

**MINUTES**  
**CITY COUNCIL MEETING**  
**April 5, 2022**

The Wayne City Council met in regular session at City Hall on April 5, 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 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 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 Karsky, to approve the minutes of the meetings of March 15, 2022, and March 29, 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 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:** ACES, SE, 1021.15; AMAZON, SU, 660.67; AMERITAS, SE, 100.52; AMERITAS, SE, 161.94; AMERITAS, SE, 72.00; AMERITAS, SE, 2887.18; ANDERSON, DEREK, SE, 75.00; APPEARA, SE, 104.41; APPEARA, SE, 115.82; ARC-HEALTH & SAFETY, SE, 245.00; BATTERY

SOLUTIONS, SU, 204.00; BATTERY SOLUTIONS, SU, 204.00; BIG RIVERS ELECTRIC CORPORATION, SE, 141019.85; BLACK HILLS ENERGY, SE, 1775.17; BLUE CROSS BLUE SHIELD, SE, 49499.69; BOMGAARS, SU, 1457.99; BORDER STATES INDUSTRIES, SU, 491.75; CARHART LUMBER COMPANY, SU, 652.14; CENTURYLINK, SE, 424.51; CITY EMPLOYEE, RE, 246.98; CITY EMPLOYEE, RE, 1577.54; CITY EMPLOYEE, RE, 3941.77; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 74.86; CITY EMPLOYEE, RE, 580.83; CITY EMPLOYEE, RE, 314.90; CITY EMPLOYEE, RE, 160.51; CITY OF WAYNE, PY, 92535.94; CITY OF WAYNE, RE, 881.51; CLARK EQUIPMENT COMPANY, SU, 16114.98; CONSOLIDATED MANAGEMENT, SE, 47.14; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 99.76; EAKES OFFICE PLUS, SE, 2067.25; ECHO GROUP, SU, 181.75; ELLIS HOME SERVICES, SE, 2187.79; FAIRFIELD INN – KEARNEY, SE, 659.70; FLOOR MAINTENANCE, SU, 930.78; FREDRICKSON OIL, SU, 1490.50; GALE/CENGAGE LEARNING, SU, 74.07; GROSSENBURG IMPLEMENT, SU, 230.13; HILAND DAIRY, SE, 121.65; HILAND DAIRY, SE, 138.73; HILAND DAIRY, SE, 109.10; ICMA, SE, 168.72; ICMA, SE, 8576.53; ICMA, SE, 387.46; ICMA, SE, 1561.62; ICMA, SE, 154.18; ICMA, SE, 390.42; ICMA, SE, 35.42; ICMA, SE, 119.12; ICMA, SE, 65.00; ICMA, SE, 128.40; IMPACT SPECIALTIES, SU, 797.50; IOWA PUMP WORKS, SU, 63.66; IRS, TX, 11585.73; IRS, TX, 15609.42; IRS, TX, 3650.60; JACK'S UNIFORMS, SU, 64.90; JEO CONSULTING GROUP, SE, 14110.05; JOHNSON'S PLUMBING & HEATING, SE, 9266.00; KAUP FORAGE & TURF, SU, 1282.50; KELLY SUPPLY COMPANY, SU, 249.37; KTCH, SE, 150.00; MAIN STREET GARAGE, SE, 106.25; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MARK, MICHELLE, RE, 200.00; MERCHANT JOB TRAINING, SU, 550.00; MEYER, SU, 1200.00; NE DEPT OF REVENUE, TX, 5038.40; NE DEPT OF REVENUE-CHARITABLE GAMING DIV, FE, 100.00; NE LAW ENFORCEMENT, FE, 485.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 108.00; NELSON, MATT, RE, 500.00; NORFOLK GM AUTO CENTER, SU, 785.00; NORTHEAST NE INS AGENCY, SE, 122268.00; NORTHEAST NEBRASKA NEWS, FE, 39.50; NORTHEAST POWER, SE, 18678.78; OCC BUILDERS, RE, 500.00; OLSSON ASSOCIATES, SE, 4600.00; O'REILLY AUTOMOTIVE STORES, SU, 115.52; PATEFIELD, DAVID, SE, 150.00; PLUMBING & HEATING WHOLESALE, SU, 372.85; POSTMASTER, SU, 941.12; QC FOUNDATION REPAIR, RE, 500.00; QUADIENT LEASING, SE, 2691.00; ROBERTS, NOAH, SE, 100.00; SEILER INSTRUMENT & MFG, SU, 97.10; STAPLES, SU, 165.12; STAPLES, SU, 47.61; STATE NEBRASKA BANK-PETTY CASH, RE, 96.10; THE 4TH JUG, SE, 177.48; THRASHER, RE, 500.00; THRASHER, RE, 100.00; TRI-STATE COMMUNICATIONS, SU, 111.60; TRI-STATE COMMUNICATIONS, SU, 1294.50; UTILITY EQUIPMENT, SU, 460.52; VEL'S BAKERY, SU, 54.00; VIAERO, SE, 65.80; WAED, FE, 280.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE HERALD, SE, 1381.47; WAYNE HERALD, SE, 48.00; WESCO, SU, 439.50; WESCO, SU, 337.59; WISNER WEST, SU, 62.08; ARNIE'S FORD, SU, 1448.56; AUTO ANATOMY ALTERNATIVES, SE, 353.99; BORDER STATES INDUSTRIES, SU, 1111.24; BORDER STATES INDUSTRIES, SU, 2642.16; BROWN SUPPLY, SU, 236.00; CHEMQUEST, SU, 2117.50; CITY EMPLOYEE, RE, 137.03; CITY EMPLOYEE, RE, 27.09; CONSOLIDATED MANAGEMENT, SE, 17.48; FIRST CONCORD GROUP, SE, 3947.74; FIRST CONCORD GROUP, FE, 400.00; FLOOR MAINTENANCE, SU, 67.32; GALE/CENGAGE LEARNING, SU, 50.03; GERHOLD CONCRETE, SU, 65.00; GROSSENBURG IMPLEMENT, SU, 71.88; HOMETOWN LEASING, SE, 436.02; HYTREK LAWN, SE, 915.00; JOHN'S WELDING AND TOOL, SU, 161.78; KAUP FORAGE & TURF, SU, 1656.00; KELLY SUPPLY COMPANY, SU, 32.00; L.G. EVERIST, SU, 792.70; MAIN STREET GARAGE, SE, 134.24; MILLER LAW, SE, 5416.67; NPPD, SE, 31.00; NORTHEAST POWER, SE, 6477.00; ONE CALL CONCEPTS, SE, 100.22; OVERDRIVE, SU, 29.95; PREMIER BIOTECH, SE, 102.36; QUALITY FOOD CENTER, SU, 53.11; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 14506.94; UTILITY EQUIPMENT, SU, 2962.00; VAN DIEST SUPPLY, SU, 1896.00; WAED, SE, 8592.41; WAYNE STATE COLLEGE CHEER, FE, 285.25; WESCO, SU, 813.20; WAPA, SE, 20275.49

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.

Mayor Giese proclaimed April 29<sup>th</sup> as “Arbor Day.”

Matt Haschke on behalf of the Wayne County Ag Society, was present requesting Council consideration to allowing them to have a fireworks display on Saturday, July 23, 2022, for the Wayne County Fair in the field east of Bomgaars and behind Herman Chiropractic.

Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving the request of Matt Haschke, representing the Wayne County Ag Society, to have a fireworks display on Saturday, July 23, 2022, for the Wayne County Fair in the field east of Bomgaars and behind Herman Chiropractic. 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 Meyer, representing the Wayne Airport Authority, gave an update/presentation on the MayDay STOL (short take-off and landing) Event (Airplane Drag Races) that will take place on May 20 – May 22, 2022, at the Wayne Airport.

Andrea Zara, on behalf of the Wayne Airport Authority, was present requesting Council consideration to approving their Special Designated Liquor License Permit for the MayDay STOL Event to be held on May 19, 20, 21, and 22, 2022, at the Wayne Airport. All of the same safety protocols will be in place this year as were in place last year.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving the request of Andrea Zara, representing the Wayne Airport Authority, for a Special Designated Liquor License Permit for the Wayne Municipal Airport MayDay STOL Event to be held on May 19, 20, 21, and 22, 2022. 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.

A Liquor License Manager Application was received from the Nebraska Liquor Control Commission on behalf of Chad J. Hoepfner for the Eagles FO Wayne Arie 3757.

Mr. Hoepfner was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the Liquor License Manager Application of Chad J. Hoepfner in connection with the Eagles FO Wayne Arie 3757. 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 regarding the application for a Retail Class A (Beer Only) Liquor License on behalf of Emperatriz Nunez, d/b/a “Lunas Mexican Restaurant” located at 118 E. 2<sup>nd</sup> Street.

Emperatriz Nunez was present to answer questions.

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

There being no public comments, Mayor Giese closed the public hearing.

Councilmember Brodersen introduced Resolution No. 2022-26 and moved for its approval; Councilmember Karsky seconded.

#### RESOLUTION NO. 2022-26

A RESOLUTION APPROVING THE APPLICATION FOR A RETAIL CLASS A LIQUOR LICENSE — EMPERATRIZ NUNEZ D/B/A “LUNAS MEXICAN RESTAURANT.”

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 regarding the “Workforce Housing Incentive Plan.”

The 2018 Nebraska Legislature passed Legislative Bill 496 which amended the Nebraska Community Development Law. The Bill was signed by the Governor in May of 2019. Before the Bill was passed, tax increment financing was generally limited to pay costs of site purchase, utility extension, public infrastructure, sidewalks, planning and certain rehabilitation expenditures. The Bill, among other items, provided that TIF may be used for the actual construction of new workforce housing and rehabilitation costs exceeding 50% of assessed valuation on residential workforce housing units.

Prior to utilizing TIF for workforce housing, the City must (a) receive a housing study within the last 24 months and (b) hold a hearing on an incentive plan for the use of TIF for workforce housing.

This is the next step in the process to use TIF for workforce housing.

Administrative Blecke noted that just because you would approve a workforce development incentive plan does not mean you have to allow developers to use workforce tax increment financing. It is just another tool to allow developers to use vertical construction to use more of their tax increment financing funds.

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

There being no public comments, Mayor Giese closed the public hearing.

Councilmember Karsky introduced Resolution No. 2022-27 and moved for its approval; Councilmember Pick seconded.

#### RESOLUTION NO. 2022-27

##### A RESOLUTION APPROVING WORKFORCE HOUSING INCENTIVE PLAN.

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.

Dan Willetts, representing Black Hills Energy, was present and stated that they would like to move forward with their bare steel replacement again this year in Wayne. They will start with completing area D that they started last fall.

They then want to move to Area A and then as time allows, into Area C. They are hopeful that they might be able to get all 3 areas completed in 2022, but that is not a guarantee. Maps showing the locations were provided to the Council. On the map for Section A, they noted the red lines will be abandoned and the blue lines are the proposed new mains, and that not much will change except for some short sections of main. Area C has not been designed yet, but the area is outlined in yellow so Council can tell where they will be working.

Administrator Blecke requested that the permit fee be increased from \$800 to \$1,000 per area due to the additional rock that has to be put down.

Councilmember Brodersen introduced Resolution 2022-28, and moved for its approval and increasing the permit fee from \$800 to \$1,000; Councilmember Karsky seconded.

RESOLUTION NO. 2022-28

A RESOLUTION APPROVING COMMUNITY-WIDE BLANKET CONSTRUCTION PERMIT AGREEMENT BETWEEN THE CITY OF WAYNE AND BLACK HILLS NEBRASKA GAS, LLC, D/B/A BLACK HILLS ENERGY.

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 requested Council consideration to reappointing Pat Melena, Chele Meisenbach and Breck Giese to the Planning Commission. These are three-year terms. Because their term actually ended June 30, 2021, their reappointment will be from that date and the new term will now end June 30, 2024.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the reappointment of Pat Melena, Chele Meisenbach and Breck Giese to the Planning Commission (three-year term ending June 30, 2024). 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 6:01 p.m.