

**MINUTES
CITY COUNCIL MEETING
June 6, 2023**

The Wayne City Council met in regular session at City Hall on June 6, 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, Brittany Weber, Clayton Bratcher, Jason Karsky, Matt Eischeid and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmember Nick Muir.

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 Webber made a motion, which was seconded by Councilmember Bratcher, to approve the minutes of the meetings of May 16, 2023, and May 30, 2023, and to waive the readings thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACES, SE, 1093.66; AMERITAS, SE, 3120.86; AMERITAS, SE, 168.44; AMERITAS, SE, 35.00; AMERITAS, SE, 97.94; AMERITAS, SE, 72.00; APPEARA, SE, 109.44; APPEARA, SE, 59.77; BLADES GROUP, SU, 1815.00; BOARDERS INN & SUITES, SE, 1749.30; BOMGAARS, SU, 1352.24; BORDER STATES INDUSTRIES, SU, 862.61; BSN SPORTS, SU, 1672.04; CAMPOS, ANNA, SE, 70.00; CARLSON WEST PVONDRA ARCHITECTS, SE, 5534.46; CIRBA

SOLUTIONS SERVICES, SU, 102.00; CITY EMPLOYEE, RE, 59.88; CITY EMPLOYEE, RE, 55.20; CITY OF PONCA, RE, 15450.21; CITY OF WAYNE, RE, 500000.00; CITY OF WAYNE, PY, 108717.81; CITY OF WAYNE, RE, 5108.33; CITY OF WEST POINT, RE, 22423.97; CITY OF WISNER, RE, 2336.85; CIVICPLUS, FE, 1500.00; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 40000.00; CORE & MAIN, SE, 699.13; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 86.00; ED M. FELD EQUIPMENT, SU, 216.00; ELLIS HOME SERVICES, SE, 487.31; FASTWYRE BROADBAND, SE, 1512.46; FIRST CONCORD GROUP, SE, 4219.64; GERHOLD CONCRETE, SU, 1974.61; GROSSENBURG IMPLEMENT, SU, 72.03; HAWKINS, SU, 1810.46; HILAND DAIRY, SE, 185.70; ICMA, SE, 142.75; ICMA, SE, 413.68; ICMA, SE, 1430.90; ICMA, SE, 8725.33; ICMA, SE, 255.46; ICMA, SE, 70.00; ICMA, SE, 127.36; ICMA, SE, 372.24; ICMA, SE, 166.28; ICMA, SE, 189.32; ICMA, SE, 36.84; IRS, TX, 4177.04; IRS, TX, 11293.76; IRS, TX, 17860.74; ISLAND SPRINKLER SUPPLY, SU, 730.75; JOHNSON'S PLUMBING & HEATING, SU, 2527.96; LINCOLN WINWATER WORKS, SU, 438.70; MARCO TECHNOLOGIES, SE, 180.50; NE DEPT OF REVENUE, TX, 5263.96; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SU, 105.00; NERC, SE, 1047.74; NNEDD, SE, 2950.00; NORTHEAST POWER, SE, 21756.30; NOVA FITNESS EQUIPMENT, SE, 3353.95; NUSS, ANGELA, RE, 150.00; ONE OFFICE SOLUTION, SU, 1999.60; O'REILLY AUTOMOTIVE STORES, SU, 117.26; O'REILLY AUTOMOTIVE STORES, SU, 50.98; PONCA RURAL FIRE BOARD, RE, 3698.48; SANDRY FIRE SUPPLY, SU, 439.40; SCHLICKBERND'S APPLIANCE, SU, 699.00; STADIUM SPORTING GOODS, SU, 93.00; STADIUM SPORTING GOODS, SE, 48.00; STAPLES, SU, 55.99; THE RETROFIT COMPANIES, SE, 275.00; TOTAL GRAPHICS, SU, 1338.89; TWIN CITY HARDWARE, SU, 1045.54; VILLAGE OF WINSIDE, RE, 4943.58; WISNER WEST, SU, 156.06; AMERITAS, SE, 168.44; AMERITAS, SE, 35.00; AMERITAS, SE, 3120.18; AMERITAS, SE, 72.00; AMERITAS, SE, 97.94; APPEARA, SE, 118.00; APX, FE, 51.83; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1500.00; BLUE CROSS BLUE SHIELD, SE, 46056.37; BOK FINANCIAL, RE, 226668.75; BOK FINANCIAL, RE, 222542.50; CARHART KITCHEN & BATH, SU, 610.00; CARHART LUMBER COMPANY, SU, 243.29; CASILLAS, OSCAR, RE, 500.00; CITY EMPLOYEE, RE, 1816.27; CITY EMPLOYEE, RE, 139.91; CITY EMPLOYEE, RE, 1496.82; CITY EMPLOYEE, RE, 159.44; CITY OF WAYNE, PY, 104546.08; CITY OF WAYNE, RE, 564.82; CITY OF WAYNE, RE, -153.80; CITY OF WAYNE, RE, 153.80; COTTONWOOD WIND PROJECT, SE, 12766.40; DEARBORN LIFE INSURANCE COMPANY, SE, 2800.36; DIXON COUNTY COURT, RE, 300.00; EAKES OFFICE PLUS, SE, 55.00; ED M. FELD EQUIPMENT, SU, 34055.00; FLOOR MAINTENANCE, SU, 1253.23; GERHOLD CONCRETE, SU, 5046.81; GLOBAL PAYMENTS INTEGRATED, SE, 1109.11; GROSSENBURG IMPLEMENT, SU, 9552.23; HELENA AGRI-ENTERPRISES, SU, 425.00; HILAND DAIRY, SE, 212.96; HOMETOWN LEASING, SE, 365.84; ICMA, SE, 400.00; ICMA, SE, 189.32; ICMA, SE, 255.46; ICMA, SE, 36.84; ICMA, SE, 166.28; ICMA, SE, 1430.90; ICMA, SE, 127.36; ICMA, SE, 70.00; ICMA, SE, 142.75; ICMA, SE, 413.68; ICMA, SE, 8639.75; IRS, TX, 4047.84; IRS, TX, 11393.49; IRS, TX, 17307.70; JEO CONSULTING GROUP, SE, 7379.55; JOHNSON'S PLUMBING & HEATING, SU, 814.00; KELLY SUPPLY COMPANY, SU, 43.21; KEPKO ENGRAVING, SU, 11.20; LUTT OIL, SU, 7082.19; LUTT TRUCKING, SE, 325.00; MARCO, SE, 175.92; MERCHANT SERVICES, SE, 1292.34; MERCHANT SERVICES, SE, 4538.60; MERCHANT SERVICES, SE, 93.82; MICHAEL TODD INDUSTRIAL SUPPLY, SU, 670.48; MIDWEST ALARM SERVICES, SU, 136.50; MIDWEST TAPE, SU, 495.92; MILLER LAW, SE, 5416.67; MORRIS, MUFFIN, RE, 500.00; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 87195.51; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 200243.75; NE DEPT OF REVENUE, TX, 5332.59; NE STATE HISTORICAL, SU, 35.00; NPPD, SE, 184.00; NMPP ENERGY, SE, 1500.00; NORTHEAST POWER, SE, 4988.00; ONE CALL CONCEPTS, SE, 127.32; OPTK NETWORKS, SE, 408.54; O'REILLY AUTOMOTIVE STORES, SU, 47.37; PAC N SAVE, SU, 1330.58; PAC N SAVE, SU, 245.00; PLUNKETT'S PEST CONTROL, SE, 104.15; POSTMASTER, SU, 1026.28; QUADIANT FINANCE USA, SU, 1000.00; QUADIANT LEASING USA, SE, 655.38; RENUEL FUEL, SE, 8180.00; SD MYERS, SE, 2227.00; SEBADE CONSTRUCTION, RE, 500.00; SKARSHAUG TESTING LAB, SE, 260.56; STADIUM SPORTING GOODS, SE, 36.00; STATE NEBRASKA BANK & TRUST, SE, 72.08; STATE NEBRASKA BANK & TRUST, RE, 80468.75; STATE NEBRASKA BANK-PETTY CASH, SE, 108.85; TRI AIR TESTING, SE, 603.00; ULINE, SU, 313.33;

UTILITIES SECTION, FE, 680.00; VIAERO, SE, 68.88; WASTE CONNECTIONS, SE, 246.00; WAED, SE, 8980.41

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

Allison Szantor-Kai was present requesting Council consideration to approving her appeal to remove her dog from City limits as it has been deemed vicious per Section 90.040 Vicious Dogs, Paragraph (B)(2).

Marlen Chinn, Police Chief, presented information/documentation that led up to his decision to declare the dog “vicious.”

Police Chief Chinn stated the vet clinic advised him there is a family who lives in the county that would take the dog on trial basis.

After discussion, Councilmember Bratcher made a motion, which was seconded by Councilmember Webber to deny the appeal of Allison Szantor-Kai to keep her dog in city limits. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Councilmember Brodersen introduced Ordinance No. 2023-10, and moved for approval of the second reading 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.

Councilmember Eischeid advised the Council that he was going to vote nay on this ordinance. This was discussed previously, and it was decided at that time that this should be tabled because we (the Council) wanted to find a solution to this. It was then sent back to the Planning Commission to find a solution. In his opinion, the property is zoned incorrectly.

It was noted that the gentleman previously requesting the change could have gotten a traditional loan to allow him to buy the house/property.

Joel Hansen, Street and Planning Director, explained that the Planning Commission did not take this lightly. They had a lengthy discussion on this, and in their opinion, long-term, there should not be houses in this area. There should be more of a mixed use.

Mayor Giese stated the land use map, in his opinion, is the vision for 50-100 years, and then zoning is the mechanism that gets you there.

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

Administrator Blecke advised that he is still waiting for an easement from the Wayne State Foundation. Recommendation was not to waive the third and final reading of Ordinance 2023-12.

Councilmember Eischeid introduced Ordinance No. 2023-12, and moved for approval of the second reading thereof; Councilmember Brodersen 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 Muir who was absent, the Mayor declared the motion carried. The third and final 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 Battle Creek Cooperative Nonstock, a Nebraska Cooperative Corporation.

The legal descriptions is as follows:

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.

The City owns the majority of Lot 21 and then a small triangle of the NE corner of Lot 20 (Tract 1). 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.

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 Eischeid introduced Resolution 2023-39, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2023-39

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

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

The following Resolution and Ordinance pertain to the sale of real estate to Battle Creek Cooperative Nonstock, a Nebraska Cooperative Corporation.

The legal description is as follows:

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.

Councilmember Brodersen introduced Resolution 2023-40, and moved for its approval; Councilmember Webber seconded.

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 COOPERATIVE NONSTOCK, A NEBRASKA COOPERATIVE CORPORATION.

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

Councilmember Brodersen introduced Ordinance No. 2023-13, and moved for approval thereof; Councilmember Bratcher seconded.

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 COOPERATIVE NONSTOCK, A NEBRASKA COOPERATIVE CORPORATION.

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Bratcher, to move for final approval of Ordinance No. 2023-13. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

The following Resolution would approve/ratify the City of Wayne goals from the retreats held on January 31, 2023 and May 30, 2023.

Councilmember Eischeid introduced Resolution 2023-41, and moved for its approval; Councilmember Pick seconded.

RESOLUTION NO. 2023-41

A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.

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

Jill Brodersen, Architect, presented Application for Payment No. 9 in the amount of \$34,616 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.” Ms. Brodersen also updated the Council on the project.

Councilmember Bratcher made a motion, which was seconded by Councilmember Buck, approving Application for Payment No. 9 for \$34,616 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 Muir who was absent, the Mayor declared the motion carried.

Administrator Blecke updated the Council on 513 Main Street (New Police and City Municipal Building Renovation Project). The schedule is to approve the plans at the July 18th Council meeting, then bid the project out in August, with construction hopefully starting in September.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to enter into executive/closed session to discuss the potential negotiations on real property, with the purpose being to protect the financial interest of the City, and to allow City Administrator Blecke, City Clerk McGuire, and City Attorney Miller, to also be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried, and executive session began at 6:27 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 Webber made a motion, which was seconded by Councilmember Pick, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with

the exception of Councilmember Muir who was absent, the Mayor declared the motion carried, and open session resumed at 6:35 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:35 p.m.