

**MINUTES
CITY COUNCIL MEETING
April 18, 2023**

The Wayne City Council met in regular session at City Hall on April 18, 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; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmember Jason Karsky.

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 Buck, to approve the minutes of the meeting of April 4, 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: ACE HARDWARE & HOME, SU, 170.97; AMERITAS, SE, 179.47; AMERITAS, SE, 35.00; AMERITAS, SE, 3273.62; AMERITAS, SE, 72.00; AMERITAS, SE, 116.56; APPEARA, SE, 287.32; ASCHOFF CONTRACTING, RE, 1000.00; BAKER & TAYLOR BOOKS, SU, 1033.30; BIG RED PRINTING, SU, 911.94; BLADES GROUP, SU, 1815.00; CHARTWELLS DINING SERVICES, SE, 370.76; CITY EMPLOYEE, RE, 1245.32; CITY EMPLOYEE, RE, 1528.80; CITY EMPLOYEE, RE,

140.00; CITY OF NORFOLK, SE, 173.97; CITY OF WAYNE, PY, 96966.99; CITY OF WAYNE, RE, 405.90; COPY WRITE PUBLISHING, SE, 260.25; CUSIP SERVICE BUREAU, SE, 91.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 62.36; DAVE'S DRY CLEANING, SE, 57.00; DEARBORN LIFE INSURANCE, SE, 2891.71; ECHO GROUP, SU, 328.26; ED M. FELD EQUIPMENT CO, SU, 169.00; ESRI, SE, 2879.29; FAITH REGIONAL PHYSICIAN SERV, SE, 30.00; FASTENAL, SU, 560.00; FLOOR MAINTENANCE, SU, 1502.00; GALE/CENGAGE LEARNING, SU, 50.03; GENO'S STEAKHOUSE, SE, 2349.60; GERHOLD CONCRETE, SU, 148.20; GROSSENBURG IMPLEMENT, SU, 1091.59; HK SCHOLZ COMPANY, SU, 21500.00; HALLE, KIM, RE, 20.00; HAWKINS, SU, 124.12; HEIKES AUTOMOTIVE, SE, 100.00; HILAND DAIRY, SE, 293.98; ICMA, SE, 1463.13; ICMA, SE, 36.84; ICMA, SE, 186.63; ICMA, SE, 166.28; ICMA, SE, 372.24; ICMA, SE, 226.66; ICMA, SE, 8959.20; ICMA, SE, 127.36; ICMA, SE, 70.00; ICMA, SE, 137.38; ICMA, SE, 413.68; ICMA, SE, 18875.00; ICMA, SE, 1940.74; INGRAM LIBRARY SERVICES, SU, 690.18; IRS, TX, 2590.20; IRS, TX, 16418.98; IRS, TX, 298.11; IRS, TX, 11533.98; IRS, TX, 3,839.90; IRS, TX, 605.78; KASEYA US LLC, SU, 10327.44; KTCH, SE, 310.00; LUTT OIL, SU, 5802.40; MAIN STREET GARAGE, SE, 100.00; MERCHANT SERVICES, SE, 42.86; MERCHANT SERVICES, SE, 5050.64; MERCHANT SERVICES, SE, 80.06; MERCHANT SERVICES, SE, 12.60; MERCHANT SERVICES, SE, 1753.26; MIDWEST LABORATORIES, SE, 225.57; MOBILITYWORKS, SE, 89.25; NE DEPT OF REVENUE, TX, 5275.50; NE DEPT OF REVENUE, TX, 114.53; NE DEPT OF REVENUE-CHARITABLE GAMING DIV, TX, 2589.00; NE NEBRASKA VOLUNTEER FIREFIGHTERS ASSN, FE, 50.00; NEBRASKA JOURNAL LEADER, SE, 86.04; NPPD, SE, 8076.56; NICK'S WOOD SHOP, SU, 4538.40; NMPP ENERGY, SE, 4809.47; NNEDD, SE, 5010.00; NSVFA FIRE SCHOOL, FE, 1050.00; ONE CALL CONCEPTS, SE, 79.12; O'REILLY AUTOMOTIVE, SU, 30.03; OVERDRIVE, SU, 662.64; PAC N SAVE, SU, 1583.16; PAC N SAVE, SU, 15.57; PIP MARKETING, SIGNS & PRINT, SU, 1109.86; PLUMBING & HEATING WHOLESALE, SU, 299.33; QUADIENT LEASING USA, SE, 2691.00; QUALITY FOOD CENTER, SU, 27.97; SKARSHAUG TESTING LAB, SE, 261.10; STAPLES, SU, 189.15; STATE NEBRASKA BANK & TRUST, SE, 60.72; THE PENDER TIMES, SU, 46.75; THE WAKEFIELD REPUBLICAN, SU, 45.00; THETA PHI ALPHA, RE, 200.00; TYLER TECHNOLOGIES, SE, 3976.11; US FOODSERVICE, SU, 2682.93; VAN DIEST SUPPLY, SU, 564.00; VERIZON, SE, 584.33; WASTE CONNECTIONS, SE, 115.00; WAYNE AUTO PARTS, SU, 661.45; WAYNE VETERINARY CLINIC, SE, 207.00; WESCO, SU, 487.92; WAPA, SE, 23588.49; WESTERN IOWA TECH, FE, 285.00; WILLIAMS, LACEY, RE, 20.00; WISNER WEST, SU, 36.13; ABC MOBILE STORAGE, SU, 520.00; BIG RIVERS ELECTRIC CORPORATION, SE, 138614.56; BLACK HILLS ENERGY, SE, 5158.77; CITY EMPLOYEE, RE, 67.36; CITY EMPLOYEE, RE, 4200.00; CITY OF WAYNE, RE, 489.66; COTTONWOOD WIND PROJECT, SE, 17019.22; DOESCHER CONSTRUCTION, RE, 500.00; ELLIS HOME SERVICES, SE, 968.52; FLOOR MAINTENANCE, SU, 1050.51; ICC, RE, 265.00; ICMA, FE, 775.85; MAIN STREET GARAGE, SE, 100.00; MONAHAN, PHILLIP, SU, 55.27; NEBRASKA GENERATOR SERVICE, SE, 1907.13; O'REILLY AUTOMOTIVE STORES, SU, 76.90; RIEKES EQUIPMENT, SE, 455.64; SOOLAND BOBCAT, SU, 225.30; STADIUM SPORTING GOODS, SU, 171.00; STAPLES, SU, 446.18; STATE NEBRASKA BANK & TRUST, RE, 49398.75; TOTAL GRAPHICS, SU, 3444.90; US BANK, SU, 8463.57; USA BLUE BOOK, SU, 459.95; WAYNE HERALD, SE, 1462.00; WAYNE HERALD, SE, 190.00; WAYNE HERALD, SE, 1512.34; WAYNE STATER, SE, 50.00; WESCO, SU, 524.30

Councilmember Webber 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.

Cap Peterson, President of Northeast Nebraska Insurance Agency, the city's property and casualty insurance carrier, presented the City with a dividend check in the amount of \$15,613.21.

Sandy Brown, representing the Wayne Green Team, gave her yearly update/report on their recycling efforts. She noted they have diverted over 546,000 pounds of materials from the landfill, which covers electronics, glass, batteries and light strings combined. That is a 21% increase from last year. They have hosted nine electronic recycling events and eight seven Earth Day Movies. Since 2013, the City of Wayne Green Team has secured over \$110,000 in grant funds for the community. Wayne continues to have a strong reputation across the State as a rural community committed to sustainability.

Mayor Giese stated the time was at hand for the public hearing regarding the non-domestic well permit application of Carl and Peggy Johnson.

The Wayne Municipal Code requires council approval of a permit to drill any well within its zoning jurisdiction. This is a non-domestic well (30 gallons or less per minute). The permit requires an “impact study” by an engineering firm to verify the new well will not adversely impact our city wells. In the past, staff has been recommending that the Council waive the impact study requirement for the following reasons:

- 1) A well this small would have no significant impact on the city wells;
- 2) If we cannot show any harm to a city well, we have no legal justification or authority to deny a private well on private property outside city limits; and
- 3) Nebraska well regulations are relatively strict, and licensed well drillers are closely regulated regarding protection against ground water pollution from use or construction of new wells.

Carl and Peggy Johnson were present to answer questions, and to request that the impact study requirement be waived. This well is to water their livestock.

City Clerk McGuire had not received any comments, either verbal or written, for or against the well permit application.

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

Councilmember Eischeid introduced Resolution No. 2023-30 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2023-30

A RESOLUTION APPROVING THE WATER WELL PERMIT FOR CARL AND PEGGY JOHNSON.

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.

Irene Mock, Assistant Director, representing Wayne Area Economic Development, and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- Friday, July 7th, from 2:30 p.m. until midnight for the annual Henoween Celebration: Main Street from 1st Street to 4th Street; 2nd Street from the east alley to the west alley and 3rd Street from Pearl Street to the alley east of Main Street; and that closed areas on 3rd Street from the alley to Pearl Street be identified for handicap parking.
- Saturday, July 8th from 6:00 a.m. until 5:00 p.m. for the Annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and intersections at 10th and Lincoln, 9th and Lincoln, and 9th and Lincoln Streets are also requested to be closed, with the intersections at 10th and Douglas and 9th and Douglas open to allow traffic flow adjacent to the park.
- On behalf of Wayne Kiwanis: to close part of East 2nd Street from 6:00 a.m. until 10:30 a.m. on Saturday, July 8th from the intersection of 2nd and Main Streets to the alley for their omelet feed and seating area.
- Saturday, July 8th from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st Street to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade. West 1st Street from Main to Sherman Street and Grainland Road will be closed for the parade line up and monitoring entries via golf cart or ATV.
- Sunday, July 9th, for the Crowing Motors Car Show from 7:00 a.m. until 5:00 p.m.: 2nd Street from Main Street to Pearl Street and Pearl Street from 2nd - 3rd Street, including the intersection of 2nd and Pearl Street be closed.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, approving the request of the Chicken Show Committee to close the following streets during the Chicken Show activities:

- Friday, July 7th, from 2:30 p.m. until midnight for the annual Henoween Celebration: Main Street from 1st Street to 4th Street; 2nd Street from the east alley to the west alley and 3rd Street from Pearl Street to the alley east of Main Street; and that closed areas on 3rd Street from the alley to Pearl Street be identified for handicap parking.

- Saturday, July 8th from 6:00 a.m. until 5:00 p.m. for the Annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and intersections at 10th and Lincoln, 9th and Lincoln, and 9th and Lincoln Streets are also requested to be closed, with the intersections at 10th and Douglas and 9th and Douglas open to allow traffic flow adjacent to the park.
- On behalf of Wayne Kiwanis: to close part of East 2nd Street from 6:00 a.m. until 10:30 a.m. on Saturday, July 8th from the intersection of 2nd and Main Streets to the alley for their omelet feed and seating area.
- Saturday, July 8th from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st Street to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade. West 1st Street from Main to Sherman Street and Grainland Road will be closed for the parade line up and monitoring entries via golf cart or ATV.
- Sunday, July 9th, for the Crowing Motors Car Show from 7:00 a.m. until 5:00 p.m.: 2nd Street from Main Street to Pearl Street and Pearl Street from 2nd - 3rd Street, including the intersection of 2nd and Pearl Street be closed.

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 Resolution No. 2023-31 and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-31

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF TRANSPORTATION'S 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 Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the request for a fireworks display on Friday, July 7, 2023, for the Henoween Celebration at the ballfield at Prairie Park. 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 amend the Communication Tower and Real Estate Lease Agreement with Alltel Corporation, d/b/a Verizon Wireless. Because Verizon is removing 6 antennas and installing 6 new smaller antennas with required mount modifications to the tower at City Hall, the original

lease agreement has been amended to reflect this change. Attorney Miller has reviewed the agreement and approved the same.

Councilmember Eischeid introduced Resolution No. 2023-32 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-32

A RESOLUTION APPROVING AMENDMENT NO. 8 TO COMMUNICATION TOWER AND REAL ESTATE LEASE AGREEMENT WITH ALLTEL CORPORATION, D/B/A VERIZON WIRELESS, AS SUCCESSOR TO ALLTEL COMMUNICATIONS OF NEBRASKA, LLC, d/b/a VERIZON WIRELESS.

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 approve Letter Agreement Amendment #4 with Olsson regarding the “Wayne Prairie Park Development Project.” These additional design services would be provided for a fee of \$69,000. This has been reduced from what was originally proposed (\$72,000). They changed the line item – Fountains/Aeration Design to time and materials.

Matthew Smith, Engineer with Olsson, was present to explain the reason for Amendment #4. This is for additional drainage design services on 4th Street, kayak launch amenity, pond aeration foundation, structural design services – pedestrian bridge, etc., for the Prairie Park Development Project. He also updated the Council on the project. This fall, there should be a lake with water in it, everything should be graded, and water, sanitary, and storm sewer should be in. There may also be seeding. He noted that everything will be graded to be ready for trails, sidewalks, etc.

Councilmember Brodersen introduced Resolution 2023-33, and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-33

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #4 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL SERVICES ON THE “WAYNE PRAIRIE PARK DEVELOPMENT PROJECT” – UP TO \$69,000.

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.

Jill Brodersen, Architect, on the Freedom Park Trailhead Project, presented three Change Orders totaling \$12,946 to OCC Builders, LLC. The Change Orders are for the following:

- Added electrical fixtures (\$4,265);
- Fire coating interior exposed trusses and roof sheathing (\$7,648); and
- Additional plumbing requests (\$1,033)

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the three Change Orders in the total amount of \$12,946 on behalf of 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 Councilmember Karsky who was absent, the Mayor declared the motion carried.

Jill Brodersen, Architect, presented Application for Payment No. 7 in the amount of \$44,348 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.”

Councilmember Eischeid made a motion, which was seconded by Councilmember Bratcher, approving Application for Payment No. 7 for \$44,348 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 Councilmember Karsky who was absent, the Mayor declared the motion carried.

Discussion took place on the request of the Wayne Community Redevelopment Authority for funding assistance from the City of Wayne for moving houses and preparing said houses to be sold.

Mayor Giese, representing the Community Redevelopment Authority (CRA) updated the Council on this request.

The CRA is requesting funds to move up to 3 houses from the Wayne State College (WSC) campus. WSC is starting construction on a new dormitory this summer/fall in this area. The CRA is being given these houses by the WSC Foundation. This is the reason the City gave the CRA those lots on S. Lincoln/Chicago Street. The bids to move the houses came in at \$38,850 (502 Hillcrest), \$42,000 (506 Hillcrest) and \$75,500 (1119 Walnut - Alumni House). This order is also the priority order for the CRA.

The CRA has approximately \$100,000 left in its line of credit. Moving these houses and then preparing the same for sale will require more funds than what is now in their line of credit.

The CRA is requesting from the City up to \$200,000 for each house to move and finish (this would extend the line of credit to a maximum of \$1,000,000). The CRA currently pays 0.5% on their line of credit. If Council denies the request or provides a lower line of credit amount, the CRA will determine how many houses, if any, it can move in the priority listed above.

Mayor Giese was in favor of funding all three houses. He would like to hire one general contractor to oversee all three remodels at once. However, if someone would want to purchase the houses before renovations begin, the CRA would consider the same.

The CRA was not sold on getting all three of the houses, which is why they prioritized them.

After discussion, Councilmember Webber made a motion, which was seconded by Councilmember Bratcher, to approve the action on the request of the Wayne Community Redevelopment Authority requesting funding up to \$200,000 for each house from the City of Wayne to move the houses and to prepare said houses to be sold, with the option if someone wants to purchase a house before we move them, they have that ability, with a current interest rate of a half a percent on the line of credit. If someone chooses to purchase a house before it is moved, they will pay the moving costs for whichever house they choose, and any other expenses incurred. 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.

Lowell Heggemeyer, Park and Recreation Director, gave a report on what is taking place in his department.

Amber Schwarte, Recreation Services Coordinator, updated the Council on what is taking place at the Community Activity Center.

Administrator Blecke updated the Council on 513 Main Street (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.