

**MINUTES
CITY COUNCIL MEETING
September 19, 2023**

The Wayne City Council met in regular session at City Hall on September 19, 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 Terri Buck, Nick Muir, Brittany Webber, Clayton Bratcher, Jason Karsky, Matt Eischeid, and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmember Brent Pick.

Notice of the convening meeting was given in advance thereof by publication in the Wayne Herald, Wayne, Nebraska, the designated method of giving notice, as shown by Affidavit of Publication. In addition, notice was given to the Mayor and all members of the City Council, and a copy of their acknowledgement of receipt of notice and agenda is on file with the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the Council convened in open session.

Mayor Giese advised the public that a copy of the Open Meetings Act was located on the southwest wall of Council Chambers, as well as on the City of Wayne website and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to approve the minutes of the meeting of September 5, 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 Pick who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

APPROVED 9/5/23: VRBA CONSTRUCTION, SE, 39522.38

VARIOUS FUNDS: ACE HARDWARE & HOME, SU, 1950.07; ALL HOURS TOWING, SE, 225.00;

AMERITAS, SE, 168.44; AMERITAS, SE, 35.00; AMERITAS, SE, 3371.52; AMERITAS, SE, 72.00; AMERITAS, SE, 111.55; APPEARA, SE, 163.02; BAKER & TAYLOR BOOKS, SU, 681.44; BATTERIES PLUS #78, SU, 885.10; BORDER STATES INDUSTRIES, SU, 1274.43; BRAUN, DAVID, RE, 500.00; CASEY, JAN, RE, 150.00; CDW GOVERNMENT, SU, 4525.00; CITY EMPLOYEE, RE, 125.20; CITY EMPLOYEE, RE, 21.07; CITY EMPLOYEE, RE, 221.25; CITY EMPLOYEE, RE, 911.70; CITY EMPLOYEE, RE, 124.69; CITY EMPLOYEE, RE, 7388.18; CITY OF WAYNE, RE, -233.00; CITY OF WAYNE, RE, -100.51; CITY OF WAYNE, PY, 104810.01; CITY OF WAYNE, RE, 561.02; CITY OF WAYNE, RE, -3051.17; CITY OF WAYNE, RE, -126.44; COPY WRITE PUBLISHING, SU, 15.20; COPY WRITE PUBLISHING, SE, 249.41; COTTONWOOD WIND PROJECT, SE, 11835.52; CUMING CO. COURT, RE, 130.00; CUSTOM FILTRATION, SU, 726.75; DANKO EMERGENCY EQUIPMENT, SU, 3730.00; DEARBORN LIFE INSURANCE, SE, 3028.60; DUTTON-LAINSON COMPANY, SU, 2953.20; EAKES OFFICE PLUS, SE, 306.62; ED M. FELD EQUIPMENT, SU, 536.72; ELKINS PORTABLE RESTROOMS, SE, 605.00; FAITH REGIONAL PHYSICIAN SERV, SE, 159.50; FLOOR MAINTENANCE, SU, 204.05; GROSSENBURG IMPLEMENT, SU, 87.79; HAWKINS, SU, 1297.71; HILAND DAIRY, SE, 291.93; HUNKE, ROD, RE, 500.00; ICMA, SE, 189.32; ICMA, SE, 166.28; ICMA, SE, 200.00; ICMA, SE, 2149.96; ICMA, SE, 495.46; ICMA, SE, 413.68; ICMA, SE, 8585.67; ICMA, SE, 142.75; ICMA, SE, 70.00; ICMA, SE, 38.28; ICMA, SE, 127.36; IRS, TX, 17517.60; IRS, TX, 4096.78; IRS, TX, 11935.02; ISLAND SPRINKLER SUPPLY, SU, 179.40; JACK'S UNIFORMS, SU, 251.90; KTCH, SE, 160.00; L & L THOMPSON CONSTRUCTION, SE, 1100.00; LUTT OIL, SU, 8374.98; MAIN STREET GARAGE, SE, 100.00; MIDWEST LABORATORIES, SE, 216.57; MILLER LAW, SE, 110.66; MUNICIPAL SUPPLY, SU, 3337.04; NE DEPT OF REVENUE, TX, 5572.77; NPPD, SE, 8827.44; NEBRASKA STATE TREASURER, RE, 233.00; NEBRASKA STATE TREASURER, RE, 3051.17; NORTHEAST NE INS AGENCY, SE, 2549.00; NORTHEAST TIRE SERVICE, SE, 20.00; ONE CALL CONCEPTS, SE, 172.16; OPTK NETWORKS, SE, 408.54; O'REILLY AUTOMOTIVE STORES, SU, 19.49; PAC N SAVE, SU, 99.24; PAC N SAVE, SU, 1691.70; PLUMBING & ELECTRIC SERVICE, SU, 2533.94; PLUMBING & HEATING WHOLESALE, SU, 2157.33; QUADIENT FINANCE USA, SU, 1000.00; QUALITY 1 GRAPHIC, SU, 120.00; QUALITY FOOD CENTER, SU, 19.98; RAINBOW PRINTING, SU, 550.00; RODRIGUEZ, NANCY, SE, 52.50; SEILER INSTRUMENT & MFG, SU, 970.00; STADIUM SPORTING GOODS, SU, 1078.00; SUNSET LAW ENFORCEMENT, SU, 3054.50; TIMBERLYNE, RE, 500.00; TOTAL GRAPHICS, SU, 1691.00; US BANK, SU, 8778.73; US FOODSERVICE, SU, 3,299.14; VERIZON, SE, 584.13; VIC'S ENGINE SERVICE, SU, 14.12; WAED, SE, 199.00; WAYNE AUTO PARTS, SU, 304.11; WAYNE COUNTY CLERK, SE, 76.00; WAYNE HERALD, SE, 612.00; WAYNE HERALD, SE, 1496.76; WAYNE HERALD, SE, 190.00; WAYNE VETERINARY CLINIC, SE, 14.00; WESCO, SU, 1762.83; WAPA, SE, 23633.99; ZACH HEATING & COOLING, SU, 4157.00; ANKENY, VALERIA, RE, 100.00; APPEARA, SE, 56.51; ARNIE'S FORD, SU, 48.07; BC VOLLEYBALL, FE, 300.00; BEBEE, TIMOTHY J. & LESLIE A., RE, 3076.61; BENSCOTER INC, RE, 3790.15; BENSCOTER, LOUIS, RE, 4206.11; BIG RIVERS ELECTRIC CORPORATION, SE, 336444.35; BLACK HILLS ENERGY, SE, 482.18; BORDER STATES INDUSTRIES, SU, 23689.80; CENTRAL PUMP & MOTOR, SU, 4145.89; CHEMQUEST, SE, 695.00; CITIZENS STATE BANK, RE, 6718.50; CITIZENS STATE BANK, RE, 11964.02; CITY EMPLOYEE, RE, 196.65; CITY EMPLOYEE, RE, 70.06; CITY EMPLOYEE, RE, 826.16; CITY EMPLOYEE, RE, 50.53; CITY EMPLOYEE, RE, 95.53; CITY OF WAYNE, RE, 1575000.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 69.73; ELECTRONIC ENGINEERING, SE, 732.50; FISHER, MICHELLE, RE, 85.00; FLOOR MAINTENANCE, SU, 1293.76; FREVERT, MATT, RE, 200.00; GERHOLD CONCRETE, SU, 658.33; GIESE, BRECK, RE, 2993.77; GRAINLAND ESTATES, RE, 2729.69; GRIFFIN, BRIGID, RE, 100.00; GROSSENBURG IMPLEMENT, SU, 108.33; GROSSENBURG IMPLEMENT, SU, 532.04; HAASE, MINDY, RE, 120.00; HYDRO OPTIMIZATION, SU, 1298.10; HYPERION, SE, 84.24; J.E. MEURET GRAIN, RE, 2993.78; JORGENSEN, KEN, RE, 1852.19; JUNCK, PAYTON, RE, 100.00; KOCIAN, TODD, RE, 100.00; KRUNTORAD, KORINA, RE, 100.00; KRUSE, TRACY, RE, 220.00; LYNN, NICOLA, RE, 90.00; MILLER, AUDRA, RE, 365.00; MITCHELL, HALEY, RE, 200.00; MUTCHLER, ALEXIS, RE, 55.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 108.00; NORTHEAST NE INS AGENCY, SE, 566.00; PETERSEN, MILAH. RE, 200.00; PETERSON, CARTER, RE, 1398.45; PLUMBING & ELECTRIC

SERVICE, RE, 35.00; PLUMBING & HEATING WHOLESALE, SU, 121.56; PREMIER BIOTECH, SE, 199.36; PRESTON, CORIE, RE, 200.00; PROGRESSIVE PROPERTIES, RE, 2885.77; PROGRESSIVE PROPERTIES, RE, 8117.39; PROGRESSIVE PROPERTIES, RE, 9261.06; RANDOLPH PUBLIC SCHOOLS, FE, 300.00; REEG, BETTY S. Revocable Trust, RE, 2796.92; RUWE, JOSH, RE, 500.00; SEBADE HOUSING, RE, 4783.28; SOBOTKA, CALEB, RE, 627.76; STADIUM SPORTING GOODS, SU, 11.00; STAPLES, SU, 118.50; STATE NEBRASKA BANK-PETTY CASH, RE, 300.00; STATE NEBRASKA BANK-PETTY CASH, 100.00; TOMPKINS, RODNEY R. Irrevocable Trust, RE, 2796.91; WAYNE HOSPITALITY, RE, 18818.86; WESCO, SU, 262.15; WINDOM RIDGE, RE, 3018.69; ZACH, MARK, RE, 120.00

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

Phil Monahan, Fire Chief, introduced Max Keezel and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, approving the membership application of Max Keezel to the Wayne Volunteer Fire Department. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Pick who was absent, the Mayor declared the motion carried.

Phil Monahan, Fire Chief, introduced Ayden Barrone and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Eischeid made a motion, which was seconded by Councilmember Bratcher, approving the membership application of Ayden Barrone to the Wayne Volunteer Fire Department. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Pick who was absent, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, explained the amendments that were made to the following ordinance. Subparagraph (E) Conditions for granting exceptions (4) was deleted out of that section and inserted into Subparagraph (K) Permitted conditional uses.

(3) Stables

(a) No more than two animals per acre allowed outside of an enclosed building at any given time, with a maximum limit of 40 animals.

(b) No structure housing animals, or storing or composting manure, or any open area used for grazing, loafing, or spreading manure within 100 feet of any property line which borders the city limits, any R District, or any A District.

(c) No structure housing animals, or storing or composting manure, or any open area used for grazing, loafing, or spreading manure within 300 feet of a residential dwelling on another property when there are more than 15 animals associated with the use as a stable.

(d) Whenever second class animal production exists as a use at the same time as a stable on any premise, the animal units allowed under the use as a stable shall be counted as part of, and not in addition to, the animal units allowed under second class animal production and be limited under those regulations as well.

Councilmember Eischeid introduced Ordinance No. 2023-18 and moved for approval of the second reading thereof as amended; Councilmember Buck seconded.

ORDINANCE NO. 2023-18

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.046 — A-1 AGRICULTURAL DISTRICT, SUBSECTION (K) PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to suspend the statutory rules requiring ordinances to be read by title on three different days.

Councilmember Karsky stated he had a person talk to him that did not follow through about this matter. He would prefer they not waive the third reading.

Councilmember Eischeid withdrew his motion to waive the third and final reading; Councilmember Webber withdrew her second. 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 acquisition of Lot 1, Centennial Valley Addition to the City of Wayne, Wayne County, Nebraska – 1100 E. 10th Street from Vakoc Construction Co.

Administrator Blecke stated John Vakoc is looking to sell this piece of property. This property is better known as the First National Bankcard Center. Staff has had some discussions with the School

regarding the community activity center. The City has been looking at adding onto it and/or remodeling it. That was a part of the sales tax issue in the spring of 2022 that did not pass by three votes. Staff has had more conversations with the School on space and their needs and our needs, and now, with the School building the Early Learning Center, this might help complete their campus and then all of that would be under their control. The City would obviously need another place for the activity center and this property would give us an opportunity for that.

Karen Granberg, who was present at the meeting, asked if purchasing this property means it will be used for this purpose. Mayor Giese responded no.

Attorney Miller noted she is working on an agreement with the School.

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

The Center for Rural Affairs is submitting a grant to the Federal Government promoting solar energy. This agenda item (letter of support) does not commit the City to receiving any funding, but shows that the City is considering the addition of solar energy to its generation diversity. This grant would not impact the City's ability to obtain PACE funding (Powering Affordable Clean Energy) from the USDA on this same solar project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, approving the "Letter of Support" for the Nebraska Solar for All Grant. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Pick who was absent, the Mayor declared the motion carried.

The City has belonged to the Nebraska Clean Energy Alliance (NCEA) since 2014. This organization helped pool grant requests together with member entities to help fund clean energy projects. The City has received funding assistance in the past for a couple of vehicles (electric hybrid and compressed natural gas), as well as an EV charging station. NCEA has had a difficult time obtaining grants recently and becoming defunct. The Nebraska Clean Cities Coalition (NCCC) would be a new group to replace NCEA. NCCC would be initially operated out of the University of Nebraska Lincoln, Nebraska Transportation Center. Clean Cities Coalitions are organized under the US Department of Energy, so funding could be

made more readily available through Federal and State resources. This commitment letter lays out the City's responsibilities: be an active member and attend meetings, pay annual dues (as the City had done with NCEA), and champion clean and sustainable transportation methods.

One of the first things we will do is write a grant for a new charging station, other electric vehicles, and potentially for solar activities on a smaller scale. We are putting a new charging station at the new City Hall.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the "Letter of Commitment" for the Nebraska Clean Cities Coalition. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Pick who was absent, the Mayor declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 5:51 p.m.