

**AGENDA**  
**CITY COUNCIL MINI - RETREAT**  
**WAYNE FIRE HALL**  
**August 30, 2022**

**5:30 p.m. Call the Meeting to Order**

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located in the northwest corner of the Fire Hall.

The City 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.

1. Public Hearing: 2022-2023 Budget (Advertised Time: 5:30 p.m.)
2. Action on Mayoral appointment for Councilmember for Ward 3
3. Oath of Office — Councilmember for Ward 3
4. Update/Discussion/Possible Action on the following Retreat Topics:
  - Future Council Priorities
    - Housing
    - 4<sup>th</sup> Street; 21<sup>st</sup> Street; Centennial Road
  - New Topics
    - CRA Funding
    - Skate Park
    - Ameritas Building
    - Emergency Vehicle Parking
    - Lagoon/Lake Conceptual Plan
    - Allowing chickens inside city limits
  - Attorney update on litigation matter
5. Adjourn

## Mini-Retreat Goals/Discussion March 29, 2022

The Council discussed the following retreat items:

➤ **Wayne Community Redevelopment Authority Update**

Greg Ptacek and Mike Powicki, Members of the CRA, updated the Council on what the CRA has accomplished in the previous year.

➤ **Transit – Discussion on Public Facilities’ Needs**

Diane Bertrand, Senior Center Coordinator, updated the Council on the transit program. Should they expand their hours, days of the week, jurisdiction? The Street Department building is running out of room due to having to store the transit vehicles.

North Fork Area Transit from Norfolk approached the City in regarding to taking over the transit program. They could retain all of the vehicles (lease) and the people from the City. If the City would put up a new building, they would also lease that from the City.

Consensus was to explore this possibility and compare it to what it would cost the City if we would expand services. A suggestion was to also contact First Student in Wayne.

Consensus was to get a plan on a building, decide where the building is going, how big it is going to be and what the lifespan of it will be before we need something else. The City is not getting rid of vehicles, but adding vehicles.

➤ **Wayne County Discussion – South Lincoln Street & Centennial Road**

Discussion took place in regard to working together (City, Public Health and County) to possibly combine facilities for a regional building to share office space and try to save taxpayer dollars.

Julie Rother, Health Director, spoke on the needs of the Health Department.

The County buildings located on South Lincoln Street were discussed. If moved, that could open up 3 lots for possibly residential development. The Police Department puts their impound vehicles in the Water Department’s building. A question was whether or not the City and County could have a shared facility for those impounded vehicles. If these entities could try to relocate as much stuff as possible into one spot, there has to be some synergy there by joining a couple of departments together. If we are going to build a big building, it makes more sense to have a shared roof line.

Another item that was talked about was a shared meeting room between the City and County or a shared building where the City could have a wing, the County could have a wing, and then the two share a meeting room.

It was recommended that the County and Health Department have conversations within their groups to decide whether or not there is interest in these proposed options.

➤ **Wayne State College Update**

Administrator Blecke updated the Council on the three homes along Highway 15 north of the College that are annexed, but not on City sewer.

Wayne Stage College is looking to develop suite style living. The college would have interest in Viken Park to use as a lot for parking.

➤ **Problem Resolution Team Discussion**

Police Chief Marlen Chinn, who is the Chair of the Problem Resolution Team, reviewed the proposed changes they would like to make to the complaint process. The proposed amended changes would be brought before Council for consideration at a future meeting.

➤ **Update on Water Main Transmission Line**

Chloraserve has been in Wayne and has super chlorinated the water main. The tests were sent in and all eight passed. The water line is back in service at this time. After discussion, consensus was to voluntarily chlorinate at this time. It was noted that very few communities in Nebraska **do not** chlorinate.

Joel Hansen, Street & Planning Director, updated the Council on the proposed CO2 liquid carbon dioxide pipelines (one south and one north of Wayne) and explained what might need to be changed in the zoning code. A definition would need to be created, and the Council would have to say where and how it is allowed (permitted use, use by exception, or conditional use). The concern is this pipeline crossing the City's water main. Staff will research the matter further.

➤ **Update on Housing Project(s)**

Administrator Blecke updated the Council on the R. Perry Construction Project. A tax increment financing application has been received from R. Perry Construction. The Community Redevelopment Authority (CRA) reviewed the application and authorized sending the same to the CRA's TIF Attorney, Mike Bacon, to review and prepare a Redevelopment Plan, Cost Benefit Analysis and Redevelopment Contract. The TIF is for \$4.88 million. That is more than all TIF projects previously combined. The assessed value they are putting on this project is around \$22 million, which is also more than all TIF project valuations combined. This is a significant project. Of the \$4.88 million, \$2.2 million would be utilized to put the lake in for the City. They would put the lake in on public property and it would be a public lake. At this point, they are not using any vertical construction costs (workforce housing). The Stool to Cool Task Force Committee will probably come before Council for a vote on the lake in the not-too-distant future.

Administrator Blecke advised the Council that he had a conversation with a developer for the development of a parcel of land that could have 26 lots. The estimated cost to put in the infrastructure for that development was estimated to be \$1.2 million – an average of about \$47,000 per lot. If this property is sold, the purchaser would add in the cost of the property to the cost of the infrastructure. Administrator Blecke is looking for ways to get this developed and hold down the costs to make it affordable. A concept proposed was for the City to pay for water and sewer as some other towns do.

## Mini-Retreat Goals/Discussion May 31, 2022

The Council discussed the following retreat items:

### ➤ **Update from Water/Wastewater Department:**

- Department Report. Casey Junck, Water/Wastewater Superintendent was looking for direction in regard to chlorinating. Council consensus was to pursue chlorination.
- Private sewer lines were discussed – this would be brought forward at a future council meeting for discussion.
- An update was given on the diffuser project and the concern in being able to get the materials needed for the project.
- Lead Service Lines – a lead survey is taking place at this time and must be completed by 10/1/24.

### ➤ **Sidewalks/Extension of Trail System**

Councilmember Brodersen wanted to see a sidewalk on the north side of 7<sup>th</sup> Street from the cemetery to Pheasant Run Road.

After discussion, staff was given the direction to pursue getting an engineer's estimate to extend the sidewalk from the cemetery to Pheasant Run Road.

Staff was also given the direction to look into obtaining/applying for a public works grant.

### ➤ **Sales Tax**

An update was given on the results of the sales tax propositions and the extra half cent that did not get approved. Staff was given the direction to apply for the CCCFF grant again.

### ➤ **Future Councilmember Priorities**

Councilmember Eischeid: Buildings and power plant substation; have a 5-year plan for City Hall; build the park/rec building

Councilmember Karsky: Stool to Cool project - continue to move forward

Councilmember Buck: Substation and City Hall (accessibility); housing development - if not 4<sup>th</sup> Street, then another location; start up partnership meetings with School, County, Wayne State College; ward meetings; CO2 pipeline

Councilmember Muir: Low income housing – meet with Trine McBride, Wayne Housing Authority, Mytzy Rodriguez-Kufner, WCHDC, and Luke Virgil, WAED; infrastructure (address the lead issues); substation; skate park

Councilmember Woehler: finish 4<sup>th</sup> Street/Centennial; additional softball fields

Councilmember Dorey: Softball Complex improvements (add additional fields); south fields need rehabbed; Bressler Park – improvements to shelter houses

Councilmember Pick: Water/Sewer concerns in spot developments – flow directions; private line identification; Master Plan for Water/Wastewater Department

Councilmember Brodersen: Keep annexation on radar; not in favor of a new City Hall; preferred using an existing building or upgrading an existing building

For future items to be discussed at retreat, staff was directed to add "Discussion regarding Power Supplier" to the agenda.

## RESOLUTION NO. 2022-34

### A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.

WHEREAS, the Mayor and City Council met in open session on **March 30, 2021, June 29, 2021, and August 31, 2021**, with the express purpose of identifying and developing goals for the City; and

WHEREAS, there were new and expanded items in addition to goals from the prior year that were considered during the retreat, some for their guidance of future strategies and policies, and many for their consolidated value as specific goals over one to five year periods; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the strategic planning goals of the City are as follows:

#### CURRENT YEAR GOALS

- Victor Park improvements
- **Install gravel parking lot on the East side of Hank Overin Field**
- Old Pool House — Combine the Victor Park improvements with this public works grant
- **Consider line of credit for the Community Redevelopment Authority**
- **Set town hall meeting for annexation discussion**
  
- Discussion on Historic Buildings — what role, if any, should the City play in historic preservation
- Videotaping Council Meetings — start to invest in better equipment
- **Juneteenth Holiday — amend personnel manual to include this as a holiday and close city offices**
- Food Trucks — consider drafting ordinance to exempt Chicken Show, Bressler Fest, etc.
- Sidewalk Improvement Districts
  - **Sidewalk on the north side of 7<sup>th</sup> Street to Bomgaars — staff was directed to come up with an estimate to extend that sidewalk**
- 4<sup>th</sup> Street Development
- **Lagoon Redevelopment Survey Updates/Recreational Development**
- Alley Parking/New Construction/Owner Responsibility/Runoff
  
- Street/Parks & Recreation — forego street shop addition and build a park rec building; storage for senior center vehicles
- Library — building storage addition similar to Senior Center
- **Community Activity Center: proceed with Applying for the Civic and Community Center Financing Fund (CCCCF) to determine the possibilities of renovating the existing CAC (offices/weight room/cardio room/entry way) and adding on another gymnasium, with elevated walking track over the new gym, flex space, storage and restrooms**
- **Local Option Sales Tax – prepare ballot language; have all four initiatives on the May ballot**
- **City Hall — repair front steps and reach out to other towns to see who or how many have built new city halls within the past few years**

**FUTURE GOALS**

- **Annex additional property into the City of Wayne**
- Continue discussion on City Hall (stay and make improvements or build new...and if so, where?)
- **Evaluate best locations for a future substation and begin discussions with possible land owner(s)**

The Council shall regularly evaluate the progress toward achieving the aforesaid goals.

The Mayor and Council shall consider the annual restatement and expansion of goals as a matter of policy.

PASSED AND APPROVED this 17<sup>th</sup> day of May, 2022.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Betty McGuire - Fwd: info for skate park in Wayne / possible mini retreat agenda item for 8/24?**


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**From:** Wes Blecke  
**To:** Betty McGuire  
**Date:** 8/25/2022 7:59 AM  
**Subject:** Fwd: info for skate park in Wayne / possible mini retreat agenda item for 8/24?  
**Attachments:** skateboard park\_20210929163023.pdf; David Lindner conversation Re\_ Lagoon area development.pdf

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To add to retreat

>>> Nick Muir 8/24/2022 12:24 PM >>>

Cale and Wes,

Thank you for considering this and apologies for not having followed up sooner to our discussion a week or so ago. I'm looping in David Lindner as well. I think the info below and attached scopes the project proposal fairly well. I'm sure there will be questions of which one I expect will be about funding. I think David had ideas for funding sources and we had discussed future parks/rec sales tax funds.

Cale,

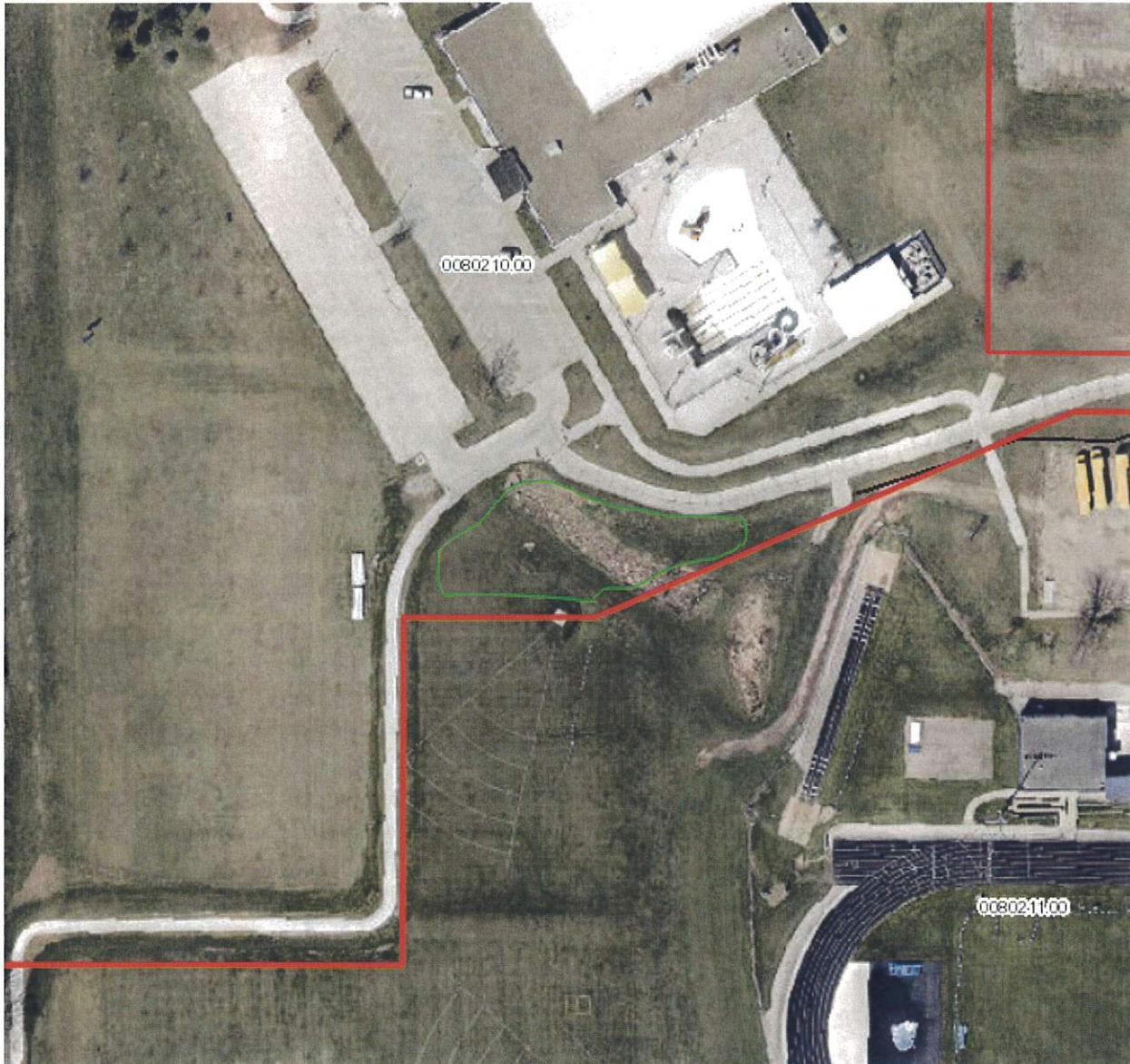
Thanks for considering this topic for the council mini-retreat next week. You had asked about desired/proposed locations from David. From a phone conversation with him it sounds like near the CAC would be ideal because of the amount of visibility, availability of nearby facilities, and proximity to the schools where there is a fairly safe path from both buildings. Second location on the list would be the old pool park; it's not as visible, but availability of facilities is good. Least desired would be the new prairie park project (lagoon redevelopment) if it came down to that. BJ Woehler had mentioned an idea for placement over the existing rock for runoff south of the CAC (green highlight in pic below; assuming it would need to stay on city property and not on the school property). Although this wouldn't give much room for future expansion.

Wes,

Thanks for being willing to reach out to the York, NE folks for a set of drawings, etc. used to build their skatepark. Eric Eckert, head of the parks department at the time (and no longer is) was the owner of the project and had designed the York skatepark. The city crew built the park using Eric's drawings.

- So there are no surprises.....I reached out to Cap Peterson inquiring about the impact of adding a skatepark within City limits. Attached is the information he has provided. It has good information about design considerations and operating a skate park. There would be limited, if any, impact to the city budget for insurance costs.
- Also is information provided by David Lindner from a conversation he started with me last Spring. It's certainly worth taking a look at what York, NE did for \$40k - <http://northwestskater.com/yorkne.html> Nothing is built above ground surface; it follows the contours. I think it is something to consider to help make Wayne a destination; at that Northwestskater.com website there is a list of the skateparks the owner has visited and reviewed.

- Another good read about skate parks is this write up about the new Norfolk, NE skate park; CDBG funds were used to build it. <https://opportunity.nebraska.gov/new-skate-park-helps-ramp-up-tourism-in-norfolk/>



>>> "Carter "Cap" Peterson-Northeast Nebraska Insurance" <cpeterson@northeastnebraskainsurance.com> 09/29/21 4:32 PM >>>

Nick,

Here is the skateboard park info we received from EMC Insurance Companies.

Thanks,  
Cap

www.emcins.com

*Skateboarding has exploded into one of the most popular sports in the United States today. An estimated 13 million Americans own and ride skateboards, with more than a million children taking up the sport every year. This increase in the popularity of skateboarding has prompted many cities to develop specialty parks to be used by skateboarders, in-line skaters and BMX bikers. If a skateboard park is already present in the community, or one is being proposed, the design, rules and regulations, inspections and liability exposure should be thoroughly evaluated.*

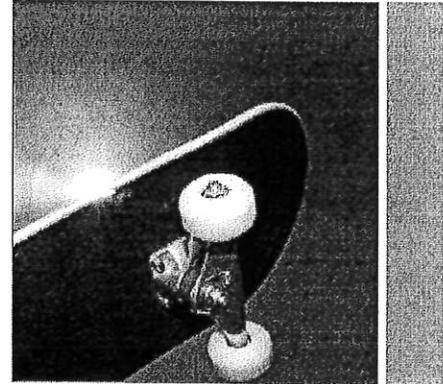
### Park Design Considerations

Communities considering the construction of a skate park should consult with professional skate park designers/builders. Only reputable designers/builders with a portfolio of quality parks to their credit should be contracted. The design team should focus on safety during the design phase, paying particular attention to the following items:

- Ramps and pipes should not be over six feet in height.
- The skate park should be fenced to control access. A fence will help keep out small children and animals and keep skateboards and bikes from hitting bystanders.
- Adequate lighting should be provided. If lights are not bright enough, the course will be difficult to navigate and skaters may resort to makeshift lighting, such as flashlights and lanterns. Thirty-foot light poles are recommended to reduce shadows.
- The skate park should be designed to accommodate skaters of varying ages and skill levels. The degree of difficulty of each area should be posted with colors or numbers (e.g., 1-5 scale, with 1 = beginner and 5 = expert).
- Spectator areas should be located outside the fenced perimeter. A grassy area or benches should be provided. Benches should be secured to the ground, so skaters do not move them inside the skate park. If providing bleachers, consult with your architect or bleacher company to ensure they meet current safety regulations.

Additional considerations during the design phase include:

- If irrigation is used in the area, ensure that water does not hit the skating surface.
- Water fountains should be provided in the vicinity of the skate park.
- Fixed or portable bathrooms should be provided in the vicinity of the skate park.
- Garbage cans should be provided and secured to the ground outside the skating area.
- A pay phone should be available for convenience, as well as for emergencies.



Note: The above recommendations are for skateboard parks only. Additional recommendations may be necessary for BMX parks.

### Rules and Regulations

The first thing skaters should see when entering the skate park is a sign outlining the rules of the park. Rules may vary from one park to another, but should, at a minimum, address the following:

- Skaters under the age of seven should be accompanied by a responsible adult. Supervision is encouraged for all skaters under the age of 18.
- Skate park hours should be stated. The park should be closed at dusk (unless equipped with lighting) or if surfaces are wet or icy.

Continued

- All skaters should be required to wear personal protective equipment, including a strapped helmet, knee and elbow pads, and wrist supports.
- Only one person allowed per ramp at a time.
- Food and drink should not be permitted in the skating area. Drugs, alcohol and smoking should also be prohibited.
- Loose items such as backpacks should not be permitted inside the skating area.
- Reckless conduct, loud music, disorderly behavior, etc. should not be tolerated at any time. Nonskaters should not be allowed inside the fenced area.
- Pets should not be allowed in the skate park.

The sign should also indicate who may use the park. If the park is designed only for use by skateboarders, this should be stated. If the park may be used by skateboarders, in-line skaters and BMX bikers, indicate this as well. If acceptable use is not clearly stated, it is likely that all three of these groups will use the park.

### Skate Park Inspections

Skate parks require routine inspection and maintenance to ensure structural elements and equipment are safe for use. Inspections should be completed at least weekly. All deficiencies and repairs should be documented in writing and signed by the person responsible for the maintenance of the park.

Inspections will differ, depending on the type of construction (e.g., wood, steel, concrete), but should generally cover the following items:

- Skating surfaces: cracks, splits, holes, graffiti, debris, sharp edges, protruding objects, puddles, etc.
- Coping: cracks, burrs, chips, voids, looseness, etc.
- Railings: cracked welds, missing components, damaged, etc.
- Signs: damaged, missing, graffiti, etc.
- Fencing: holes, exposed metal wire ends, loose bracing, damaged gate, etc.
- Benches and bleachers: trash under and around, missing components, loose hardware, etc.

- Supporting facilities: damaged, vandalized or nonfunctioning public telephones, drinking fountains or restrooms.
- Landscaping: damaged vegetation or irrigation, trash/debris, broken lighting, etc.

The skate park designer/builder should also be able to provide a specific checklist that explains inspection and maintenance requirements. Skaters should also be encouraged to inspect the park before use and remove any trash and debris that may be present.

### Waiver of Liability

Each skate park user should be required to sign a waiver of liability prior to using the park. This waiver should inform the participant that skateboarding, in-line skating, and biking are inherently dangerous sports where serious injuries may occur and outline the participant's assumption of risk, a voluntary release of claim from injury and the acceptance of cost for injury or damages. Safety requirements and behavior expectations should also be included in the agreement. The liability waiver should be signed by all participants over the age of 18 or by the parents of those under the age of 18. Your legal counsel should review any waiver form prior to adopting it.

### Park Supervision

Park supervision is recommended for safety reasons. If staffing the park, it should be staffed full time during park hours. Law enforcement, parks and recreation employees, and other employees should drive by the park as often as possible. An effort should be made to develop a relationship with park patrons. Skaters are more likely to understand and respect park safety guidelines if they see an effort to interact with them.

### For Additional Information

Skate Park Association International:

[www.spausa.org](http://www.spausa.org)

Skaters for Public Skateparks: [www.skatepark.org](http://www.skatepark.org)

Skatepark Guide [www.skateparkguide.com](http://www.skateparkguide.com)



## Re: Lagoon area development

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**From:** lindner david <dvd6281@yahoo.com>  
**To:** Nick Muir <nmuir@cityofwayne.org>  
**Date:** Monday - April 12, 2021 10:14 PM  
**Subject:** Re: Lagoon area development  
**Attachments:** TEXT.htm; Mime.822

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Nick,

Norfolk and York went two totally different directions with their parks. Norfolk, being much larger, shot for the moon and ended up with a \$150,000 professionally designed and built park. Much of the cost of Norfolk's park is in the pool and half pipe areas which are much more technical and made using shotcrete, a high pressure concrete application.

York (which is only slightly larger than Wayne) went a more humble route. Their skatepark was spearheaded and designed by the head of the parks department Eric Eckert, and city crews poured the various ramps, ledges and stairs that make up the majority of the park. There is a small half pipe, I could ask Eric how their crew did it without shotcrete. All in all, Eric said their skatepark costed just under \$40,000.

York skatepark: <http://northwestskater.com/yorkne.html>

I would think Wayne would support a park very similar to the one in York. Off of the satellite picture I figured out the park is approximately 60' x 100' at it's widest points. Your basic features are also as shown, ramps, rails, stair sets, varying terrain to make riding more interesting. A small halfpipe would be cool, but that is something that we could maybe leave room for in a phase 2 or something. The beauty of a park like this is it is nothing any more complex then the street department guys pour on any other day.

The people I've talked to in the city say that so long as the ramps do not exceed four feet in height off the ground the park would fall under the insurance the city already carries for it's other parks. As you can see in the photos of the York park, by building it into the natural lay of the land you avoid the risk of falling off a ramp and onto the ground.

For a little history lesson, in the very early 2000's, there was a skatepark at the old pool park in where the tennis courts used to be. It was community built plywood and metal ramps and was poorly maintained which resulted in an injury in 2005 which forced the closure of the park. I contacted the injured party over facebook and asked him what he thought the main cause of his injury was and he stated, the disrepair of the park combined with not wearing a helmet.

I bring this up for two reasons. First is to answer your question about previous attempts to gather interest. I am on the old pool park committee, where I recommended the skatepark return to. I had support from various members of the committee including BJ Woehler, Kessy Hanson, and I believe Katie Wynia who is head of the committee.

I also started a facebook page for the idea and have gotten pretty good support from the community.  
<https://www.facebook.com/sk8wayne>

The second reason is to prepare you, because unfortunately the injury still gives some people in the community hesitation about a skatepark. Although in my opinion a kid could just as easily fall from the top of the tornado slide in Bressler Park and crack their head open.

I hope this answers some of your questions and prepares you for bringing the idea forward.  
If I can answer any more of your questions I will.

If this idea is ever brought up at a council meeting I would like to attend  
Thanks,

David

On Sunday, April 11, 2021, 03:08:57 PM CDT, Nick Muir <nmuir@cityofwayne.org> wrote:

Hey David,

Thanks for putting the bug in my ear. I did read this several weeks and see I didn't finish my thoughts on a reply; found the draft when I went to send this update. I kept your thoughts in mind during the Council planning retreat two weeks ago (a link to and text from the meeting are included below). From the retreat I believe the mayor will approach the recreation complex (lagoon) planning with a steering committee comprised of council members. I offered to sit on that committee and we are yet to have an initial meeting.

Thanks for details and background too. A couple of initial thoughts. I'd be happy to take this forward to the steering committee discussions. I feel however I'll need to be better prepared. I know nothing about skate parks. That said I seem to always be learning something new.

A few questions I feel will be asked when I present to the steering committee. Would you have answers, resources, or contacts for any of these?

- \* How much space should be planned for a skate park?
- \* What are the minimum features to offer to skaters vs desired features?
- \* How much would this cost? How much were the Norfolk and York skate parks?
- \* Who is at risk for injuries in the park? Is the liability on the city or skater(s)?

- \* Does a skate park increase city insurance costs?
- \* Are you aware of previous attempts to gather public interest for a skate park?
- \* Are there other things to consider when building a skate park?

I think there is enough interest with moving forward on design(s) for the recreation park that we'll want to get a start on this.

Hope all is going well for you and your family.

Nick  
402-369-0795

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City Council Meeting minutes and agendas > <https://www.cityofwayne.org/Archive.aspx?AMID=31>

March 30 planning retreat minutes > <https://www.cityofwayne.org/ArchiveCenter/ViewFile/Item/3403>  
Text regarding lagoon conversation is on page 2 or here is the text as well >

*One project identified to promote the passage of a sales tax was a water park feature/camping area at the lagoon site. Councilmember Eischeid thought an estimate of cost and design was needed before going to the public for support. We are at a point now where we need to figure out the design. Councilmember Taoko suggested getting a quote with options (e.g. Cadillac, Buick and Chevy versions). Then, Council can look at options of things we want to add, etc.*  
*Joel Hansen, Street & Planning Director, stated if Council is going to spend money with an engineering firm, they need to be ready to tell them exactly what they want (lake or no lake, camping stalls – how many, bathrooms, shower rooms, fields, etc.).*  
*Consensus was to take the next steps to turn the concept into design. Mayor Giese asked for council volunteers to be on a steering committee for this project, where they meet separately and try to get some of the details hammered out. Councilmembers Muir, Karsky and Buck volunteered to be a part of that steering committee.*

>>> lindner david <dvd6281@yahoo.com> 03/17/21 8:04 PM >>>

Hey Nick,

Just wanted to get a bug in your ear about the future of the old lagoon area. I've heard good things rumored so far, like a park and camping areas. I'd like to throw my hat in the ring and suggest that this area may also be favorable to the skatepark idea I've been floating around for some time now.

I'm on the committee for development of the old pool area and have suggested the idea for up there with mixed reactions. I think some of the people in the neighborhood still have a bad taste in their mouths from the first one, which was unsafe and unfortunately poorly managed.

The future I see for the Wayne skatepark is a modern concrete structure. City run, with a clear set of rules and expectations for all who use it.

For reference I encourage you to check out the skateparks of both Norfolk and York, both are very well done and have become a big attraction to locals and visitors alike.

If decisions about this matter ever come up I'd love the opportunity to represent the idea at a city council meeting.

Thanks for hearing me out,

David Lindner

Sent from Yahoo Mail on Android

**Excerpts of Council Minutes Regarding Chickens Allowed Inside City Limits**

**June 16, 2009**

Administrator Johnson stated that an Animal Permit Application has been submitted by Kevin Jurotich to keep four or five chickens in his backyard at 914 Nebraska Street. Signed statements of support from the property owners in the neighborhood were also submitted with the application. The City Code allows for permitted animals. Everything else must be applied for by special permit. The Code does not provide for chickens or farm animals. Staff recommendation is to deny the permit.

The City Code states:

“No person shall keep or maintain any animal within the corporate limits of the City except upon obtaining a special permit from the Council. Such permit shall specify the place when any such animal may be kept. This section shall not apply to the keeping or maintaining of dogs, cats, house birds, gerbils, hamsters, guinea pigs and pet fish. Further, this section shall not apply to commercial sale barn operators, commercial meat slaughtering or packing plant operations, commercial hatcheries and animal hospitals or clinics by licensed veterinarians.”

Kevin Jurotich was present and provided Council with background information on the raising and keeping of “backyard” chickens in suburban areas. Mr. Jurotich advised the Council that if any of his neighbors had objected to this, he would not be here. These are hens he is requesting to keep in his backyard, and they are confined behind a 4’ high fence at all times. He has done everything to insure that his four hens are not a nuisance to his neighbors.

Councilmember Ley did not have a problem with approving the permit in light of the fact that none of the neighbors were opposed to this.

Mayor Shelton cautioned the Council that once they have granted a permit to one person, it is going to be very difficult not to grant a permit to another person.

Councilmember Frevert thought this would set a precedence.

Mayor Shelton also reminded Council that other permits to keep special animals have come before them and were approved – a potbellied pig and a ball python snake.

Councilmember Alexander opined that there are other ways that can be found to raise these chickens on the edge of town or some other way that his children can get involved (e.g. 4-H). His children have done it for quite a while.

Two property owners, Lou Wiltse and Jim VanDelden, spoke in favor of the Council approving the permit of Mr. Jurotich to be able to keep his chickens in his backyard. Ms. Wiltse stated his chickens are quiet, they don't smell, and she doesn't hear them. Mr. VanDelden stated that it was a joy to him to see some chickens two doors down and not hear them.

Councilmember Ley did not have a problem with the request since it is only four hens and it's a way to provide his family with some fresh eggs.

After a lengthy discussion, a motion was made by Councilmember Ley and seconded by Councilmember Berry to approve the Animal Permit Application submitted by Kevin Jurotich to keep four chickens in his backyard at 914 Nebraska Street.

Councilmember Sturm compared this with charging property owners for letting their grass grow too tall. Having tall grass doesn't hurt people. If we want to go back to letting chickens and everything else come into Wayne, he thought we needed to go and take that ordinance for weeds/tall grass off the books. If we are going to start letting farm animals come into our city, where will it stop.

It was noted that was brought forward because a meter reader saw the chickens, which, without a permit, is against city code

Councilmember Alexander advised the Council that he had one call in support of this and six or seven other conversations with people who thought it was a bad idea.

Councilmember Ley had one call in support of this. If he didn't have the support of the neighborhood, that would make the difference. He has taken the time to go around and get their approval.

Mayor Shelton stated she had talked to quite a few people, and they had no idea this was on the agenda tonight. When those people were asked about having chickens in the neighborhood, she did not have anyone say no.

Councilmember Sturm stated there have been other times when people have gone door to door about different issues, and there was pressure put on the neighbors for signatures.

When Mr. Jurotich was asked if he had given any thought prior to getting the chickens to see if was allowable within the code, he stated yes, but he wanted to demonstrate to his neighbors first that he was very capable of raising the chickens. Councilmember Alexander stated then it is easier to get forgiveness than permission.

Councilmember Ley amended her motion, which was seconded by Councilmember Berry to approve the Animal Permit Application submitted by Kevin Jurotich to keep four chickens in his backyard at 914 Nebraska Street with the condition that if any complaint is received from a property owner or tenant who lives within 300' of 914 Nebraska Street, that the permit would be revoked.

Mayor Shelton stated the motion, and the result of roll call being three Yeas (Councilmembers Ley, Berry and Chamberlain) and four Nays (Councilmembers Frevert, Haase, Alexander and Sturm), the Mayor declared the motion failed.

April 2, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, April 2, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Jim VanDelden, Jon Haase, Dale Alexander, Nick Muir, Kaki Ley, Jennifer Sievers and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Discussion took place regarding a request to amend the Wayne Municipal Code to allow poultry within the corporate limits of Wayne.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen to amend the Wayne Municipal Code to allow poultry within the corporate limits of Wayne.

Councilmember Alexander pointed out that this matter was brought before Council a couple of years ago and was denied. He was not in favor of allowing farm animals living inside city limits. There is difference between domestic animals and farm animals.

Councilmember Ley stated she did not have a problem with this, because this is the City of the Chicken Show.

Councilmember Sievers and Haase also were not in favor of this proposed amendment to the code. Councilmember Sievers asked if there was going to be a limitation on the number of chickens a person could keep, whether they needed to be put in a pen, and if they would need to be registered, like cats and dogs.

Councilmember Ley suggested the City do as they did recently with allowing four-wheel all-terrain vehicles to be driven inside city limits, and if a problem arises, the City Code can be changed back. Councilmember VanDelden agreed.

Kevin Jurotich was present and spoke in favor of amending the code.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Alexander, Sievers and Haase who voted Nay, the Mayor declared the motion carried.

May 7, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, May 7, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Jon Haase, Nick Muir, Jennifer Sievers and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Dale Alexander and Kaki Ley; and one vacancy.

Discussion took place on proposed Ordinance 2013-28 which would amend the Wayne Municipal Code by adding Article V – Poultry.

Attorney Miller stated the proposal before them is for discussion purposes only. She reviewed the same with Council.

Those in attendance opposed to passing such an ordinance were: Paul Lindner and Doug Sturm.

Those in attendance in support of such an ordinance were: Clara Osten.

BJ Woehler spoke and was mixed on the issue.

Police Chief Chinn stated if Council would pass such an ordinance, there would be other sections of the code that would, in all likelihood, have to be amended. He had concerns of how the police officers would catch the chickens if they were loose.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, to table Ordinance 2013-28 until the next regular meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Alexander and Ley who were absent, the Mayor declared the motion carried.

**May 21, 2013**

The Wayne City Council met in regular session at City Hall on Tuesday, May 21, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Dale Alexander, Nick Muir, Jennifer Sievers and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and Finance Director Nancy Braden. Absent: Councilmember Kaki Ley and City Clerk Betty McGuire.

Discussion continued on Ordinance 2013-28 regarding Poultry.

Attorney Miller stated she had not received any comments or recommendations to amend the draft ordinance created by their office.

Councilmember Alexander made a motion to not approve Ordinance 2013-28 – Amending Wayne Municipal Code by Adding Article V – Poultry; Councilmember Sievers seconded. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Muir and Brodersen who voted Nay, and Councilmember Ley who was absent, the Mayor declared the motion carried.

**September 17, 2019**

Mayor Cale Giese called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Dwaine Spicker, Terri Buck, Jennifer Sievers, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jon Haase.

Jenna Vilkas who lives at 1018 Angel Avenue was present requesting Council consideration to approving her Animal Permit Application to have 2-4 chickens (hens) inside city limits. She is a member of the American Country 4-H Club. She would keep the chickens from January until fair time. She has contacted her neighbors. They also have a fence around their yard to contain the chickens.

Councilmember Sievers, who is a neighbor to Jenna, stated she has visited with Jenna and has told her that she does not feel chickens should be allowed inside city limits. However, because Jenna is home-schooled, Councilmember Sievers would feel comfortable approving this based on the fact that it would be

for educational purposes. She was comparing it to the School requesting and being granted the opportunity to have a rabbit inside city limits. In addition, she liked the fact that this would only be for a short period of time.

Councilmember Karsky, as well as Councilmembers Spieker and Eischeid were concerned about setting a precedent if this is approved.

Mayor Giese responded that each would be handled on a case-by-case basis. He did not think by approving this would be setting a precedent.

Melissa Meyer, Jenna's 4-H Leader, was present to support Jenna in her request.

Councilmember Brodersen spoke in favor of the permit.

Councilmember Karsky stated he (as well as all Councilmembers) was contacted by a constituent who was against this animal permit.

Councilmember Spieker stated he was concerned about the next person making a request for ten chickens and not doing as good a job taking care of them.

Clara Osten, who raises chickens, was present to speak in favor of the request and to address some of the statements/concerns the person who emailed the Council had. In her opinion, Jenna has done an awesome job in her research, and she felt this would be a good opportunity for her.

Councilmember Brodersen noted that the person who wrote the email to Council was previously in favor of having chickens inside city limits.

All Councilmembers commended Jenna on her effort to obtain permission to have chickens inside city limits.

In addition, Councilmember Karsky noted he had talked to one of Jenna's neighbors and she had nothing but wonderful things to say about Jenna and her family and she was completely in support of Jenna's request.

Attorney Miller addressed "setting a precedent." She noted if you delineate reasons and parameters in the motion, you would not be setting a precedent if you were to deny an animal permit application that did not have the same reasons or parameters.

Councilmember Sievers noted she was not in favor of allowing chickens inside city limits full-time, but she would be in favor if certain parameters were set.

City Clerk McGuire sent letters to the neighbors. She had not received any communication, for or against, this matter.

Councilmember Sievers made a motion approving the Animal Permit Application of Jenna Vilkas who resides at 1018 Angel Avenue, with the following conditions:

- Maximum of 4 chickens (hens);
- This being for a one-time basis; and
- The timeframe being January of 2020 until one week after the 2020 Wayne County Fair.

Councilmember Woehler seconded. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Buck, Karsky and Eischeid who voted Nay, and Councilmember Haase who was absent, the Mayor declared the motion failed.