

**MINUTES
CITY COUNCIL MEETING
May 18, 2021**

The Wayne City Council met in regular session at City Hall on May 18, 2021, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order with the following in attendance: Councilmembers Dwaine Spieker, Terri Buck, Nick Muir, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Yasuko Taoka.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 13, 2021, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. 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 the Council Chambers, as well as on the City of Wayne website at cityofwayne.org/8/Government, 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 Spieker made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of May 4, 2021, 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 Taoka 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: ACE HARDWARE & HOME, SU, 501.22; ALL HOURS TOWING, SE, 225.00; AMERITAS, SE, 174.53; AMERITAS, SE, 91.43; AMERITAS, SE, 2651.02; AMERITAS, SE, 72.00; APPEARA, SE, 153.87; ARC-HEALTH & SAFETY, SE, 96.00; ARREOLA, JORGE, SE, 80.00; BAKER & TAYLOR BOOKS, SU, 1028.48; BENSCOTER, LOUIS, RE, 10305.40; BINSWANGER GLASS, SU, 1165.53; BSN SPORTS, SU, 794.68; CHEMQUEST, INC, SE, 695.00; CITIZENS STATE BANK, RE, 2047.94; CITIZENS STATE BANK, RE, 8192.91; CITY EMPLOYEE, RE, 3880.00; CITY EMPLOYEE, RE, 183.12; CITY EMPLOYEE, RE, 59.50; CITY EMPLOYEE, RE, 731.91; CITY OF WAYNE, RE,

1277.88; CITY OF WAYNE, PY, 92740.28; CITY OF WAYNE, RE, 5927.55; CITY OF WAYNE, RE, - 659.84; COPY WRITE PUBLISHING, SE, 148.03; COTTONWOOD WIND PROJECT, SE, 17173.11; CUSIP SERVICE BUREAU, SE, 91.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 61.04; DAVE'S DRY CLEANING, SE, 96.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2593.52; DITCH WITCH UNDERCON, SU, 90.69; DUTTON-LAINSON COMPANY, SU, 826.85; ED M. FELD EQUIPMENT, SU, 533.25; FLOOR MAINTENANCE, SU, 203.16; GERHOLD CONCRETE, SU, 702.00; GRAINLAND ESTATES, RE, 9013.61; HAWKINS, SU, 1888.74; HEIKES AUTOMOTIVE, SE, 749.26; HELENA AGRI-ENTERPRISES, SU, 1987.50; HILAND DAIRY, SE, 311.54; HORIZON CONSTRUCTION, RE, 500.00; HUBER TECHNOLOGY, SU, 1262.40; ICMA, 61.88; ICMA, SE, 276.15; ICMA, SE, 112.52; ICMA, SE, 147.00; ICMA, SE, 1446.86; ICMA, SE, 145.28; ICMA, SE, 154.72; ICMA, SE, 8361.23; ICMA, SE, 125.70; ICMA, SE, 366.40; INGRAM LIBRARY SERVICES, SU, 833.22; IRS, TX, 14117.64; IRS, TX, 10510.52; IRS, TX, 3301.76; IRS, TX, 1488.00; IRS, TX, 256.54; IRS, TX, 348.00; ISLAND SPRINKLER SUPPLY, SU, 348.58; JOHNSON CONTROLS, SU, 214.06; KAUP FORAGE & TURF, SU, 1425.00; KELLY SUPPLY COMPANY, SU, 442.89; KNOEPFLER CHEVROLET, SU, 267.49; KTCH, SE, 200.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 130.00; MADISON CO COURT, RE, 1000.00; MATHESON-LINWELD, SU, 34.25; MCLAURY ENGINEERING, SE, 3312.75; MCMANIGAL, MIKAELA, SE, 40.00; MERCHANT SERVICES, SU, 1285.09; MERCHANT SERVICES, SU, 2648.59; MERCHANT SERVICES, SU, 63.30; MID PLAINS GRAIN, RE, 6840.98; MIDWEST ALARM SERVICES, SE, 360.67; MIDWEST LABORATORIES, SE, 1974.00; MZRB, RE, 3463.16; NE DEPT OF REVENUE, TX, 44.22; NE DEPT OF REVENUE, TX, 4479.12; NPPD, SE, 24992.43; NMPP ENERGY, SE, 1200.00; NORDBY FENCING, SE, 2025.00; NORTHEAST TIRE SERVICE, SE, 25.00; ONE CALL CONCEPTS, SE, 187.35; O'REILLY AUTOMOTIVE STORES, SU, 9.99; OVERDRIVE, SU, 1095.21; PARADOX, RE, 250.00; PEERLESS WIPING CLOTH, SU, 447.00; PLUNKETT'S PEST CONTROL, SE, 1197.09; POLLARD PUMPING, SE, 485.00; PSYCHOLOGICAL RESOURCES, SE, 270.00; QUADIANT FINANCE USA, SU, 1000.00; QUALITY 1 GRAPHIC, SU, 100.00; QUALITY FOOD CENTER, SU, 24.07; QUALITY FOOD CENTER, SU, 18.44; RAMOS, ADRIAN, SE, 80.00; REYNOLDS, MIKE, RE, 53.58; ROBERT WOehler & SONS, SE, 5737.50; ROCKMOUNT RESEARCH AND ALLOYS, SU, 259.17; S & S WILLERS, SU, 720.85; SD MYERS, SE, 2021.00; SOUTHERN CARLSON, SU, 498.52; STADIUM SPORTING GOODS, SU, 84.00; STATE NEBRASKA BANK & TRUST, SE, 60.24; STATE NEBRASKA BANK & TRUST, RE, 69812.50; STEFFEN TRUCK EQUIPMENT, SE, 6545.00; US FOODSERVICE, SU, 1781.55; UTILITY EQUIPMENT, SU, 64.50; VERIZON, SE, 537.27; WASTE CONNECTIONS, SE, 261.25; WAED, SE, 480.00; WAYNE AUTO PARTS, SU, 259.69; WAYNE COUNTY CLERK, SE, 16.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE COUNTY TREASURER, FE, 70.35; WAYNE DIRT DEVILS, RE, 250.00; WAYNE HERALD, SE, 1944.23; WAYNE HERALD, SE, 117.50; WAYNE HERALD, SE, 217.50; WAYNE HOSPITALITY, RE, 21501.10; WESCO, SU, 430.14; WAPA, SE, 19286.78; WIGMAN COMPANY, SU, 377.73; WINDOM RIDGE, RE, 3597.12; WISNER WEST, SU, 114.46; ZACH HEATING & COOLING, SU, 360.00; ZOUCHA, RYAN, SE, 80.00; AMAZON.COM, SU, 772.90; ARC-HEALTH & SAFETY, SE, 192.00; BROWN SUPPLY, SU, 355.00; CITY EMPLOYEE, RE, 905.74; CITY OF WAYNE, RE, 1046.96; DUTTON-LAINSON, SU, 25.34; EISCHEID, MATT, RE, 50.00; FLOOR MAINTENANCE, SU, 238.22; GALE/CENGAGE LEARNING, SU, 172.83; H.K. SCHOLZ COMPANY, SU, 921.40; HEARTLAND FIRE PROTECTION, SE, 585.21; JEO CONSULTING GROUP, SE, 38823.80; KTCH, SE, 300.00; MARCO TECHNOLOGIES, SE, 200.61; MUNICIPAL SUPPLY, SU, 1231.58; NORTHEAST NE INS AGENCY, SE, 967.00; STAPLES, SU, 145.09; UTILITY EQUIPMENT, SU, 92.07; VALLEJO, BERENICE, SE, 70.00; WAYNE COUNTY COURT, RE, 300.00; Y & Y LAWN SERVICE, SE, 40.00

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

the exception of Councilmembers Eischeid and Woehler who abstained on their claims, and Councilmember Taoka who was absent, the Mayor declared the motion carried.

Ken Halvorsen, representing the Nebraska Rural Water Association, was present and reviewed the “Initial Financial Managerial Water System Assessment,” which is a requirement of the Nebraska Drinking Water State Revolving Loan Fund that the City applied for on the new water transmission main back in April of 2020.

Phill Monahan advised the Council that he was appointed the Fire Chief by the Wayne Volunteer Fire Department for the upcoming year. This is his 9th year serving as Fire Chief.

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

Phill Monahan, Fire Chief, introduced Cooper Zara and requested Council consideration to approving his cadet membership application to the Wayne Volunteer Fire Department.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, approving the cadet membership application of Cooper Zara 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 Taoka who was absent, the Mayor declared the motion carried.

Jeannine Wriedt, d/b/a Wriedt Properties, was present to contest her water/sewer bills received regarding the usage from February 15th through April 14th, 2021, at 914 Windom Street because of frozen water pipes. She was contesting the amount of usage 210,100 from 2/15/21-3/15/21 and 63,200 gallons from 3/15/21 - 4/14/21. It was noted that there is a floor drain in this apartment, and said apartment has been empty for a year because of remodeling.

City staff, as well as some Councilmembers, who have experience with or in plumbing all agreed and stated that it was possible to have this amount of water usage due to a leak or break in the water pipes, and that the water had to have gone down the drain.

Ms. Wriedt noted she had not checked on the apartment until the billing staff at City Hall contacted her about the high water usage after the meters were read in March.

Casey Junck, Water/Wastewater Superintendent, noted that a one-half inch line leaking for a day could use 20,160 gallons.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, to allow Jeannine Wriedt to spread out the payment of the bills received April 1st and May 1st (usage from 2-15-21 through 4-14-21) over a period of 18 months. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Taoka who was absent, the Mayor declared the motion carried.

Mayor Giese stated the time was at hand for the public hearing to consider the Planning Commission's recommendation concerning a request to rezone property (Lot 3, Southeast Addition to the City of Wayne, Wayne County, Nebraska) from I-1 Light Industrial to R-4 Residential. The applicant for the rezoning request is the City of Wayne.

The Planning Commission reviewed the matter at their public hearing on May 3, 2021, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

- Consistency with the Comprehensive Plan and the future land use map; and
- Staff's recommendation

Luke Virgil, Executive Director of Wayne Area Economic Development, provided a letter from the Business & Industry Committee stating that they are taking a neutral position on the rezoning matter. The neutral position derives from the very diverse uses allowed in the two zones being considered and the need for both types of property in the community. In the event the property is rezoned, they would like assistance from the City as they solicit and develop property that can be zoned with an I-1 designation.

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 Ordinance No. 2021-9, and moved for approval thereof;
Councilmember Brodersen seconded.

ORDINANCE NO. 2021-9

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOT THREE (3), SOUTHEAST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM I-1 LIGHT INDUSTRIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT.

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

Mayor Giese stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code, Section 152.064 R-4 Residential District (D) Permitted Conditional Uses (2) Exceptions to include (4) Electrical Distribution Substations, Gas Regulator Stations, Communications Equipment Buildings, Public Service Pumping Stations and/or Elevated Pressure Tanks. The applicant is the City of Wayne.

The Planning Commission reviewed this matter at their public hearing on May 3, 2021, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

- Consistency with the Comprehensive Plan; and
- Staff's recommendation.

Joel Hansen, Street and Planning Director, stated that during a conversation with a communications business coming to Wayne, we discovered that R-4 is the only residential district which does not contain this language. This would make the Zoning Code consistent throughout the residential areas.

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 Ordinance No. 2021-10, and moved for approval thereof;
Councilmember Spieker seconded.

ORDINANCE NO. 2021-10

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.064 — R-4 RESIDENTIAL DISTRICT, SUBSECTION (D) 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 Taoko who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Ordinance No. 2021-8 came on for the third and final reading with the proposed amendments included therein, as recommended from the previous meeting.

Joel Hansen, Street and Planning Director, reviewed the amendments/changes made to the ordinance from the discussion that took place at the previous Council meeting. Those changes were as follows:

“Every permit shall expire 2 years from the date of initial written approval and any remaining work will require a new permit including a new fee and deposit. At such time the original deposit will be forfeited to the City along with the original permit fee.” The two years shall include any temporary occupancy of the building.

Section 110.4 Temporary Occupancy. Add the following text to the end of this section, “The owner of the building shall provide an additional cash deposit in the amount of 10% of the value of the work listed on the building permit that will be returned upon issuance of a final certificate of occupancy. If at any time the building permit is revoked or becomes invalid, the deposit will be forfeited to the City.”

Mr. Hansen walked the Council through this process. He noted again, what drove the “no temporary occupancy permit” in the initial draft of the ordinance was that the City of Norfolk does not allow temporary occupancy in residential structures.

Consensus of some of the Council was that 10% was excessive. Council directed staff to put together a list of what would need to be completed in order to obtain a temporary occupancy permit and also a set fee for the cash deposit. It was noted that the temporary occupancy is included within the two-year time-frame for the building permit and that should also be included in the description.

Mr. Hansen noted that anyone that has a current building permit would not be impacted by these changes. And for those that come in to get a building permit, when or after this ordinance is approved, will know what they need to have done before they can move in, and if they need to move in early, they will know they are going to have to pay a deposit for a temporary occupancy permit.

Mr. Hansen stated he would prepare the amendments or changes to the appropriate sections of the code/ordinance and distribute the same to Council prior to the next meeting.

After discussion, Councilmember Spieker made a motion, which was seconded by Councilmember Karsky to table action on Ordinance No. 2021-8 until the next meeting and to direct City Staff to create a list for temporary occupancy. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Taoka who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

The following Resolution would approve an Agreement with Waste Connections of Nebraska, Inc., for the operation of the “Wayne Recycling & Trash Center.” This would be a five-year agreement instead of a 3-year agreement. The fee would be the same - \$1,000 per month for five years. In addition, the City was previously paying \$261 per month for some of the trash pickup services Waste Connections was providing. The City will not be charged now for that trash pickup.

Brett Davis, Site Manager of Waste Connections of Nebraska, Inc., was present to answer questions.

Sandy Brown, representing the Wayne Green Team, was also present. She thought it was a great partnership with Waste Connections.

Councilmember Eischeid introduced Resolution 2021-27, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2021-27

A RESOLUTION APPROVING AGREEMENT WITH WASTE CONNECTIONS OF NEBRASKA, INC., FOR THE OPERATION OF THE WAYNE RECYCLING & TRASH CENTER.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, to enter into executive/closed session to conduct the City Administrator's evaluation, with the purpose being to prevent the needless injury to the reputation of the City Administrator, and to allow Attorney Miller and City Clerk McGuire to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Taoka who was absent, the Mayor declared the motion carried, and executive session began at 7:02 p.m.

Mayor Giese again stated that the matter to be discussed in execution session relates to the City Administrator's evaluation.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Taoka who was absent, the Mayor declared the motion carried, and open session resumed at 7:18 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:18 p.m.