

**MINUTES
CITY COUNCIL MEETING
June 21, 2022**

The Wayne City Council met in regular session at City Hall on June 21 2022, at 5:30 o'clock P.M.

Council President Jill Brodersen 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 Matt Eischeid; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Mayor Cale Giese.

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.

Council President Brodersen 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, she 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 Woehler, to approve the minutes of the meeting of June 7, 2022, and to waive the reading thereof. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACE HARDWARE & HOME, SU, 308.84; APPEARA, SE, 178.45; ARNIE'S FORD, SU, 48.07; BAKER & TAYLOR BOOKS, SU, 471.50; CITY EMPLOYEE, RE, 2547.35; CITY EMPLOYEE, RE, 68.04; CITY EMPLOYEE, RE, 759.42; CITY OF WAYNE, RE, 1763.79; COPY WRITE PUBLISHING, SE, 14.16; CORE & MAIN, SU, 4777.24; DAS STATE ACCTG-CENTRAL FINANCE, SE, 67.79; DAVE'S DRY CLEANING, SE, 78.00; DEARBORN LIFE INSURANCE

COMPANY, SE, 2814.79; EAKES OFFICE PLUS, SE, 378.52; ELKINS PORTABLE RESTROOMS, LLC, SU, 330.00; FAITH TO LOVE PUBLISHING, SU, 10.00; FINDAWAY, SU, 1529.91; FLOOR MAINTENANCE, SU, 858.29; GALE/CENGAGE LEARNING, SU, 148.14; GERHOLD CONCRETE, SU, 1033.31; GROSSENBURG IMPLEMENT, SU, 270.75; HAWKINS, SU, 1820.27; HEARTLAND FIRE PROTECTION, SE, 894.50; HILAND DAIRY, SE, 228.21; INGRAM LIBRARY SERVICES, SU, 823.83; KOUATIL, ZAYNAB, SE, 150.00; LAMP, MACKENZIE, SE, 250.00; LINDNER, DAVID, RE, 38.51; LIVING HERE, SU, 21.00; LOPEZ, JUANA, RE, 45.00; MAIN STREET GARAGE, SE, 42.50; MATHESON-LINWELD, SU, 35.06; MAXNET SECURITY, SE, 2381.25; MONAHAN, PHILLIP, RE, 60.00; MUNICIPAL SUPPLY, SU, 1066.13; NE STATE VOLUNTEER FIREFIGHTERS ASSOC, FE, -60.00; NNEDD, SE, 6637.50; O'REILLY AUTOMOTIVE STORES, SU, 38.80; OVERDRIVE, SU, 643.54; PAC N SAVE, SU, 15.25; PAC N SAVE, SU, 14.92; PAC N SAVE, SU, 2003.73; PER MAR SECURITY SERVICES, SE, 1372.86; QUADIEN FINANCE USA, SU, 600.00; QUADIEN LEASING USA, SE, 2691.00; RIEKES EQUIPMENT, SE, 914.29; SCHMITZ, CINDY, SE, -45.00; SD MYERS, SE, 221.00; STADIUM SPORTING GOODS, SE, 36.00; US BANK, SU, 17752.60; US FOODSERVICE, SU, 1854.64; VERIZON, SE, 584.43; VERSCHOOR, RACHEL, RE, 17.50; WILLIAMS, LACEY, RE, 50.00; WISNER WEST, SU, 95.25; ACES, SE, 1021.15; ALARCON-FLORY,PERLA, SE, 25.00; AMERITAS, SE, 196.64; AMERITAS, SE, 94.18; AMERITAS, SE, 3148.72; AMERITAS, SE, 72.00; AMERITAS, SE, 35.00; BEBEE, TIMOTHY J. & LESLIE A, RE, 3076.60; BENSCOTER, LOUIS, RE, 3001.95; BIG RIVERS ELECTRIC CORPORATION, SE, 93840.84; CITIZENS STATE BANK, RE, 3816.75; CITY EMPLOYEE, RE, 210.50; CITY EMPLOYEE, RE, 78.53; CITY EMPLOYEE, RE, 58.90; CITY EMPLOYEE, RE, 450.63; CITY OF WAYNE, PY, 107798.88; CITY OF WAYNE, RE, 450.63; CUMMINS CENTRAL POWER, SE, 387.20; DAKOTA COUNTY COURT, RE, 546.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DGR & ASSOCIATES, SE, 3287.50; DUTTON-LAINSON, SU, 23288.56; ELLIS HOME SERVICES, SE, 4801.00; FIRST CONCORD GROUP, SE, 3947.74; FLOOR MAINTENANCE, SU, 67.46; FOURTH GENERATION FAMILY, RE, 15081.49; GERHOLD CONCRETE, SU, 1966.62; GRAINGER, SU, 374.16; HOCHSTEIN, NICK, RE, 1000.00; HYDRO OPTIMIZATION, SU, 190.43; ICMA, RE, 35.42; ICMA, RE, 8867.84; ICMA, RE, 65.00; ICMA, RE, 102.72; ICMA, RE, 119.12; ICMA, RE, 339.92; ICMA, RE, 132.14; ICMA, RE, 387.46; ICMA, RE, 174.75; ICMA, RE, 154.18; ICMA, RE, 1443.86; IRS, TX, 12330.26; IRS, TX, 17923.58; IRS, TX, 4191.84; JORGENSEN, KEN, RE, 3861.15; LIFE LINE SCREENING, RE, 200.00; LUTT OIL, SU, 73985.60; MARCO TECHNOLOGIES, SE, 180.50; MZRB, RE, 3736.95; NE DEPT OF REVENUE, TX, 5518.04; NE WATER RESOURCES ASSOCIATION, FE, 105.00; NORTHEAST POWER, SE, 18678.78; PETERSON, CARTER, RE, 1398.46; PREMIER BIOTECH, SE, 134.86; QUALITY FOOD CENTER, SU, 2.98; REEG, BETTY S. Revocable Trust, RE, 2796.91; SKARSHAUG TESTING LAB, SE, 247.04; STATE NEBRASKA BANK-PETTY CASH, RE, 108.87; STEFFEN TRUCK EQUIPMENT, SU, 1000.00; TOMPKINS, RODNEY R. Irrevocable Trust, RE, 2796.91; USA BLUE BOOK, SU, 489.63; WAYNE COUNTY CLERK, SE, 328.00; WAYNE HERALD, SE, 224.50; WAYNE VETERINARY CLINIC, SE, 196.00; WESCO, SU, 28508.65; ZACH HEATING & COOLING, SE, 3092.87

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

Joe Gubbels was present requesting Council consideration to compensating him for fence material and dirt work that occurred at the time when the City was preparing for the construction of the Phase II Trail project.

This matter was tabled from the last meeting until staff could measure the space for vegetation between the side yard and the trail. At the narrowest spot, the trail is approximately 4'8" away from the lot line and the other open space averages about 6'. Western Ridge property owners are about 3' away from the physical trail. The trail is in the back yard on these. There are other close spots to the trail and side property lines (South Sherman, 3rd Avenue, and Meadow Lane to North Douglas).

Mr. Gubbels had requested more than the initial offer since he wanted to put in a new fence in lieu of repairing the old one for privacy purposes. He previously requested from the City 25% of the new fence and materials (not to exceed \$1,500) and some light dirt work.

Discussion took place on putting in shrubs for privacy purposes. It was noted that could be cost prohibitive at this time, as well as take time to get established, and then maintain.

Consensus was that the City did owe Mr. Gubbels something for damage to his fence. The City estimated the same at \$200 to repair his fence at that time. Because the damage took place in the spring of 2021, consideration was given to increasing the amount due to inflation.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, to reimburse Joe Gubbels the amount of \$400 for damage repair to his fence. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Luke Virgil, Director of Wayne Area Economic Development, was present representing the LB840 Revolving Loan Fund Review Committee. The LB840 Revolving Loan Fund Review Committee met on June 16, 2022, to review the revolving loan fund application of Nix Wayne, LLC (Sam Nixon and Jimmy John's Franchise) to the Wayne Economic Development Program. Mr. Nixon intends to utilize the funds to make improvements (renovate and repurpose) to the former First National Bank of Wayne building located at 106 E. 7th Street, which would convert a vacant building (formerly a drive-thru bank) at Wayne's main intersection to a full-service Jimmy John's franchise. Following the meeting, the Committee voted unanimously to recommend the following terms for a loan to Nix Wayne, LLC:

- Approval of the loan request of \$300,000;

- A loan repayment period of 10 years; and
- An interest rate to be set at one-half the rate set by the primary lender (Primary Lender Rate: 4.625%).

Mr. Virgil noted that Mr. Nixon's request from the LB840 Revolving Loan Fund Review Committee was an interest rate of 1%.

The Wayne Community Redevelopment Authority (CRA) owns the property at 106 E. 7th Street. In January 2022, Nix Wayne, LLC, secured a 5-year lease agreement with the CRA that allows for the proposed improvements.

To match their request of \$300,000 from the WEDP, Nix Wayne, LLC, has provided \$221,000 in capital injection via their partners and has secured financing for \$300,000 via a traditional lender. The total renovation project is estimated to cost at least \$821,000.

Sam Nixon was present to answer questions in addition to requesting the Council to consider reducing the interest rate to 1% as originally requested. This would save him approximately \$20,000. Jimmy John's will have between 12-14 FTE jobs created immediately. The drive-thru will have a 4-car stack.

Mr. Virgil, when asked, advised the Council of a few other LB840 loans where the Council did not go with the full recommendation of the Loan Review Committee. Some were based on the amount of sales tax revenue that would be generated for the City by the business.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving an LB840 revolving loan in the amount of \$300,000 to Nix Wayne, LLC, and a loan repayment period of 10 years as recommended by the LB840 Revolving Loan Fund Review Committee, but with an interest rate of 1%. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Dorey who abstained, the Council President declared the motion carried.

Taylor Kube, Engineer with Olsson, was present via zoom regarding the bids received on the "Wayne Lincoln Street Improvement Project." One bid was received for this project in the amount of \$224,429. Said bid was submitted by Robert Woehler & Sons Construction, Inc. Mr. Kube's

recommendation was to award the contract to the sole bidder, Robert Woehler & Sons Construction, Inc., in the amount of \$224,429.

Councilmember Karsky introduced Resolution 2022-41, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2022-41

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “WAYNE LINCOLN STREET IMPROVEMENT PROJECT” TO ROBERT WOEHLER & SONS CONSTRUCTION, INC., FOR \$224,429.

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

Taylor Kube, Engineer with Olsson, presented Certificate of Payment No. 1 in the amount of \$15,750 to Robert Woehler & Sons Construction, Inc., for the “Chicago Street Improvements Project.” This is for one-half of the mobilization costs, less the retainage of 10%. The engineer has approved the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, approving Certificate of Payment No. 1 in the amount of \$15,750 to Robert Woehler & Sons Construction, Inc., for the “Chicago Street Improvements Project.” Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Council President declared the motion carried.

Council President Brodersen stated the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regarding to annexing Lot 1, containing 2.55 acres more or less of the Replat of Kardell Industrial Park, Wayne County, Nebraska. The applicant is the City of Wayne.

This agenda item, as well as the following three agenda items, if approved, will annex Lot 1 of the Replat of Kardell Industrial Park, Great Dane Trailers, Department of Roads’ office, and Heritage Homes. Administrator Blecke stated he has spoken with all property owners, with the exception of the Department or Roads.

The Planning Commission held a public hearing on June 6, 2022, regarding the proposed annexation, and have recommended approval thereof, with the “Findings of Fact” being:

- Consistency with the Comprehensive Plan and the current and future land use map;
- Existing connection to utilities, including city water, city sewer and city electric; and
- Staff’s recommendation.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Eischeid introduced Ordinance No. 2022-8, and moved for approval thereof; Councilmember Pick seconded.

ORDINANCE NO. 2022-8

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

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried. The second reading will take place at the next meeting.

Council President Brodersen stated the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regarding to annexing a parcel of land containing 34.75 acres more or less to the City of Wayne. The applicant is the City of Wayne. The City wishes to annex the parcel on which Great Dane Trailers at 1200 Centennial Road is located.

The Planning Commission held a public hearing on May 2, 2022, regarding the proposed annexation, and have recommended approval thereof, with the “Findings of Fact” being:

- Consistency with the Comprehensive Plan and the current and future land use map;
- Utilities, including city water, city sewer and city electric; and
- Staff’s recommendation.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Eischeid introduced Ordinance No. 2022-9, and moved for approval thereof;
Councilmember Pick seconded.

ORDINANCE NO. 2022-9

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

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried. The second reading will take place at the next meeting.

Council President Brodersen stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regarding to annexing a parcel of land containing 4.27 acres more or less to the City of Wayne. The applicant is the City of Wayne. The City wishes to annex the parcel on which the Department of Roads' Wayne Office at 1300 E. 7th Street is located.

The Planning Commission held a public hearing on May 2, 2022, regarding the proposed annexation, and have recommended approval thereof, with the "Findings of Fact" being:

- Consistency with the Comprehensive Plan and the current and future land use map;
- Utilities, including city water, city sewer and city electric; and
- Staff's recommendation

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Karsky introduced Ordinance No. 2022-10, and moved for approval thereof;
Councilmember Eischeid seconded.

ORDINANCE NO. 2022-10

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

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried. The second reading will take place at the next meeting.

Council President Brodersen stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regarding to annexing a parcel of land containing 9.33 acres more or less to the City of Wayne. The applicant is the City of Wayne. The City wishes to annex the parcel on which Heritage Homes at 1519 East 7th Street is located.

The Planning Commission held a public hearing on May 2, 2022, regarding the proposed annexation, and have recommended approval thereof, with the "Findings of Fact" being:

- Consistency with the Comprehensive Plan and the current and future land use map;
- Utilities, including city water, city sewer and city electric; and
- Staff's recommendation.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Eischeid introduced Ordinance No. 2022-11, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2022-11

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

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried. The second reading will take place at the next meeting.

Administrator Blecke stated Lucas Thompson has purchased two lots from Todd Luedeke in the Tuffern Blue Estates Subdivision, north and west of Wayne. He would like to eliminate the utility easement between the two lots. Because this property is located outside City limits but within the City's zoning jurisdiction, this matter also went before the County Commissioners for consideration and approval. Attorney Miller stated Mr. Thompson, at the County Commissioner's meeting, stated he did not want to be prevented from building on or across the lot line.

Councilmember Karsky introduced Ordinance No. 2022-12, and moved for approval thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2022-12

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF THE 12 FOOT UTILITY EASEMENT LOCATED BETWEEN LOTS 1A AND 1B OF THE CORRECTED ADMINISTRATIVE REPLAT OF LOTS 1 AND 2 OF AMENDED PLAT OF TUFFERN BLUE ESTATES SUBDIVISION, WAYNE COUNTY, NEBRASKA, EXCLUDING THE EAST 6 FEET AND THE WEST 6 FEET OF SAID EASEMENT.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, to suspend the statutory rules requiring ordinances to be read by title on three different days. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, to move for final approval of Ordinance No. 2022-12. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2022-7, and moved for approval of the third and final reading thereof; Councilmember Dorey seconded.

ORDINANCE NO. 2022-7

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF 200, 204, AND 208 S. LINCOLN STREET FROM I-1 LIGHT INDUSTRIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Dorey, to enter into executive/closed session for the purpose of protecting the needless injury to the reputation of the City Administrator to discuss his employment agreement, and to allow Attorney Miller and City Clerk McGuire to be in attendance. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried, and executive session began at 6:39 p.m.

Council President Brodersen again stated that the matter to be discussed in execution session relates to the City Administrator's employment agreement.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to resume open session. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried, and open session resumed at 6:46 p.m.

Councilmember Eischeid made a motion, which was seconded by Councilmember Dorey, to approve the City Administrator's agreement/contract (per Resolution No. 2022-42) with a 3% increase - \$117,553.49.

RESOLUTION NO. 2022-42

A RESOLUTION TO ADOPT CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Brodersen made a motion, which was seconded by Councilmember Buck, setting the budget work sessions for July 19th and August 2nd after the regularly scheduled Council meetings. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

There being no further business to come before the meeting, Council President Brodersen declared the meeting adjourned at 6:48 p.m.