

MINUTES
CITY COUNCIL MEETING
April 4, 2023

The Wayne City Council met in regular session at City Hall on April 4, 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, Terri Buck, Nick Muir, Brittany Webber, Clayton Bratcher, Matt Eischeid and Jill Brodersen; City Administrator Wes Blecke; Finance Director Beth Porter; and Attorney Amy Miller. Absent: Councilmember Jason Karsky and City Clerk Betty McGuire.

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 meeting of March 21, 2023, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACES, SE, 1093.66; AMERITAS, SE, 3292.14; AMERITAS, SE, 115.00; AMERITAS, SE, 35.00; AMERITAS, SE, 178.46; AMERITAS, SE, 72.00; APPEARA, SE, 73.50; APPEARA, SE, 39.16; CARHART LUMBER COMPANY, SU, 68.10; CIRBA SOLUTIONS SERVICES, SU, 102.00; CITY EMPLOYEE, RE, 38.00; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 1757.66; CITY EMPLOYEE, RE, 81.68; CITY EMPLOYEE, RE, 159.44; CITY OF WAYNE, PY,

99229.98; CITY OF WAYNE, RE, 652.10; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 12000.00; CORE & MAIN, SU, 466.08; CUB SCOUTS PACK 174, RE, 200.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 86.00; DICKEY, BILL, RE, 200.00; DUTTON-LAINSON, SU, 133.53; EAKES OFFICE PLUS, SE, 2556.02; ED M. FELD EQUIPMENT, SU, 105.50; ELLIS HOME SERVICES, SE, 832.93; FAIRFIELD INN – KEARNEY, SE, 659.70; FASTENAL, SU, 73.33; FIRST CONCORD GROUP, SE, 4284.64; GALE/CENGAGE LEARNING, SU, 50.03; GLOVER PAINTING, SE, 8968.05; GROSSENBURG IMPLEMENT, SU, 78.46; GROSSENBURG IMPLEMENT, SU, 1226.77; HAWKINS, SU, 2352.02; HILAND DAIRY, SE, 173.37; HILAND DAIRY, SE, 131.64; HYDRO OPTIMIZATION, SE, 1932.24; ICMA, SE, 9178.70; ICMA, SE, 2199.73; ICMA, SE, 166.28; ICMA, SE, 186.63; ICMA, SE, 137.38; ICMA, SE, 36.84; ICMA, SE, 127.36; ICMA, SE, 372.24; ICMA, SE, 413.68; ICMA, SE, 70.00; ICMA, SE, 226.66; IRS, TX, 3935.62; IRS, TX, 12075.10; IRS, TX, 16828.20; J.P. COOKE COMPANY, SU, 221.95; JEO CONSULTING GROUP, SE, 2790.00; KAI, STACEY, RE, 30.00; L.G. EVERIST, SU, 863.48; MAIN STREET GARAGE, SE, 714.76; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MARRIOTT HOTELS, SE, 440.00; MIDWEST TAPE, SU, 227.96; MILLER PAINTING & DECORATING, SE, 9712.50; MUNICIPAL SUPPLY, SU, 515.81; NDEE-FISCAL SERVICES, FE, 40.00; NE DEPT OF REVENUE, TX, 5476.51; NE HARVESTORE, SU, 68.80; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 142.00; O'REILLY AUTOMOTIVE STORES, SU, 89.55; PIP MARKETING, SIGNS & PRINT, SU, 2197.06; POSTMASTER, SU, 1032.00; ROBERT WOehler & SONS, RE, 500.00; SARGENT DRILLING, SE, 19249.84; SERVICEMASTER Of SOOLAND, SE, 8110.89; STATE NEBRASKA BANK-PETTY CASH, RE, 108.53; STURM, MIKE, RE, 195.00; T & S TRUCKING, SU, 562.40; TEEL, EMMA, RE, 200.00; TOM'S BODY & PAINT SHOP, SU, 201.87; VEL'S BAKERY, SU, 75.00; VIAERO, SE, 69.88; VOLKMAN PLUMBING & HEATING, SE, 294.00; WAYNE DIRT DEVILS, RE, 200.00; WISNER WEST, SU, 169.56 BLUE CROSS BLUE SHIELD, SE, 48325.17; CITY EMPLOYEE, RE, 926.01; CITY OF WAYNE, RE, 500000.00; CITY OF WAYNE, RE, 205.18; EMPLOYERS MUTUAL CASUALTY, SE, 1674.50; FREDRICKSON OIL, SU, 898.15; GLOBAL PAYMENTS INTEGRATED, SE, 821.75; HOMETOWN LEASING, SE, 365.84; MILLER LAW, SE, 5416.67; NORTHEAST NE INS AGENCY, SE, 116340.00; NORTHEAST POWER, SE, 5267.00; OPTK NETWORKS, SE, 408.54; QUADIENT LEASING, SE, 655.38; SPORTS FACILITY MAINTENANCE, SU, 805.00; TACOS & MORE, SU, 114.00; WAED, SE, 8980.41; WYNIA, KATIE, SU, 260.00; ZACH HEATING & COOLING, SE, 15359.60

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

Mayor Giese proclaimed April 28th as “Arbor Day.”

Mayor Giese stated the time was at hand for the public hearing regarding the application for a Retail Class C Liquor License for McLaulvis LLC, d/b/a “Good ‘Nuff Bar,” located at 111 E 3rd Street.

Stefanie McLagan, Scot Saul and Cassie Davis, owners of the establishment, were present to answer questions.

City Clerk McGuire had not received any comments for or against this public hearing.

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

Councilmember Brodersen introduced Resolution No. 2023-25 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-25

A RESOLUTION APPROVING THE APPLICATION FOR A RETAIL CLASS C LIQUOR LICENSE — MCLAULVIS LLC, D/B/A “GOOD ‘NUFF BAR.”

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

Josie Broders was present asking Council to consider approving a “Partial Deed of Reconveyance” on the property she owns where the Beaumont Event Center is located. She is selling the east side of the parcel, and to do so and provide clear title to the Buyers, the City must approve a Partial Deed of Reconveyance for the LB840 loan associated therewith. The LB840 loan was secured by the entire parcel.

Attorney Miller spoke with the realtor, and she indicated that the other lenders are also granting a Partial Deed of Reconveyance so that clear title can be given to the Buyers.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, approving the Partial Deed of Reconveyance for the Wayne Area Event Center. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent and Councilmember Bratcher who voted Nay, the Mayor declared the motion carried.

The following Resolution would approve the agreement with McLaury Engineering for the “4th Street & Thorman Street Paving Project, Storm Sewer Redesign and Design and Plan Production Projects.” In 2022, McLaury completed a design and plan set for paving and utility construction on 4th Street up to Centennial Road and on Thorman Street from Erin Street to 4th Street. No bidding or construction took place on that project. In the existing design, the storm sewer trunk line was proposed to run east along the south side of 4th Street up to Centennial Road. It would then flow south along the west side of Centennial Road up to South Logan Creek where it would discharge. In an effort to coordinate with construction taking place to the south and east of this project, the City is proposing to redesign the storm sewer system to carry the water to the west along 4th Street where it will then be taken south along the existing Lot 6 and

discharged into South Logan Creek via a discharge structure. The estimated total task fee for the redesign services is \$20,700.

Josh Larson, engineer with McLaury Engineering, was present to introduce himself and answer any questions the Council had on the project.

Councilmember Eischeid introduced Resolution 2023-26, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2023-26

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING AGREEMENT BETWEEN THE CITY OF WAYNE AND MCLAURY ENGINEERING FOR ENGINEERING SERVICES RELATING TO THE “4TH STREET & THORMAN STREET PAVING PROJECT; STORM SEWER REDESIGN; AND DESIGN AND PLAN PRODUCTION PROJECTS.”

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

Staff was approached by Nebraska CLASS Trust to be able to submit a bid when the City is investing funds. Nebraska CLASS or “Nebraska Cooperative Liquid Asset Security System” is an investment pool that allows all Nebraska governmental entities a secure place to invest their idle cash to make a higher rate of return while also keeping their capital liquid and accessible. Nebraska CLASS also allows local governments to pool their capital together across the state to utilize economies of scale to achieve a higher yield for their community. If approved, Resolution 23-28 amending the Investment and Portfolio Policy for the City of Wayne should also be approved.

Aaron Bos, Director, Investment Services with Nebraska CLASS was present via zoom, to answer questions.

Matt Ley, representing State Nebraska Bank, Corby Schweers, representing Elkhorn Valley Bank, and Luke Virgil, Director of Wayne Area Economic Development, spoke against adding Nebraska CLASS to the Investment Policy.

Attorney Miller advised the Council it is their responsibility to protect the taxpayer’s money and make sure it is being utilized in the best way possible.

After further discussion, Resolution 2023-27 died for lack of a motion.

Attorney Miller advised the Council that upon her review of the current investment policy, she thought some parts of it needed to be amended.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to table action on Resolution 2023-28 Amending the Investment and Portfolio Policy for the City of Wayne until a later meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

The following Resolution would authorize the sale of the following lots to the Wayne Community Redevelopment Authority (CRA): 204 S Lincoln Street, 208 S Lincoln Street and 401 S Sherman Street.

Administrator Blecke stated the Wayne State College Foundation would like to gift the Community Redevelopment Authority three houses. However, in order to receive those properties, the CRA has to have someplace to move them onto. The CRA, at this time, is requesting proposals to move the houses. The CRA will probably have a special meeting once the bids are received later this week.

Mayor Giese stated he is advocating for the CRA to get all three of the houses, which will keep housing stock in Wayne.

Councilmember Brodersen introduced Resolution 2023-29, and moved for its approval, subject to the following:

- The CRA will purchase the 3 City lots for \$1.00 each;
- The CRA may pick and choose which lots they would like to put the houses on; and
- To hold off filing the deeds until the CRA knows they will be purchasing the houses.

Councilmember Muir seconded.

RESOLUTION NO. 2023-29

A RESOLUTION AUTHORIZING THE SALE OF 204 S LINCOLN STREET, 208 S LINCOLN STREET AND 401 S SHERMAN STREET OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO THE WAYNE COMMUNITY REDEVELOPMENT AUTHORITY.

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

Councilmember Eischeid introduced Ordinance No. 2023-8, and moved for approval thereof; Councilmember Bratcher seconded.

ORDINANCE NO. 2023-8

AN ORDINANCE DIRECTING THE SALE OF 204 S LINCOLN STREET, 208 S LINCOLN STREET AND 401 S SHERMAN STREET OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO THE WAYNE COMMUNITY REDEVELOPMENT AUTHORITY.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Bratcher, 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 Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to move for final approval of Ordinance No. 2023-8. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2023-4, and moved for approval of the second reading thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-4

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.31 PROPERTY MAINTENANCE CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, 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 Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to move for final approval of Ordinance No. 2023-4. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2023-5, and moved for approval of the second reading thereof; Councilmember Pick seconded.

ORDINANCE NO. 2023-5

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, 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 Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, to move for final approval of Ordinance No. 2023-5. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Brodersen introduced Ordinance No. 2023-6, and moved for approval of the second reading thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-6

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX SUPPORTED MUNICIPAL IMPROVEMENT BONDS, SERIES 2023, OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS TO BE OWNED BY THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY A SALES AND USE TAX AND PROPERTY TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF SAID TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, 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 Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to move for final approval of Ordinance No. 2023-6. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Bratcher introduced Ordinance No. 2023-7, and moved for approval of the second reading thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-7

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XI BUSINESS REGULATIONS, CHAPTER 110 OCCUPATION TAXES, SECTION 110.02 ALCOHOLIC LIQUORS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Bratcher made a motion, which was seconded by Councilmember Webber, 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 Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Bratcher made a motion, which was seconded by Councilmember Webber, to move for final approval of Ordinance No. 2023-7. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Administrator Blecke updated the Council on the 513 Main Street Property (New Police and City Municipal Building Renovation Project).

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:06 p.m.