

**MINUTES
CITY COUNCIL MEETING
January 18, 2022**

The Wayne City Council met in regular session at City Hall on January 18, 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, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

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 Brodersen made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting of January 4, 2022, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, 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, 88.93; AMERICAN BROADBAND, SE, 1443.87; AMERITAS, SE, 219.77; AMERITAS, SE, 72.00; AMERITAS, SE, 114.36; AMERITAS, SE, 3206.30; APPEARA, SE, 53.30; APX, FE, 1061.29; BATTERY SOLUTIONS, SU, 204.00; BENSCOTER,

LOUIS, RE, 3213.46; BIG RED PRINTING, SU, 711.90; BINSWANGER GLASS, SE, 1645.79; BLAZEK & GREGG ESTATE PLANNING LAW GROUP, RE, 80.00; BORDER STATES INDUSTRIES, SU, 520.30; BROWN SUPPLY, SU, 1100.00; CDW GOVERNMENT, SU, 1223.70; CITY EMPLOYEE, RE, 115.35; CITY EMPLOYEE, RE, 54.00; CITY EMPLOYEE, RE, 298.29; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 390.42; CITY EMPLOYEE, RE, 221.81; CITY EMPLOYEE, RE, 36.60; CITY EMPLOYEE, RE, 580.42; CITY EMPLOYEE, RE, 346.90; CITY EMPLOYEE, RE, 815.17; CITY EMPLOYEE, RE, 1090.01; CITY EMPLOYEE, RE, 732.13; CITY EMPLOYEE, RE, 124.11; CITY EMPLOYEE, RE, 384.84; CITY EMPLOYEE, RE, 4485.52; CITY OF WAYNE, PY, 92637.67; CITY OF WAYNE, RE, 671.66; COPY WRITE PUBLISHING, SE, 569.01; COTTONWOOD WIND PROJECT, SE, 18825.03; CREDIT BUREAU SERVICES, FE, 450.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 67.79; DAVE'S DRY CLEANING, SE, 48.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2784.22; DOUGLAS CO COURT, FE, 167.00; DUNKLAU ACRES, RE, 500.00; ED M. FELD EQUIPMENT, SU, 450000.00; ELLIS HOME SERVICES, SE, 366.00; ENGBRETSSEN, KATLYN, RE, 500.00; EXHAUST PROS TOTAL CAR CARE, SE, 69.55; F & M BANK, RE, 250.00; FAITH REGIONAL PHYSICIAN SERV, SE, 100.00; FIRST CONCORD GROUP, SE, 5151.82; FLOOR MAINTENANCE, SU, 361.53; GERHOLD CONCRETE, SU, 3273.75; GLOBAL PAYMENTS INTEGRATED, FE, 359.40; GLOVER PAINTING, SE, 6036.65; GRAINLAND ESTATES, RE, 4998.27; GROSSENBURG IMPLEMENT, SU, 103.19; HACH COMPANY, SU, 364.48; HANNA:KEELAN ASSOCIATES, SE, 8000.00; HAWKINS, SU, 187.49; HEIKES AUTOMOTIVE, SE, 245.07; HILAND DAIRY, SE, 202.88; HOMETOWN LEASING, SE, 436.02; ICMA, SE, 35.42; ICMA, SE, 128.40; ICMA, SE, 387.46; ICMA, SE, 115.88; ICMA, SE, 1556.62; ICMA, SE, 55.00; ICMA, SE, 387.10; ICMA, SE, 163.92; ICMA, SE, 149.64; ICMA, SE, 8559.05; INGRAM LIBRARY SERVICES, SU, 793.39; INTERNATIONAL PUBLIC MANAGEMENT, SE, 630.00; INTERSTATE INDUSTRIAL SERVICE, SU, 278.23; IRS, TX, 3688.08; IRS, TX, 7.26; IRS, TX, 15769.58; IRS, TX, 31.00; IRS, TX, 25.00; IRS, TX, 11888.38; JACK'S UNIFORMS, SU, 94.95; JILL BRODERSEN, SE, 1400.00; KELLY SUPPLY COMPANY, SU, 277.80; KTCH, SE, 1160.00; LUTT OIL, SU, 5789.93; MAGNUSON, LARRY, RE, 500.00; MATHESON-LINWELD, SU, 35.06; MCLAURY ENGINEERING, SE, 57671.25; MERCHANT SERVICES, SE, 144.82; MERCHANT SERVICES, SE, 3306.72; MERCHANT SERVICES, SE, 1278.80; MIDWEST LABORATORIES, SE, 404.00; MUNICIPAL SUPPLY, SU, 3620.70; MYERS CONSTRUCTION COMPANY, SE, 36303.98; NE DEPT OF ENVIRONMENTAL QUALITY, SE, 150.00; NE DEPT OF REVENUE, TX, 442.73; NE DEPT OF REVENUE, TX, 25.00; NE DEPT OF REVENUE, TX, 5198.79; NE DEPT OF REVENUE-CHARITABLE GAMING, TX, 1110.34; NE ECONOMIC DEVELOPERS ASSN, FE, 300.00; NE EMERGENCY SERVICE, FE, 60.00; NPPD, SE, 26495.82; NELSON, MATT, RE, 500.00; NORFOLK DAILY NEWS, SE, 215.00; NORTHEAST POWER, SE, 6793.00; NSG LOGISTICS, SU, 1974.60; OLSSON ASSOCIATES, SE, 7400.00; ONE CALL CONCEPTS, SE, 83.83; O'REILLY AUTOMOTIVE STORES, SU, 290.69; PAC N SAVE, SU, 879.56; PAC N SAVE, SU, 19.13; PIERCE COUNTY COURT, FE, 150.00; PLUMBING & HEATING WHOLESALE, SU, 251.35; PORTER, ERIN, RE, 244.76; PORTER, ERIN, RE, -244.76; POSTMASTER, FE, 160.00; PSYCHOLOGICAL RESOURCES, SE, 135.00; QHA CLEANING, SE, 1410.96; QUADIENT FINANCE, SU, 1000.00; QUALITY 1 GRAPHIC, SU, 200.00; QUALITY FOOD CENTER, SU, 23.29; SALT CREEK SOFTWARE, SE, 2140.00; SHARPE, WILLIAM, RE, 500.00; SHERWIN WILLIAMS, SU, 292.52; STAPLES, SU, 110.63; STATE NEBRASKA BANK & TRUST, SE, 68.24; STATE NEBRASKA BANK-PETTY CASH, RE, 113.02; STEFFEN TRUCK EQUIPMENT, SU, 412.34; SUN RIDGE SYSTEMS, SE, 3136.00; TOTAL GRAPHICS, SU, 270.71; TYLER TECHNOLOGIES, SE, 5463.59; US BANK, SU, 7627.76; US FOODSERVICE, SU, 1546.82; VERIZON, SE, 535.67; WAED, FE, 280.00; WAYNE COUNTY CLERK, SE, 20.00; WEBBER, STEPHEN, RE, 500.00; WESCO, SU, 556.18; WEST POINT AUTO & TRUCK CENTER, SE, 960.30; WAPA, SE, 22581.44; WISNER WEST, SU, 128.17; Y & Y LAWN SERVICE, SU, 560.50; ZACH HEATING & COOLING, SU, 62.50; APPEARA, SE, 59.57; BIG RIVERS ELECTRIC CORPORATION, SE, 120078.63; CITY EMPLOYEE, RE, 487.60; CITY EMPLOYEE, RE, 454.22; ECHO GROUP, SU, 394.57; JEO CONSULTING GROUP, SE, 600.00; MALLOY ELECTRIC, SU, 1100.69; MARCO TECHNOLOGIES, SE, 200.61; MIKEY C

PRODUCTIONS, SE, 480.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 715.00; NEXIC, SE, 910.00; NORTHEAST POWER, SE, 13819.26; NORTHEAST TIRE SERVICE, SE, 95.00; OVERHEAD DOOR, SU, 1571.00; WAYNE AUTO PARTS, SU, 315.51; WAYNE HERALD, SE, 875.43; WAYNE HERALD, SE, 380.00; WAYNE HERALD, SE, 144.00; WAYNE HERALD, SE, 421.50; WESCO, SU, 433.67; WINSUPPLY NORFOLK, SU, 4153.00

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 Councilmember Brodersen who abstained, the Mayor declared the motion carried.

Mayor Giese stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a Resolution approving a redevelopment plan for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”) for the following real estate:

Lots Seven (7), Eight (8), Nine (9), and Ten (10), in Block Eight (8), Crawford & Brown’s Addition to the City of Wayne, Wayne County, Nebraska.

The notice of the public hearing was published in the Wayne Herald on December 30, 2021, and January 6, 2022, and was mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act. Mayor Giese opened the public hearing and invited all interested persons to be heard.

Matt Ley, on behalf of Sanctuary Apartments LLC, is requesting tax increment financing for a project to renovate the First Baptist Church into a 6-unit market rate apartment complex for downtown living. The property is located at 400 Main Street. The total estimated project costs are between \$1.2 and 1.4 million. The redevelopment of the project is not economically feasible without assistance from tax increment financing. The Community Redevelopment Authority will issue a tax increment revenue bond in the total amount of \$175,000 to assist in the financing. The estimated 2020 assessed value is \$100,000. The estimated value after completion of this project is \$1,100,000.

Joel Hansen, Street and Planning Director, noted that the site plan submitted for the Sanctuary Apartments shows the public sidewalk being relocated to the back side of the curb to allow for parking. If

the Council approves this redevelopment plan, they should also approve the relocation of the public sidewalk to a location other than what is prescribed in code to allow room for the required parking. The terrace is too narrow to fit the parking between the street and the sidewalk. In order to keep the sidewalk inside the right-of-way, this would be the only option. The sidewalk cannot be pushed up onto private property; otherwise, it would not be a public sidewalk.

The Redevelopment Plan has gone before the Community Redevelopment Authority and then Planning Commission for review and approval. The recommendation of the Planning Commission is to approve the Plan. The next step will be to go back before the Community Redevelopment Authority for approval of the Redevelopment Contract and the issuance of the bond.

Discussion took place on the parking layout. Council had concerns regarding the same.

Administrator Blecke suggested if they approve the tax increment financing, that they make it conditioned upon the review and recommendation of the Architectural Review Committee. The plan of Sanctuary Apartments, LLC, is to keep the house and sell it. However, if the house were moved, it would take care of the parking issues.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

City Clerk McGuire had not received any comments for or against this public hearing.

Councilmember Eischeid introduced Resolution No. 2022-5 and moved for its approval (approving the tax increment financing and rejecting the moving of the sidewalk and their parking scheme); Councilmember Brodersen seconded the motion.

RESOLUTION NO. 2022-5

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON (SANCTUARY APARTMENTS, LLC, PROJECT).

There was further discussion on the parking matter.

Councilmember Eischeid then amended his motion to add the “architectural review committee’s oversight of the parking plan;” Councilmember Brodersen seconded the amendment to the motion.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Pick who voted Nay, the Mayor declared the motion carried.

Administrator Blecke stated the following Resolution would amend the Interlocal Cooperation Agreement between the City and Wayne Community School District 90-0017. The amendment changes Paragraph 2 of said agreement as follows: “The City and the District agree to hold annual meetings prior to the start of the fall semester of the District each year. The official participants in such meetings will consist of no more than ~~three~~ ~~two~~ representatives appointed by the elected body of each entity to discuss the operations of the Project.”

Councilmember Brodersen introduced Resolution No. 2022-6 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2022-6

A RESOLUTION APPROVING AMENDED 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, the Mayor declared the motion carried.

Councilmember Brodersen stated two bids were received on the “College Hill Park Trail Head Project” on January 12, 2022. As architect on the project, her recommendation is to award the contract to the low bidder, OCC Builders, LLC, for \$318,340. The other bidder was Robert Woehler & Sons Construction, Inc., for \$447,804.81. This project pertains to the renovation of the old pool house building.

Councilmember Eischeid introduced Resolution 2022-7, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2022-7

A RESOLUTION ACCEPTING BID AND AWARING CONTRACT ON THE “COLLEGE HILL PARK TRAIL HEAD PROJECT” TO OCC BUILDERS, LLC, FOR \$318,340.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Roger Protzman, representing JEO Consulting Group, Inc., was present and reviewed the plans, specifications, and contract documents for the “2022 Aquarius Tank Diffuser Replacement Project.” While this is considered a maintenance activity, it is a significant maintenance activity. The project is labor intensive and is estimated to be around \$400,000. Materials will only be around \$8,000. ARPA funds will be used for this project. The intent is to advertise and award the project at the first meeting in March.

Councilmember Brodersen introduced Resolution 2022-8, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2022-8

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR THE “2022 AQUARIUS TANK DIFFUSER REPLACEMENT PROJECT” AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place on the lake development on the lagoon property.

Karen Granberg wanted to know what the lake would be used for and was there a concern for safety.

The response was that it would be a quality of life feature, as far as recreation. In addition, this is a once in a lifetime opportunity with space that is available. Some wildlife related activity was lost after the lagoon was closed. This lake could be used potentially for fishing and kayaking. The lagoon area is going to be redeveloped into a complex for sports and camping. This would be a draw for Wayne.

In regard to safety, it was noted that the creek is probably more dangerous than a lake. The potential outweighs the concerns.

Both Olsson and JEO (independent of one another) stated they would prefer a well rather than potable water.

After discussion, the consensus of the group was to forward the following options to the City’s Engineer for project estimates:

1. Three, four and five acre lake;
2. Well;
3. Fish;
4. Riprap (1/3 of the lake); and
5. Dock (e.g. kayak)

Discussion then took place on sales tax.

Administrator Blecke stated that since the School and the City have an Interlocal agreement, we can now legally put on the ballot the additional half cent sales tax. This can be done at the primary in May. We can also put the existing 1.5% sales tax on the May ballot. Those do not expire until 2024. The question is do you want the all of the sales tax questions on the ballot at one time or do you want to spread them out? If these questions are brought to the public in one ballot, there will possibly be 4 questions to vote on.

The Council will need to determine no later than its February 15th meeting what ballot language will be sent to the County regarding local option sales tax. Besides the additional half cent to upgrade/add onto the CAC, the Council can approve ballot language to renew a part or all of the existing sales tax. Currently, one cent goes for Capital Improvements (60%) & LB 840 (40%), and the remaining half cent goes to paying off the swimming pool bonds. The one cent sunsets in June 2024 and the other half cent sunsets when the bonds are paid off (estimated in the fall 2024). Items Council has discussed in the past include: LB 840, land purchases/land development, parks and recreation projects, indoor swimming pool, lagoon development, capital improvements generally and specifically (i.e. police vehicles, fire trucks, streets). If you want to stop using the electric fund to fund economic development, you could use “community development funds” to fund economic development and that could be coming through sales tax instead of the electric fund. Voters usually do not like vague – they want to know what the funds will be going for.

An example of what the four ballot questions could be are:

- Do you support an **additional** half cent for the Community Activity Center projects;
- Do you support to **continue** the half cent sales tax to go for parks and recreation;
- Do you support an economic development plan; and

- Do you support to continue the one cent sales tax that would be split between something (e.g. capital improvements, community development) and then LB840?

If approved in May, the sales tax would go from 7% to 7.5%. It can never be higher than 7.5% because State Statute will not allow it. A lot of education will need to take place before May. This could bring in an estimated \$7.5 million over 15 years.

Bond counsel is preparing proposed ballot language for Council review/approval.

Councilmember Brodersen made a motion, which was seconded by Councilmember Pick, to enter into closed session to be updated on the police litigation matter to prevent the needless injury to the reputation of an individual and to allow City Administrator Blecke, City Clerk McGuire, Beth Porter, Finance Director, Joel Hansen, Street and Planning Director, and Marlen Chinn, Police Chief, to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 7:22 p.m.

Mayor Giese again stated the matter to be discussed in execution session pertains to being updated on the police litigation matter.

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

Administrator Blecke reminded the Council of the WAED “Housing Summit,” on Tuesday, January 25, 2022, at the Wayne Country Club – 5:30 p.m. to 7:30 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:38 p.m.