37; QUADIANT FINANCE USA, SU, 184.23; QUADIANT LEASING USA, SE, 2691.00; REHAB SYSTEMS, SE, 22084.30; SANDRY FIRE SUPPLY, SU, 890.36; TOTAL GRAPHICS, SU, 2404.00; US BANK, SE, 9875.02; US FOODSERVICE, SU, 2630.29; VERIZON, SE, 536.22; WAYNE COUNTY CLERK, SE, 72.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE VETERINARY CLINIC, SE, 280.00; WESCO, SU, 28000.83

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 Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Phill Monahan, Fire Chief, stated that Logan Miller could not be here this evening to be introduced to Council. However, he was still requesting Council consideration to approving her cadet membership application to the Wayne Volunteer Fire Department.

Councilmember Karsky made a motion, which was seconded by Councilmember Buck, approving the cadet membership application of Logan Miller 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 Eischeid who was absent, the Mayor declared the motion carried.

Patty Wieland was present requesting Council consideration to return her newly adjusted sewer rate to what it was a year ago, based on previous year's water consumption.

Administrator Blecke explained the sewer rates and how they are averaged over a 3-month period in the winter time. Then that average is what is used to determine the sewer bill for one year until a new average is established.

Ms. Wieland's 90-day average a year ago was 1500 gallons. This year, it increased to 4100 gallons. This was due, she believes, to her having some issues with kids who left her outside water spigot on. She has now turned the water off from the inside to prevent this from happening again.

Councilmember Spieker arrived at the meeting at 5:56 p.m.

After discussion, Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving the request of Patty Wieland to return her newly adjusted sewer rate to what it was a year ago based on previous year's water consumption (1500 gallons), effective with the bill that comes out July 1<sup>st</sup>. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Travis Bull, representing Allo Communication, LLC, was present requesting an easement across the area east of the baseball field (Old Girl Scout Cabin area) to run fiber over to equipment that will set on the property to the south of this area. Electric and fiber will be in this easement.

After discussion, Councilmember Brodersen made a motion, which was seconded by Councilmember Woehler, approving the "Easement for Fiber Optic Facilities & Structures" — Allo Communications, LLC (A portion of PICD 0080232.00, Tracts located within the North 1/4 of Section 18, Township 26, Range 03 East of the 6th P.M., City of Wayne, Wayne County, Nebraska, more

particularly described as follows: 15 feet offset from the east-most side of the parcel 0080232.00) – located by “Old Girl Scout Cabin” property, with the following language amended therein:

“The Grantee, **upon obtaining prior approval from Grantor, may** ~~shall also have the right at any time~~ ~~to~~ trim or remove such trees and underbrush on the Easement Property as may in any way endanger or interfere with the safe operation of the underground fiber facilities, communication lines, and fiber structures used in connection therewith.”

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

The following Easement in Viken Park is needed to set equipment for one of the PON’s that Allo referred to in the permit.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the “Easement for Fiber Optic Facilities & Structures” — Allo Communications, LLC (A portion of PID 0080170.00, Tracts located within the South 1/2 of Section 7, Township 26, Range 4 East of the 6th P.M., City of Wayne, Wayne County, Nebraska, more particularly described as follows: Commencing at the Southeast Corner of Parcel Id 0080170.00; thence, along the southern parcel line, a distance of 10 feet west; thence, paralleling the east parcel line, a distance of 35 feet north; thence, paralleling the southern parcel line, a distance of 10 feet east; thence, paralleling the east parcel line, a distance of 35 feet south to the point of beginning) – located by Viken Park, with the following language amended therein:

“The Grantee, **upon obtaining prior approval from Grantor, may** ~~shall also have the right at any time~~ ~~to~~ trim or remove such trees and underbrush on the Easement Property as may in any way endanger or interfere with the safe operation of the underground fiber facilities, communication lines, and fiber structures used in connection therewith.”

And in addition, that the PON cabinet will not make any noise which would disturb the neighborhood.

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

Mayor Giese stated the time was at hand for the public hearing to consider the Planning Commission’s recommendation concerning the Savidge Court 2<sup>nd</sup> Addition Plat, a Replat of the Savidge Court Administrative Replat.” The applicant for the request is Lucas Thompson.

Lucas Thompson is purchasing these lots (3) in Western Ridge from the Community Redevelopment Authority, but would like to replat them to build two townhomes on.

The Planning Commission reviewed the matter at their public hearing on June 14, 2021, and forwarded a recommendation to approve the same, with the “Finding of Fact” being staff’s recommendation.

This plat is now similar to what the original plat showed. The original plat was changed due to a contractor’s error in building over two of the lot lines. At that time, it was felt that the remaining 4 lots were too small to put homes on, so the decision was made to replat the same into 3 lots. It was noted that there is an electric pedestal, as well as a cable tv and phone box on the middle lot that will create some issues if the plat is only 3 lots.

Lucas Thompson was present to answer questions.

Alex Wieland was present and voiced his concerns over parking in this area, increased traffic and the number of rentals.

It was noted that even if the plat was changed to 2 lots, Mr. Thompson could still build two townhomes.

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.

Councilmembers Spieker and Woehler voiced concerns that were raised by Mr. Wieland.

Patty Wieland inquired how Western Ridge went from being for low-to-moderate single-family residences/families to where contractors were building rental homes for profit.

Administrator Blecke stated the regulations for Western Ridge have changed over the years from the original intent.

Councilmember Brodersen introduced Resolution 2021-29, and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2021-29

A RESOLUTION APPROVING THE “SAVIDGE COURT 2<sup>ND</sup> ADDITION PLAT, A REPLAT OF THE SAVIDGE COURT ADMINISTRATIVE REPLAT,” 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 Eischeid who was absent and Councilmembers Spieker and Woehler who voted Nay, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, stated the City received two bids on the Lagoon Fence Project.” After review of the same, staff recommendation is to award the project to the low bidder, Noswett Fencing & Decks, Columbus, NE, for \$25,426.51. The second bid was from Elkhorn Fence for \$35,775.

Councilmember Brodersen introduced Resolution No. 2021-30 and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2021-30

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “LAGOON FENCE PROJECT” — NOSWETT FENCING & DECKS FOR \$25,426.51.

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

Administrator Blecke stated the following Resolution would approve the agreement with Hanna:Keelan Associates PC for professional services relating to a “Community Housing Study Update.” The cost for said services is \$16,000.00. We have been approved for an \$8,000 grant, which the City is required to match.

Councilmember Brodersen introduced Resolution No. 2021-31 and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2021-31

RESOLUTION APPROVING AGREEMENT WITH HANNA:KEELAN ASSOCIATES PC FOR PROFESSIONAL SERVICES RELATING TO A “COMMUNITY HOUSING STUDY UPDATE.”

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

Councilmember Spieker introduced Ordinance No. 2021-9, and moved for approval of the third and final reading thereof; Councilmember Brodersen 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 Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Councilmember Brodersen introduced Ordinance No. 2021-10, and moved for approval of the third and final reading thereof; Councilmember Muir 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 Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Discussion took place regarding “Food Truck Parking.” Mayor Giese stated he has concerns that a food truck can theoretically roll up in front of an established business and start selling food. After discussion, staff would contact other communities for ordinances/permits to see what they do.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, to enter into executive/closed session for the purpose of protecting the needless injury to the reputation of the City Administrator to discuss his employment agreement, and to allow Attorney Miller and City Clerk McGuire to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas,

with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried, and executive session began at 7:20 p.m.

Mayor Giese again stated that the matter to be discussed in execution session relates to the City Administrator's employment agreement.

Councilmember Brodersen made a motion, which was seconded by Councilmember Karsky, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried, and open session resumed at 7:37 p.m.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, to approve the City Administrator's contract (per Resolution No. 2021-28), with the option of allowing him to choose between one week of additional vacation and moving to the low midpoint on the salary survey or a 3% increase to \$116,996.46.

#### RESOLUTION NO. 2021-28

##### A RESOLUTION TO ADOPT CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid 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 7:38 p.m.