

**MINUTES
CITY COUNCIL MEETING
May 16, 2023**

The Wayne City Council met in regular session at City Hall on May 16, 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, Clayton Bratcher, Jason Karsky, Matt Eischeid and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmember Brittany Webber.

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 May 2, 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 Webber who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

APPROVED 5/2/23: OTTE CONSTRUCTION, SE, \$82,695

VARIOUS FUNDS: ACE HARDWARE & HOME, SU, 770.40; AMERITAS, SE, 181.97; AMERITAS, SE, 97.94; AMERITAS, SE, 35.00; AMERITAS, SE, 72.00; AMERITAS, SE, 3304.78; APPEARA, SE, 142.11; BAKER & TAYLOR BOOKS, SU, 855.68; BARGSTADT, DARRIN, RE, 125.00; BORDER STATES INDUSTRIES, SU, 367.58; CARLSON, KERI, RE, 125.00; CINTAS, SU, 277.70; CIRBA

SOLUTIONS SERVICES, SU, 102.00; CITY EMPLOYEE, RE, 349.00; CITY EMPLOYEE, RE, 38.00; CITY EMPLOYEE, RE, 343.20; CITY OF NORFOLK, SE, 173.97; CITY OF WAYNE, RE, 1000000.00; CITY OF WAYNE, PY, 9017.52; CITY OF WAYNE, PY, 97711.16; CITY OF WAYNE, RE, 3531.50; COLONIAL RESEARCH, SU, 595.11; COPY WRITE PUBLISHING, SU, 582.95; COTTONWOOD WIND PROJECT, SE, 19964.96; DAS STATE ACCTG-CENTRAL FINANCE, SE, 62.36; DAUM TREE SERVICE, SE, 337.50; DAVE'S DRY CLEANING, SE, 60.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2851.57; DEMCO, SU, 302.29; DUFFY, DAVID, RE, 500.00; ENGINEERED EQUIPMENT SOLUTIONS, SE, 6089.89; FLOOR MAINTENANCE, SU, 111.10; GLOBAL PAYMENTS INTEGRATED, FE, 758.08; GROSSENBURG IMPLEMENT, SU, 920.00; HAWKINS, SU, 5714.81; HILAND DAIRY, SE, 233.57; HYDRAULIC EQUIPMENT, SE, 3381.96; ICMA, SE, 1430.90; ICMA, SE, 36.84; ICMA, SE, 8702.50; ICMA, SE, 255.46; ICMA, SE, 413.68; ICMA, SE, 70.00; ICMA, SE, 372.24; ICMA, SE, 137.38; ICMA, SE, 186.63; ICMA, SE, 127.36; ICMA, SE, 166.28; INGRAM LIBRARY SERVICES, SU, 434.35; IRS, TX, 1488.00; IRS, TX, 348.00; IRS, TX, 2043.08; IRS, TX, 16402.22; IRS, TX, 11576.09; IRS, TX, 3835.96; ISLAND SPRINKLER SUPPLY, SU, 621.32; JACK'S UNIFORMS, SU, 273.80; KTCH, SE, 1355.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 505.00; LUTT OIL, SU, 5846.37; MELENA, PAT, RE, 200.00; MICHAEL TODD INDUSTRIAL SUPPLY, SU, 1022.90; MIDWEST ALARM SERVICES, FE, 839.19; MIDWEST LABORATORIES, SE, 493.82; NDEE-FISCAL SERVICES, FE, 80.00; NE DEPT OF REVENUE, TX, 21.40; NE DEPT OF REVENUE, TX, 5261.20; NPPD, SE, 8076.56; NICK'S WOOD SHOP, SU, 5848.05; NORFOLK DAILY NEWS, SE, 235.99; OLSSON, SE, 23000.00; ONE CALL CONCEPTS, SE, 84.60; O'REILLY AUTOMOTIVE STORES, SU, 8.63; OVERDRIVE, SU, 906.35; PAC N SAVE, SU, 33.23; PAC N SAVE, SU, 1016.99; QUADIANT FINANCE USA, SU, 1000.00; SKID STEER NATION, SU, 10666.75; STADIUM SPORTING GOODS, SE, 24.00; STAPLES, SU, 95.51; THRASHER, RE, 500.00; TRUCK CENTER COMPANIES, SE, 2558.56; US FOODSERVICE, SU, 2264.22; VERIZON, SE, 584.08; WAYNE AUTO PARTS, SU, 634.60; WAYNE COUNTY CLERK, SE, 66.00; WAYNE HERALD, SE, 524.00; WAYNE HERALD, SE, 380.00; WAYNE HERALD, SE, 2478.60; WESCO, SU, 898.80

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 Councilmember Webber who was absent, the Mayor declared the motion carried.

Phil Monahan was present and advised the Council he was appointed the Fire Chief by the Wayne Volunteer Fire Department for the upcoming year. This is his 12th year serving as Fire Chief.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving the appointment of Phil Monahan as Fire Chief. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent, the Mayor declared the motion carried.

Lucas and Heidi Thompson have purchased two lots in the Tuffern Blue Estates Subdivision. They are requesting approval of a "Water Well Permit" to put in a 40 gpm well to accommodate their home they will be building out there. They have paid the \$200 permit fee, and included in the packet is their application

form as well as a request to waive the impact study. 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.

Lucas Thompson was present to answer questions, and to request that the impact study requirement be waived.

Councilmember Eischeid introduced Resolution No. 2023-34 and moved for its approval and to waive the impact study requirement; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-34

A RESOLUTION APPROVING THE WATER WELL PERMIT FOR LUCAS AND HEIDI THOMPSON.

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

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

Retail liquor license holders that have a Class K (catering) license are allowed unlimited special designated liquor licenses (SDLL) and are not required to pay the \$40 fee to the Liquor Commission and the City. A SDLL is required to sell alcoholic beverages at another location other than the licensed premises for a special event.

Cassie Davis, one of the owners of the establishment, was 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. 2023-35 and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2023-35

A RESOLUTION APPROVING THE APPLICATION FOR A RETAIL CLASS K (CATERING ENDORSEMENT) 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 Webber who was absent, the Mayor declared the motion carried.

Mayor Giese declared the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to amending the Future Land Use Map of the Comprehensive Plan for the City of Wayne.

Joel Hansen, Street & Planning Director, stated the Planning Commission met on May, 2023, to review the “Future Land Use Map of the Comprehensive Plan.” After discussion from the last public hearing on this matter, the Planning Commission did not amend or change anything from what was recommended at the March 21, 2023, Council meeting, which included the addition of the five industrial properties that were annexed in 2022 by Centennial Road.

The Planning Commission recommended approval of this Future Land Use Map, with the “Finding of Fact” being staff’s recommendation.

Councilmember Eischeid did not agree with the Planning Commission’s recommendation.

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

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

Councilmember Muir introduced Ordinance No. 2023-10, and moved for approval thereof; Councilmember Pick seconded.

ORDINANCE NO. 2023-10

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR THE CITY OF WAYNE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent and Councilmember Eischeid who voted Nay, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Mayor Giese declared the time was at hand for the public hearing on the land acquisition from Wayne Community School District #90-0017. The legal descriptions is as follows: The West 33 feet of Lot 2, Community Schools Addition to the City of Wayne, Wayne County, Nebraska. Said strip of land is directly adjacent to Oak Ridge Addition to the City of Wayne, Wayne County, Nebraska. This is the area that the trail is on.

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

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

Councilmember Brodersen introduced Resolution 2023-36, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-36

A RESOLUTION APPROVING THE ACQUISITION OF REAL ESTATE LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM WAYNE COMMUNITY SCHOOL DISTRICT #90-0017.

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

The following Resolution and Ordinance pertain to the sale of real estate to Wayne Community School District #90-0017. The sale of this parcel to the School is where the PK-2 Early Learning Center will be located that was approved by the voters back in March. The legal description is as follows: Lot 1A, Administrative Lot Split of Lots 2 & 3, Community Schools Addition to the City of Wayne, Wayne County, Nebraska.

Councilmember Brodersen introduced Resolution 2023-37, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2023-37

A RESOLUTION AUTHORIZING THE SALE OF A TRACT OF LAND LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO WAYNE COMMUNITY SCHOOL DISTRICT #90-0017.

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

Councilmember Brodersen introduced Ordinance No. 2023-11, and moved for approval thereof; Councilmember Pick seconded.

ORDINANCE NO. 2023-11

AN ORDINANCE DIRECTING THE SALE OF A TRACT OF LAND IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO WAYNE COMMUNITY SCHOOL DISTRICT #90-0017.

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

Councilmember Brodersen 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 Webber who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Pick, to move for final approval of Ordinance No. 2023-11. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent, the Mayor declared the motion carried.

The following ordinance will release and abandon the North 16' easement of Lots 1 and 2, Hillcrest Addition, City of Wayne, Wayne County, Nebraska. Wayne State College wants to build a dorm on three lots and over the existing utility easement which is occupied. They need to have the utilities relocated so the easement can be vacated and they can then build. The College will need to grant the City an easement for the utilities that will be moved.

Recommendation was to have the City's abandonment of this easement be contingent upon the College granting the City a new easement on the east side of their property. The area needs to be replatted, but the College does not have to come before the Council to do the same.

Councilmember Eischeid introduced Ordinance No. 2023-12, and moved for approval thereof; Councilmember Pick seconded.

ORDINANCE NO. 2023-12

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF THE NORTH 16 FOOT EASEMENT OF LOTS 1 AND 2, HILLCREST ADDITION, CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

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

Discussion took place on the Wayne Aquatic Center Pool and the leaking thereof. After discussion, Administrator Blecke was directed to contact companies to obtain estimates for a diagnostic of the pool.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to enter into executive/closed session to discuss the potential negotiations on real property, with the purpose being to protect the reputation of an individual when the individual has not requested a public hearing and the financial interest of the City, and to allow Betty McGuire, City Clerk, and Joel Hansen, Street and Planning Director, to also be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent, the Mayor declared the motion carried, and executive session began at 6:18 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to the discussion on potential negotiations on real property.

Councilmember Eischeid left the meeting at 6:41 p.m.

Councilmember Brodersen made a motion, which was seconded by Councilmember Bratcher, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent and Councilmember Eischeid who left the meeting, the Mayor declared the motion carried, and open session resumed at 6:52 p.m.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, directing staff to negotiate on that property up to that price. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent and Councilmember Eischeid who had left the meeting, the Mayor declared the motion carried.

Discussion took place on the Contract for the City Administrator. The same would be effective June 1, 2023.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to approve the City Administrator's agreement/contract (per Resolution No. 2023-38) with a 5% increase - \$123,468.80.

RESOLUTION NO. 2023-38

A RESOLUTION TO ADOPT CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent and Councilmember Eischeid who had left the meeting, the Mayor declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:00 p.m.