

**MINUTES
CITY COUNCIL MEETING
March 7, 2023**

The Wayne City Council met in regular session at City Hall on March 7, 2023, at 5:30 o'clock P.M.

Mayor Pro Tempore Matt Eischeid called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Brendon Pick, Terri Buck, Nick Muir, Brittany Webber, Clayton Bratcher and Jason Karsky; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Mayor Cale Giese and Councilmember/Council President Jill Brodersen.

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 Pro Tempore Eischeid 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 Buck made a motion, which was seconded by Councilmember Webber, to approve the minutes of the meeting of February 21, 2023, and to waive the reading thereof. Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACES, SE, 1093.66; ALL HOURS TOWING, SE, 225.00; AMERITAS, SE, 170.94; AMERITAS, SE, 35.00; AMERITAS, SE, 100.28; AMERITAS, SE, 3130.84; AMERITAS, SE, 72.00; APPEARA, SE, 93.88; APPEARA, SE, 63.00; APWA, FE, 382.00; ARC-HEALTH & SAFETY, SE, 1080.00; ARKFELD LOCK & SECURITY, SU, 343.21; ASPEN EQUIPMENT, SU, 70.61; BLUE CROSS BLUE SHIELD, SE, 46680.30; BOMGAARS, SU, 1336.54; BURBACH, SCOTT, RE, 100.00; CAMPOS, ANNA, SE, 35.00; CARHART LUMBER COMPANY, SU, 376.13; CITY EMPLOYEE, RE, 674.84; CITY EMPLOYEE, RE, 37.60; CITY EMPLOYEE, RE, 165.84; CITY EMPLOYEE, RE, 942.22; CITY OF WAYNE, PY, 107684.17; CITY OF WAYNE, RE, 597.05; COLONIAL RESEARCH, SU, 418.91; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 3000.00; CONSOLIDATED MANAGEMENT, SE, 21.75; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DAVE'S DRY CLEANING, SE, 45.00; DEARBORN LIFE INSURANCE COMPANY, SE, 75.68; DIAMOND K CONSTRUCTION, RE, 250.00; ECHO GROUP, SU,86.01; ED M. FELD EQUIPMENT, SU, 758.51; FIRST CONCORD GROUP, SE, 4284.64; FLOOR MAINTENANCE, SU, 496.22; GALE/CENGAGE LEARNING, SU, 122.80; HALLIDAY PRODUCTS, SU, 859.05; HERMAN, KELBY, RE, 500.00; HILAND DAIRY, SE, 172.78; HILAND DAIRY, SE, 148.71; ICMA, SE, 36.84; ICMA, SE, 123.92; ICMA, SE, 70.00; ICMA, SE, 137.38; ICMA, SE, 181.73; ICMA, SE, 160.32; ICMA, SE, 413.68; ICMA, SE, 366.72; ICMA, SE, 226.66; ICMA, SE, 1491.78; ICMA, SE, 9291.09; IOWA PUMP WORKS, SE, 12077.42; IRS, TX, 17727.74; IRS, TX, 11636.46; IRS, TX, 4145.98; JEO CONSULTING GROUP, SE, 9300.00; JONES, MATT, SE, 50.00; KAY PARK REC CORP, SU, 5825.00; MARC JONES CONSTRUCTION, RE, 500.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MARKWORTH, NATALI, SE, 72.29; MATTEO SAND AND GRAVEL, SU, 491.64; MILLER LAW, SE, 5416.67; MUHS, JAMIE, RE, 35.00; MUNICIPAL SUPPLY, SU, 4879.10; NDEE-FISCAL SERVICES, SE, 40.00; NE DEPT OF REVENUE, TX, 5337.11; NE LAW ENFORCEMENT, SE, 485.00; NE LIBRARY COMMISSION, FE, 750.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 153.00; NPPD, SE, 7892.56; NICK'S WOOD SHOP, SE, 10589.60; NNEDD, SE, 1676.24; NORTHEAST POWER, SE, 5462.00; NORTHEAST POWER, SE, 18978.90; NOVELTY MACHINE & SUPPLY, SU, 531.57; OPTK NETWORKS, SE, 408.54; O'REILLY AUTOMOTIVE STORES, SU, 320.90; OVERHEAD DOOR, SE, 1085.95; PLAYAWAY PRODUCTS, SU, 52.24; POSTMASTER, SU, 1031.03; PREMIER BIOTECH, SE, 94.68; RESCO, SU, 797.10; RETAIL RECLAIMERS, RE, 500.00; SOOLAND BOBCAT, SU, 243.49; STAN HOUSTON EQUIPMENT, SE, 390.00; STATE FARM INSURANCE, SE, 563.00; US BANK, SU, 19053.62; UTILITY EQUIPMENT, SU, 676.50; VIAERO, SE, 69.88; WAED, SE, 8980.41; WESCO, SU, 770.40; WISNER WEST, SU, 185.51; APPEARA, SE, 118.00; APWA, FE, 1290.00; CITY EMPLOYEE, RE, 100.00; CITY EMPLOYEE, RE, 53.78; CITY OF NORFOLK, SE, 173.97; CITY OF WAYNE, RE, 255.74; COLEMAN & KATELYN BRODERS, RE, 40000.00; COPY WRITE PUBLISHING, SE, 77.48; COTTONWOOD WIND PROJECT, SE, 17297.87; DEARBORN LIFE INSURANCE COMPANY, SE, 2954.95; ECHO GROUP, SU, 185.30; EPP FOUNDATION REPAIR, SE, 31737.60; GLOBAL PAYMENTS INTEGRATED, SE, 589.23; HOMETOWN LEASING, SE, 365.84; HORIZON CONSTRUCTION, RE, 500.00; JORGENSEN CONCRETE & CONSTRUCTION, RE, 500.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 421.00; LUTT OIL, SU, 6103.44; MERCHANT SERVICES, SE, 46.94; MERCHANT SERVICES, SE, 1386.09; MERCHANT SERVICES, SE, 4484.89; MIDWEST LABORATORIES, SE, 200.57; NE HARVESTORE, SU, 210.56; NPPD, SE, 184.00; NORFOLK DAILY NEWS, SE, 247.50; ODEYS, SU, 1169.60; ONE CALL CONCEPTS, SE, 17.52; PAC N SAVE, SU, 48.42; PAC N SAVE, SU, 1301.06; PEERLESS WIPING CLOTH, SE, 580.76; PLUNKETT'S PEST CONTROL, SE, 46.29; QUADIENT FINANCE USA, SU, 176.33; QUALITY FOOD CENTER, SU, 31.43; STAPLES, SU, 233.92; STATE NEBRASKA BANK & TRUST, SE, 59.60; STATE NEBRASKA BANK-PETTY CASH, RE, 103.66; WAYNE AUTO PARTS, SU, 776.67; WAYNE COUNTY CLERK, SE, 22.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 190.00; WAYNE HERALD, SE, 2037.36; WAYNE HERALD, SU, 49.95; WAYNE HERALD, SE, 971.00; WAPA, SE, 23555.78; WISNER WEST, SU, 69.01; Y & Y LAWN SERVICE, SE, 130.00

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

Heather Headley, Library Director, gave a report on what is taking place at the Library. Also in attendance was Sharon Carr, Librarian/Public Relations/Adult Programmer, and Kim Endicott, Board Member.

Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), was present requesting Council consideration to closing off a portion of East 10th Street 200' east of Angel Avenue to Hillside Drive for an electric vehicle power drive rally (State Championship) on Saturday, May 6th, from 7:00 a.m. until 5:00 p.m. In addition, he was requesting that portable restrooms be provided as in the past, and also that the streets be cleaned/swept prior to the event.

Councilmember Karsky made a motion, which was seconded by Councilmember Pick, approving the request of Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), to close off East 10th Street 200' east of Angel Avenue to Hillside Drive for the 2023 Power Drive State Championship on Saturday, May 6th, from 7:00 a.m. until 5:00 p.m., and that portable restrooms be provided and that the streets be cleaned/swept prior to the event. Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

Travis Meyer, representing the Wayne Airport Authority, gave an update/presentation on the WayneAmerica Fly-In Event that will take place on May 26 – May 28, 2023, at the Wayne Airport.

Andrea Henderson, on behalf of the Wayne Airport Authority, was present requesting Council consideration to approving their Special Designated Liquor License Permit for the WayneAmerica Fly-In Event to be held on May 25, 26, 27, and 28, 2023, at the Wayne Airport. All of the same safety protocols will be in place this year as were in place last year. They are also asking for wine and distilled spirits on

their license so they can have some limited happy hours where they can serve alcohol to the pilot groups. Beer will only be available to the spectators.

Councilmember Karsky made a motion, which was seconded by Councilmember Webber, approving the request of Andrea Henderson, representing the Wayne Airport Authority, for a Special Designated Liquor License Permit for the WayneAmerica Fly-In Event to be held on May 25, 26, 27, and 28, 2023. Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

A Liquor License Manager Application was received from the Nebraska Liquor Control Commission on behalf of Christopher C. Sieck for Casey's Retail Company (Casey's 2738).

Mr. Sieck was unable to be in attendance due to another commitment.

Councilmember Muir made a motion, which was seconded by Councilmember Bratcher, approving the Liquor License Manager Application of Christopher C. Sieck for Casey's Retail Company (Casey's 2738). Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

The following Resolution would approve a "Community-Wide Blanket Construction Permit Agreement" between the City and Black Hills Nebraska Gas, LLC, d/b/a Black Hills Energy. This would be the fourth one applied for and approved by Council. This permit will be for the southwest quadrant (Area C). A map showing the locations was provided to Council.

No one was present representing Black Hills Energy.

The permit fee will remain the same as last year - \$1,000.

Councilmember Karsky introduced Resolution No. 2023-19 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-19

A RESOLUTION APPROVING COMMUNITY-WIDE BLANKET CONSTRUCTION PERMIT AGREEMENT BETWEEN THE CITY OF WAYNE AND BLACK HILLS NEBRASKA GAS, LLC D/B/A BLACK HILLS ENERGY (SOUTHWEST QUADRANT).

Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

Councilmember Muir introduced Ordinance No. 2023-1, and moved for approval of the third and final reading thereof; Councilmember Webber 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 Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

Councilmember Bratcher introduced Ordinance No. 2023-2, and moved for approval of the third and final reading thereof; Councilmember Muir 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 Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

Administrator Blecke, on behalf of Jill Brodersen, Architect, presented Application for Payment No. 6 in the amount of \$19,566.00 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.” Administrator Blecke also updated the Council on the project.

Councilmember Karsky made a motion, which was seconded by Councilmember Bratcher, approving Application for Payment No. 6 for \$19,566.00 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.” Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

Administrator Blecke stated the following Resolution would approve a Renewable Energy Certificate Purchase and Sale Agreement between the City and STX Commodities, LLC. Big Rivers Electric Corporation used to take care of this matter for us. However, there are new regulations in Kentucky that they can no longer be our participant. We have to be our own. This is just simply for the sale of renewable energy credits for 2022. This is a one-time transaction that is in this agreement. In the future, we will, in all likelihood, enter into an agreement with JEO Consulting Group, Inc. (Dave Peterson) to do this for us.

The contract with Big Rivers expires December 31, 2026. We need to give them notice if we are not going to continue with them by the end of this calendar year.

Councilmember Bratcher introduced Resolution No. 2023-20 and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-20

A RESOLUTION APPROVING RENEWABLE ENERGY CERTIFICATE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF WAYNE AND STX COMMODITIES, LLC.

Mayor Pro Tempore Eischeid stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor Pro Tempore declared the motion carried.

There being no further business to come before the meeting, Mayor Pro Tempore Eischeid declared the meeting adjourned at 6:13 p.m.