

**MINUTES
CITY COUNCIL MEETING
May 21, 2024**

The Wayne City Council met in regular session at City Hall on May 21, 2024, 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 Austyn Houser, Terri Buck, Nick Muir, Brittany Webber, Clayton Bratcher, Jason Karsky, Matt Eischeid and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and City Attorney Amy Miller.

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 meetings of April 30, 2024, and May 7, 2024, and to waive the readings thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

APPROVED 4/2/24: OTTE CONSTRUCTION, SE, 364453.00

VARIOUS FUNDS: ACE HARDWARE & HOME, SU, 1162.51; APPEARA, SE, 196.32; BAKER & TAYLOR BOOKS, SU, 932.18; BARCO MUN PRODUCTS, SU, 3408.00; BEBEE, TIMOTHY J. & LESLIE A, RE, 3076.61; BENSCOTER INC, RE, 5358.46; BENSCOTER, LOUIS, RE, 9735.48; BORDER STATES INDUSTRIES, SU, 1850.57; CAMPOS, ANNA, SE, 68.75; CARHART LUMBER COMPANY,

SU, 180.29; CIRBA SOLUTIONS SERVICES, SU, 217.90; CITIZENS STATE BANK, RE, 10234.08; CITIZENS STATE BANK, RE, 14424.59; CITY EMPLOYEE, RE, 3269.43; CITY EMPLOYEE, RE, 266.20; CITY EMPLOYEE, RE, 361.65; CITY OF WAYNE, RE, 1640.01; COPY WRITE PUBLISHING, SE, 2922.19; COUNTRY NURSERY, SU, 16950.00; CROFTON COMMUNITY SCHOOLS, RE, 200.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 69.73; DUTTON-LAINSON COMPANY, SU, 683.62; EAKES OFFICE PLUS, SE, 40.49; ECHO GROUP, SU, 202.65; EGAN SUPPLY, SU, 28.26; ERWIN, PEG, RE, 150.00; FAITH REGIONAL PHYSICIAN SERV, SE, 30.00; FEHRINGER, MICHAEL, RE, 150.00; FIREMAN, RE, 100.00; FLOOR MAINTENANCE, SU, 225.31; FRIDERES, AUSTIN, RE, 157.61; GERHOLD CONCRETE, SU, 211.50; GIESE, BRECK, RE, 3799.49; GRAINLAND ESTATES, RE, 7055.24; GROSSENBURG IMPLEMENT, SU, 650.96; HAWKINS, SU, 3265.47; HEARTLAND FIRE PROTECTION, SE, 643.55; HELENA AGRI-ENTERPRISES, SU, 1800.00; HILAND DAIRY, SE, 258.10; HILAND DAIRY, SE, 165.63; HOMETOWN LEASING, SE, 275.96; HUBER TECHNOLOGY, SU, 494.30; HYDRO OPTIMIZATION, SU, 17900.00; ISLAND SPRINKLER SUPPLY, SU, 446.72; ITRON, SE, 1218.00; J.E. MEURET GRAIN, RE, 3799.49; JACK'S UNIFORMS, SU, 140.90; JORGENSEN, KEN, RE, 3738.33; JURGENSMEIER, TARA, RE, 250.00; KTCH, SE, 1368.00; L.G. EVERIST, SU, 2935.10; LAQUINTA INNS & SUITES, SE, 273.60; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 505.00; MATTEO SAND AND GRAVEL, SU, 488.10; MICHAEL TODD INDUSTRIAL SUPPLY, SU, 909.88; MIDWEST ALARM SERVICES, SE, 823.59; MIDWEST LABORATORIES, SE, 224.57; MIDWEST SERVICE & SALES, SU, 423.00; MUNICIPAL SUPPLY, SU, 6584.82; MZRB, RE, 3870.52; NPPD, SE, 8827.44; NMPP ENERGY, SE, 2040.00; NNEDD, SE, 895.50; NORTHEAST NE INS AGENCY, SE, 23304.00; NORTHEAST POWER, SE, 5083.00; ODEYS, SU, 401.42; OLSSON, SE, 14549.95; ONE CALL CONCEPTS, SE, 107.98; O'REILLY AUTOMOTIVE STORES, SU, 54.03; OTTE CONSTRUCTION COMPANY, SE, 364453.00; OVERDRIVE, SU, 1291.05; OVERHEAD DOOR, SE, 1054.00; PAC N SAVE, SE, 79.38; PAC N SAVE, SU, 1217.19; PEPSI COLA OF SIOUXLAND, SU, 75.95; PETERSON, CARTER, RE, 1398.46; PREMIER BIOTECH, SE, 72.18; PROGRESSIVE PROPERTIES, RE, 1588.09; PROGRESSIVE PROPERTIES, RE, 5126.36; PROGRESSIVE PROPERTIES, RE, 4492.20; QUALITY FOOD CENTER, SU, 40.23; REEG, BETTY S. Revocable Trust, RE, 2796.92; REYES, ALMA, RE, 50.00; RODRIGUEZ, NANCY, SE, 96.25; RR DONNELLEY, SU, 59.92; SEBADE HOUSING, RE, 5056.63; SERVICE TECH OF CENTRAL IOWA, SU, 4331.39; SIGNS BY TOMORROW, SU, 1374.00; SKARSHAUG TESTING LAB, SE, 249.18; STADIUM SPORTING GOODS, SU, 420.00; STAN HOUSTON EQUIPMENT, SU, 885.00; STAPLES, SU, 146.46; SURBER, MARY, RE, 200.00; T & S TRUCKING, SE, 923.78; THRASHER, RE, 500.00; TOMPKINS, RODNEY R. Irrevocable Trust, RE, 2796.91; TOTAL GRAPHICS, SU, 1455.00; US BANK, SU, 16114.76; US FOODSERVICE, SU, 2669.73; VAVRICKA, GLORIA, RE, 500.00; VERMEER EQUIPMENT OF NEBRASKA, SU, 69964.29; WAGNER, JADIN, RE, 96.67; WASTE CONNECTIONS, SE, 11.50; WAYNE AUTO PARTS, SU, 325.12; WAYNE COUNTY AG, SE, 1500.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE HERALD, SE, 474.00; WAYNE HERALD, SE, 380.00; WAYNE HERALD, SE, 2361.04; WAYNE HOSPITALITY, RE, 21446.84; WAYNE RENTALS, RE, 1478.34; WAYNE VETERINARY CLINIC, SE, 42.00; WESCO, SU, 2347.01; WAPA, SE, 22440.13; WINDOM RIDGE, RE, 4261.17; WISNER WEST, SU, 40.16; ACES, SE, 1127.56; AMERICAN PUBLIC POWER ASSOCIATION, FE, 4811.64; AMERITAS, SE, 184.72; AMERITAS, SE, 35.00; AMERITAS, SE, 115.34; AMERITAS, SE, 72.00; AMERITAS, SE, 3645.84; BIG RIVERS ELECTRIC CORPORATION, SE, 122494.53; BLACK HILLS ENERGY, SE, 1745.82; BOWERS, AMY, RE, 150.00; CITY EMPLOYEE, RE, 2075.51; CITY EMPLOYEE, RE, 150.00; CITY OF PONCA, RE, 15538.45; CITY OF WAYNE, PY, 120868.97; CITY OF WAYNE, RE, 2437.50; CITY OF WEST POINT, RE, 22552.04; CITY OF WISNER, RE, 2350.20; COTTONWOOD WIND PROJECT, SE, 20172.58; DUTTON-LAINSON COMPANY, SU, 1313.36; ELLIS HOME SERVICES, SE, 560.50; FASTWYRE BROADBAND, SE, 1494.56; FIRST CONCORD GROUP, SE, 6694.58; FLOOR MAINTENANCE, SU, 703.22; GRANBERG, KAREN, RE, 150.00; GROSSENBURG IMPLEMENT, SU, 574.64; HEARTLAND FIRE PROTECTION, SE, 270.30; ICC, FE, 383.00; ICMA, SE, 2229.22; ICMA, SE, 39.80; ICMA, SE, 202.78; ICMA, SE, 596.51; ICMA, SE, 72.03; ICMA, SE, 130.76; ICMA, SE, 152.88; ICMA, SE, 523.20; ICMA, SE, 9870.55; ICMA, SE, 75.00; ICMA, SE, 72.03; ICMA, SE, 138.72; IRS, TX, 20006.16; IRS, TX, 12429.90; IRS, TX, 4678.96; KAUP, MIKE, RE, 500.00; KNIFE RIVER MIDWEST,

SU, 709.69; LYLE'S GARAGE DOOR SERVICE, SU, 18305.60; MAIN STREET GARAGE, SE, 295.00; MEYER, SU, 1275.00; NE DEPT OF REVENUE, TX, 5993.24; NERC, SE, 1176.67; NORTHEAST POWER, SE, 29233.54; O'REILLY AUTOMOTIVE STORES, SU, 73.87; PONCA RURAL FIRE BOARD, RE, 3719.61; SHERMAN, STACIE, RE, 33.00; TIMBERLYNE, RE, 500.00; TRUJILLO, ENOC, RE, 500.00; VERIZON, SE, 574.39; VILLAGE OF WINSIDE, RE, 4971.81; WAYNE COUNTY COURT, RE, 141.95; WOHLER, BJ, RE, 200.00

Councilmember Buck 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, 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 13th year serving as Fire Chief.

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

Liesel Powicki, Board President of Rainbow World, was present asking for Council consideration to approving their request to extend their LB840 balloon payment of \$38,500 for another 10 years at 0% interest at their current monthly payment amount. This balloon payment is due in June. At this time, they are not able to make the balloon payment. They have raised their tuition rates to be more competitive in the Wayne area and get closer to the State average in Nebraska. They have raised employee wages to the minimum wage that went into effect 1/1/24. They are looking for grants, and their new director is seeing how they can reduce staff at the right time, but still have their ratios being met. They are also making facility improvements. They currently having 24 infants on a waiting list.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, approving the request of Liesel Powicki, Board President of Rainbow World, to extend their LB840 balloon payment of \$38,500 for another 10 years at 0% interest at their current monthly payment amount. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Matthew Smith of Olsson presented Change Order No. 3, which is a deduct in the amount of \$3,992.00 to Penro Construction Co., Inc., for the “Wayne Prairie Park Phase II Utilities Project.” He noted that Change Order No. 3 is for final quantity adjustments and meter credits.

Council had some concerns regarding the weeds at Prairie Park. They hope the weeds are taken care of before seeding takes place.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving Change Order No. 3 for a deduct of \$3,992.00 to Penro Construction Co., Inc., for the “Wayne Prairie Park Phase II Utilities Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Matthew Smith of Olsson presented Certificate of Payment No. 6 in the amount of \$40,539.11 to Penro Construction Co., Inc., for the “Wayne Prairie Park Phase II Utilities Project.” This is, for the most part, the final payment on the project.

Councilmember Karsky made a motion, which was seconded by Councilmember Bratcher, approving Certificate of Payment No. 6 for \$40,539.11 to Penro Construction Co., Inc., for the “Wayne Prairie Park Phase II Utilities Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, 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 from commercial to multi-family residential to match the adjacent area, more specifically Lot 25, Benscoter Addition Planned Unit Development Replat 2. The applicants for this request are Jason and Cristy Jorgensen who have purchased Lot 25, Benscoter Addition Planned Unit Development Replat 2.

Joel Hansen, Street and Planning Director, advised the Council that the Planning Commission held a public hearing on May 6, 2024, to consider amending the Future Land Use Map of the Comprehensive Plan, and have recommended approval thereof, with the “Finding of Fact” being staff’s recommendation.

Jason and Cristy Jorgensen were present to answer questions.

City Clerk McGuire advised the Council that she received an email from BJ Woehler who stated he fully supported the Jorgensens' zoning request change from B-1 to R-4 (next agenda item).

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

Councilmember Brodersen introduced Ordinance No. 2024-8 and moved for its approval; Councilmember Webber seconded the motion.

ORDINANCE NO. 2024-8

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, 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, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to move for final approval of Ordinance No. 2024-8. Mayor Giese stated the motion, and the result of roll call being all Yeas, 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 a request to rezone Lot 25, Benscoter Addition Planned Unit Development Replat 2 to the City of Wayne, Wayne County, Nebraska, from B-1 (Highway Business District) to R-4 (Residential District). The applicants, Jason and Cristy Jorgensen, wish to rezone for the purpose of building a shop with living quarters on the property.

Joel Hansen, Street and Planning Director, advised the Council that the Planning Commission held a public hearing on May 6, 2024, regarding this rezoning request, and have recommended approval thereof, with the "Finding of Fact" being staff's recommendation.

Mr. Hansen explained that B-1 is commercial in nature with no residential dwellings and R-4 is basically the opposite – all residential with limited to no commercial uses other than in-home occupations or accessory uses, like the storage of vehicles.

Jason and Cristy Jorgensen were present to answer questions.

City Clerk McGuire advised the Council that she received an email from BJ Woehler who stated he fully supported the Jorgensens' zoning request change from B-1 to R-4.

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

Councilmember Brodersen introduced Ordinance No. 2024-9 and moved for its approval; Councilmember Bratcher seconded.

ORDINANCE NO. 2024-9

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOT 25, BENSCOTER ADDITION PLANNED UNIT DEVELOPMENT REPLAT 2, TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM B-1 HIGHWAY BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Bratcher, 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, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to move for final approval of Ordinance No. 2024-9. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke updated the Council on the Community Activity Center Relocation Project. He reviewed the sales tax vote. The half cent sales tax could have brought in around \$500,000 per year. Staff was of the opinion that had the sales tax passed, the CAC relocation (\$15,000,000) could have taken place with other funding sources. If Council would go forward with this project now, it would be difficult to get to that number without increasing property taxes. That would leave nothing else to be done with

sales tax. It was noted that the lease with FNBO is up the end of February, 2026. Staff was directed to contact both FNBO and the School for further discussions.

Councilmember Bratcher made a motion, which was seconded by Councilmember Webber, to enter into executive/closed session to discuss the City Administrator's contract, with the purpose being to prevent the needless injury to the reputation of the City Administrator, and to allow City Clerk McGuire and City Attorney Miller 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 session began at 6:36 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to discussing the City Administrator's contract.

Councilmember Webber made a motion, which was seconded by Councilmember Brodersen, 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 6:49 p.m.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to approve the City Administrator's agreement/contract (per Resolution No. 2024-23) with a 7% salary increase and removing the monthly vehicle allowance in Sec. 3.10.

RESOLUTION NO. 2024-23

A RESOLUTION TO ADOPT CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:49 p.m.