

**AGENDA
CITY COUNCIL MEETING
COUNCIL CHAMBERS – CITY HALL
306 PEARL STREET
June 6, 2023**

1. [Call the Meeting to Order – 5:30 p.m.](#)
2. [Pledge of Allegiance](#)

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the southwest wall of the Council Chambers as well as on the City of Wayne website.

The City 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.

3. [Approval of Minutes – May 16, 2023 and May 30, 2023](#)
4. [Approval of Claims](#)
5. [Action to consider the appeal of Allison Szantor-Kai to remove her dog from City limits as it has been deemed vicious per Section 90.040 Vicious Dogs, Paragraph \(B\)\(2\)](#)

Background: Allison’s request to appeal the decision of the Police Chief is in the packet, as well as the accompanying information from Marlen justifying why the dog should be removed from city limits.

6. [Ordinance: 2023-10: Amending the Future Land Use Map of the Comprehensive Plan for the City of Wayne \(Second Reading\)](#)
7. [Ordinance 2023-12: Authorizing the release and abandonment of the North 16’ Easement of Lots 1 and 2, Hillcrest Addition, City of Wayne, Wayne County, Nebraska \(Second Reading\)](#)
8. [Public Hearing:](#) [Acquisition of Real Estate from Battle Creek Cooperative Nonstock, a Nebraska Cooperative Corporation \(Advertised Time: 5:30 p.m.\)](#)

Background: The City owns the majority of Lot 21 and then a small triangle of the NE corner of Lot 20 (Tract 1) down by the new Chicago Street area. Battle Creek Farmers Cooperative Nonstock owns the majority of Lot 20 and then a small triangle of the SW corner of Lot 21 (Tract 2). We have obtained legals for those triangles so we can swap/trade land with Battle Creek Farmers Cooperative Nonstock. The legals will then become strictly Lot 20 and Lot 21. A sketch has been provided in the packet.

9. [Resolution 2023-39: Approving the acquisition of real estate from Battle Creek Cooperative Nonstock, a Nebraska Cooperative Corporation](#)

10. [Resolution 2023-40: Authorizing the sale of Real Estate to Battle Creek Cooperative Nonstock, a Nebraska Cooperative Corporation](#)

11. [Ordinance 2023-13: Directing the sale of Real Estate to Battle Creek Cooperative Nonstock, a Nebraska Cooperative Corporation](#)

12. [Resolution 2023-41: Identifying City of Wayne Goals \(Jan-May\)](#)

Background: This Resolution recaps the goals from the January Council Retreat, as well as establishes the goals from the May Council Retreat.

13. [Action on Application for Payment No. 9 in the amount of \\$34,616 to OCC Builders, LLC, for the Freedom Park Trailhead Project — Jill Brodersen, Architect](#)

Background: This is for work completed and approved by the Project Architect.

14. Update on 513 Main Street (New Police and City Municipal Building Renovation Project)

15. Discuss/update on potential negotiations on real property

16. Adjourn

**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; QUADIENT 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 1, 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 foot 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 City Administrator Blecke, City Clerk McGuire, City Attorney Miller, 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 had 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.

**MINUTES
CITY COUNCIL MEETING
May 30, 2023**

The Wayne City Council met in special session at the Wayne Fire Hall on Tuesday, May 30, 2023, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order with the following in attendance: Councilmembers Brent Pick, Terri Buck, Nick Muir, Brittany Webber, Clayton Bratcher, Jason Karsky, Matt Eischeid, and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; 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 northwest wall of the Wayne Fire Hall, 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.

➤ Update on Electricity Process:

Dave Peterson, Engineer with JEO Consulting Group, Inc., gave an overview of wholesale power and reviewed some options that are available for Council to consider. He reviewed a no risk option (all inclusive), two managed risk options (semi-inclusive and energy only), and one high risk option (open market). He prefers the managed risk options. Mr. Peterson talked about the USDA Rural Development Loan Program – Powering Affordable Clean Energy Act. This is to help replace the older generation with new renewables. They have a program that allows for solar. Depending upon how you qualify, the categories can be 20, 40 or 60% forgiveness of the total cost, and up to 75% of the total project. You can

include all of the costs that it takes to connect it to the grid or to the system which would be part of the substation and the transformer that it would take to get it to the grid or the City's system. This PACE program actually then gives you a low interest loan on the remainder of the cost. To be considered for funding, you need to first submit a letter of interest. The application window for that is June 30th – September 29, 2023. Mr. Peterson also touched upon generation and presented 4 comparisons, with the 4th comparison showing how the City could save money with the “demand reduction generation” option. The subcommittee will continue to meet and gather information to make a recommendation to the Council.

Mayor Giese then asked Council for their long-term planning ideas/goals for the next year and/or the next 5 years.

- Councilmember Eischeid:
 - Moving City Hall to its new location
 - Generation
 - Prairie Park
 - Purchasing property
 - Future of Community Activity Center
 - Move sidewalk closer to the gravel road by Titan and Van Diest so it is out of the State right-of-way

- Councilmember Brodersen:
 - Western Ridge II – another housing development
 - Sidewalk on 7th Street

- Councilmember Karsky:
 - Prairie Park
 - Power Plant
 - Housing – townhouses
 - Infrastructure (sewer/water in older neighborhoods)

- Councilmember Webber:
 - Housing
 - Power – electricity
 - Indoor Pool

- Councilmember Buck:
 - Sidewalk on the south side of 7th Street – Vet Clinic to Dollar General
 - Energy – Solar Power, Substation up and running
 - Prairie Park
 - Affordable housing – another Villa/Western Ridge
 - Additional hotel accommodations

- Councilmember Bratcher:
 - New City Hall get finished
 - Housing
- Councilmember Muir
 - Electrical Generation – Solar
 - Substation work
 - Housing
 - Skate Park
- Councilmember Pick:
 - Housing
 - Infrastructure – 4th Street and streets by the Vet Clinic paved
 - Power (get something decided)
- Discuss ways to partner with Wayne Community Housing Development Corporation (WCHDC) to better serve the community:

Administrator Blecke stated WCHDC is not in a very good position right now. Mytzy Kufner-Rodriguez will be resigning in August (and she plans to be gone the entire month of June). In order to stabilize that organization, the City is being asked to discuss the matter. This is likely a major financial investment into housing. It could work out better for the entire community in the end, with housing of all types getting needed attention. The Executive Director for WCHDC writes grants — that is part of the job. There have not been many grants written recently. It was noted that this is a full-time position, with no benefits.

Teresa Dredge and Jeane Harris, Board Members of the Wayne Community Housing Development Corporation, were present to answer questions. Continued discussions will take place.

- Property Negotiation Update:

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to enter into executive/closed session to protect the public interest to discuss property negotiations, and to allow City Administrator Blecke, City Clerk McGuire, City Attorney Miller, Joel Hansen, Street and Planning Director, Marlen Chinn, Police Chief, and Luke Virgil, Director of Wayne Area Economic Development, to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive/closed session began at 7:20 p.m.

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 8:55 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 8:55 p.m.



Vendor	Payable Description	Payment Total
ACES	WIND ENERGY SERVICE AGREEMENT	1,093.66
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	3,120.86
AMERITAS LIFE INSURANCE	AMERITAS ROTH	168.44
AMERITAS LIFE INSURANCE	AMERITAS ROTH	35.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	97.94
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
APPEARA	CAC MAT SERVICE	109.44
APPEARA	LINEN & MAT SERVICE	59.77
BLADES GROUP, LLC	ASPHALT	1,815.00
BOARDERS INN & SUITES	FIRE SCHOOL LODGING	1,749.30
BOMGAARS	TARPS/MULCH/BATTERIES/ANT KILLER/TOOLS	1,352.24
BORDER STATES INDUSTRIES, INC	WIRE/SPLICE	862.61
BSN SPORTS, INC	DUFFLE/WHEEL BAGS/BASKETBALLS/SOCCER BALLS	1,672.04
CAMPOS, ANNA	INTERPRETER SERVICES	70.00
CARLSON WEST PVONDRA ARCHITECTS	CITY HALL/POLICE RELOCATION SERVICES	5,534.46
CIRBA SOLUTIONS SERVICES	BATTERY BUCKET	102.00
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	59.88
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	55.20
CITY OF PONCA	MFO	15,450.21
CITY OF WAYNE	MOVE FUNDS TO INVESTMENTS	500,000.00
CITY OF WAYNE	PAYROLL	108,717.81
CITY OF WAYNE	UTILITY REFUNDS	5,108.33
CITY OF WEST POINT	MFO	22,423.97
CITY OF WISNER	MFO	2,336.85
CIVICPLUS	SOFTWARE TRAINING	1,500.00
COMMUNITY REDEVELOPMENT AUTHORITY	LINE OF CREDIT DRAW	40,000.00
CORE & MAIN LP	HYDRANT EXTENSION	699.13
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DEARBORN LIFE INSURANCE COMPANY	VFD INSURANCE	86.00
ED M. FELD EQUIPMENT CO INC	DUAL POINTER GAUGE	216.00
ELLIS HOME SERVICES	SENIOR CENTER KITCHEN PLUMBING (ARPA IIIC)	487.31
FASTWYRE BROADBAND	TELEPHONE CHARGES	1,512.46
FIRST CONCORD GROUP LLC	FLEX FEES	4,219.64
GERHOLD CONCRETE CO INC.	FREEDOM PARK CONCRETE	1,974.61
GROSSENBURG IMPLEMENT INC	BLADES	72.03
HAWKINS, INC	POOL CHEMICALS	1,810.46
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	185.70
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	142.75
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	413.68
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	1,430.90
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	8,725.33
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	255.46

Vendor	Payable Description	Payment Total
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	70.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	127.36
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	372.24
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	166.28
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	189.32
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	36.84
IRS	MEDICARE WITHHOLDING	4,177.04
IRS	FEDERAL WITHHOLDING	11,293.76
IRS	FICA WITHHOLDING	17,860.74
ISLAND SPRINKLER SUPPLY CO	IRRIGATION SUPPLIES	730.75
JOHNSON'S PLUMBING & HEATING	PVC VALVE/INSTALLATION	2,527.96
LINCOLN WINWATER WORKS CO.	CURB STOP	438.70
MARCO TECHNOLOGIES LLC	COPIER LEASE	180.50
NE DEPT OF REVENUE	STATE WITHHOLDING	5,263.96
NE PUBLIC HEALTH ENVIRONMENTAL LAB	FLUORIDE/COLIFORM TESTING	105.00
NERC	NERC/MRO REGION ASSESSMENTS	1,047.74
NORTHEAST NE ECONOMIC DEV DIST	21-HO-35041 FEB-APR 2023 SERVICES	2,950.00
NORTHEAST POWER	WHEELING CHARGES	21,756.30
NOVA FITNESS EQUIPMENT	DECLINE BENCH PRESS/PREVENTATIVE MAINTENANCE	3,353.95
NUSS, ANGELA	LIFEGUARDING CLASS REFUND	150.00
ONE OFFICE SOLUTION	40 CASES OF COPY PAPER	1,999.60
O'REILLY AUTOMOTIVE STORES, INC.	BATTERY	117.26
O'REILLY AUTOMOTIVE STORES, INC.	FUEL PUMP	50.98
PONCA RURAL FIRE BOARD	MFO	3,698.48
SANDRY FIRE SUPPLY LLC	MSA DEVALVING TOOL CALIBRATING GAS CYLINDERS	439.40
SCHLICKBERND'S APPLIANCE	FIRE HALL WASHING MACHINE	699.00
STADIUM SPORTING GOODS	SHIRTS	93.00
STADIUM SPORTING GOODS	EMBROIDERY	48.00
STAPLES, INC	CHAIR MAT	55.99
THE RETROFIT COMPANIES, INC	ELECTRONICS DISPOSAL	275.00
TOTAL GRAPHICS	RUN CLUB SHIRTS	1,338.89
TWIN CITY HARDWARE CO	KEY CYLINDERS	1,045.54
VILLAGE OF WINSIDE	MFO	4,943.58
WISNER WEST	FD GASOLINE	156.06
	Grand Total:	824,005.69

Betty McGuire - Fwd: [External] Appeal

From: Allison Szantor-Kai <aszantor@gmail.com>
To: Betty McGuire <betty@cityofwayne.org>
Date: 5/17/2023 7:49 PM
Subject: Fwd: [External] Appeal
Attachments: Screenshot_20230517_190821_Messages.jpg;
Screenshot_20230517_190831_Messages.jpg;
Screenshot_20230517_191016_Messages.jpg;
Screenshot_20230517_190946_Messages.jpg;
Screenshot_20230517_191016_Messages.jpg;
Screenshot_20230517_193019_Messages.jpg;
Screenshot_20230517_193058_Messages.jpg

----- Forwarded message -----

From: Allison Szantor-Kai <aszantor@gmail.com>
Date: Wed, May 17, 2023, 7:40 PM
Subject: Appeal
To: <mchinn@cityofwayne.org>

Dear Chief Chinn and City Council,

I am writing to appeal the decision to have my dog, Roxie, removed from my home on the grounds that she is vicious. I am very upset over what happened on 5/13 but I truly feel she felt threatened as she has never shown aggressive behavior toward any other person before.

As for the scuffle with the Miller's dog on February 25, 2022, please see the attached text messages regarding the incident. My messages are in dark pink and Mrs. Miller's are in light pink. My dog had slipped out the front door in front of my daughter accidentally. It was prior to the electric fence being present. Clearly the Miller's felt it was a minor event and even went so far as to say their dog has done it to others and that my dog was defending herself.

Thank you,
Allison Szantor-Kai

7:19 PM

Sure I can send now if you want

7:30 is ok she really loves to play with Harper

7:21 PM

7:23 PM

Harper loves playing with her too. She's always so bored and has asked for a sibling or a puppy lol. Hence the dog.

Sunday, February 20, 2022

11:23 AM

Omg I am just so sorry I feel terrible. We've been on the receiving end before and I know it's terrifying. Please lmk if she needs anything.

Prior to all that Harper was asking if Tyler could play today. She's outside right now with her scooter. 😬

It's ok Penny is completely fine. She has done it to other dogs and is just so terrible around other dogs so it's honestly her own fault lol

Tyler might be able to come play after she eats lunch - later she is going to a friends house to play I'm just not sure what time so she can come over until we need to take her there

11:28 AM

I am 100 percent sure roxie wanted to play but I get worried when she's around smaller dogs, although she's done fine at the dog park. But she's constantly terrorizing the cats. She doesn't get it that they don't want to play. So when they run she chases



7:23 PM

Harper loves playing with her too. She's always so bored and has asked for a sibling or a puppy lol. Hence the dog.

Sunday, February 20, 2022

11:23 AM

Omg I am just so sorry I feel terrible. We've been on the receiving end before and I know it's terrifying. Please lmk if she needs anything.

Prior to all that Harper was asking if Tyler could play today. She's outside right now with her scooter. 🙄

It's ok Penny is completely fine. She has done it to other dogs and is just so terrible around other dogs so it's honestly her own fault lol

Tyler might be able to come play after she eats lunch - later she is going to a friends house to play I'm just not sure what time so she can come over until we need to take her there

11:28 AM

11:33 AM

I am 100 percent sure roxie wanted to play but I get worried when she's around smaller dogs, although she's done fine at the dog park. But she's constantly terrorizing the cats. She doesn't get it that they don't want to play. So when they run she chases them. She's still very in the puppy stage. Sh

[View all](#)



All dogs want to play but Penny never does that's why we always call her the crabby old neighbor lady 🤪



11:34 AM

8:53 AM

How's miss Penny doing?

Oh she is good it's healing well and didn't do stitches they said it would get more infected if they did. It wasn't super expensive so no worries on the bill

9:45 AM

9:51 AM

Oh I'm glad she's good. Are you sure because I feel bad I'm happy to pay it

Yeah it's really ok it wasn't expensive at all

9:51 AM

9:53 AM

OK 😊 well I'm glad she's OK again I'm so sorry

Thank you she will be ok things happen

9:53 AM

9:55 AM

Thanks for being so understanding. She wants to be good she's just not there yet. She ate one of Harper's beanie boos she was so upset she gave me her own money to get a new one and this morning it was in the living room....chewed on lol

She is a pup she will be fine. Penny is terrible about being defensive and if any dog comes up to her she acts the same way- I'm pretty sure Penny acted like she was going to bite your dog and your dog was defending herself.

9:57 AM

I don't even know it happened so far
I know she plays rough with my cat



it happens if emmy is just not a friendly dog. We've tried so hard to get her to be but she hasn't really met an animal she likes 😞 she is getting worse as she gets older

8:56 AM

8:58 AM

Mine is very much a puppy I was not used to that much energy after a 14 year old blind deaf man dog.

Hahahahahaha

8:58 AM

Well like I said lmk what the cost is I'll pay for it. I didn't really see what happened it was so fast. Harper has been so paranoid about her getting out and running away and I've been trying to tell her nothing will happen and of course the one time she slips out the door in front of her that happ

View all >

9:06 AM

Ok that's really nice of you to offer thank you!

9:08 AM

9:19 AM

My cat got viciously attacked by an unregistered unvaccinated pit bull that had attacked 2 other dogs on the block that month and I had a huge vet bill she never paid. I went to court and filed complaints to have the dog removed but she just got another one. I realize this isn't quite the same thing

View all >

Awww that's terrible

9:21 AM



Tuesday, March 1, 2022

8:53 AM

How's miss Penny doing?

Oh she is good it's healing well and didn't do stitches they said it would get more infected if they did. It wasn't super expensive so no worries on the bill

9:45 AM

9:51 AM

Oh I'm glad she's good. Are you sure because I feel bad I'm happy to pay it

Yeah it's really ok it wasn't expensive at all

9:51 AM

9:53 AM

OK 🙄 well I'm glad she's OK again I'm so sorry

Thank you she will be ok things happen

9:53 AM

9:55 AM

Thanks for being so understanding. She wants to be good she's just not there yet. She ate one of Harper's beanie boots she was so upset she gave me her own money to get a new one and this morning it was in the living room....chewed on lol

She is a pup she will be fine. Penny is terrible about being defensive and if any dog comes up to her she acts the same way- I'm pretty sure Penny acted like she was going to bite your dog and your dog was defending herself.

9:57 AM



Police Report

On May 13, 2023 at approximately 6:30 p.m. Providence Medical Center ER contacted dispatch reporting a dog bite victim, a four year old boy, being treated at the ER. The officer went to the house believed to be where the dog resides to obtain needed vaccination information and to contact the owner. Officer spoke to Allison Szantor-Kai at her residence 713 Pine Heights Rd. Szantor-Kai informed the officer that the dog, a 2yr old terrier mix she had adopted from a rescue about a year ago had escaped when the front door was opened. She stated that she saw her dog run off her property not understanding why the dog ran through the active wireless fence and shock collar used to keep the dog on her property. The dog chased, knocked down and bit the four year old boy who resides next door to her, while the boy was standing in his own yard. The dog owner provided current renewed rabies vaccination records, however, records show the dog had never been registered within the city which is required by ordinance 30 days after obtaining a pet or at 6 months old whichever pertains.

Officer took rabies vaccination info to PMC and spoke to the father of the 4 yr old boy. PMC had already treated and cleaned the bite area which was right below the left knee, however, the boy's father provided a photo of the bite area to the officer prior to it being treated and covered (photo attached). No stitches were obtained to ensure bacterial infection would be less likely to start during the healing process.

Officer follow up with the mother of 4yr old on May 15 revealed that this is not a first time occurrence. In February of 2022 this same dog attacked their dog while on it's own property causing treatment for the injuries to the dog's stomach and neck area(photo attached). The victim dog was in a squatting stance in it's yard and did not even see the attack coming. All of this occurred in the presence of the owner's and their children. This event was never reported to the Police Department. The officer was also told that the neighbors have seen Szantor-Kai on several occasions attempting to catch her dog in the neighborhood running loose off of her property.

After the officer learned of this information she returned to the Szantor-Kai residence and issued a citation for unlicensed dog 90.026, liability of owner 90.038 and declared the dog vicious 90.025. Copies of the ordinances were provided to Szantor-Kai for her options of removing the dog from city limits, having the dog euthanized, or appealing the decision to city council.

Szantor-Kai asked to meet and met with me the afternoon of May 15 at City Hall. She provided some basic information about her dog. She had adopted the dog from a Rescue while it was still a puppy. It had been turned in by the original owner for unknown reason and also the second owner returned the dog to the Rescue before she adopted it. She did not know specifics of the issues why the previous owner's didn't keep the dog but did mention the last owner had a small boy and that her dog acts differently around boys. She explained that she has a wireless dog fence with shock caller to keep the dog on the property and didn't understand how it crossed the boundary and added an outdoor tie out since this last incident as none of her yard is fenced.

I informed Szantor-Kai that I would not reverse the police department decision declaring her dog vicious and further discussed her options per ordinance as it was not a single one-time occurrence.

On May 17, an Appeal notice was received by email with screenshot attachments from Allison Szantor-Kai.(Attached)

I spoke to the mother of the 4yr old bite victim. She made it very clear that she did not want to cause any issues with their next door neighbor but did have concerns after this second incident and also noted that her children will now look outside to see if the neighbor dog is outside before they decide to go out to play or leave the house. Her email to me with her written concerns are attached along with photos of the injury to both the dog and also the young child.

Under the Vicious Dog Definitions per Ordinance 90.025, this animal falls under both sections (1) & (3). The dog has attacked or bitten another domestic animal and now a young child in approximately just over a year's time. I did offer to allow them to rehome the dog outside the city limits and show proof of where it went per the ordinance, however she has chosen to appeal our decision. I feel that under the current ownership and lack of control of this animal shown that it would be in the best interest to not allow this animal to reside within the community as there are questions as to whether the shock control collar is even being used to keep the dog contained on the property.

Marlen Chinn - FW: FW: [External] Bill

From: Rachel Miller <rmiller@providencemedical.com>
To: Marlen Chinn <Mchinn@cityofwayne.org>
Date: 5/22/2023 11:29 AM
Subject: FW: FW: [External] Bill

You can use this:

At first, I did not want the dog removed because as a dog owner and lover, I would have felt bad for their daughter. I talked to Allison and assured her my son is fine now and I wasn't angry or resentful but that being a dog owner comes with a lot of responsibility. Now that I am hearing she wants to appeal this, I am worried. After going over this situation and the situation that happened last year with my dog, I have reservations about the dog staying next door to us.

As a dog owner and lover- I've tried to be very kind and understanding but considering the situation with my dog last year and now my child- I don't know what would need to change to make sure this would not happen again or to anyone else walking on our street. I was told they have an electric fence. If that is true, and their dog still ran through the fence unphased enough to attack my child, that is a huge concern for me. I'm thankful the bite was on his leg and not his face or neck. During both incidences, my dog was in our yard chained up going to the bathroom and my child was also on our property. There was no provoking of my neighbor's dog, no warning at all of what was about to happen. They do not have a fenced in yard and it seems the electric fence did not phase the dog. My kids still look over at her yard to make sure the dog is not out there. I don't want to have to be on high alert when we are outside. As stated, I found myself feeling bad for them after the dog was taken but I care more about my pet and my kids. If this appeal goes in their favor, I would like to be updated with any stipulations that would accompany it.

Thank you,



Rachel Miller
Director of
Foundation/Marketing

Ph: [402-375-7922](tel:402-375-7922)
1200 Providence Road
Wayne, NE 68787
rmiller@providencemedical.com
www.providencemedical.com

From: Marlen Chinn <Mchinn@cityofwayne.org>
Sent: Monday, May 22, 2023 11:04 AM

WAYNE POLICE DEPARTMENT
306 PEARL ST WAYNE, NE 68787 375-2626



Case #: 23-0129
Photo Index #: 3
Photo ID:
Date Taken: 05/16/2023

Notes

Dog bite injuries from Roxie happened in Feb. of 2022

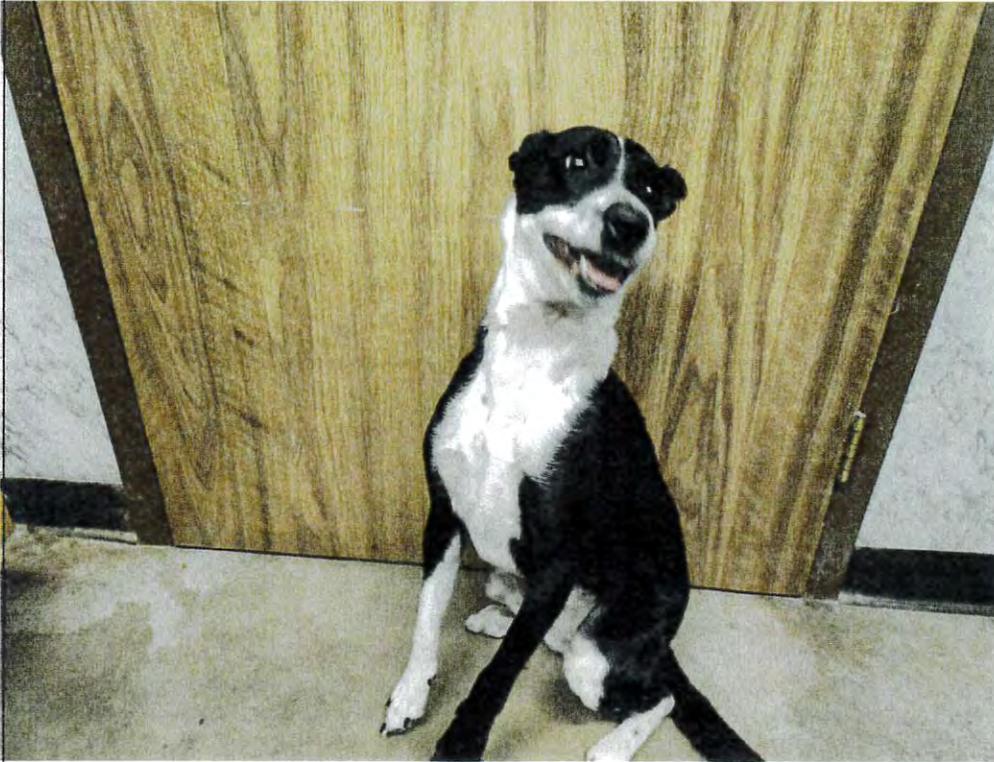
WAYNE POLICE DEPARTMENT
306 PEARL ST WAYNE, NE 68787 375-2626



Case #: 23-0129
Photo Index #: 1
Photo ID:
Date Taken: 05/13/2023

Notes

WAYNE POLICE DEPARTMENT
306 PEARL ST WAYNE, NE 68787 375-2626



Case #: 23-0129
Photo Index #: 5
Photo ID:
Date Taken: 05/25/2023

Notes

Roxie - the dog

90.025 Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

VICIOUS DOG.

(1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals;

(2) Any dog which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this subchapter;

(3) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal;

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or

(5) Any PITBULL TERRIER, which shall be defined as any American Pitbull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of dog which contains as an element of its breeding the breed of American Pitbull Terrier or Staffordshire Bull Terrier, or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pitbull Terrier or Staffordshire Bull Terrier, or American Staffordshire Bull Terrier

90.040 Vicious Dogs

(A) It shall be unlawful for the owner of any dog involved in a bite or bodily injury to another person or domestic animal to fail to immediately prevent further bites or injury, and immediately furnish to the person or person injured, or in the case of a juvenile, the parent or guardian of the juvenile, the owner's name and address and the rabies tag number and dog license number of the dog.

(B) (1) Whenever a dog is declared vicious, the owner will immediately release the dog to the Police Department to be impounded. The Police Department shall cause the dog to be permanently removed from the city limits or have the dog humanely destroyed by a veterinarian of the owner's choice. If the dog is to be removed, the owner shall provide an affidavit signed by both the owner and the future caretaker that the dog will be permanently removed from the city limits, listing where it will be taken and who is the caretaker. The Police Department will then contact the caretaker to verify that the dog was given to them. If the dog is to be humanely destroyed, the owner of the dog shall document to the

Police Department the arrangement for direct transfer of the dog, at the owner's expense, by the impounding agency to the euthanizing veterinarian of the owner's choice and without any possession by the owner or any agent or representative of the owner. The owner of the dog will then produce to the Police Department a statement from the veterinarian certifying the action taken, or humanely destroyed by the animal shelter at the owner's expense. The notice shall be served whether in person or by mailing such notice by certified mail, return receipt. If the owner shall have failed to destroy such vicious dog after the expiration of 11 days from the receipt of such notice and no appeal is taken by the owner, the Police Department shall have such animal destroyed.

(2) The declaration of a dog as vicious and the determination by the Police Department of whether the dog shall be destroyed or permanently removed under the provisions of this section may be appealed to the Council, who shall hear and render a decision in this matter. Such appeal by the owner to the Council shall be filed in writing with the Police Department within ten days after receipt of notification from the Police Department that the vicious dog shall be destroyed. The disposition of any animal shall be stayed during the pendency of such appeal. The dog shall be surrendered by the owner to the custody of the Police Department or designated agency during the appeal process. The decision of the Council shall be final and binding upon the city and upon the owner appellant, and its decision may be appealed as provided by law. The Council shall review the information provided by the Police Department and the owner of the animal and any other interested party and render a decision on the appeal.

(3) The owner of any dog which is impounded and destroyed under this section shall be held responsible for payment and any expenses incurred by the Police Department for impoundment and destruction, and failure to pay such fee to the city within 15 days after the destruction or release of such dog shall constitute a violation of this code.

(2002 Code, § 14-72)

(Ord. 2004-7, passed 9-14-2004; Ord. 2009-7, passed 4-21-2009) Penalty, see § 90.999

[Back to Top](#)

ORDINANCE NO. 2023-10

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

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. On July 18, 2017, the City of Wayne adopted the "Comprehensive Plan" for the City of Wayne, Nebraska, and then approved the amendments thereto on May 19, 2020, January 5, 2021, and March 15, 2022.

Section 2. The Planning Commission, upon review of the "Future Land Use Map" of the Comprehensive Plan at their public hearing held on May 1, 2023, recommended approval of amendments thereto, based upon the following "Finding of Fact:"

➤ Staff's recommendation.

Section 3. The existing "Future Land Use Map" of the Comprehensive Plan for the City of Wayne, Nebraska, is hereby repealed, and the amended "Future Land Use Map" of the Comprehensive Plan for the City of Wayne, Nebraska, of which a copy thereof is attached hereto and incorporated herein by reference, shall now be made a part of said Comprehensive Plan.

Section 4. This Ordinance shall be in full force and take effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 6th day of June, 2023.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

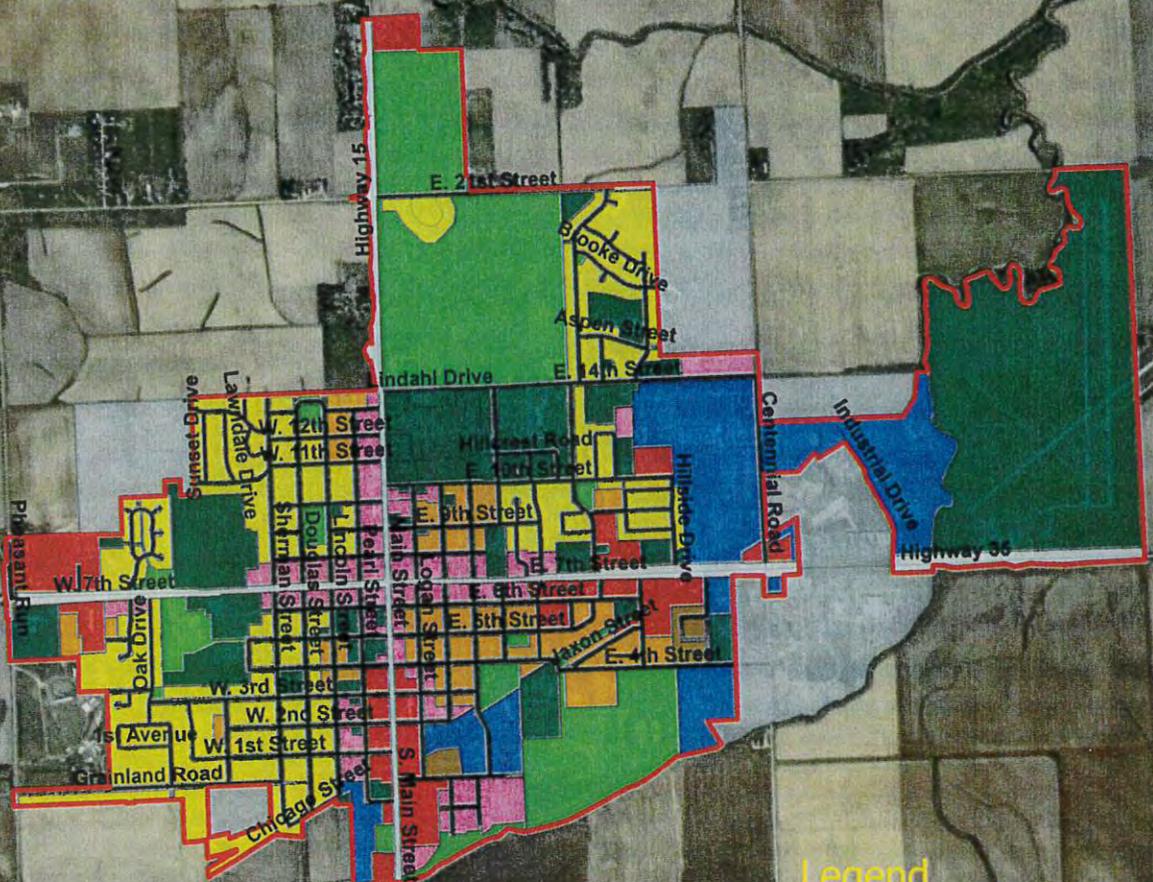
City Clerk

FUTURE LAND USE MAP

CORPORATE LIMITS

Wayne, Nebraska

2027



Legend

- City Limits
- Areas Targeted for Annexation
- Commercial
- Highway Corridor
- Industrial
- Mixed Use Residential/Commercial
- Mobile Home Residential
- Multifamily Residential
- Parks/Recreation
- Public/Quasi-Public
- Single Family Residential
- STREETS

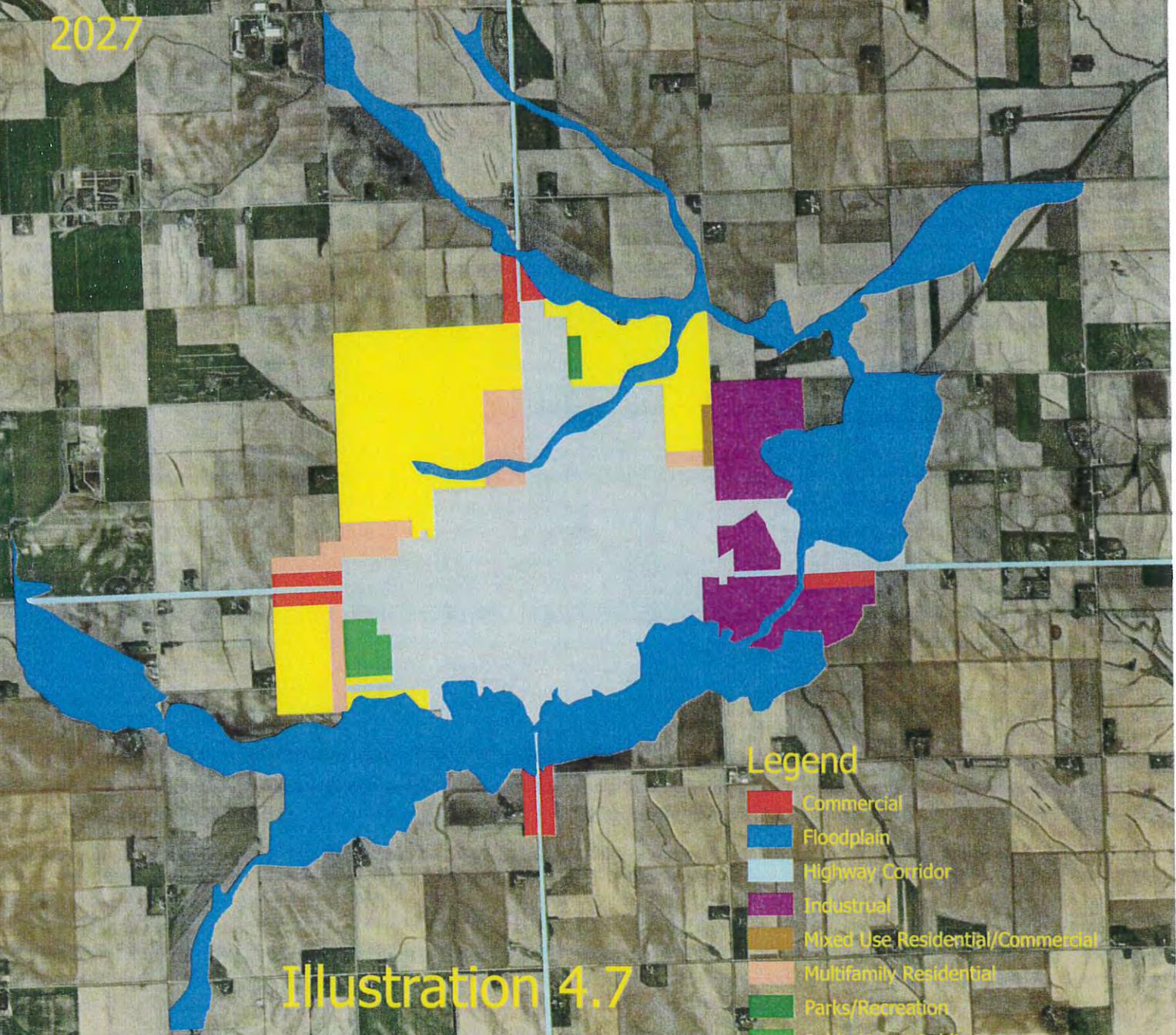
Illustration 4.6

FUTURE LAND USE MAP

TWO MILE PLANNING JURISDICTION

Wayne, Nebraska

2027



Legend

- Commercial
- Floodplain
- Highway Corridor
- Industrial
- Mixed Use Residential/Commercial
- Multifamily Residential
- Parks/Recreation
- Public/Quasi-Public
- Single Family Residential
- Wayne Incorporated Area

Illustration 4.7

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.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The City of Wayne, Nebraska has received a request to release the North 16 foot easement of Lots 1 and 2, Hillcrest Addition, City of Wayne, Wayne County, Nebraska.

Section 2. The City hereby releases and abandons the North 16 foot easement of Lots 1 and 2, Hillcrest Addition, City of Wayne, Wayne County, Nebraska.

Section 3. This Ordinance shall be in full force and effect, from and after its passage, approval and publication, as provided by law.

PASSED AND APPROVED this 6th day June, 2023.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2023-39

A RESOLUTION APPROVING THE ACQUISITION OF REAL ESTATE LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM BATTLE CREEK FARMERS COOPERATIVE NONSTOCK, A NEBRASKA COOPERATIVE CORPORATION.

WHEREAS, City staff has concluded negotiations for the acquisition of land located in the City of Wayne, Wayne County, Nebraska, legally described as follows:

Legal Description:

A tract of land located in Lot 20, Southview II Addition to the City of Wayne, Wayne County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of Lot 20, Southview II Addition to the City of Wayne, Wayne County, Nebraska; thence N 01°59'38" W on the East line of said Lot 20, 25.66 feet to the Point of Beginning; thence N 01°59'38" W on said East line, 31.22 feet; thence S 59°35'17" W, 14.82 feet; thence S 30°24'56" E, 27.44 feet to the Point of Beginning, containing 202.93 square feet, more or less,

from Battle Creek Farmers Cooperative Nonstock, a Nebraska Cooperative Corporation, for the sum of \$1.00 and other valuable consideration; and

WHEREAS, the Mayor is hereby authorized to execute the necessary documents to carry out the acquisition thereof.

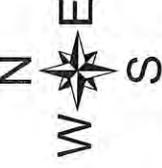
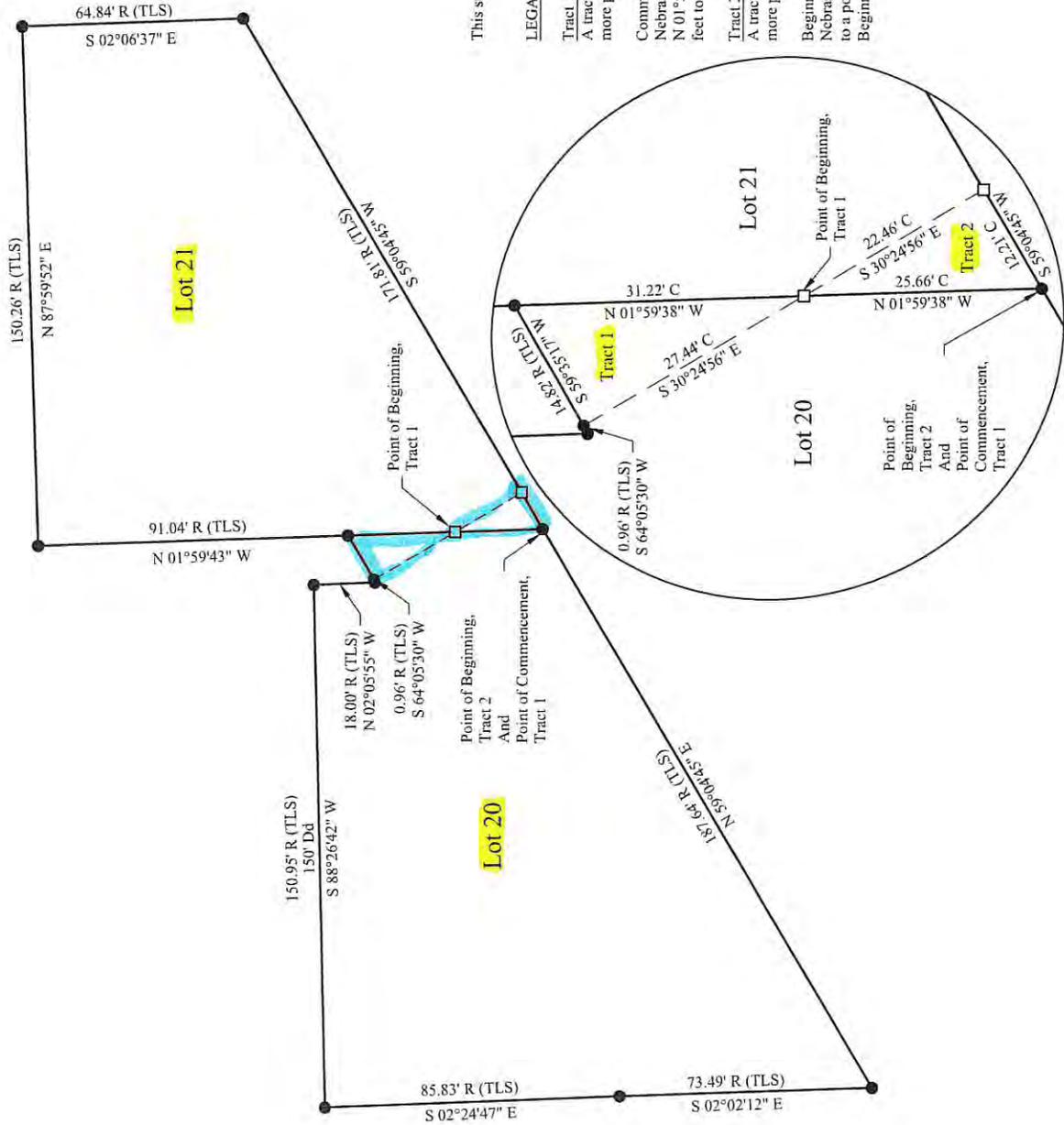
PASSED AND APPROVED this 6th day of June, 2023.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



Drawn By: AMP
Date: April 18, 2023
Project Number: S-090-488
Scale: 1" = 40'



- LEGEND**
- Property Corner Found
 - Calculated Point
 - M Measured Distance
 - R Recorded Distance
 - C Calculated Distance

This survey was prepared at the request of Joel Hansen, City of Wayne, Nebraska.

LEGAL DESCRIPTIONS

Tract 1:
A tract of land located in Lot 20, Southview II Addition to the City of Wayne, Wayne County, Nebraska, more particularly described as follows:
Commencing at the Southeast corner of Lot 20, Southview II Addition to the City of Wayne, Wayne County, Nebraska; thence N 01°59'38" W on the East line of said Lot 20, 25.66 feet to the Point of Beginning; thence N 01°59'38" W on said East line, 31.22 feet; thence S 59°35'17" W, 14.82 feet; thence S 30°24'56" E, 27.44 feet to the Point of Beginning, containing 202.93 square feet, more or less.

Tract 2:
A tract of land located in Lot 21, Southview II Addition to the City of Wayne, Wayne County, Nebraska, more particularly described as follows:
Beginning at the Southwest corner of Lot 21, Southview II Addition to the City of Wayne, Wayne County, Nebraska; thence N 01°59'38" W on the west line of said Lot 21, 25.66 feet; thence S 30°24'56" E, 22.46 feet to a point on the South line of said Lot 21; thence S 59°44'5" W on said South line, 12.21 feet to the Point of Beginning, containing 137.16 square feet, more or less.





RESOLUTION NO. 2023-40

A RESOLUTION AUTHORIZING THE SALE OF A TRACT OF LAND LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO BATTLE CREEK FARMERS COOPERATIVE NONSTOCK, A NEBRASKA COOPERATIVE CORPORATION.

WHEREAS, the City of Wayne is the owner of the following described property, to-wit:

Legal Description:

A tract of land located in Lot 21, Southview II Addition to the City of Wayne, Wayne County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of Lot 21, Southview II Addition to the City of Wayne, Wayne County, Nebraska; thence N 01°59'38" W on the West line of said Lot 21, 25.66 feet; thence S 30°24'56" E, 22.46 feet to a point on the South line of said Lot 21; thence S 59°04'45" W on said South line, 12.21 feet to the Point of Beginning, containing 137.16 square feet, more or less; and

WHEREAS, there are no current delinquent real estate taxes or special assessments payable to Wayne County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the City of Wayne, Nebraska, that the City Clerk is directed to prepare an ordinance directing the sale of the following parcel of real estate legally described as follows:

Legal Description:

A tract of land located in Lot 21, Southview II Addition to the City of Wayne, Wayne County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of Lot 21, Southview II Addition to the City of Wayne, Wayne County, Nebraska; thence N 01°59'38" W on the West line of said Lot 21, 25.66 feet; thence S 30°24'56" E, 22.46 feet to a point on the South line of said Lot 21; thence S 59°04'45" W on said South line, 12.21 feet to the Point of Beginning, containing 137.16 square feet, more or less,

to Battle Creek Farmers Cooperative Nonstock, a Nebraska Cooperative Corporation, for the sum of \$1.00 and other valuable consideration.

PASSED AND APPROVED this 6th day of June, 2023.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2023-13

AN ORDINANCE DIRECTING THE SALE OF A TRACT OF LAND IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO BATTLE CREEK FARMERS COOPERATIVE NONSTOCK, A NEBRASKA COOPERATIVE CORPORATION.

BE IT ORDAINED by the Mayor and the Council of the City of Wayne, Nebraska:

Section 1. The Mayor and City Council are directed to convey by Warranty Deed to Battle Creek Farmers Cooperative Nonstock, a Nebraska Cooperative Corporation, a tract of land legally described as:

Legal Description:

A tract of land located in Lot 21, Southview II Addition to the City of Wayne, Wayne County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of Lot 21, Southview II Addition to the City of Wayne, Wayne County, Nebraska; thence N 01°59'38" W on the West line of said Lot 21, 25.66 feet; thence S 30°24'56" E, 22.46 feet to a point on the South line of said Lot 21; thence S 59°04'45" W on said South line, 12.21 feet to the Point of Beginning, containing 137.16 square feet, more or less,

for the sum of \$1.00 and other valuable consideration.

Section 2. Notice of the sale and the terms contained in Section 1 shall be published for three consecutive weeks in the Wayne Herald, provided that if a remonstrance against said sale signed by legal electors thereof equal in number to 30% of the electors of the City voting at the last regular municipal election held therein, be filed with the governing body within thirty days of the passage and publication of this ordinance, said property shall not then, nor within one year thereafter, be sold.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 6th day of day of June, 2023.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2023-41

A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.

WHEREAS, the Mayor and City Council met in open session on January 31, 2023, and May 30, 2023, with the express purpose of identifying and developing goals for the City; and

WHEREAS, there were new and expanded items in addition to goals from the prior year that were considered during the retreat, some for their guidance of future strategies and policies, and many for their consolidated value as specific goals over one to five year periods; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the strategic planning goals of the City are as follows:

CURRENT YEAR GOALS – 1/31/23

- Park(s) Update
 - Install more handicapped accessible options
 - Purchase park equipment for East Park using Keno Funds
 - Pursue grant options (Peter Kiewit, Sherwood Foundation and Daugherty Foundation) for Prairie Park
- Start Request for Proposal process for the old City Hall building

FUTURE GOALS

- Extend the trail route from 4th Street to Hank Overin Field
- Future Community Betterment Projects
 - Continue discussion on the feasibility of an indoor pool
 - Continue discussion on a proposed skate park, ice rink and sledding hill
 - Extend a sidewalk to the Dollar General on the east side of town
 - Streets (4th Street/Centennial Road/21st Street)
 - Discussion on allowing chickens inside city limits
 - Look into additional villa-type housing

CURRENT YEAR GOALS – 5/30/23

- Continue with renovation of New Police and City Municipal Building
- Continuation of Prairie Park Project

- Continue to work with Wayne Community Housing Development Corporation to better serve the community

FUTURE GOALS

- Substation, Generation, Power
- Continue discussion on the feasibility of an indoor pool
- Continue discussion on a proposed skate park
- Extension of sidewalk to the Dollar General on the east side of town; move sidewalk by Titan and Van Diest out of State right-of-way
- Additional hotel accommodations
- Infrastructure
 - Streets (4th Street/Centennial Road/21st Street)
 - Water/Sewer lines in older neighborhoods
- Purchase of property for development
 - Additional villa-type housing, townhouses, another Western Ridge II development
- Future of Community Activity Center

The Council shall regularly evaluate the progress toward achieving the aforesaid goals.

The Mayor and Council shall consider the annual restatement and expansion of goals as a matter of policy.

PASSED AND APPROVED this 6th day of June, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk



APPLICATION FOR PAYMENT

TO (OWNER): City of Wayne
306 Pearl Street
Wayne, Nebraska 68787

PROJECT: **Freedom Park Trailhead Project**

FROM (CONTRACTOR): **OCC Builders, LLC.**
521 South Centennial Road
Wayne, Nebraska 68787

CONTRACTORS PROJECT NO.: 22-11
PERIOD THROUGH: May 31, 2023
APPLICATION DATE: May 31, 2023
APPLICATION NO.: **9**

Application is made for Payment, as shown below, in connection with the Contract. Cost Breakdown is attached.

1. ORIGINAL CONTRACT SUM	\$	<u>372,310</u>
2. NET CHANGE BY CHANGE ORDERS (see attached)	\$	<u>12,946</u>
3. CONTRACT SUM TO DATE (Line 1 +/- Line 2)	\$	<u>385,256</u>
4. WORK COMPLETED & STORED TO DATE (see attachment) TOTAL WORK COMPLETED & STORED (Column G on Cost Breakdown Sheet)	\$	<u>330,385</u>
5. RETAINAGE:		
a. 10% of Completed Work (Columns D-E on Cost Breakdown Sheet)	\$	<u>33,040</u>
b. 10% of Stored Material (Column F on Cost Breakdown Sheet)	\$	<u>0</u>
TOTAL RETAINAGE (Total in Column I on Cost Breakdown Sheet)	\$	<u>33,040</u>
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 total)	\$	<u>297,345</u>
7. LESS PREVIOUS APPLICATIONS FOR PAYMENT	\$	<u>262,729</u>
8. CURRENT PAYMENT DUE	\$	<u>34,616</u>
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	\$	<u>87,911</u>

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due. Application for Payment is to be received by the Architect no later than the last day of the month, and the Owner shall make payment to the Contractor no later than the last day of the following month.

CONTRACTOR: OCC Builders LLC.

By: Tah [Signature]

Date: 5/31/23

State of: Nebraska
County of: Wayne

Subscribed and sworn to before me this 31 day of May 2023

Notary Public: Megan M Raulston
My Commission expires:



In accordance with the Contract and this Application for Payment, the Contractor is entitled to payment in the amount shown below.

AMOUNT CERTIFIED \$ _____
(Attach explanation if amount certified differs from the amount applied for.)

ARCHITECT:

	OWNER
	ARCHITECT
	CONTRACTOR

By: _____ Date: _____

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

COST BREAKDOWN SHEET

City of Wayne - Freedom Park Trailhead



CONTRACTORS PROJECT NO.:
PERIOD THROUGH:
APPLICATION DATE:
APPLICATION NO.:

22-11
May 31, 2023
May 31, 2023
9

APPLICATION AND CERTIFICATED FOR PAYMENT - Contractor's signed Certification is attached.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION	E COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE 10%
	General Conditions (Bonds, Trash, Supervision, Cleaning, Etc.)	23,200	17,865	1,990	0	19,855	3,345	1,986
	Demolition	9,610	9,610	0	0	9,610	0	961
	Interior Concrete Floor & Sealer	17,580	16,800	0	0	16,900	680	1,690
	Masonry	12,830	8,030	0	0	8,030	4,800	803
	HM Frames/Doors, Wood Doors, & Hardware	13,780	10,430	0	0	10,430	3,350	1,043
	Aluminum Entries & Windows	32,820	31,520	1,300	0	32,820	0	3,282
	Interior Framing & Insulation Board	12,290	12,290	0	0	12,290	0	1,229
	Roof Framing & Sheathing	24,900	24,900	0	0	24,900	0	2,490
	Canopy Framing & Support	24,100	24,100	0	0	24,100	0	2,410
	Asphalt Shingles	12,170	12,170	0	0	12,170	0	1,217
	Aluminum Soffit & Gutters	8,950	7,110	1,840	0	8,950	0	895
	Canopy Wood Soffit	7,020	3,890	2,800	0	6,690	330	669
	Drywall	14,160	0	14,160	0	14,160	0	1,416
	Painting, Staining, & Joint Sealants	16,335	0	0	0	0	16,335	0
	Cabinetry, Countertops, & Window Sills	14,550	4,600	4,565	0	9,165	5,385	917
	Vinyl Base	1,850	0	0	0	0	1,850	0
	Toilet Accessories	995	0	0	0	0	995	0
	Plumbing, Fixtures, & Site Utilities	27,960	20,348	0	0	20,348	7,612	2,035
	HVAC & Floor Heat	41,700	34,611	0	0	34,611	7,089	3,461
	Electrical	13,680	10,580	0	0	10,580	3,100	1,058
	Site Paving	41,830	37,670	4,160	0	41,830	0	4,183
	SUB-TOTAL	372,310	286,624	30,815	0	317,439	54,871	31,745
	CHANGE ORDERS							
	Light Fixture Package	4,265	4,265	0	0	4,265	0	427
	Interior Truss Fire Coating	7,648	0	7,648	0	7,648	0	765
	Additional Plumbing Requests	1,033	1,033	0	0	1,033	0	103
	SUB-TOTAL CHANGE ORDERS	12,946	5,298	7,648	0	12,946	0	1,295
	TOTALS	385,256	291,922	38,463	0	330,385	54,871	33,040