

MINUTES
CITY COUNCIL MEETING
August 2, 2022

The Wayne City Council met in regular session at City Hall on August 2, 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, 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. Councilmember Terri Buck.

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 Eischeid made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of July 19, 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 Buck 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; AMERITAS, SE, 165.31; AMERITAS, SE, 35.00; AMERITAS, SE, 94.18; AMERITAS, SE, 72.00; AMERITAS, SE, 3091.30; APPEARA, SE, 174.31; BENSCOTER, LOUIS, RE, 1000.00; BLUE CROSS BLUE SHIELD, SE, 46376.21; BLUE VALLEY PUBLIC SAFETY,

SE, 1015.00; BOMGAARS, SU, 709.35; BORDER STATES INDUSTRIES, SU, 578.96; BROWN SUPPLY, SU, 2800.30; BROWN, SANDY, RE, 118.18; CARHART LUMBER COMPANY, SU, 1627.10; CENTURYLINK, SE, 400.44; CITY EMPLOYEE, RE, 151.92; CITY EMPLOYEE, RE, 902.74; CITY EMPLOYEE, RE, 161.00; CITY EMPLOYEE, RE, 285.30; CITY OF WAYNE, PY, 105538.09; CITY OF WAYNE, RE, 325.49; CITY OF WAYNE, RE, 285.30; CITY OF WAYNE, RE, 281.49; COMFORT INN, SE, 374.85; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE, SE, 96.32; DEMCO, SU, 375.08; DOESCHER REPAIR, SU, 185.00; DOSTALS CONSTRUCTION, SE, 8850.00; ED M. FELD EQUIPMENT, SU, 5580.00; ELLIS HOME SERVICES, SE, 5140.00; ELLIS HOME SERVICES, SE, 3039.00; FLOOR MAINTENANCE, SU, 378.29; FLOOR MAINTENANCE, SU, 186.54; FRENCH, TORI, RE, 200.00; GALE/CENGAGE LEARNING, SU, 49.38; GERHOLD CONCRETE, SU, 3179.77; GERHOLD CONCRETE, SU, 381.58; GPM ENVIRONMENTAL SOLUTIONS. SE, 515.00; GROSSENBURG IMPLEMENT, SU, 251.72; GROSSENBURG IMPLEMENT, SU, 21.50; HAWKINS, SU, 6428.68; HILAND DAIRY, SE, 263.91; HOMETOWN LEASING, SE, 436.02; ICMA, SE, 65.00; ICMA, SE, 35.42; ICMA, SE, 8836.58; ICMA, SE, 174.75; ICMA, SE, 1443.86; ICMA, SE, 339.92; ICMA, SE, 119.12; ICMA, SE, 154.18; ICMA, SE, 105.79; ICMA, SE, 387.46; ICMA, SE, 132.14; INTERSTATE BATTERY SYSTEM, SU, 154.95; IRS, TX, 17524.32; IRS, TX, 11946.14; IRS, TX, 4098.40; JEANETTE MARX, SE, 3289.93; JEO CONSULTING GROUP, SE, 5337.81; JEO CONSULTING GROUP, SE, 127.50; JEO CONSULTING GROUP, SE, 3656.31; LINCOLN WINWATER WORKS, SU, 357.10; MAIN STREET GARAGE, SE, 217.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MICHAEL TODD & CO, SU, 520.62; MILLER LAW, SE, 5416.67; MUNICIPAL SUPPLY, SU, 1111.27; NE DEPT OF REVENUE, TX, 5323.84; NE LAW ENFORCEMENT, FE, 72.00; NORTHEAST NE INS AGENCY, SE, 309.00; NORTHEAST POWER, SE, 18678.78; OLSSON, SE, 6107.05; O'REILLY AUTOMOTIVE STORES, SU, 214.78; PINKELMAN, ELLIE, RE, 200.00; POSTMASTER, SU, 995.94; ROBERT WOehler & SONS, SE, 72103.00; SARGENT DRILLING, SE, 1200.00; STADIUM SPORTING GOODS, SU, 49.00; STATE NEBRASKA BANK-PETTY CASH, RE, 107.24; US BANK, SU, 9362.44; VIAERO, SE, 67.36; WAED, SE, 8592.41; WAYNE COMMUNITY SCHOOLS, RE, 3955.50; WESCO, SU, 526.44; WISNER WEST, SU, 383.21; WYNIA, KATIE, RE, 310.00

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

Greg Ptacek, representing the Wayne Community Redevelopment Authority (CRA), was present as well as Mike Powicki, to update the Council on some of the projects the CRA is doing and to request additional funds for development.

The CRA currently has a \$300,000 loan with the City. In addition, they have received a \$200,000 line of credit, of which they have \$75,000 remaining. With the expenses coming up (site work at Jimmy John's location, purchase & demolition of the brown house on the corner of 8th & Main, and asbestos abatement & demolition of the property on 2nd/Logan Street), the CRA would be short of funding of approximately \$77,000. The CRA has other ideas of ways they can generate revenue: putting a levy on property taxes (up to \$.026 which would have generated \$68,000 on last year's valuation) to taking an

administrative fee on tax increment financing funds. The CRA is expecting funds from the sale of the house that was moved to S. Lincoln Street, as well as lease payments that will be coming from Jimmy John's starting in January/February, 2023.

In addition, there is a surcharge on the Electric Fund that goes towards economic development. WAED receives an allotment through the budget process, and whatever is left over, the CRA receives. This year, it is anticipated the CRA will receive about \$16,000.

The purpose of the CRA is to redevelop dilapidated property. The return for the City is long-term – to get things looking better and back on the tax roll.

Administrator Blecke noted that the CRA is being aggressive with redeveloping areas that are not being developed by the private market. With this comes expenses/investments. The CRA has a very limited revenue stream, and in order to continue redevelopment activities, down payment assistance for new construction, etc., the CRA needs funding to do this.

It was noted that an item regarding funding for the CRA will be placed on the August 30th Council Retreat Agenda.

After discussion, Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving the request of the Community Redevelopment Authority for additional funds for development in the amount of \$200,000 from reserve funds (adding to the existing line of credit of \$200,000 for a total of \$400,000 at the existing interest rate of .5%). Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Greg Ptacek, Owner of Johnnie Byrd Brewing Company, was present requesting Council consideration to approving his Application for Addition to Liquor License. The new description would read: Single-story building approximately 44' x 87' with additional indoor area to the east approx. 70' x 40' including outdoor area approximately 34' x 20.' This was where the former Boutique Black Label business was in.

Mr. Ptacek stated there will be another addition application coming before Council in the not-too-distant future. This would be for an outdoor area on the east lawn greenspace, which he would like to turn into an expanded beer garden, etc.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Woehler, approving the Application for Addition to Liquor License – Johnnie Byrd Brewing Company at 117 W. 2nd Street with the new description being: single-story building approximately 44’ x 87’ with additional indoor area to the east approx. 70’ x 40’ including outdoor area approximately 34’ x 20.’ Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Taylor Kube, representing Olsson, presented Work Change Directive No. 1 in the amount of \$12,406, with an additional 14-day increase for Robert Woehler & Sons Construction, Inc., for the “Chicago Street Improvements Project.” This change order is to reroute a water line on this project. The water main was exposed during the construction phase and ended up being too shallow. The water main is required to be lowered to maintain a 4’ bury to avoid freezing temperatures. The new contract sum will be \$756,733.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, approving Work Change Directive No. 1 in the amount of \$12,406, with an additional 14-day increase for 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 Buck who was absent and Councilmember Woehler who abstained, the Mayor declared the motion carried.

Dustin Soden and Luke Virgil, Director of Wayne Area Economic Development (WAED), were present requesting permission to close Logan Street from Fairgrounds Avenue to 2nd Street from 8:00 a.m. to 10:00 p.m. on Saturday, September 17, 2022, for the “2nd Annual Burn-Out Competition.” The actual burn-out event will take place at 1:00 p.m. Event insurance is required for anyone wishing to use City right-of-way. WAED will provide the necessary Certificate of Insurance naming the City as an additional insured under their “event insurance coverage.”

Police Chief Chinn had concerns over the length of time the event was going to be held. Mr. Soden stated he would work with and contact adjoining businesses and the trailer court and do whatever needed to be done to make it work.

After discussion, Councilmember Brodersen made a motion, which was seconded by Councilmember Dorey, approving the request of Dustin Soden and Luke Virgil, Director of Wayne Area Economic Development, to close Logan Street from Fairgrounds Avenue to 2nd Street on Saturday, September 17, 2022, from 8:00 a.m. to 10:00 p.m. for the “2nd Annual Burn-Out Competition.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Luke Virgil, Director of Wayne Area Economic Development, gave his semi-annual LB840 report to the Council.

Mayor Giese declared the time was at hand for the public hearing on the land acquisition from Cornerstone, LLC (Virgil Kardell). The legal descriptions is as follows: Lot 5, Kardell East 14th Street Addition to the City of Wayne, Wayne County, Nebraska. The purchase price is \$286,120.

This acquisition would provide property to enhance the City’s electric distribution system with a proposed new substation and provide space to consider the future for the City’s electric production/generation. This is 3.26 acres. The .39 acre outlot or dedicated property to the east for a street would come with the purchase.

Luke Virgil, Director of Wayne Area Economic Development, spoke in favor of the purchase of this property and supports the expansion of the electric substation.

Travis Meyer, representing the Wayne Airport Authority Board, asked about the height of the towers and what effect it might have on the airport.

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 Karsky introduced Resolution 2022-47, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2022-47

A RESOLUTION APPROVING THE ACQUISITION OF REAL ESTATE LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM CORNERSTONE, LLC (VIRGIL KARDELL) - \$286,120.00.

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

The following Resolution would allocate \$69,337 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. Last year's allocation was \$63,408.

Travis Meyer, representing the Wayne Airport Authority Board, was present to answer questions.

Councilmember Brodersen introduced Resolution No. 2022-48 and moved for its approval, Councilmember Pick seconded.

RESOLUTION NO. 2022-48

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY (\$69,337).

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

The Nebraska Department of Transportation has notified Diane Bertrand, Senior Center Coordinator, that the Federal Drug and Alcohol Regulations have recently changed and that their policies are now outdated. The NDOT provided template policies for both Zero Tolerance and Second Chance. The NDOT does not recommend the Second Chance Policy. Therefore, the policy in the packet, as recommended, is for Zero Tolerance. The same needs to be approved by the Council and returned to the NDOT by September 30th.

Councilmember Eischeid introduced Resolution No. 2022-49 and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2022-49

A RESOLUTION ADOPTING THE DRUG AND ALCOHOL TESTING POLICY - ZERO TOLERANCE AS RECOMMENDED BY THE NEBRASKA DEPARTMENT OF TRANSPORTATION.

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

Pammy Levinson, Student Activities Coordinator at Wayne State College, submitted a request to close Main Street, between 1st and 11th Streets, on Saturday, October 8, 2022, from 8:00 a.m. to 11:30 a.m. for the WSC Homecoming/Band Day Parade. This is an annual request.

Councilmember Eischeid introduced Resolution No. 2022-50 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2022-50

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF TRANSPORTATIONS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Dorey, approving the Contract for Services between the City of Wayne and the Board of Trustees of the Nebraska State Colleges – Wayne State College for the homecoming parade. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to set the Mini-Retreat date for Tuesday, August 30th at 5:30 p.m. at the Wayne Fire Hall. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Mayor Giese stated the next item on the agenda was to have discussion regarding negotiations for the purchase of real estate — Old Final Touch Property (Lot 9, Block 29, Original Town of Wayne; and Tax Lot 57, PtSW1/4NW1/4 Wayne Tracts 18-26-4).

Councilmember Eischeid 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, and Street and Planning Director Joel Hansen to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried, and executive/closed session began at 6:41 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed 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 Buck who was absent, the Mayor declared the motion carried, and open session resumed at 7:09 p.m.

Councilmember Eischeid made a motion, which was seconded by Councilmember Dorey, to allow City Staff to negotiate the terms of the land purchase – Old Final Touch Property (Lot 9, Block 29, Original Town of Wayne; and Tax Lot 57, PtSW1/4NW1/4 Wayne Tracts 18-26-4) with the property owner for the price discussed in closed session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent and Councilmember Woehler who voted Nay, the Mayor declared the motion carried.

Mayor Giese stated the next item on the agenda is an update on the R. Perry Construction, Inc., project and potential litigation matter.

Councilmember Eischeid made a motion, which was seconded by Councilmember Dorey, to enter into executive/closed session for the purpose of protecting the public interest to discuss a potential litigation

matter and to allow Administrator Blecke, Attorney Miller, and City Clerk McGuire, to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried, and executive/closed session began at 7:11 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to a potential litigation matter.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried, and open session resumed at 7:23 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:23 p.m.