

MINUTES
CITY COUNCIL MEETING
July 19, 2022

The Wayne City Council met in regular session at City Hall on July 19, 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, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Councilmember Jason Karsky.

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 July 5, 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 Karsky who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

JUNE 29, 2022 – NOT ON CLAIMS LISTING: MILLER LAW, SE, 5416.67; WAED, SE, 8592.41

VARIOUS FUNDS: ACE HARDWARE & HOME, SU, 657.66; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 289.54; APPEARA, SE, 121.22; BAKER & TAYLOR BOOKS, SU, 784.25; BARGHOLZ, CINDY, RE, 200.00; BINSWANGER GLASS, SE, 224.50; BORDER STATES INDUSTRIES, SU, 510.27; CITY EMPLOYEE, RE, 1948.23; CITY OF WAYNE, RE, 913.23; CLARK EQUIPMENT COMPANY, SU, 61500.87; CLAUSSEN, HEATHER, FE, 680.00; COLONIAL RESEARCH, SU, 573.52; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 10000.00; CONCRETE INDUSTRIES, SU, 4823.12; COPY WRITE PUBLISHING, SE, 324.03; COTTONWOOD WIND PROJECT, SE, 14990.17; CUSTOM FILTRATION, SU, 590.70; DAVE'S DRY CLEANING, SE, 48.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2817.78; ED M. FELD EQUIPMENT, SU, 1854.52; ELKINS PORTABLE RESTROOMS, SE, 325.00; EMPLOYERS MUTUAL CASUALTY, RE, 314.58; FASTENAL, SU, 10.28; GERHOLD CONCRETE, SU, 3577.16; GLOBAL PAYMENTS INTEGRATED, SE, 835.27; GREAT PLAINS COMMUNICATIONS, RE, 1000.00; GREAT PLAINS COMMUNICATIONS, RE, 1000.00; HK SCHOLZ COMPANY, SE, 1870.00; HAWKINS, SU, 4798.18; HEIKES AUTOMOTIVE, SE, 18.00; HEITHOLD CONSTRUCTION, RE, 500.00; HILAND DAIRY, SE, 137.44; INGRAM LIBRARY SERVICES, SU, 817.81; ITRON, SE, 2714.47; JEO CONSULTING GROUP, SE, 2516.25; LUTT OIL, SU, 9575.00; MAIN STREET GARAGE, SU, 227.05; MATHESON-LINWELD, SU, 34.25; MIDWEST LABORATORIES, SE, 503.50; MILLER, RACHEL, RE, 17.50; MUNICIPAL SUPPLY, SU, 1142.32; NDEE-FISCAL SERVICES, FE, 150.00; NE DEPT OF REVENUE-CHARITABLE GAMING, TX, 1400.00; NE FIREFIGHTERS MUSEUM, SU, 741.00; NE LIBRARY ASSOCIATION, FE, 115.00; NE POWER REVIEW BOARD, FE, 1119.17; NPPD, SE, 7767.76; NPPD, FE, 31.00; NILES, TYSON, RE, 17.50; NNEDD, FE, 30.00; NORTHEAST NE INS AGENCY, SE, 22333.01; NORTHEAST TIRE SERVICE, SE, 275.00; OCLC, SE, 551.61; OVERDRIVE, SU, 868.16; PAC N SAVE, SU, 54.88; PEARSON, HILDA, RE, 30.00; PLUNKETT'S PEST CONTROL, SE, 102.51; QHA CLEANING, SE, 1500.00; RUZICKA, JACKIE, RE, 200.00; SKARSHAUG TESTING LAB, SE, 247.29; STAPLES, SU, 217.71; TOTAL GRAPHICS, SU, 813.75; TRI AIR TESTING, SE, 442.00; TYLER TECHNOLOGIES, SE, 3008.75; US BANK, SU, 5748.77; US FOODSERVICE, SU, 2473.47; VAKOC, SU, 2217.26; VERIZON, SE, 584.43; WAYNE AUTO PARTS, SU, 134.44; WAYNE COMMUNITY SCHOOL FOUNDATION, RE, 250.00; WAYNE COMMUNITY SCHOOLS, SU, 20.00; WAYNE HERALD, SE, 95.00; WAYNE HERALD, SE, 140.00; WAYNE HERALD, SE, 929.03; WAYNE HERALD, SE, 319.50; WAYNE STATE COLLEGE, SU, 125.00; WAYNE VETERINARY CLINIC, SE, 238.00; WESCO, SU, 704.53; WRIGHT, SARA, RE, 17.50; ZACH HEATING & COOLING, SU, 580.50; ZILA, BRIAN, RE, 500.00; ZIMCO SUPPLY, SU, 1145.00; ALL-AMERICAN PUBLISHING, SE, 355.00; AMAZON, SU, 1050.65; AMERITAS, 161.94; AMERITAS, SE, 35.00; AMERITAS, SE, 3335.14; AMERITAS, SE, 72.00; AMERITAS, SE, 131.18; ASSOCIATION FOR RURAL & SMALL LIBRARIES, FE, 50.00; AUNTIE K'S PIZZA, SU, 185.38; BIG RIVERS ELECTRIC CORPORATION, SE, 250081.07; CARROLL DISTRIBUTING, SU, 17.09; CITY OF WAYNE, PY, 104767.53; CITY OF WAYNE, RE, 1439.55; DAS STATE ACCTG-CENTRAL FINANCE, SE, 67.79; DGR & ASSOCIATES, SE, 4462.23; DOESCHER REPAIR, SE, 89.00; ELKINS PORTABLE RESTROOMS, SE, 1050.00; FLOOR MAINTENANCE, SU, 1296.36; GERHOLD CONCRETE, SU, 2676.10; HILAND DAIRY, SE, 30.62; ICMA, SE, 174.75; ICMA, SE, 387.46; ICMA, SE, 339.92; ICMA, SE, 8893.30; ICMA, SE, 154.18; ICMA, SE, 1443.86; ICMA, SE, 105.79; ICMA, SE, 65.00; ICMA, SE, 132.14; ICMA, SE, 35.42; ICMA, SE, 119.12; IRS, TX, 4090.42; IRS, TX, 12268.67; IRS, TX, 17489.74; KOUATIL, ZAYNAB, SE, 150.00; KTCH, SE, 150.00; LAMP, MACKENZIE, SE, 250.00; NE DEPT OF REVENUE, TX, 5441.18; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 174.25; NIELSEN TREE FARM, FE, 434.40; OLSSON, SE, 9500.00; O'REILLY AUTOMOTIVE STORES, SU, 43.84; RUWE, JOSH, RE, 500.00; SCHULTZ, EVERETT, RE, 500.00; STAPLES, SU, 17.21; SURBER, RYAN, RE, 50.00; WAYNE AREA LEGACY FUND, FE, 160.00; Y & Y LAWN SERVICE, SE, 130.00

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 Karsky who was absent, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, stated Kyle and Leah Ahlers have purchased two lots in the Vintage Hill 3rd Addition subdivision. They would like to eliminate the 14' utility easement between the two lots so they can build over that lot line.

The Ahlers are requesting the three readings of the ordinance be waived.

Councilmember Eischeid introduced Ordinance No. 2022-13, and moved for approval thereof; Councilmember Pick seconded.

ORDINANCE NO. 2022-13

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF THE 14 FOOT UTILITY EASEMENT LOCATED BETWEEN LOTS 8 AND 9, BLOCK 6, VINTAGE HILLS 3RD ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, EXCLUDING THE REAR 7 FEET OF SAID EASEMENT.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, 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 Karsky who was absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to move for final approval of Ordinance No. 2022-13. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

In regard to the next agenda item, Council approved a Marketing Agreement with Utility Service Partners on November 5, 2019. This was a 3-year agreement. The City has received to date \$2,788.57 in license fees for this service. We should receive another payment in February 2023. This agreement will

automatically renew for one additional one-year term unless the City gives them written notice at least 90 days prior to the end of the initial term that it does not intend to renew the agreement.

Staff has been in contact with them, and they have another option for cities to use after the initial term. This would allow Wayne to continue to make the program available to its residents, but discontinue the marketing. This is what they refer to as “web/phone status of a partner,” and they would no longer send out letters to the homeowners. This allows residents to still enroll in the program if they so choose and allows the City to continue to receive the royalties. Staff is recommending this option.

No action will automatically place the City in the “web/phone status of a partner” as recommended by staff. No action was taken on the matter.

Mayor Giese declared the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to amending the Zoning Text, specifically Section 152.139 Parking Regulations, specifically Section (F) Design Standards (6) Schedule of Minimum Off-Street Parking and Loading Requirements.

R. Perry Construction, Inc., the applicant, is requesting the Code be amended to change the parking requirements for multi-family residential in an R-4 District to 1.25 spaces per sleeping room. The Planning Commission has forwarded a recommendation to change the code to reflect the 1.25 spaces per sleeping room with the “Finding of Fact” being staff’s recommendation. R. Perry Construction, Inc., is requesting the Council waive the three readings of the ordinance.

Joel Hansen, Zoning Administrator, provided background on the parking ordinance and the changes that have taken place over the years.

The following changes are being recommended:

Residential structures (multiple family and townhouse):

- In R-4: 1.25 spaces per sleeping room
- In R-5: 1 space per sleeping room
- In any other zoning district, unless otherwise listed, 1 space per sleeping room, plus 1 space per dwelling unit.

Representatives from R. Perry Construction, Inc., were present to answer questions.

Lee Brogie spoke against the changes to Sec. 152.139 Parking Regulations, and asked Council to consider treating all similar structures in all zoning districts the same and come up with one parking plan for all districts.

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

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

It was noted R. Perry Construction, Inc., was requesting the three readings be waived on said ordinance.

Councilmember Eischeid introduced Ordinance 2022-14, and moved for approval thereof; Councilmember Pick seconded.

ORDINANCE NO. 2022-14

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING (SUPPLEMENTARY DISTRICT REGULATIONS), SECTION 152.139 PARKING REGULATIONS (F) (6); TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, 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 Karsky who was absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, to move for final approval of Ordinance No. 2022-14. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Mayor Giese stated 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:

Apartment Site: Lot Three (3), Southeast Addition to the City of Wayne, Wayne County, Nebraska. Parcel 0080238.00

Lake Site: Lot Five (5), Southeast Addition to the City of Wayne, Wayne County, Nebraska. Parcel 0080235.00

The notice of the public hearing was published in the Wayne Herald on June 30, 2022, and July 7, 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.

R. Perry Construction, Inc., is requesting tax increment financing for a project consisting of two development activities, all being a part of the overall Project. The separate activities are designated as “Project One” and “Project Two.” “Project One” of the Redevelopment Project is the development of an apartment complex on the apartment site by the Redeveloper, consisting of approximately 144 apartments in 4 apartment buildings with 36 apartments each. Project One is anticipated to include a clubhouse of approximately 4,000 sf and a pool area. The Redevelopment Project provides for the acquisition of the Apartment Site from the City pursuant to a purchase agreement.

“Project Two” of the Redevelopment Project is the creation of a four-acre (approximate) lake on the Lake Site. Project Two is to be constructed by the Redeveloper based on a design and in a location to be determined via the mutual agreement of the Redeveloper and the City.

The Redeveloper estimates the incurrence of approximately \$6,810,096 in TIF-eligible costs for the Redevelopment Project. The Redeveloper seeks a TIF grant in an amount of \$4,880,000 for the TIF-eligible costs that include, but are not limited to, site acquisition, site preparation, engineering and architecture, legal fees, infrastructure, utilities, lake development and capitalized interest. From the TIF grant of \$4,880,000, approximately \$2,200,000 will be utilized for the recreational lake development.

Construction of the apartment complex and commercial structure will require an estimated private investment of over \$23,000,000. The overall estimated total project cost will be \$31,426,724.

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 \$4,880,000 to assist in the financing.

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.

Representatives from R. Perry Construction, Inc., were present, as well as their Tax Increment Financing Attorney Michael Sands (via zoom).

Beth Porter, Finance Director, went over the schedule of the Tax Increment Financing process.

It was noted from the Community Redevelopment Authority, Mark Lenihan, School Superintendent, has shared concerns over the school being able to handle an increase in the student population as a result of this project. However, Mr. Lenihan has noted he is not against the project because Wayne needs more housing. Mayor Giese noted another concern of Mr. Lenihan is that the School pulls much of its levy from the Carroll School District, and he is also voting on behalf of those people who will not see a direct benefit from this for the next 15 years.

It was noted that that is looking at the here and now. You need to think about what happens in 15 years when this comes on line. What if the Oaks' project back in 1996 did not go? It is now valued at \$6.5 million dollars, and that was a \$250,000 TIF project.

BJ Woehler spoke in opposition to this Tax Increment Financing Application and requested the Council vote no on the Resolution. Lee Brogie and Brooke Sturm also spoke in opposition to this matter and requested the Council to vote no on the Resolution.

Administrator Blecke noted a letter had been received from Luke Virgil, representing Wayne Area Economic Development, in support of the project.

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

Councilmember Brodersen introduced Resolution No. 2022-45 and moved for its approval; Councilmember Pick seconded the motion.

RESOLUTION NO. 2022-45

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 (R. PERRY CONSTRUCTION, INC., PROJECT).

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

Mayor Giese stated the time was at hand for the public hearing to consider the Planning Commission's recommendation concerning a request to rezone property legally described as:

Part of the Northeast 1/4 of the Southeast 1/4 of Section 22, T26N, R3E of the 6th P.M., Wayne County, Nebraska, more particularly described as follows:

Beginning at the Northeast 1/4 corner of the Southeast 1/4 of Section 22, T26N, R3E of the 6th P.M., Wayne County, Nebraska; thence S 01°36'39" E, 791.91 feet; thence S 87°51'27" W, 550.87 feet; thence N 01°36'36" W, 792.26 feet; thence N 87°53'42" E, 550.86 feet to the Point of Beginning, containing 10.02 acres, more or less, from A-1 Agricultural to A-2 Agricultural Residential.

The applicants for the rezoning request are Nick and Jessica Hochstein, who wish to rezone the area to allow the property to be subdivided.

The Planning Commission reviewed the matter at their public hearing on July 11, 2022, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

- Consistency with the Comprehensive Plan and the current and future land use map; and
- Staff's recommendation

Nick Hochstein was present to answer questions. He has built a house on this property. He wants to subdivide the property so that the house can be separate from what the company owns, etc. He also requested the three readings be waived on the ordinance.

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

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

Councilmember Brodersen introduced Ordinance No. 2022-15, and moved for approval thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2022-15

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF PROPERTY FROM A-1 AGRICULTURAL DISTRICT TO A-2 AGRICULTURAL RESIDENTIAL DISTRICT.

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, 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 Karsky who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to move for final approval of Ordinance No. 2022-15. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Mayor Giese stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to "Hochstein Estates Subdivision," a part of the Northeast 1/4 of the Southeast 1/4 of Section 22, T26N, R3E of the 6th P.M., Wayne County, Nebraska, more particularly described as follows: Beginning at the Northeast 1/4 corner of the Southeast 1/4 of Section 22, T26N, R3E of the 6th P.M., Wayne County, Nebraska; thence S 01°36'39" E, 791.91 feet; thence S 87°51'27" W, 550.87 feet; thence N 01°36'36" W, 792.26 feet; thence N 87°53'42" E, 550.86 feet to the Point of Beginning, containing 10.02 acres, more or less. The applicant is Nick Hochstein of Sharp Construction.

The Planning Commission reviewed the matter at their public hearing on July 11, 2022, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

- Consistency with the Comprehensive Plan and the current and future land use map; and

➤ Staff's recommendation

Joel Hansen, Zoning Administrator, stated the plat is showing three lots. Mr. Hochstein's house is on Lot 3. Lot 2 is the existing farmhouse, and Lot 1 corresponds with the protected corridor with the Nebraska Department of Transportation (NDOT) for the Highway 35 project. He contacted the NDOT and was advised that while the NDOT is no longer enforcing their corridor protection, they have not rescinded the same.

Nick Hochstein, representing Sharp Construction, was present to answer questions.

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

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

Councilmember Eischeid introduced Resolution 2022-46, and moved for its approval; Councilmember Dorey seconded.

RESOLUTION NO. 2022-46

A RESOLUTION APPROVING "HOCHSTEIN ESTATES SUBDIVISION," WAYNE COUNTY, NEBRASKA.

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

Councilmember Brodersen introduced Ordinance No. 2022-8, and moved for approval of the third and final reading thereof; Councilmember Buck 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 (KARDELL PROPERTY).

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

Councilmember Brodersen introduced Ordinance No. 2022-9, and moved for approval of the third and final reading thereof; Councilmember Buck 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 (GREAT DANE TRAILERS).

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

Councilmember Brodersen introduced Ordinance No. 2022-10, and moved for approval of the third and final reading thereof; Councilmember Buck 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 (DEPARTMENT OF TRANSPORTATION OFFICE).

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

Councilmember Brodersen introduced Ordinance No. 2022-11, and moved for approval of the third and final reading thereof; Councilmember Buck 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 (HERITAGE HOMES).

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

Taylor Kube, Engineer with Olsson, presented Certificate of Payment No. 2 on the “Chicago Street Improvements Project” for \$72,103.00 to Robert Woehler & Sons Construction, Inc.

Chris Woehler, representing Robert Woehler & Sons Construction, Inc., updated the Council on the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving Certificate of Payment No. 2 for \$72,103.00 to Robert Woehler & Sons Construction, Inc., for the “Chicago Street Improvements Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent and Councilmember Woehler who abstained, the Mayor declared the motion carried.

Mayor Giese requested Council consideration to the following mayoral reappointments to the Planning Commission: Mark Sorensen, Jason Schulz and Jessie Piper. If approved, their terms will expire 6/30/25.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick approving the mayoral reappointments of Mark Sorensen, Jason Schulz and Jessie Piper to the Planning Commission (terms expiring 6/30/25). Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, Mayor Giese declared the motion carried.

Mayor Giese advised the Council and public that the Stool to Cool Task Force will be hosting an open house on July 26, 2022, from 5:30 p.m. to 7:00 p.m. at the Wayne Community Activity Center to look at the drafts prepared by Olsson for the lagoon development.

Mayor Giese stated the next item on the agenda was to have discussion regarding negotiations for the purchase of real estate — Lot 5, Kardell East 14th Street Addition and potentially more.

Councilmember Brodersen made a motion, which was seconded by Councilmember Dorey, to enter into executive/closed session for the purpose of protecting the financial interest of the City to discuss negotiations for the purchase of real estate and to allow Administrator Blecke, Attorney Miller, City Clerk McGuire, Finance Director Beth Porter, Street and Planning Director Joel Hansen, Electric Distribution Superintendent Tim Sutton, and Electric Production Superintendent Jeff Triggs to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried, and executive/closed session began at 6:17 p.m.

Mayor Giese again stated that the matter to be discussed in execution session relates to negotiations for the purchase of real estate.

Councilmember Eischeid made a motion, which was seconded by Councilmember Dorey, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried, and open session resumed at 6:37 p.m.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to allow City Staff to negotiate the terms on the land purchase – Lot 5, Kardell East 14th Street Addition and potentially more. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

The budget work session then took place.

Beth Porter, Finance Director, reviewed the proposed budget.

After discussion, the following changes were made to the proposed budget:

- \$500,000 in Sales Tax Capital Projects: to be used for East Park improvements, lagoon development, and old pool house project
- \$250,000 unallocated Sales Tax Capital Projects: a portion to go towards CAC pool improvements and a portion to go towards City Hall Council Chamber upgrades
- \$100,000 CAC reserve – put into a CAC expense line item to spend/utilize (maintenance, etc.)
- \$100,000 Keno Fund – to be used for new fields (community betterment)
- Levy – Decrease levy from \$.449046 to \$.438533 by lowering the tax asking from \$1,013,000 to \$985,000. The General Fund Reserves would be decreased by approximately \$28,000. The General Fund Reserves at this time are \$1.8 million. It was noted that the levy amount could be lower if the valuations come in higher than projected.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:43 p.m.