

**MINUTES  
CITY COUNCIL MEETING  
January 4, 2022**

The Wayne City Council met in regular session at City Hall on January 4, 2022, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Brendon Pick, Terri Buck, Nick Muir, Dallas Dorey, Jason Karsky, and Matt Eischeid; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Chris Woehler and Jill Brodersen.

Notice of the convening meeting was given in advance thereof by publication in the Wayne Herald, Wayne, Nebraska, the designated method of giving notice, as shown by Affidavit of Publication. In addition, notice was given to the Mayor and all members of the City Council, and a copy of their acknowledgement of receipt of notice and agenda is on file with the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. 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 Council Chambers, as well as on the City of Wayne website 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 Buck made a motion, which was seconded by Councilmember Eischeid, to approve the minutes of the meeting of December 21, 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 Brodersen 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, 1021.15; AMERITAS, SE, 130.61; AMERITAS, SE, 3092.74; AMERITAS, SE, 195.01; AMERITAS, SE, 72.00; APPEARA, SE, 113.30; ASCAP, FE, 390.00; AWWA, FE, 338.00; BLACK HILLS ENERGY, SE, 1702.04; BOMGAARS, SU, 1819.21; BORDER STATES

INDUSTRIES, SU, 74.36; CARHART LUMBER, SU, 180.62; CENTURYLINK, SE, 425.45; CITY EMPLOYEE, RE, 218.44; CITY EMPLOYEE, RE, 317.38; CITY EMPLOYEE, RE, 2930.33; CITY OF WAYNE, PY, 86078.76; CITY OF WAYNE, RE, 892.40; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE CO, SE, 103.20; EAKES OFFICE PLUS, SE, 2335.56; ECHO GROUP, SU, 33.31; ECHO GROUP, SU, 171.30; FLOOR MAINTENANCE, SU, 357.94; GREENFIELD, BRETT, SE, 12.00; HILAND DAIRY, SE, 109.36; HILAND DAIRY, SE, 116.76; HYDRAULIC SALES & SERVICE, SE, 294.48; ICMA, SE, 55.00; ICMA, SE, 34.38; ICMA, SE, 375.83; ICMA, SE, 145.28; ICMA, SE, 112.52; ICMA, SE, 159.20; ICMA, SE, 8266.47; ICMA, SE, 1432.70; ICMA, SE, 124.70; ICMA, SE, 366.40; IRS, TX, 14983.70; IRS, TX, 12274.88; IRS, TX, 3479.32; ISLAND SPRINKLER SUPPLY, SU, 635.12; JACK'S UNIFORMS, SU, 93.90; KELLY SUPPLY CO, SU, 102.79; MARCO, SE, 175.92; MILLER LAW, SE, 5416.67; MOONLIGHT TOWING, SE, 560.00; NE DEPT OF REVENUE, TX, 4955.04; NE HARVESTORE, SU, 508.39; NIEWALD, ETHAN, SE, 12.00; NORFOLK GM AUTO CENTER, SU, 62.79; NORTHEAST POWER, SE, 13819.26; NOVA FITNESS EQUIPMENT, SE, 648.00; ODEYS, SU, 795.30; O'REILLY AUTOMOTIVE STORES, SU, 158.11; O'REILLY AUTOMOTIVE STORES, SU, 9.49; O'REILLY AUTOMOTIVE STORES, SU, 32.77; OVERHEAD DOOR, SE, 183.50; OVERHEAD DOOR, SE, 163.45; POSTMASTER, SU, 946.13; ROBERTS, NOAH, SE, 36.00; SCHMITZ, CINDY, SE, 45.00; SMIDT, ARYN, RE, 150.00; STADIUM SPORTING GOODS, SE, 208.00; VIAERO, SE, 66.46; VOMACKA, JOE, SE, 24.00; WAED, SE, 8622.41; WAYNE COMMUNITY SCHOOLS, RE, 750.00; WESCO, SU, 888.10; WISNER WEST, SU, 88.67; WYNIA, KATIE, SE, 300.00; ZEISS, JACKIE, RE, 150.00

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

Because there were some issues with the zoom meeting, Mayor Giese changed the order of the agenda until the issues could be fixed.

The following Resolution would direct the City Clerk to file a lien against 616 Sherman Street for the cost of work hired by the City to abate violations of City Code after proper notices were given to the property owner. The amount of the lien is \$300.

Councilmember Eischeid introduced Resolution No. 2022-3 and moved for its approval; Councilmember Dorey seconded.

#### RESOLUTION NO. 2022-3

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON TAX LOT 74, PT N1/2NE1/4, WAYNE TRACTS 13-26-3, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 616 SHERMAN STREET, WAYNE, NEBRASKA.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Woehler and Brodersen who were absent, the Mayor declared the motion carried.

Because the City's contract with Nebraska Public Power District (NPPD) terminated January 1, 2022, it is necessary to update and replace the Exhibit B to the original Transmission Substation Service Agreement that was entered into in August of 2018 with NPPD. This new Transmission Substation Service Agreement Exhibit B will now be the primary document for coordinating metering diagrams and loss factors that had been maintained in the 2002 Wholesale Power Contract billing exhibits.

Councilmember Eischeid introduced Ordinance No. 2022-1, and moved for approval thereof; Councilmember Karsky seconded.

#### ORDINANCE NO. 2022-1

AN ORDINANCE APPROVING AMENDMENT TO EXHIBIT B TO THE TRANSMISSION SUBSTATION SERVICE AGREEMENT BETWEEN THE CITY OF WAYNE, NEBRASKA, AND NEBRASKA PUBLIC POWER DISTRICT.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Woehler and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, 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 Woehler and Brodersen who were 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. 2022-1. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Woehler and Brodersen who were absent, the Mayor declared the motion carried.

Contractor's Application for Payment No. 6 (Final) was submitted by JEO Consulting Group, Inc., in the amount of \$36,303.98 to Myers Construction, Inc., for the "Pine Heights Road & Utility Improvements Project – CDBG No. 19-PW-017."

Councilmember Karsky made a motion, which was seconded by Councilmember Buck, approving Contractor's Application for Payment No. 6 (Final) in the amount of \$36,303.98 to Myers Construction, Inc., for the "Pine Heights Road & Utility Improvements Project – CDBG No. 19-PW-017." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Woehler and Brodersen who were absent, the Mayor declared the motion carried.

The following Resolution would approve the Interlocal Cooperation Agreement between the City and the School District which is necessary to have in place for the additional sales tax asking. Any agreements for usage of the CAC facility (or additional project construction) would be formalized through an addendum. The Counsel that staff has been working with has suggested to get the interlocal agreement in place and ballot language comprised first. If the ballot measure passes, then the entities can work on and approve the addendum. This interlocal agreement will go before the School Board for their consideration at its January Board meeting. This agreements binds the entities into a meeting once a year.

Administrator Blecke stated if Council passes this agreement, he asked that in paragraph 1 that the recreation project be described as "Wayne Community Activity Center Project and Improvements."

Councilmember Karsky introduced Resolution 2022-1, and moved for its approval, with the description of the recreation project being "Wayne Community Activity Center Project and Improvements;" Councilmember Eischeid seconded.

#### RESOLUTION NO. 2022-1

A RESOLUTION APPROVING INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY SCHOOL DISTRICT 90-0017.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Woehler and Brodersen who were absent, the Mayor declared the motion carried.

The following Resolution would start the process for making application for the Civic Community Center Financing Fund Planning Grant funds. The City applied for a grant through this same fund for a planning grant to see what we would want to see at the activity center. The City would have applied for this grant last year, however they were not allowing applications because COVID, for the most part,

depleted the fund. This year, the funding has been cut from \$562,500 down to \$375,000 because there are not enough funds. It was noted that if you are awarded a planning grant, there is a good chance you are going to receive the implementation grant.

Councilmember Eischeid introduced Resolution 2022-2, and moved for its approval; Councilmember Buck seconded.

#### RESOLUTION NO. 2022-2

#### A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CIVIC AND COMMUNITY CENTER FINANCING FUND GRANT.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Woehler and Brodersen who were absent, the Mayor declared the motion carried.

Tim Keelan and Keith Carl, representing the firm of Hanna:Keelan Associates, PC, gave a presentation on the “Community Housing Study with Strategies for Affordable Housing – 2027.”

With one-half of the funding coming from NIFA, the City has updated its housing study. This study will help receive grants for housing projects, will help developers see the needs of the community and will allow the City to consider tax increment financing for vertical housing construction (not just site development/acquisition).

This matter will go before the Planning Commission in February and Council will then approve it at their second meeting in February.

It was noted that Hanna:Keelan is going to schedule another meeting in 30-45 days with staff, etc.

Matthew Smith and Carter Hubbard, representing the firm of Olsson, gave a presentation on the “Lake Feasibility Study.”

Soils appear to be compatible with holding water for a lake; however, no ground water was found at the boring depths. Olsson found storm water could be used to fill a 2.4 acre lake with minimal recharge from a secondary source needed. In order for development to begin in the old lagoon area, the Council will need to determine in the near future if there will be a lake, and if so, its location, size, water source, and type of lake (i.e. fish/no fish, etc.).

Discussion took place on the two proposals that were received to purchase and develop the land (approx. 7.94 acres) owned by the City located south of 4<sup>th</sup> Street and Jaxon Street (former community garden/upper soccer field property).

One proposal was from Heritage Homes (Wayne) and the other from R Perry Construction (Sioux City). A couple of Councilmembers, the Mayor and staff have interviewed the potential developers for the project. TIF and other potential funding sources are being requested by the developers. Once a developer is chosen, an agreement will be prepared and brought before you for consideration. If the Council moves forward with choosing a developer for this property, the developer should be contacted as soon as possible so they can start the funding application process.

The R Perry proposal is a large apartment complex with a pool. They want the property for \$1.00 and tax increment financing. Their rental rates are market rate or higher. Heritage Homes is much different and smaller units – twenty-one 6-plexes and 6 residential lots. Their rental rates are much lower; however, they are banking on the City going after some funding sources through the State and Feds. They would also be asking for subsidization through LB 840. They also want the property for \$1.00. The Heritage proposal is 4 phases – two years for each phase. R Perry's proposal is 2 phases over 3 years. The Heritage proposal wants streets paved, so the City would have to come up with additional funding for that. They are both proposing about a \$21,000,000 investment when all is said and done. The R Perry proposal has 1, 2 and 3 bedroom units; the Heritage proposal has 2 and 3 bedroom units.

While a few of the Councilmembers opined they liked the looks of the Heritage proposal, they had concerns over the amount of subsidies Heritage would need to do the project as compared to the R Perry proposal.

Karen Granberg had concerns regarding the rental rates and the burden that could be placed on the college students.

Joel Hansen, Street and Planning Director, advised the Council that the local (Heritage) design is not going to work. It does not meet the zoning requirements (parking) and would require the relocation of the trail. There are major hurdles that their design would have to overcome if approved.

After further discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, directing City Staff to contact R Perry Construction with continued conversations on a potential proposal for land development on 4<sup>th</sup> Street and Jaxon Street (former community garden/upper soccer field property). Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Woehler and Brodersen who were absent, the Mayor declared the motion carried.

Discussion took place in regard to the request of Karen Granberg to rename the “Old Swimming Pool Park” to “Freedom Park.”

Administrator Blecke gave the background on how the “Old Swimming Pool Park” was now referred to as “College Hill Park.” No formal action was taken by the Council on that name.

Karen Granberg and Sherri Dorman, representing the Voices of Vision Coalition were present to answer questions and present their reasons for wanting to rename the park “Freedom Park.”

After further discussion, Councilmember Dorey made a motion, which was seconded by Councilmember Karsky, to rename the “Old Swimming Pool Park” to “Freedom Park.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Woehler and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to enter into executive session to prevent the needless injury to the reputation of an individual who has not requested a public hearing to discuss a personnel matter (the performance review/evaluation of City Attorney Amy Miller), and to allow City Administrator Blecke 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 Councilmembers Woehler and Brodersen who were absent, the Mayor declared the motion carried, and executive session began at 8:09 p.m.

Mayor Giese again stated the matter to be discussed in execution session relates to the performance review/evaluation of City Attorney Amy Miller.

Councilmember Buck made a motion, which was seconded by Councilmember Muir, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Woehler and Brodersen who were absent, the Mayor declared the motion carried, and open session resumed at 8:36 p.m.

The following Resolution would approve the appointment of Amy K. Miller as City Attorney and also approve the Retainer Agreement for her services. There were no changes to said agreement.

Councilmember Karsky introduced Resolution 2022-4, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2022-4

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 Councilmembers Woehler and Brodersen 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 8:37 p.m.