

**MINUTES
CITY COUNCIL MEETING
March 15, 2022**

The Wayne City Council met in regular session at City Hall on March 15, 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 March 1, 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, 709.65; ANDERSON, DEREK SE, 25.00; APPEARA, SE, 117.73; BATTERY SOLUTIONS, SU, 204.00; BORDER STATES INDUSTRIES, SU, 352.04; CHEMQUEST, SE, 695.00; CITY EMPLOYEE, RE, 1191.66; CITY EMPLOYEE, RE, 293.23;

CITY EMPLOYEE, RE, 2716.92; CITY OF WAYNE, RE, 120.10; CITY OF WAYNE, RE, 1191.66; COPY WRITE PUBLISHING, SE, 91.59; COTTONWOOD WIND PROJECT, SE, 19025.32; CUSTOM FILTRATION, SU, 768.00; DAVE'S DRY CLEANING, SE, 42.00; ECHO GROUP, SU, 954.96; FIRST CONCORD GROUP, SE, 3601.64; FLOOR MAINTENANCE, SU, 102.50; GALE/CENGAGE LEARNING, SU, 99.41; GLOBAL PAYMENTS INTEGRATED, SE, 352.12; GLOVER PAINTING, SE, 1180.00; HACH COMPANY, SU, 450.75; HAWKINS, SU, 2962.43; HEIKES AUTOMOTIVE, SU, 124.00; HILAND DAIRY, SU, 279.60; JACK'S UNIFORMS, SU, 980.90; L.G. EVERIST, SU, 208.18; LIBERAL GASKET, SU, 96.48; LUTT OIL, SU, 24800.00; LUTT OIL, SU, 4784.18; MACQUEEN EQUIPMENT, SE, 1348.01; MATHESON-LINWELD, SU, 32.63; MERCHANT SERVICES, SE, 59.05; MERCHANT SERVICES, SE, 1297.82; MERCHANT SERVICES, SE, 2944.77; MIDWEST LABORATORIES, SE, 508.00; NPPD, SE, 7798.76; NNEDD, SE, 4117.50; NORTHEAST POWER, SE, 5565.00; ONE CALL CONCEPTS, SE, 23.16; O'REILLY AUTOMOTIVE STORES, SU, 290.27; PAC N SAVE, SU, 580.67; PAC N SAVE, SU, 1119.64; PATEFIELD, DAVID, SE, 100.00; PLUNKETT'S PEST CONTROL, SE, 43.26; QHA CLEANING, SE, 1588.40; QUADIENT FINANCE USA, SU, 1000.00; QUADIENT LEASING USA, SE, 655.38; QUALITY FOOD CENTER, SU, 30.25; RIEKES EQUIPMENT, SE, 379.28; SKARSHAUG TESTING LAB, SE, 242.08; STAPLES, SU, 39.40; STATE NEBRASKA BANK & TRUST, SE, 60.16; STATE NEBRASKA BANK-PETTY CASH, RE, 96.22; STEFFEN TRUCK EQUIPMENT, SE, 3753.54; THRASHER, RE, 600.00; TYLER TECHNOLOGIES, SE, 1370.19; US FOODSERVICE, SU, 1747.94; VERIZON, SE, 593.17; WAHLTEK, SU, 18752.00; WAYNE AUTO PARTS, SU, 101.40; WAYNE HERALD, SE, 106.50; WAYNE STATE COLLEGE, SU, 22.50; WAYNE VETERINARY CLINIC, SE, 98.00; WAPA, SE, 20236.58; WISNER WEST, SU, 114.77; AMERITAS, SE, 179.73; AMERITAS, SE, 3068.74; AMERITAS, SE, 72.00; AMERITAS, SE, 97.11; BAKER & TAYLOR BOOKS, SU, 762.13; CARLSON WEST PVONDRA ARCHITECTS, SE, 1879.65; CARLSON WEST PVONDRA ARCHITECTS, SE, -1879.65; CARLSON WEST PVONDRA ARCHITECTS, SE, 1879.65; CITY EMPLOYEE, RE, 37.60; CITY EMPLOYEE, RE, 140.17; CITY EMPLOYEE, RE, 354.69; CITY EMPLOYEE, RE, 183.60; CITY OF WAYNE, PY, 92456.52; CITY OF WAYNE, RE, 403.08; CORE & MAIN, SU, 368.53; DAS STATE ACCTG-CENTRAL FINANCE, SE, 67.79; DEARBORN LIFE INSURANCE, SE, 2843.74; EAKES OFFICE PLUS, SE, 286.39; FAITH REGIONAL PHYSICIAN SERV, SE, 99.50; FIRST CONCORD GROUP, SE, 490.10; FLOOR MAINTENANCE, SU, 52.31; GALE/CENGAGE LEARNING, SU, 49.38; GRAINLAND ESTATES, RE, 2854.52; HYPERION, SE, 81.00; ICMA, SE, 1561.62; ICMA, SE, 35.42; ICMA, SE, 387.46; ICMA, SE, 128.40; ICMA, SE, 65.00; ICMA, SE, 119.12; ICMA, SE, 390.42; ICMA, SE, 8576.53; ICMA, SE, 168.72; ICMA, SE, 149.64; INGRAM LIBRARY SERVICES, SU, 631.86; IRS, TX, 11562.62; IRS, TX, 3665.84; IRS, TX, 15674.28; J.P. COOKE COMPANY, SU, 210.90; JACK'S UNIFORMS, SU, 1065.40; KASEYA US LLC, SU, 7613.96; KELLY SUPPLY COMPANY, SU, 69.57; LYNN PEAVEY, SU, 184.60; MAIN STREET GARAGE, SE, 42.50; MUNICIPAL SUPPLY, SU, 290.23; NE DEPT OF REVENUE, TX, 5062.31; NE DEPT OF TRANSPORTATION, SE, 4935.00; NORTHEAST TIRE SERVICE, SE, 30.00; O'REILLY AUTOMOTIVE STORES, SU, 116.68; OVERDRIVE, SU, 624.18; RON'S RADIO, SU, 45.00; SEILER INSTRUMENT & MFG, SU, 3541.71; STADIUM SPORTING GOODS, SU, 108.00; THRASHER, RE, 500.00; THRASHER, RE, 1000.00; US BANK, SU, 15304.12; WAYNE HERALD, SE, 95.00; WAYNE HERALD, SE, 110.00

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to approve the claims. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, gave a report on what is taking place at the Street and Planning Departments.

Matt Ley, on behalf of Sanctuary Apartments, LLC, was present requesting Council consideration to forgiving their sewer bills for usage from December 15 – February 15 because of a water line break. The water did not go down the sewer, and this was confirmed by both a plumber and city employee.

Councilmember Karsky made a motion, which was seconded by Councilmember Muir, approving the request of Sanctuary Apartments, LLC, to forgive the sewer bills for usage from Dec 15 – Feb 15 because of a water line break in the amount of \$1,795.85. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2022-2, and moved for approval of the third and final reading thereof; Councilmember Brodersen 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, the Mayor declared the motion carried.

Councilmember Karsky introduced Ordinance No. 2022-3 and moved for approval of the third and final reading thereof; Councilmember Buck 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, the Mayor declared the motion carried.

Councilmember Brodersen introduced Ordinance No. 2022-4, and moved for approval of the third and final 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, the Mayor declared the motion carried.

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.

Administrator Blecke stated he has conferred with R. Perry Construction, Inc., and they have committed to providing some type of contribution to the lagoon area for park improvements, etc. He asked them if they would be willing to put the money into the price of the lot. They are agreeable to doing that and have agreed to purchase the property for \$100,000. The following documents would reflect the purchase price of \$100,000. The ordinance, because it is the third reading thereof, needs to be amended to change the purchase price from \$1.00 to \$100,000.

Mayor Giese stated two emails came in and were distributed to Council at meeting time.

Cory Christiansen, representing R. Perry Construction, Inc., was present to answer questions.

Councilmember Brodersen stated as a member of the lagoon rehab committee, a/k/a Stool to Cool Task Force, she was concerned that they are losing the money that was going to be used at the lagoon for park improvements.

Administrator Blecke stated through the budget process, Council would just need to allocate \$100,000 to park improvements at the old lagoon.

Councilmember Eischeid stated he was contacted by a couple of people that were in favor of this project. He also had a phone call from one of the largest employers in the area, and they are in favor of it. He does not agree with the idea that this project will hurt everybody or will hurt the landlords. Everyone will benefit – the community will benefit, the landlords will benefit, and there are still going to be people willing to rent houses where the rent is a little bit less in price. If a lot of these apartments are left open

because the price is too high, then that is something the company (R. Perry Construction, Inc.) is going to have to deal with.

Councilmember Brodersen stated while she wasn't in favor of this project at first, she does like the idea of an "apartment complex," rather than putting apartments in older neighborhoods and amongst older homes. She thought this was a great location for these apartments.

Councilmember Karsky stated he also received a call from a long-time resident who said Wayne has had a housing problem for 30 years, and he trusts the Council to use the housing study and other information to make an informed decision.

Councilmember Buck stated she had visited with several business owners in town. Several things that came into her mind when she went back to the interview process with these two proposals was that utilities (water, sewer, and internet) are included in the rent. A realtor in town mentioned they have, what she would consider, a large waiting list for rentals. They (R. Perry) noted they will also be using local contractors for the construction of the project.

Councilmember Muir stated there were a couple of retirees that had a conversation with someone who he was discussing this with that said they had been looking at moving out of a home that they do not want to maintain anymore. He had not thought about retirees potentially wanting to move into one of these apartment complexes.

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

Councilmember Brodersen introduced Resolution 2022-23, and moved for its approval; Councilmember Pick seconded.

RESOLUTION NO. 2022-23

A RESOLUTION AUTHORIZING THE SALE OF LOT THREE (3), SOUTHEAST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO R. PERRY CONSTRUCTION, INC., FOR \$100,000.00.

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

City Attorney Miller reviewed the amendments to the Purchase Agreement.

- Changing purchase price from \$1.00 to \$100,000.00
- Paragraph 10 b states the buyer shall have 60 days from the date of the execution of this agreement to determine if the property is acceptable to the Buyer. If for some reason, they cannot get tax increment financing or the landscaping does not work for them, they can terminate the agreement.

Councilmember Brodersen introduced Resolution No. 2022-24, and moved for its approval.

Councilmember Brodersen stated she would like the \$100,000 earmarked to the lagoon renovation project.

Councilmember Buck seconded.

RESOLUTION NO. 2022-24

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, the Mayor declared the motion carried.

Councilmember Brodersen introduced Ordinance No. 2022-5, and moved for approval of the third and final reading thereof as amended (changing the purchase price of \$1.00 to \$100,000); Councilmember Karsky 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., FOR \$100,000.00.

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

Taylor Kube, representing Olsson, stated two bids were received on March 10, 2022, regarding the Wayne Chicago Street Project. After review of the bids, he is recommending that Notice of Award be given to the low bidder, Woehler & Sons Construction, Inc., in the amount of \$744,327.00. The engineer's estimate on the project was \$785,000.

The alternate bid was for fly ash - \$50,350. Mr. Kube noted it will be the engineer's decision on whether or not to allow the contractor to use fly ash, and the engineer will visit with city staff before making that final decision.

Councilmember Brodersen introduced Resolution No. 2022-22, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2022-22

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "WAYNE CHICAGO STREET PROJECT" – ROBERT WOehler & SONS CONSTRUCTION, INC. - \$744,327.

Mr. Kube stated construction can start April 1, 2022.

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

The following Resolution would approve "Letter Agreement Amendment #1" with Olsson for design and bidding services for paving and water for the "Lincoln Street from Chicago Street to 1st Street."

Councilmember Brodersen introduced Resolution No. 2022-25, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2022-25

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #1 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL SERVICES ON THE "WAYNE CHICAGO STREET PROJECT."

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, setting the date for the next Council "Mini-Retreat" for Tuesday, March 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, the Mayor declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:03 p.m.