

**MINUTES  
CITY COUNCIL MEETING  
October 4, 2022**

The Wayne City Council met in regular session at City Hall on October 4, 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 Terri Buck, Nick Muir, Brittany Webber, Jason Karsky, Matt Eischeid and Jill Brodersen; City Administrator Wes Blecke; Attorney Amy Miller; and City Clerk Betty McGuire. Absent: Councilmembers Brendon Pick and Chris Woehler.

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 Eischeid, to approve the minutes of the meeting of September 20, 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 Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**APPROVED 9/20/22:** KAY CONTRACTING, SE, 3508.62; OCC BUILDERS, SE, 12442.00; ROBERT WOEHLER & SONS, SE, 273176.69

**VARIOUS FUNDS:** ABDO PUBLISHING, SU, 3017.70; ALARCON-FLORY,PERLA, SE, 25.00; AMAZON, SU, 831.39; AMERITAS, SE, 35.00; AMERITAS, SE, 198.56; AMERITAS, SE, 95.02; AMERITAS, SE, 72.00; AMERITAS, SE, 3301.44; ANDERSON, DEREK, SE, 160.00; APPEARA, SE, 182.66; ARNIE'S FORD, SE, 1434.79; BLACK HILLS ENERGY, SE, 339.31; BOMGAARS, SU, 4863.79; BORDER STATES INDUSTRIES, SU, 674.05; BORDER STATES INDUSTRIES, SU, 5648.51; BRAUN, ZAC, SE, 20.00; BROWN SUPPLY, SU, 2825.00; BROWN, SANDY, RE, 164.50; BSN SPORTS, SU, 439.69; CARDENAS, ANGELINA, RE, 200.00; CARHART LUMBER COMPANY, SU, 285.34; CENTURYLINK, SE, 271.19; CHEMQUEST, SE, 695.00; CITY EMPLOYEE, RE, 613.03; CITY EMPLOYEE, RE, -12.83; CITY EMPLOYEE, RE, -132.66; CITY EMPLOYEE, RE, 172.79; CITY EMPLOYEE, RE, 105.20; CITY EMPLOYEE, RE, 132.66; CITY EMPLOYEE, RE, 120.53; CITY EMPLOYEE, RE, 171.20; CITY EMPLOYEE, RE, 158.11; CITY EMPLOYEE, RE, 1026.57; CITY EMPLOYEE, RE, 154.60; CITY OF WAYNE, PY, 94702.68; CITY OF WAYNE, RE, 460.58; CITY OF WAYNE, RE, 430.83; CITY OF WAYNE, RE, 595.74; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEMCO, SU, 832.57; DGR & ASSOCIATES, SE, 156.00; DIEDIKER, KATIE, RE, 75.00; EAKES OFFICE PLUS, SE, 3028.46; ED M. FELD EQUIPMENT, SU, 85.08; FIRST CONCORD GROUP, SE, 3947.74; FIRST PRESBYTERIAN CHURCH, RE, 500.00; FLORES, BENJAMIN, RE, 500.00; GALE. BRIA, SE, 58.00; GERHOLD CONCRETE, SU, 1843.71; GERHOLD CONCRETE, SU, 1253.43; GREENFIELD, BRETT, SE, 148.00; GROSSENBURG IMPLEMENT, SU, 140.71; GROSSENBURG IMPLEMENT, SU, 27.68; HARNETT, BRADLEY, SE, 40.00; HAWKINS, SU, 1083.55; HERITAGE HOMES, RE, 500.00; HILAND DAIRY, SU, 162.48; HILAND DAIRY, SU, 119.78; HILGER, WILLIAM, SU, 650.00; HUBER TECHNOLOGY, SU, 5989.90; ICMA, SE, 154.18; ICMA, SE, 174.75; ICMA, SE, 339.92; ICMA, SE, 8953.44; ICMA, SE, 105.79; ICMA, SE, 1607.86; ICMA, SE, 119.12; ICMA, SE, 65.00; ICMA, SE, 132.14; ICMA, SE, 387.46; IRS, TX, 16083.02; IRS, TX, 12029.94; IRS, TX, 3761.38; JEO CONSULTING GROUP, SE, 9618.07; KOPECKY, ABBY, SE, 75.00; KUFNER-RODRIGUEZ, MATTHEW, SE, 20.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 328.00; LINCOLN WINWATER WORKS, SU, 3410.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MAYER, LIZ, SE, 80.00; MCMANIGAL, MIKAELA, SE, 90.00; MIDWEST TAPE, SU, 271.96; MILLER, DREW, SE, 40.00; MUNICIPAL SUPPLY, SU, 433.59; N.E. NE AREA ON AGING, SE, 275.00; NE DEPT OF REVENUE, TX, 5227.16; NIELSEN TREE FARM, SU, 1689.32; NIX WAYNE, RE, 300000.00; NORBLADE, TATE, SE, 75.00; NNEDD, SE, 900.00; NNEDD, SE, 2418.75; NORTHWEST ELECTRIC, SU, 664.42; O'REILLY AUTOMOTIVE STORES, SU, 4.99; O'REILLY AUTOMOTIVE STORES, SU, 52.72; O'REILLY AUTOMOTIVE STORES, SU, 44.99; PATEFIELD, DAVID, SE, 20.00; PATEFIELD, PARKER, SE, 40.00; POSTMASTER, SU, 1002.22; REDDEN, MALLORY, SE, 15.00; REDDEN, SYDNEY, SE, 68.00; SANDRY FIRE SUPPLY, SU, 580.00; SOUTHEAST LIBRARY SYSTEM, SE, 160.00; STADIUM SPORTING GOODS, SU, 714.00; STAPLES, SU, 739.19; STATE NEBRASKA BANK-PETTY CASH, RE, 200.00; TUCKER, DARYLE, SE, 60.00; US BANK, SU, 14984.91; US FOODSERVICE, SU, 44.63; USA BLUE BOOK, SU, 534.70; VIAERO, SE, 67.36; WAED, SE, 6000.00; WILSON, REESE, SE, 40.00; WISNER WEST, SU, 135.25; ACES, SE, 1021.15; BLUE CROSS BLUE SHIELD, SE, 48458.53; CITY EMPLOYEE, RE, 222.30; CITY EMPLOYEE, RE, 175.00; CONNER, TALESHA, RE, 200.00; DEARBORN LIFE INSURANCE COMPANY, SE, 89.44; DEARBORN LIFE INSURANCE COMPANY, SE, 2822.49; HABER, SARAH, SE, 550.00; HILAND DAIRY, SE, 144.51; HOMETOWN LEASING, SE, 436.02; MILLER LAW, SE, 5416.67; NORTHEAST NE INS AGENCY, SE, 104111.00; NWEA, FE, 400.00; PROVIDENCE MEDICAL CENTER, SE, 74546.00; QUADIENT LEASING USA, SE, 2691.00; TYLER TECHNOLOGIES, SE, 2706.90; US FOODSERVICE, SU, 3167.82; WAED, SE, 8592.41; WINTZ, CODY, SE, 450.00

**CLAIMS – FY 2021-2022:** GLOBAL PAYMENTS INTEGRATED, SE, 336.57; MERCHANT SERVICES, SE, 5234.80; MERCHANT SERVICES, SE, 1428.45; MERCHANT SERVICES, SE, 69.09; PAC N SAVE, SU, 49.14; PAC N SAVE, SU, 1004.88; STATE NEBRASKA BANK & TRUST, SE, 59.52

ACE HARDWARE & HOME, SU, 295.52; BOMGAARS, SU, 1425.14; BORDER STATES INDUSTRIES, SU, 3939.43; CALVARY BIBLE EFC, RE, 500.00; CARHART LUMBER COMPANY, SU, 132.52; CITY EMPLOYEE, RE, 219.33; CITY EMPLOYEE, RE, 85.58; CITY EMPLOYEE, RE, 64.00; CITY OF WAYNE, RE, 107.10; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 14045.03; COPY WRITE PUBLISHING, SE, 96.99; DAVE'S DRY CLEANING, SE, 48.00; ED M. FELD EQUIPMENT, SU, 400.00; FLOOR MAINTENANCE, SU, 322.86; GERHOLD CONCRETE, SU, 189.27; GOTCHA COVERED OF SIOUXLAND, SU, 1068.56; HAWKINS, SU, 685.87; HEIKES AUTOMOTIVE, SU, 398.00; HEIKES AUTOMOTIVE, SE, 85.00; HUBER TECHNOLOGY, SE, 4316.15; JACK'S UNIFORMS, SU, 502.65; L.G. EVERIST, SU, 1599.46; LEONARD, MICHAEL, RE, 500.00; LUTT OIL, SU, 7348.98; MAIN STREET GARAGE, SE, 603.75; NORTHEAST POWER, SE, 8131.00; ONE CALL CONCEPTS, SE, 162.80; O'REILLY AUTOMOTIVE STORES, SU, 376.91; OVERHEAD DOOR, SU, 1511.00; QUALITY 1 GRAPHIC, SU, 20.00; QUALITY FOOD CENTER, SU, 24.36; SKL RENTALS, RE, 500.00; STADIUM SPORTING GOODS, SU, 1997.50; STAPLES, SU, 54.23; STATE NEBRASKA BANK-PETTY CASH, RE, 395.81; STATE NEBRASKA BANK-PETTY CASH, RE, 76.13; STATE TREASURER OF NE, FE, 718.58; THE RETROFIT COMPANIES, SE, 5394.75; UNITED RENTALS, SE, 302.20; US BANK, SU, 2335.40; WAYNE AUTO PARTS, SU, 484.75; WAYNE COMMUNITY SCHOOLS, RE, 3840.50; WAYNE HERALD, SE, 562.50; WAYNE HERALD, SE, 566.00; WESCO, SU, 341.87

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 Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

Mayor Giese requested Council consideration to the appointment of Amy Bloomquist to the Library Board. She will finish out the term of Chris Costa (6/30/23).

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the Mayoral appointment of Amy Bloomquist to the Library Board (term expiring 6/30/23). Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

Councilmember Karsky introduced Ordinance No. 2022-19, and moved for approval of the second reading thereof; Councilmember Muir seconded.

#### ORDINANCE NO. 2022-19

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF THE 14 FOOT UTILITY EASEMENT LOCATED BETWEEN LOTS 3 AND 4, BLOCK 6, VINTAGE HILL 3<sup>RD</sup> 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 Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, 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 Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to move for final approval of Ordinance No. 2022-19. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

The following Resolution is a requirement by the Nebraska Department of Transportation when a state highway will be closed for a celebration/parade. This Resolution pertains to the Annual Christmas in Wayne Celebration/Annual Parade of Lights to be held on Thursday, November 17, 2022.

Irene Mock, representing Wayne Area Economic Development, was present to answer questions. She noted they are looking for a spot to relocate the big Christmas tree. They can no longer have it at the corner of 7<sup>th</sup> and Main Streets because of the Jimmy John's business going into that building.

Councilmember Brodersen introduced Resolution No. 2022-64 and moved for its approval; Councilmember Karsky seconded.

#### RESOLUTION NO. 2022-64

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 Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

Irene Mock, representing Wayne Area Economic Development, was present and requesting Council consideration to prohibit parking on Main Street in the 200 and 300 blocks of Main Street from

5:30 p.m. until 8:00 p.m. for the Christmas in Wayne Celebration/Annual Parade of Lights Event to be held on Thursday, November 17, 2022.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the request of Wayne Area Economic Development to prohibit parking on Main Street in the 200 and 300 blocks of Main Street from 5:30 p.m. until 8:00 p.m. for the Christmas in Wayne Celebration/Annual Parade of Lights Event to be held on Thursday, November 17, 2022. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

Mayor Giese declared the time was at hand for the public hearing concerning the request of Jonathan Webb to open the alley for traffic behind his property at 319 S. Nebraska Street.

Joel Hansen, Street and Planning Director, stated Jonathan Webb has made a request to open the alley behind his property at 319 S. Nebraska Street. The alley is platted, but it has never been improved with rock. The City has other such grass alleys in town where there are utilities, but people do not drive in them other than for maintenance on the utility. If the Council would approve to open the alley for traffic, the same would have to be leveled and graveled at the City's expense. However, when the time would come to add additional gravel, etc., as with other alleys, the same would be cost-shared 50/50 by the adjoining property owners if they sign a petition and agree to the same. This alley is one that will probably just be used by the property owners adjoining the alley. It was noted the City does not currently use this alley. Mr. Hansen stated the Street Department will get the alley opened this fall.

Jonathan Webb and Nicole Owens (applicants) were present to answer questions.

Carol Bauermeister also spoke regarding this matter. Her son lives at 315 S. Nebraska Street. Mr. Hansen advised her that her son would not have any future maintenance costs associated with this alley, unless he would sign the petition for more gravel/rock.

In response to Clayton Bratcher's question about opening up the street at the south end to help alleviate snow removal issues, Mr. Hansen responded that all of the trees would have to be removed to make enough room.

City Clerk McGuire had not received any comments, either written or verbal, regarding this public hearing.

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

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the request of Jonathan Webb to open the alley for traffic behind his property (319 S. Nebraska Street) from Folk Street to Connable Street for public use. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

The following Resolutions would direct the City Clerk to file liens against properties for the cost of work hired by the City to abate violations of City Code after proper notices were given to the property owner(s).

Councilmember Brodersen introduced Resolution No. 2022-65 and moved for its approval; Councilmember Buck seconded.

#### RESOLUTION NO. 2022-65

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 100' OF LOTS 21, 22, 23, 24, 25 AND 26, BLOCK 22, COLLEGE HILL FIRST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 208 W. 10<sup>TH</sup> STREET, WAYNE, NEBRASKA. (LENA ROBERTS - \$375.00)

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

Councilmember Brodersen introduced Resolution No. 2022-66 and moved for its approval; Councilmember Buck seconded.

#### RESOLUTION NO. 2022-66

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 50' OF THE EAST 100' OF LOTS 8, 9, 10, AND 11, BLOCK 9, CRAWFORD & BROWN'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 105 W. 4<sup>TH</sup> STREET, WAYNE, NEBRASKA. (BRADLEY AND LENA ROBERTS - \$300.00)

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

Councilmember Brodersen introduced Resolution No. 2022-67 and moved for its approval; Councilmember Buck seconded.

#### RESOLUTION NO. 2022-67

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 80' OF THE SOUTH 100' OF LOT 3, BLOCK 1, BRITTON & BRESSLER'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 120 W. 9<sup>TH</sup> STREET, WAYNE, NEBRASKA. (BRADLEY AND LENA ROBERTS - \$900.00)

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

Discussion took place regarding sidewalk installation along the Chicago Street Project.

Joel Hansen, Street and Planning Director, stated 305 S. Sherman does not have any sidewalk. The trail has been realigned and Chicago Street has been poured. There is now a gap on the south side of the property from the trail to the driveway.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, directing staff to give the property owner at 305 S. Sherman Street notice to have sidewalks installed by July 1, 2023. Mayor Giese stated the motion, and the result of roll call being all yeas, with the exception of Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried.

Mayor Giese stated the next item on the agenda is an update on the Bradley J. Woehler and Bradley F. Roberts vs. City of Wayne litigation matter.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to enter into executive/closed session for the purpose of protecting the public interest and to protect the City's well-being, to discuss the Bradley J. Woehler and Bradley F. Roberts vs. City of Wayne 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 Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried, and executive/closed session began at 6:10 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to the Bradley J. Woehler and Bradley F. Roberts vs. City of Wayne litigation matter.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick and Woehler who were absent, the Mayor declared the motion carried, and open session resumed at 6:31 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:31 p.m.