

MINUTES
CITY COUNCIL MEETING
February 7, 2023

The Wayne City Council met in regular session at City Hall on February 7, 2023, 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, Brittany Webber, Clayton Bratcher, Jason Karsky, and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmembers Terri Buck and Matt Eischeid.

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 Webber, to approve the minutes of the meetings of January 17, 2023, and January 31, 2023, and to waive the readings thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

APPROVED 1/17/23: OCC BUILDERS, SE, 10833

VARIOUS FUNDS: ACES, SE, 1093.66; AMAZON, SU, 446.07; AMERITAS, SE, 204.53; AMERITAS, SE, 35.00; AMERITAS, SE, 168.44; AMERITAS, SE, 35.00; AMERITAS, SE, 3286.46; AMERITAS, SE, 72.00; AMERITAS, SE, 97.94; AMERITAS, SE, 3418.26; AMERITAS, SE, 72.00; AMERITAS, SE, 98.53; ANDELA-RUTH, CATHY, RE, 40.00; APPEARA, SE, 60.37; APPEARA, SE, 237.61; APPEARA, SE, 156.68; ARBOR DAY FOUNDATION, FE, 100.00; AUTO ANATOMY ALTERNATIVES, SE, 100.08; AWWA, FE, 348.00; BAKER & TAYLOR BOOKS, SU, 1087.15; BATTERY SOLUTIONS, SU, 102.00; BEIERMANN ELECTRIC, SU, 1863.98; BIG RIVERS ELECTRIC CORPORATION, SE, 232757.43; BLUE CROSS BLUE SHIELD, SE, 46680.30; BLUE CROSS BLUE SHIELD, SE, 43792.80; BOMGAARS, SU, 3113.26; CARHART LUMBER COMPANY, SU, 20.80; CARROLL DISTRIBUTING, SU, 131.12; CDW GOVERNMENT, SE, 3019.44; CINTAS, SU, 786.72; CIRBA SOLUTIONS SERVICES, SU, 102.00; CITY EMPLOYEE, RE, 1236.54; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 201.17; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 688.22; CITY EMPLOYEE, RE, 6424.74; CITY EMPLOYEE, RE, 362.02; CITY EMPLOYEE, RE, 4714.24; CITY EMPLOYEE, RE, 190.00; CITY EMPLOYEE, RE, 3954.66; CITY EMPLOYEE, RE, 1420.77; CITY EMPLOYEE, RE, 382.99; CITY EMPLOYEE, RE, 272.00; CITY OF NORFOLK, SE, 173.97; CITY OF PONCA, RE, 15450.21; CITY OF PONCA, RE, 10000.00; CITY OF WAYNE, PY, 95936.08; CITY OF WAYNE, PY, 97444.45; CITY OF WAYNE, RE, 489.87; CITY OF WEST POINT, RE, 10000.00; CITY OF WEST POINT, RE, 22423.97; CITY OF WISNER, RE, 10000.00; CITY OF WISNER, RE, 2336.85; CIVICPLUS, FE, 4961.25; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 29000.00; CREDIT BUREAU SERVICES, RE, 11.33; DAS STATE ACCTG-CENTRAL FINANCE, SE, 510.36; DEARBORN LIFE INSURANCE, SE, 2841.42; DEARBORN LIFE INSURANCE COMPANY, SE, 96.32; DEMCO, SU, 659.77; DOUBLE J DOORS, SE, 118.85; DUTTON-LAINSON, SU, 1251.32; ECHO GROUP, SU, 504.51; ED M. FELD EQUIPMENT, SU, 105.00; ELLIS HOME SERVICES, SE, 90.00; ELLIS HOME SERVICES, SE, 157.50; EMPLOYERS MUTUAL CASUALTY, RE, 603.68; FAITH REGIONAL PHYSICIAN SERV, SE, 30.00; FASTENAL, SU, 141.71; FIRST CONCORD GROUP, SE, 4524.64; FLOOR MAINTENANCE, SU, 639.00; FLOOR MAINTENANCE, SU, 428.12; FLORES, BENJAMIN, RE, 500.00; FREDRICKSON OIL, SU, 171.25; GALE/CENGAGE LEARNING, SU, 24.69; GENO'S STEAKHOUSE, SE, 3132.05; GRAINLAND ESTATES, RE, 8152.45; GROSSENBURG IMPLEMENT, SU, 304.62; GROSSENBURG IMPLEMENT, SU, 427.35; HILAND DAIRY, SE, 375.83; HILAND DAIRY, SE, 347.87; HOMETOWN LEASING, SE, 365.84; HOMETOWN LEASING, SE, 70.18; HUNDERTMARK CLEANING SYSTEMS, SU, 71.23; HYDRO OPTIMIZATION , FE, 500.00; ICMA, SE, 181.73; ICMA, SE, 366.72; ICMA, SE, 226.66; ICMA, SE, 9276.55; ICMA, SE, 413.68; ICMA, SE, 1311.78; ICMA, SE, 36.84; ICMA, SE, 413.68; ICMA, SE, 123.92; ICMA, SE, 70.00; ICMA, SE, 137.38; ICMA, SE, 160.32; ICMA, SE, 137.38; ICMA, SE, 65.00; ICMA, SE, 220.04; ICMA, SE, 36.84; ICMA, SE, 181.73; ICMA, SE, 160.32; ICMA, SE, 366.72; ICMA, SE, 123.92; ICMA, SE, 1306.78; ICMA, SE, 9271.67; INGRAM LIBRARY SERVICES, SU, 709.76; IRS, TX, 49.60; IRS, TX, 11.64; IRS, TX, 16317.20; IRS, TX, 20.00; IRS, TX, 20.26; IRS, TX, 4.74; IRS, TX, 16460.90; IRS, TX, 11881.17; IRS, TX, 3849.76; IRS, TX, 12090.09; IRS, TX, 3816.14; JEO CONSULTING GROUP, SE, 9573.37; JOHNNY'S PEST CONTROL, SE, 225.00; KELLY SUPPLY COMPANY, SU, 329.74; KTCH, SE, 747.00; LOFFLER, SE, 363.28; LUTT OIL, SU, 5845.49; MAIN STREET GARAGE, SE, 871.39; MARCO, SE, 252.04; MARCO TECHNOLOGIES, SE, 180.50; MATHESON-LINWELD, SU, 283.66; MATT PARROTT, SU, 89.33; MIDWEST SERVICE & SALES, SU, 2141.00; MIDWEST TAPE, SU, 67.99; MIKEY C PRODUCTIONS, SE, 1296.00; MILLER LAW, SE, 5416.67; MILLER LAW, SE, 73.43; MONAHAN, PHILLIP, SE, 45.00; N.E. NEB CLERKS ASSOCIATION, FE, 20.00; NDEE-FISCAL SERVICES, FE, 150.00; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 377.90; NE DEPT OF REVENUE, TX, 169.64; NE DEPT OF REVENUE, TX, 1.03; NE DEPT OF REVENUE, TX, 5386.67; NE DEPT OF REVENUE, TX, 5380.99; NE DEPT OF REVENUE-CHARITABLE GAMING DIV, TX, 2150.94; NE EMERGENCY SERVICE, FE, 45.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 122.00; NE RURAL WATER, FE, 550.00; NE SECRETARY OF STATE, FE, 30.00; NE STATE FIRE MARSHAL, SE, 120.00; NEBRASKA GENERATOR SERVICE, SE, 8739.45; NPPD, SE, 184.00; NEBRASKA STATEWIDE ARBORETUM, FE, 100.00; NORFOLK DAILY NEWS, SE, 385.00; NNEDD, SE, 580.13; NORTHEAST NE INS AGENCY, SE, 109341.00; NORTHEAST

POWER, SE, 7127.00; NORTHEAST POWER, SE, 18978.90; OLSSON, SE, 5503.19; OPTK NETWORKS, SE, 408.54; O'REILLY AUTOMOTIVE STORES, SU, 12.99; O'REILLY AUTOMOTIVE STORES, SU, 52.41; OVERDRIVE, SU, 516.94; PAC N SAVE, SU, 829.56; POLICE OFFICERS' ASSOCIATION OF NE, SU, 102.84; PONCA RURAL FIRE BOARD, RE, 10000.00; PONCA RURAL FIRE BOARD, RE, 3698.48; POSTMASTER, SU, 1031.48; PREMIER BIOTECH, SE, 145.86; QUALITY 1 GRAPHIC, SU, 120.00; SANCTUARY APARTMENTS, RE, 400000.00; STADIUM SPORTING GOODS, SE, 123.00; STAPLES, SU, 161.43; STAPLES, SU, 282.63; STEFFEN TRUCK EQUIPMENT, SU, 11.00; TOM'S BODY & PAINT SHOP, SU, 218.85; TOTAL GRAPHICS, SU, 512.00; TOTAL GRAPHICS, SU, 450.00; TYLER TECHNOLOGIES, SE, 3201.25; UNIVERSITY OF NE-LINCOLN, FE, 150.00; US FOODSERVICE, SU, 390.24; US FOODSERVICE, SU, 2801.34; USA BLUE BOOK, SU, 416.21; UTILITY EQUIPMENT, SU, 448.39; VIAERO, SE, 69.88; VILLAGE OF WINSIDE, RE, 10000.00; VILLAGE OF WINSIDE, RE, 4943.58; WASTE CONNECTIONS, SE, 5218.83; WAED, FE, 35.00; WAED, SE, 8980.41; WAED, RE, 594.95; WAYNE COUNTY CLERK, SE, 16.00; WAYNE COUNTY COURT, FE, 400.00; WAYNE COUNTY TREASURER, SE, 1991.80; WAYNE HERALD, SE, 538.50; WAYNE HERALD, SE, 95.00; WAYNE HERALD, SE, 997.04; WESCO, SU, 1142.76; WISNER WEST, SU, 306.50; Y & Y LAWN SERVICE, SE, 130.00; Y & Y LAWN SERVICE, SE, 874.00; ACE HARDWARE & HOME, SU, 167.80; AMGL, SE, 30750.00; APPEARA, SE, 61.23; BOUST, SUSAN, RE, 200.00; CITY EMPLOYEE, RE, 100.82; CITY EMPLOYEE, RE, 2063.34; CITY EMPLOYEE, RE, 64.00; COPY WRITE PUBLISHING, SE, 173.61; COPY WRITE PUBLISHING, SE, 15.76; COTTONWOOD WIND PROJECT, SE, 13671.54; CUSTOM FILTRATION, SU, 505.00; D.J. GONGOL & ASSOCIATES, SE, 6150.00; DAVE'S DRY CLEANING, SE, 36.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2953.37; ECHO GROUP, SU, 188.58; FIRST UNITED METHODIST CHURCH, RE, 150.00; FLOOR MAINTENANCE, SU, 278.78; GLOBAL PAYMENTS INTEGRATED, SE, 534.84; GROSSENBURG IMPLEMENT, SU, 161.00; HILAND DAIRY, SE, 14.97; JEO CONSULTING GROUP, SE, 12568.49; KELLY SUPPLY COMPANY, SU, 348.27; KNOEPFLER CHEVROLET, SU, 31.29; LAWLER FIXTURE, SE, 529.79; LUTT OIL, SU, 7260.98; MERCHANT SERVICES, SE, 45.98; MERCHANT SERVICES, SE, 1247.61; MERCHANT SERVICES, SE, 4557.21; MIDWEST LABORATORIES, SE, 182.00; MIDWEST TAPE, SU, 443.93; NE HARVESTORE, SU, 672.03; NE NOTARY ASSOC, SU, 125.80; NE RURAL WATER, FE, 1185.00; NEBRASKA JOURNAL LEADER, SE, 134.06; NPPD, SE, 7892.56; NPPD, SE, 184.00; NORFOLK DAILY NEWS, SE, 147.50; ONE CALL CONCEPTS, SE, 7.58; O'REILLY AUTOMOTIVE STORES, SU, 88.10; ORIENTAL TRADING CO, SU, 164.06; PAC N SAVE, SU, 1335.92; PAC N SAVE, SU, 313.50; PACK 174, RE, 200.00; PLUNKETT'S PEST CONTROL, SE, 36.11; QUADIANT FINANCE, SU, 1774.57; QUADIANT LEASING, SE, 2691.00; QUALITY FOOD CENTER, SU, 66.12; RESCO, SU, 404.46; STAPLES, SU, 147.26; STATE NEBRASKA BANK & TRUST, SE, 59.12; STATE NEBRASKA BANK-PETTY CASH, RE, 95.55; VERIZON, SE, 584.28; WAYNE AUTO PARTS, SU, 447.09; WAYNE HERALD, SE, 1568.77; WAYNE HERALD, SE, 133.00; WAYNE HERALD, SE, 190.00; WAYNE VETERINARY CLINIC, SE, 123.00; WESCO, SU, 738.30; WAPA, SE, 23814.34; ZACH HEATING & COOLING, SE, 14076.00

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

Shannon Kennicutt, a Wayne State College student, was present requesting Council consideration to allowing her to keep an emotional support animal (ball python snake) inside City limits (Neihardt Hall,

Wayne State College). Ms. Kennicutt stated that she would not be bringing the animal onto the Wayne State College campus, but instead to an apartment she is moving into in May.

Attorney Miller stated when it comes to an “emotional support animal,” you have to weigh the danger to the public to the benefit it provides the person. You cannot deny it so long as the benefit is not outweighed by the danger.

Ms. Kennicutt then answered questions from the Council. She will provide the letter saying that this is an emotional support animal to the City Clerk. In addition, she will provide the City Clerk with the names and addresses of the adjoining neighbors so they can be contacted and made aware of the situation and relay any objections they may have, if any.

After discussion, Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving the request of Shannon Kennicutt to keep an emotional support animal (ball python snake) inside City limits, with the additional stipulation of providing documentation (emotional support animal letter) to the City Clerk and the names and addresses of the adjoining neighbors so they can be notified of the same. Mayor Giese stated the motion, and the result of roll call being all yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Luke Virgil, Director of Wayne Area Economic Development, gave his semi-annual LB840 Activity Report to Council. Mr. Virgil recommended that Council look at revising some of the LB840 guidelines so that the City would be a gap financier rather, in some instances, the largest financier.

The following Resolution would approve the mutual aid agreement between the City of Wayne and the Northeast Nebraska Mutual Aid District (NNMAD). The NNMAD includes the communities and rural fire districts of Allen, Bancroft, Concord, Dakota City, Dixon, Emerson, Homer, Laurel, Martinsburg, Newcastle, Pender, Ponca, Rosalie, South Sioux City, Thurston, Wakefield, Walthill and Winnebago, who agree to respond to other members’ emergency fire calls if there is a fire or disaster too big for the local firefighters to control.

Councilmember Karsky introduced Resolution 2023-8, and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-8

A RESOLUTION APPROVING A MUTUAL AID AGREEMENT BETWEEN THE CITY OF WAYNE VOLUNTEER FIRE DEPARTMENT AND THE NORTHEAST NEBRASKA MUTUAL AID DISTRICT.

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

Mayor Giese declared the time was at hand for the public hearing on the One and Six Year Street Improvement Program.

Joel Hansen, Street and Planning Director, presented the One and Six Year Street Improvement Program. This is a yearly requirement to receive Highway Allocation Funds from the Nebraska Department of Transportation. He noted that just because a project is in the One and Six Year Street Improvement Plan does not mean the project has to be done that year. However, if the City would want to do a project that is not in the One and Six Year Street Improvement Plan, another public hearing would have to be held to amend the plan.

Upcoming projects, which include some carry-over projects from previous year(s), include the following:

<u>Project Number</u>	<u>Project Year</u>	<u>Improvement</u>	<u>Estimated Cost</u>

M – 617(112)	2023	Prairie Park Streets – 5,900’ Construct Gravel Roads	\$600,000
M – 617(116)	2023	W. 7 th Street from Haas Avenue to Pheasant Run – 1,650’ Storm Sewer & Sidewalk	\$800,000

M – 617(132)	2024	E. 4 th Street and Thorman Street – 2,300’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$900,000
M – 617(115)	2024	W. 3 rd Street from Oak Dr. to 250’ E. of Oak Dr. – 250’ Construct Concrete Paving, Curb & Gutter	\$ 70,000

M – 617(129)	2025	Fairgrounds Avenue from S. Main to S. Nebraska & from Dead End to Prairie Park – 915’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$800,000

M – 617(131)	2026	E. 21 st Street from Vintage Hill Drive to Centennial Road and Centennial Road from E. 14 th to E. 21 st – 4,500’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$ 1,500,000

M – 617(107)	2027	Clark Street & S. Pearl Street – 745’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$350,000
M – 617(114)	2027	W. 2 nd Street from Blaine St. to 360’ E of Blaine St. – 380’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$180,000
M – 617(98)	2027	Sherman Street from W. 5 th St. to W. 6 th St. – 300’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$140,000
M – 617(113)	2027	Sherman Street from W. 3 rd St. to W. 4 th St. – 300’ Construct Concrete Paving, Curb & Gutter	\$140,000

M – 617(127)	2028	Downtown Alleys – 2,880’ Overlay and Concrete Paving	\$500,000
M – 617(130)	2028	W. 11 th Street from Main to Sherman – 1,550’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$850,000
M – 617(89)	2028	Lage Subdivision – South of Fairgrounds Avenue – 900’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$400,000
M – 617(120)	2028	Northern Ridge Drive from Highway 15 to W. 21 st St. – 1,800’ Construct Concrete Paving, Curb & Gutter, & Storm Sewer	\$800,000
M – 617(119)	2028	South Windom Street from 232’ S of Folk St. to 333’ S of Folk St. Construct Concrete Paving, Curb and Gutter – 101’	\$25,000
M – 617(133)	2028	E. 10 th Street from Schreiner Drive to east end of Viken Park Reconstruct Concrete Paving, Curb and Gutter – 200’	\$200,000

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

Councilmember Bratcher brought up concerns about not only his neighborhood, but a few others, not having proper storm drainage. If possible, he would like to see improvements made to these neighborhoods.

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

Councilmember Brodersen introduced Resolution 2023-9 and moved for its approval; Councilmember Pick seconded.

RESOLUTION NO. 2023-9

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM.

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

Joel Hansen, Street and Planning Director, reviewed the specifications for a John Deere 544 P-Tier Wheel Loader. Mr. Hansen solicited a proposal from Murphy Tractor & Equipment Co. for the purchase of this piece of equipment through the Sourcewell Cooperative Pricing Program. He has reviewed the proposal and is recommending that the loader and related equipment be purchased from Murphy Tractor & Equipment, Sioux City, IA, for the amount of \$184,200.00. The City will be trading in a 2008 John Deere loader for \$74,000.00.

Councilmember Karsky introduced Resolution 2023-10, and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-10

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A JOHN DEERE 544 P-TIER WHEEL LOADER AND RELATED EQUIPMENT AS PER THE BID PROPOSAL RECEIVED FROM MURPHY TRACTOR & EQUIPMENT (\$184,200) THROUGH THE SOURCEWELL COOPERATIVE PRICING PROGRAM.

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

The following Resolution would approve/ratify the City of Wayne goals from the retreat held on January 31, 2023.

Councilmember Brodersen introduced Resolution 2023-11, and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-11

A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.

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

The following ordinance would amend Wayne Municipal Code Title III, Administration, Chapter 37 Taxation, relating to sales and use tax; extending the imposition of a one and one-half percent sales and

use tax upon the same transactions within the City of Wayne upon which the State of Nebraska is authorized to impose a tax. This is for the tax that will take place on July 1, 2024. This Ordinance, as well as Ordinance No. 2023-2, which relates to the economic development program, are legally required actions to establish the accounts and the system to continue receiving and expending the authorized local sales tax approved in May, 2022.

Luke Virgil, Director of Wayne Area Economic Development had concerns about the termination date reflected in Ordinance 2023-1 (June 30, 2024). Staff would contact Attorney Mike Rogers for clarification.

Councilmember Brodersen introduced Ordinance No. 2023-1, and moved for approval of the first reading thereof; Councilmember Karsky seconded.

ORDINANCE NO. 2023-1

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE III, ADMINISTRATION, CHAPTER 37 TAXATION, RELATING TO SALES AND USE TAX; EXTENDING THE IMPOSITION OF ONE AND ONE-HALF PERCENT SALES AND USE TAX UPON THE SAME TRANSACTIONS WITHIN THE CITY OF WAYNE UPON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX; PROVIDING EFFECTIVE DATE; PROVIDING TERMINATION DATE; PROVIDING DEPOSIT IN THE GENERAL FUND AND THE ALLOCATION THEREOF.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Brodersen introduced Ordinance No. 2023-2, and moved for approval of the first reading thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-2

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, AMENDING ITS ECONOMIC DEVELOPMENT PROGRAM TO DESCRIBE THE TERMS, CONDITIONS AND GOALS OF SAID ECONOMIC DEVELOPMENT PROGRAM; TO ESTABLISH THE DURATION OF SAID ECONOMIC DEVELOPMENT PROGRAM; TO PROVIDE FOR YEARS FOR COLLECTION OF FUNDS; TO PROVIDE FOR A SOURCE OF FUNDS; TO PROVIDE FOR A TOTAL AMOUNT TO BE COLLECTED; TO REPEAL CONFLICTING ORDINANCES AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Jill Brodersen, Architect, presented Application for Payment No. 5 in the amount of \$45,837.00 to OCC Builders, LLC, for the "Freedom Park Trailhead Project." Ms. Brodersen and Lowell Heggemeyer, Parks and Recreation Director, updated the Council on the project. Completion should be sometime this summer.

Councilmember Karsky made a motion, which was seconded by Councilmember Muir, approving Application for Payment No. 5 for \$45,837.00 to OCC Builders, LLC, for the "Freedom Park Trailhead Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Discussion took place in regard to amending the "Temporary Occupancy Permit" language in the City Code.

Staff has had a request from Lucas Thompson to consider amending the Building Code to allow a temporary occupancy permit in the A1 and A2 districts if, for example, the siding on his new home is not completed.

Discussion has taken place about implementing a fine structure for property owners not getting residential units completed "on time" before consideration is given to amending the temporary occupancy permit provision in the A1 and A2 districts in regard to exterior siding being completed. This is for discussion purposes only to see if Council is in agreement to bring an ordinance forward to amend the City Code.

Joel Hansen, Street and Planning Director, explained why these changes were made to the Code a few years back. Council wanted to alleviate complaints on some projects that were or had been going on for years. The other issue is that once someone is in their home, it is difficult to get them out to force them to complete the work (e.g. side their house or pour sidewalk). Staff, at that time, came up with a prescriptive

list that had to be done before a temporary occupancy permit would be issued. The item that is in question is on the exterior side. Staff has said that it has to be something other than waterproofing with Tyvek.

Attorney Miller explained that Mr. Thompson is getting a construction loan, which has a higher interest rate than a conventional loan, so if he can get an occupancy permit or a temporary occupancy permit to move in, he can then get a conventional loan with a lower interest rate.

Lucas Thompson was present to answer questions. He asked Council to try and realize that there is a benefit in issuing temporary occupancy permits. He noted that six out of the ten homes he built in Western Ridge he used a temporary occupancy permit on. He stated that if the code hadn't allowed that, the last four houses wouldn't exist because the interest rate and material prices had gone up.

After discussion, staff was directed to prepare an ordinance amending the requirement of exterior siding in A-1 and A-2 Districts when allowing temporary occupancy permits and to bring the same forward at a later meeting for discussion/action.

City Administrator Blecke gave an update on the future City Hall property. He is soliciting proposals from two architects for staff and Councilmember Brodersen to review and then bring forward a recommendation at the next Council meeting for consideration and approval.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:59 p.m.