

**MINUTES
CITY COUNCIL MEETING
March 1, 2022**

The Wayne City Council met in regular session at City Hall on March 1, 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, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Dallas Dorey.

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 Karsky made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of February 15, 2022, 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 Dorey 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: ACES, SE, 1021.15; AMAZON, SU, 827.67; AMERICAN LIBRARY ASSOC, FE, 264.00; ANDERSON, DEREK, SE, 25.00; ANDERSON, DEREK, SE, 25.00; APPEARA, SE, 50.66; APPEARA, SE, 118.15; BAKER & TAYLOR BOOKS, SU, 643.87; BIG RIVERS ELECTRIC

CORPORATION, SE, 195869.36; BLUE CROSS BLUE SHIELD, SE, 48250.31; BOK FINANCIAL, SE, 4890.00; BORDER STATES INDUSTRIES, SU, 195.77; BSN SPORTS, SU, 307.94; CENTURYLINK, SE, 424.51; CITY EMPLOYEE, RE, 200.00; CITY EMPLOYEE, RE, 95.60; CITY EMPLOYEE, RE, 95.60; CITY EMPLOYEE, RE, 1310.51; CITY EMPLOYEE, RE, 152.20; CITY OF WAYNE, RE, 209.43; CLARK EQUIPMENT COMPANY, SU, 23094.04; COMPLETE FLOORS, SE, 2891.00; COTTONWOOD WIND PROJECT, SE, 18865.95; DEARBORN LIFE INSURANCE COMPANY, SE, 96.32; DGR & ASSOCIATES, SE, 630.00; DUTTON-LAINSON COMPANY, SU, 141.70; ED M. FELD EQUIPMENT, SU, 815.00; EGAN SUPPLY, SE, 5104.00; ELLIS HOME SERVICES, SE, 154.46; FLOOR MAINTENANCE, SU, 150.21; GROSSENBURG IMPLEMENT, SU, 85.77; HILAND DAIRY, SU, 88.80; HILAND DAIRY, SU, 98.33; HOLIDAY INN EXPRESS – HASTINGS, SE, 384.00; HOLIDAY INN OF KEARNEY, SE, 459.80; JACK'S UNIFORMS, SU, 101.85; JEO CONSULTING GROUP, SE, 1000.00; KELLY SUPPLY COMPANY, SU, 1503.52; KTCH, SE, 150.00; LIBERAL GASKET, SU, 49.43; MAIN STREET GARAGE, SE, 125.50; MARCO, SE, 175.92; MARCO, SE, 180.50; MEYER, GABRIELLE, SE, 39.00; NDEE-FISCAL SERVICES, FE, 150.00; NDEE-FISCAL SERVICES, FE, 40.00; NDEE-FISCAL SERVICES, SE, 510.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 108.00; NEBRASKA JOURNAL LEADER, SE, 123.66; NERC, SE, 930.77; NORTHEAST POWER, SE, 13819.26; O'REILLY AUTOMOTIVE STORES, SU, 62.11; O'REILLY AUTOMOTIVE STORES, SU, 129.97; OVERDRIVE, SU, 769.94; PATEFIELD, DAVID, SE, 100.00; PATEFIELD, DAVID, SE, 100.00; PICK, BRENT L, RE, 500.00; PLUMBING & HEATING WHOLESALE, SU, 59.06; RESCO, SU, 1166.75; SIRCHIE, SU, 219.33; STATE FARM INSURANCE, FE, 563.00; THE HOME DEPOT PRO, SU, 192.74; TOTAL GRAPHICS, SU, 574.50; VAUGHN, TYLER, SE, 75.00; VIC'S ENGINE SERVICE, SU, 46.25; WAYNE COUNTRY CLUB, RE, 13584.00; WAYNE COUNTY TREASURER, SE, 728.35; WESCO, SU, 321.00; WISNER WEST, SU, 90.26; YORK COUNTY COMMUNICATIONS CENTER, FE, 198.00; AMERITAS, SE, 179.73; AMERITAS, SE, 3007.94; AMERITAS, SE, 72.00; AMERITAS, SE, 106.37; ANDERSON, DEREK, SE, 25.00; BATTLES, MEGHAN, SE, 29.25; BLACK HILLS ENERGY, SE, 2243.04; BLACKBURN MANUFACTURING, SU, 640.58; BOMGAARS, SU, 1458.47; BORDER STATES INDUSTRIES, SU, 461.60; CARHART LUMBER COMPANY, SU, 390.53; CITY EMPLOYEE, RE, 166.00; CITY EMPLOYEE, RE, 32.04; CITY EMPLOYEE, RE, 62.47; CITY EMPLOYEE, RE, 1000.00; CITY OF WAYNE, PY, 101965.34; DAS COMMUNICATIONS, SE, 448.00; ELDERFEST-PMC, SE, 40.00; FIRST CONCORD GROUP, SE, 3947.74; FLOOR MAINTENANCE, SU, 275.68; HOMETOWN LEASING, SE, 436.02; ICMA, SE, 8584.14; ICMA, SE, 387.10; ICMA, SE, 149.64; ICMA, SE, 163.92; ICMA, SE, 387.46; ICMA, SE, 35.42; ICMA, SE, 1561.62; ICMA, SE, 115.88; ICMA, SE, 65.00; ICMA, SE, 128.40; IRS, TX, 3953.24; IRS, TX, 11603.21; IRS, TX, 16903.48; JOHN'S WELDING AND TOOL, SU, 194.61; LG EVERIST, SU, 216.17; LUTT OIL, SU, 24160.00; MAIN STREET GARAGE, SE, 100.00; MILLER LAW, SE, 5416.67; NE DEPT OF REVENUE, TX, 5116.82; NE NEBRASKA VOLUNTEER FIREFIGHTERS ASSN, FE, 50.00; NORTHEAST CONCRETE CONSTRUCTION, RE, 250.00; NORTHEAST NE INS AGENCY, SE, 1177.00; OCC BUILDERS, RE, 1000.00; PATEFIELD, DAVID, SE, 75.00; STAPLES, SU, 243.00; UTILITIES SECTION, FE, 490.00; VAUGHN, TYLER, SE, 50.00; VIAERO, SE, 66.18; WAED, SE, 8592.41

Councilmember Brodersen 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 Councilmember Dorey who was absent and Councilmember Pick who abstained, the Mayor declared the motion carried.

Doug Temme, President of the Wayne County Ag Society, was present requesting Council consideration to forgiving the Ag Society's sewer bill for the usage between January 15 through February 15th, 2022, because of a water line break.

They were notified of high water usage. They found water leaking into one of the pits. They turned the water line off; however, they received another high water usage bill. Upon investigating the matter further, they found they had two underground leaks that were leaking back into the pit.

It was noted that because the fairgrounds is outside city limits, the Ag Society pays double on both water and sewer services.

Casey Junck, Water/Wastewater Superintendent, confirmed that where these breaks took place, the water did not go down the sewer.

After discussion, a motion was made by Councilmember Eischeid, and seconded by Councilmember Pick, to forgive \$2,061.00 (difference between last year's bills and this year's bills – 3 months) of the sewer portion of the Wayne County Ag Society utility bills. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Dorey who was absent, the Mayor declared the motion carried

Heather Headley, Library Director, gave a report on what is taking place at the Library.

Diane Bertrand, Senior Center Director, gave a report on what is taking place at the Senior Center.

Diane Bertand, Senior Center Coordinator, requested Council consideration to approving the submission of the Senior Center Budget to the Northeast Nebraska Area Agency on Aging. The Senior Center must apply for State funding for the meal program, and Council must approve the budget to be submitted to the Northeast Nebraska Area Agency on Aging. In addition, she requested Council action on acceptance of the new fiscal year Service Awards that have been awarded by the Area Agency and approval of any revisions made during the fiscal year to the Service Awards. The dollar amounts reflected in the budget represent a two-year grant funding period.

Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving the submission of the Wayne Senior Center's Fiscal Year 2022 detailed plan of operation and

budget to the Northeast Nebraska Area Agency on Aging; acceptance of new fiscal year “Service Awards” that have been awarded by the Area Agency; and approval of any revisions made during the fiscal year to the “Service Awards.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Dorey who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2022-2, and moved for approval of the second reading thereof; Councilmember Buck seconded.

ORDINANCE NO. 2022-2

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR THE CITY OF WAYNE.

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

Councilmember Brodersen introduced Ordinance No. 2022-3 and moved for approval of the second reading thereof; Councilmember Karsky seconded.

ORDINANCE NO. 2022-3

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF BLOCK EIGHT (8), CRAWFORD & BROWN’S ADDITION, AND THE WEST HALF (W1/2) OF BLOCK TWELVE (12) NORTH ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM B-2 CENTRAL BUSINESS DISTRICT TO B-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

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

Councilmember Brodersen introduced Ordinance No. 2022-4, and moved for approval of the second reading thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2022-4

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE SOUTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

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

Discussion took place regarding the proposal of R. Perry Construction, Inc., to develop Lot 3, Southeast Addition of the City of Wayne, Wayne County, Nebraska. The Resolution authorizing the sale of this property to R. Perry Construction, Inc., as well as the first reading Ordinance 2022-5 directing the sale to R. Perry Construction, Inc., has been approved. The resolution approving the purchase agreement was tabled at the last meeting.

Attorney Miller explained the changes in the purchase agreement.

11. **Right of Reversion.** Buyer intends to construct 144 apartment units with a clubhouse and pool in two phases, with the first phase to consist of 72 apartments with the clubhouse and pool, location on the north approximately 300 feet of the property legally described herein. The second phase shall consist of 72 apartment units located on the south approximately 180 feet of the property legally described herein. The Buyer shall submit detailed building plans for the apartment project to the Seller for approval of each of the two phases. The Buyer shall first construct Phase 1 per the approved plans. Buyer shall execute a Deed of Trust in accordance with *Neb.Rev.Stat. 76-1002(e)*, secured by Buyer's performance according to the approved Phase 1 plans. Said Deed of Trust will be subordinate to Buyer's primary lender. **In the event Buyer fails to perform according to the agreed-upon plans, Seller may use any remedy available by law to enforce this agreement and the Deed of Trust.** The Seller will release the Deed of Trust by signing and filing a Deed of Reconveyance upon a certificate of occupancy being issued for the Phase 1 apartments.

Administrator Blecke stated a contingency of the purchase agreement is that it has to be approved by the Architectural Review Committee. It is also contingent upon them receiving tax increment financing. In addition, R. Perry Construction is considering developing both phases at the same time rather than doing the project in two phases.

Luke Virgil, Wayne Area Economic Development Director, spoke in favor of the project.

The following persons spoke against the project: BJ Woehler (representing himself as well as the Landlord Association-Interim President), Lee Brogie, Ed Brogie, Tom Jacobsen, and Chad Sebade.

Joel Hansen, Street and Planning Director, stated the population in 1970 was 5,379, and in 2021, it is just under 6,000. That's an 11% growth over 50 years. The low point was in 1990 – 5,142. This

project will either bring people from outside of town to Wayne or people are going to move from one housing unit type to another. This project will create a housing stock that will allow people to transition up or over into something different.

After further discussion, it appeared that the Landlord Association/Developers were going to put a proposal together for Council consideration.

Clayton Bratcher asked if anyone has estimated what the revenue of 72 people is going to bring to Wayne (taxes, sales, etc.). What will the City gain even though it may be giving the land away for \$1.00? Those questions could not be answered at this time.

There being no further discussion, Councilmember Brodersen introduced Ordinance No. 2022-5, and moved for approval of the second reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2022-5

AN ORDINANCE DIRECTING THE SALE OF LOT THREE (3), SOUTHEAST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO R. PERRY CONSTRUCTION, INC.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who voted Nay and Councilmember Dorey who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Brodersen introduced Resolution No. 2022-14, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2022-14

A RESOLUTION APPROVING PURCHASE AGREEMENT BETWEEN THE CITY OF WAYNE AND R. PERRY CONSTRUCTION, INC.

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

Administrator Blecke, on behalf of Roger Protzman, JEO Consulting Group, Inc., stated the City received one bid on the “2022 Aquarius Tank Diffuser Replacement Project.” The engineer has reviewed

the same and is recommending that the contract be awarded to Philip Carkoski Construction and Trenching, Inc., Loup City, NE, for \$389,720. The engineer's opinion of cost for the project was \$400,000. Project start date would be when the college semester ends in May. They need to be done before the college starts back up in August. This project is labor intensive. This project will be paid for with the ARPA funds received.

Councilmember Woehler had concerns regarding the bid, more particularly the amount bid on the sludge removal at the bottom of the tank in the amount of \$247,255, compared to what the bid to replace the tank diffuser membranes was in the amount of \$32,725.

Councilmember Eischeid introduced Resolution No. 2022-16, and moved for its approval; Councilmember Pick seconded.

RESOLUTION NO. 2022-16

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "2022 AQUARIUS TANK DIFFUSER REPLACEMENT PROJECT" TO PHILIP CARKOSKI CONSTRUCTION AND TRENCHING, INC. - \$389,720.

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

Administrator Blecke stated the following Resolution will approve an amended contract with Carlson West Povondra Architects that will include additional engineering services to perform a new programming, schematic design, and cost estimation of the Wayne Community Activity Center as a result of the City entering into an Interlocal Agreement with Wayne Community Schools to facilitate cooperation and coordination on the planned improvements to the activity center. Their services will be billed on an hourly basis.

Councilmember Karsky introduced Resolution No. 2022-17, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2022-17

A RESOLUTION APPROVING AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CARLSON WEST POVONDRA ARCHITECTS FOR ADDITIONAL SERVICES ON THE "WAYNE COMMUNITY ACTIVITY CENTER CIVIC AND

COMMUNITY CENTER FACILITY PLANNING STUDY.”

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

Marlen Chinn, Police Chief, stated the following Resolution pertains to an agreement that has been in the works for a couple of years working jointly with other dispatch centers in the northeast region. Technology has made it to where each dispatch center would no longer have to purchase and fund a full set of answering equipment, nor replace that equipment every 6 to 10 years as in the past, costing hundreds of thousands of dollars for each entity.

This venture made Norfolk and South Sioux City the two “Host” dispatch centers that will house and maintain all of the infrastructure equipment for 911 calls. We, along with the other smaller listed agencies in the agreement, will then operate off of the Host’s equipment and the calls are sent to us as “remote” sites. We would be linked to each other to use the host equipment by redundant fiber network.

It doesn’t change anything at this point as to who answers your local 911 calls -- they still come to us via this system electronically. It does, however, change things to where if one agency has a major crisis or event overloading their 911 system, those calls would be dispersed to the other linked dispatch centers to be answered.

The agencies listed on this agreement have worked together from the start with a couple more agencies that have given their intent to join once their equipment expires and is needing replaced. Costs to do this are shared with the number of agencies signed on, instead of each agency funding everything for their site on their own.

The agreement has been reviewed and approved as to content by the City Attorney.

Councilmember Brodersen introduced Resolution No. 2022-18, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2022-18

A RESOLUTION APPROVING THE “NORTHEAST NEBRASKA 911 REGIONAL INTERLOCAL AGREEMENT” BETWEEN THE CITY OF WAYNE, CITY OF NORFOLK, CITY OF SOUTH SIOUX CITY, CEDAR COUNTY, DAKOTA COUNTY, DIXON COUNTY

AND KNOX COUNTY TO SHARE EMERGENCY 911 CALL HANDLING COMPUTER HARDWARE.

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

Police Chief Chinn stated the following Resolution will appoint him to represent, make decisions, and be a voting member for the Northeast Nebraska Regional 911 Committee per the interlocal agreement.

Councilmember Karsky introduced Resolution No. 2022-19, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2022-19

A RESOLUTION APPOINTING THE WAYNE CHIEF OF POLICE TO REPRESENT AND MAKE DECISIONS ON THE NORTHEAST NEBRASKA REGIONAL E911 COMMITTEE.

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

Administrator Blecke stated the CRA, at their meeting on Tuesday, February 22nd, made a motion to ask the Council to consider giving them Lot 23, Southview II Addition, in which to place/move the house at 711 Main Street. In addition, the CRA noted they would take the other two lots in the area to market for the City if the City wanted to do that.

Councilmember Woehler had concerns in regard to selling the property to the CRA for \$1.00.

It was noted the Chicago Street project is not going to be assessed to anyone.

Councilmember Pick would like to see some of the revenue from the sale of this house come back to the City to cover at least some of the street improvement costs.

Councilmember Eischeid introduced Resolution 2022-20, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2022-20

A RESOLUTION AUTHORIZING THE SALE OF LOT TWENTY-THREE (23), SOUTHVIEW II ADDITION OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO THE WAYNE COMMUNITY REDEVELOPMENT AUTHORITY FOR \$2.00.

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

Councilmember Karsky introduced Ordinance No. 2022-6, and moved for approval of the second reading thereof; Councilmember Buck seconded.

ORDINANCE NO. 2022-6

AN ORDINANCE DIRECTING THE SALE OF LOT TWENTY-THREE (23), SOUTHVIEW II ADDITION OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO THE WAYNE COMMUNITY REDEVELOPMENT AUTHORITY FOR \$2.00.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Dorey who was 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 Councilmember Dorey who was 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. 2022-6. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Dorey who was absent, the Mayor declared the motion carried.

The following Resolution will approve the 2022 Wayne, Nebraska, Community Housing Study with Strategies for Affordable Housing. This is the housing study that was presented back in January.

Councilmember Brodersen introduced Resolution 2022-21, and moved for its approval thereof; Councilmember Buck seconded.

RESOLUTION NO. 2022-21

A RESOLUTION APPROVING THE WAYNE, NEBRASKA, COMMUNITY HOUSING STUDY WITH STRATEGIES FOR AFFORDABLE HOUSING.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Dorey 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 8:22 p.m.