

**MINUTES  
CITY COUNCIL MEETING  
November 2, 2021**

The Wayne City Council met in regular session at City Hall on November 2, 2021, 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 Nick Muir, Chris Woehler, Jason Karsky, Matt Eischeid, and Jill Brodersen; Attorney Amy Miller; and City Clerk Betty McGuire. Absent: Councilmember Terri Buck and two vacancies.

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 the 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.

Mayor Giese requested Council consideration to the appointment of Brendon Pick as Councilmember for Ward 2.

Councilmember Karsky made a motion, which was seconded by Councilmember Woehler, approving the mayoral appointment of Brendon Pick as Councilmember for Ward 2. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Attorney Miller then gave the Oath of Office to Brendon Pick as Councilmember for Ward 2.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of October 19, 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 Buck 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, 956.14; AMAZON, SU, 888.47; AMERITAS, SE, 174.53; AMERITAS, SE, 72.00; AMERITAS, SE, 2812.92; AMERITAS, SE, 91.43; APPEARA, SE, 124.61; BATTERIES PLUS, SU, 965.16; BINSWANGER GLASS, SU, 394.50; BLUE CROSS BLUE SHIELD, SE, 45454.04; BOMGAARS, SU, 255.18; BORDER STATES INDUSTRIES, SU, 14204.96; BROWN, SANDY, RE, 131.49; CARHART LUMBER COMPANY, SU, 361.55; CDW GOVERNMENT, SE, 4066.01; CENTURYLINK, SE, 425.45; CITY EMPLOYEE, RE, 145.51; CITY EMPLOYEE, RE, 3880.00; CITY EMPLOYEE, RE, 515.67; CITY EMPLOYEE, RE, 285.94; CITY OF MADISON, FE, 150.00; CITY OF NORFOLK, FE, 1500.00; CITY OF WAYNE, PY, 84665.00; CITY OF WAYNE, RE, 2736.91; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 25000.00; CONSOLIDATED MANAGEMENT, SE, 89.48; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 103.20; DISPLAY SALES, SU, 987.00; ENGINEERED CONTROLS, SE, 2350.00; FIRST CONCORD GROUP, SE, 3467.88; FLOOR MAINTENANCE, SU, 385.59; GALE/CENGAGE LEARNING, SU, 25.34; GERHOLD CONCRETE, SU, 2077.33; GRIFE, AUSTIN, RE, 110.00; GROSSENBURG IMPLEMENT, SU, 52.40; HEIKES AUTOMOTIVE, SE, 100.00; HILAND DAIRY, SE, 235.16; HOSKINS, BRAD, RE, 50.00; HUBER TECHNOLOGY, SU, 195.60; ICMA, SE, 34.38; ICMA, SE, 375.83; ICMA, SE, 145.28; ICMA, SE, 159.20; ICMA, SE, 55.00; ICMA, SE, 366.40; ICMA, SE, 112.52; ICMA, SE, 1619.90; ICMA, SE, 124.70; ICMA, SE, 7916.38; IRS, TX, 9.38; IRS, TX, 40.10; IRS, TX, 3375.46; IRS, TX, 10759.35; IRS, TX, 14433.02; ISLAND SPRINKLER SUPPLY, SU, 419.72; JEO CONSULTING GROUP, SE, 20570.81; JR ROOFING, SE, 510.00; LAUREL RECREATION, FE, -600.00; LAUREL RECREATION, FE, 500.00; MACQUEEN EQUIPMENT, SU, 10900.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 200.61; MIDWEST ALARM SERVICES, SU, 69.66; MUNICIPAL SUPPLY, SU, 62.21; NCOA, FE, 250.00; NDEE-FISCAL SERVICES, SE, 150.00; NE DEPT OF REVENUE, TX, 1.14; NE DEPT OF REVENUE, TX, 4700.17; NE DEPT OF TRANSPORTATION, RE, -5309.60; NE DEPT OF TRANSPORTATION, RE, 5309.60; NE DEPT OF TRANSPORTATION, RE, 4846.60; NE HARVESTORE, SU, 2040.78; NE LAW ENFORCEMENT, FE, 175.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 1610.00; NNEDD, SE, 765.00; OLSSON ASSOCIATES, SE, 5885.00; QUALITY 1 GRAPHIC, SU, 50.00; RON'S RADIO, SU, 131.70; S & V EXCAVATION, SE, 8448.75; SCHULTZ, EVERETT, RE, 535.00; STADIUM SPORTING GOODS, SE, 30.00; STAPLES, SU, 47.59; TOTAL GRAPHICS, SU, 176.00; US BANK, SU, 6363.23; VAN DIEST SUPPLY, SU, 740.25; VIAERO, SE, 66.46; WESCO, SU, 2247.00; WISNER WEST, SU, 204.11; AMERICAN BROADBAND, SE, 1447.44; BLACK HILLS ENERGY, SE, 337.15; BORDER STATES INDUSTRIES, SU, 162.21; CARROLL DISTRIBUTING, SU, 1024.03; CERTIFIED TESTING SERVICES, SE, 3956.50; CONSOLIDATED MANAGEMENT, SE, 97.36; COPY WRITE PUBLISHING, SE, 504.05; DANKO EMERGENCY EQUIPMENT, SU, 83.00; DEMCO, SU, 722.50; ED M. FELD EQUIPMENT, SU, 26.75; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 441.85; FLOOR MAINTENANCE, SU, 69.36; GALE/CENGAGE LEARNING, SU, 74.07; HAWKINS, SU, 651.95; HELENA AGRI-ENTERPRISES, SU, 404.25; HILAND DAIRY, SE, 1.00; HOMETOWN LEASING, SE, 436.02; JACK'S UNIFORMS, SU, 199.80; KELLY SUPPLY COMPANY, SU, 174.49; MIKEY C PRODUCTIONS, SE, 80.00; MILLER LAW, SE, 5416.67; NO SWETT FENCING, SE, 250.00;

NORTHEAST POWER, SE, 6760.00; ONE CALL CONCEPTS, SE, 186.42; POSTMASTER, SU, 949.79; SKARSHAUG TESTING LAB, SE, 230.23; STAPLES, SU, 355.78; TYLER TECHNOLOGIES, SE, 3012.36; WAED, SE, 8592.41; WAYNE SENIOR CENTER, SE, 24.75; ZIMCO SUPPLY, SU, 139.00

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 Buck who was absent, the Mayor declared the motion carried.

Mayor Giese declared the time was at hand for the second public hearing to obtain public input on the application for Community Development Block Grant No. 19-PW-017 — Pine Heights Road & Utility Improvements Project.

Jan Merrill with the Northeast Nebraska Economic Development District was present to answer questions. She advised the Council that a second public hearing is required for each CDBG funded project to obtain citizen input, comments, or opinions with regard to the program performance.

The City of Wayne was awarded \$435,000 of CDBG Public Works (PW) funds, of which \$400,000 will be used for infrastructure improvements to the following areas: Pine Heights Road between 9<sup>th</sup> and 10<sup>th</sup> Street, and approximately 300 feet west and 125 feet east on 10<sup>th</sup> Street and 75 feet north on Lilac Lane from the intersection of Pine Heights, Lilac Lane and 10<sup>th</sup> Street. \$25,000 will be used for general administration, and \$10,000 will be used for construction management. The estimated cost of the street improvements is \$916,230. To date, \$267,905 of CDBG funds have been expended. All CDBG funds will benefit low-to-moderate income persons in the community. No persons will be displaced as a result of this project.

No action was needed on the matter.

City Clerk McGuire had not received any comments, for or against this public hearing.

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

Ms. Merrill then requested Council consideration to approving the request for an extension on CDBG 19-PW-017 – “Pine Heights Road & Utility Improvements Project.” She explained because the current contract end date for this project is November 21, 2021, we will need to request a six-month extension for a completion date of May 21, 2022. The substantial portion of this project will be completed

before the end date. However, JEO Consulting Group does not believe that the smaller items such as stripping and landscaping will be, and, therefore, will need to be completed in the spring. The reasons for the extension request are rain and lack of adequate workforce causing delays in construction activities.

Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving the request for an extension on CDBG 19-PW-017 –“Pine Heights Road & Utility Improvements Project” from November 21, 2021, to May 21, 2022. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

The following Resolution would approve the “Service/Consultant Agreement” between the City and Northeast Nebraska Economic Development District for general administration of CDBG No. 21-PW-022. The City was notified on October 18<sup>th</sup> that it was awarded up to \$303,000 to be used for repurposing a currently unused shower house into a four-season recreational facility for events such as picnics, Boy and Girl Scout meetings and family reunions, as well as to create an Americans with Disabilities Act accessible trailhead and connect the established trail system for Wayne. \$25,000 will be used for general administration and \$10,000 for construction management. The total project costs are estimated at \$383,400, and local matching funds of \$80,400 will be provided by the City. The project site is College Hill Park, formerly City Pool Park, located at the corner of West 13th Street and Lincoln Street in Wayne, Nebraska.

Councilmember Eischeid introduced Resolution No. 2021-64 and moved for its approval; Councilmember Karsky seconded the motion.

#### RESOLUTION NO. 2021-64

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEEDD) FOR THE GENERAL ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT 21-PW-022.

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

The following Resolution pertains to the formal contract between the City and the Nebraska Department of Economic Development regarding CDBG 21-PW-022. As stated above, the City was notified on October 18<sup>th</sup> that it was awarded up to \$303,000 to be used for repurposing a currently unused shower house into a four-season recreational facility for events such as picnics, Boy and Girl Scout meetings and family reunions, as well as to create an Americans with Disabilities Act accessible trailhead and connect the established trail system for Wayne.

Councilmember Eischeid introduced Resolution No. 2021-65 and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2021-65

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, TO APPROVE COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT NO. 21-PW-022 BETWEEN THE CITY OF WAYNE AND THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT.

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

Luke Virgil, Director of Wayne Area Economic Development, was present representing the LB840 Revolving Loan Fund Review Committee. He stated this Committee met on October 13, 2021, to review the revolving loan fund application of Sanctuary Apartments, LLC, to the Wayne Economic Development Program for \$400,000 in LB840 funds. Sanctuary Apartments, LLC, intends to use said funds to renovate and repurpose the former First Baptist Church building located at 400 Main Street, to convert it from a church into a 6-unit market-rate apartment complex in downtown Wayne. The Committee voted unanimously to recommend the following terms for a loan to Sanctuary Apartments, LLC:

1. Approval of the loan request for \$400,000;
2. A loan repayment period of 10 years, based on a 20-year amortization; and
3. An interest rate to be set at one-half the rate set by the primary lender.

It was noted at this time, the current balance in the LB840 fund is \$478,549.

If approved, this would be the biggest approval in the history of LB840 requests.

Matt Ley, managing member of Sanctuary Apartments, LLC, was present to answer questions. He noted that this project cannot be done without help from the City, etc.

Mr. Ley noted that there are some contingencies built in for unforeseen things that may come up during the renovation. He also noted he would prefer to have annual payments, with the first payment being made or due one year from the start date of the project, which he would thought would be May 1, 2022.

Attorney Miller stated when she first saw this, she was concerned with some of the legalities, because, generally, LB840 funds are typically used for businesses and the expansion of businesses, hiring of employees, etc. Ms. Miller tried reaching out to the Nebraska Department of Economic Development, but has not heard back from them. Ms. Miller looked at the LB840 guidelines and they do say for the expansion of housing in a community, so she does not have a problem with that. However, she thinks if this is something the Council is going to approve, whether it is the full \$400,000 or something less, Council needs to identify specific reasons why it is being approved (e.g. downtown housing, restoration of a historical building, rehab, etc.).

After discussion, Councilmember Brodersen made a motion, which was seconded by Councilmember Karsky, to approve the recommendation (terms as written) of the LB840 Revolving Loan Fund Review Committee for a \$400,000 revolving loan fund loan to Sanctuary Apartments, LLC, with the following conditions:

- A loan repayment period of 10 years, based on a 20-year amortization; and
- An interest rate to be set at one-half the rate set by the primary lender,

with the reasons being for historic preservation, housing and rehab.

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

Contractor's Application for Payment No. 4 was submitted by JEO Consulting Group, Inc., in the amount of \$324,613.27 to Myers Construction, Inc., for the "Pine Heights Road & Utility Improvements Project – CDBG No. 19-PW-017."

Administrator Blecke and Joel Hansen, Street and Planning Director, updated the Council on the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Contractor's Application for Payment No. 4 in the amount of \$324,613.27 to Myers Construction, Inc., for the "Pine Heights Road & Utility Improvements Project – CDBG No. 19-PW-017." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Every ten years, the City has the opportunity to redistrict its wards. Based upon the 2020 census, staff is recommending the redistricting of wards so that the average number of voters in each ward would be approximately 1,493, up from 1,415 ten years ago. The only change is that two blocks (Lincoln to Sherman – from 7<sup>th</sup> to 8<sup>th</sup> Street) would become part of Ward 4.

Mayor Giese stated that discussion has taken place in the past about changing the ward representation for Council – one representative per ward and then 4 at-large. South Sioux City has all at-large Councilmember representatives. He would like to explore that at the next Council meeting.

Councilmember Brodersen introduced Ordinance No. 2012-14 and moved for approval thereof; Councilmember Eischeid seconded.

#### ORDINANCE NO. 2021-14

#### AN ORDINANCE ADOPTING OFFICIAL CITY OF WAYNE WARD MAP.

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

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:18 p.m.