

MINUTES
CITY COUNCIL MEETING
February 20, 2024

The Wayne City Council met in regular session at City Hall on February 20, 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 Bratcher, to approve the minutes of the meeting of February 6, 2024, and to waive the reading 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:

VARIOUS FUNDS: ACE HARDWARE & HOME, SU, 1400.69; AMERITAS, SE, 175.19; AMERITAS, SE, 35.00; AMERITAS, SE, 114.70; AMERITAS, SE, 72.00; AMERITAS, SE, 3470.02; AMGL, SE, 28775.00; APPEARA, SE, 168.62; ARC-HEALTH & SAFETY, SU, 322.00; ARKFELD LOCK &

SECURITY, SU, 226.32; ARNIE'S FORD, SU, 237.11; AUTO ANATOMY ALTERNATIVES, SU, 276.00; BAKER & TAYLOR BOOKS, SU, 774.13; BEIERMANN ELECTRIC, SU, 1016.36; BLACK HILLS ENERGY, SE, 6339.33; BSN SPORTS, SU, 737.98; CARGILL, TREVOR, SE, 50.00; CINTAS, SU, 361.27; CITY EMPLOYEE, RE, 905.97; CITY EMPLOYEE, RE, 81.62; CITY EMPLOYEE, RE, 53.78; CITY OF WAYNE, PY, 111605.08; CITY OF WAYNE, RE, 10.16; COPY WRITE PUBLISHING, SE, 1326.70; CORE & MAIN LP, SU, 418.26; COTTONWOOD WIND PROJECT, SE, 12021.48; DAS STATE ACCTG-CENTRAL FINANCE, SE, 69.73; DEARBORN LIFE INSURANCE COMPANY, SE, 3185.39; ED M. FELD EQUIPMENT, SU, 151.50; EKBERG AUTO SALVAGE, SE, 115.00; ELITE DANCE CENTER, RE, 200.00; FAIR MANUFACTURING, SU, 378.00; FREDRICKSON OIL, SU, 1842.50; GROSSENBURG IMPLEMENT, SU, 439.04; HAWKINS, SU, 1839.20; HILAND DAIRY, SE, 340.66; ICMA, SE, 150.67; ICMA, SE, 132.44; ICMA, SE, 72.03; ICMA, SE, 2083.40; ICMA, SE, 72.03; ICMA, SE, 592.03; ICMA, SE, 9631.85; ICMA, SE, 39.80; ICMA, SE, 197.98; ICMA, SE, 523.20; ICMA, SE, 130.76; ICMA, SE, 75.00; INGRAM LIBRARY SERVICES, SU, 714.03; INTERSTATE INDUSTRIAL SERVICE, SE, 447.56; IRS, TX, 18501.56; IRS, TX, 11194.24; IRS, TX, 4326.94; J F AHERN CO, SE, 356.00; JOHN'S WELDING AND TOOL, SU, 438.65; JOHNSON FITNESS & WELLNESS, SE, 2769.77; KELLY SUPPLY COMPANY, SU, 309.55; KEPKO ENGRAVING, SU, 33.80; KOEHLMOOS, KLAY, SE, 50.00; MAX R, SU, 4259.00; MIDWEST ALARM SERVICES, FE, 809.25; MIDWEST LABORATORIES, SE, 207.57; MIDWEST SERVICE & SALES, SU, 1290.00; NE DEPT OF REVENUE, TX, 5512.58; NE HARVESTORE, SU, 1356.86; NE RURAL WATER, FE, 1335.00; NEBRASKA GENERATOR SERVICE, SU, 3886.56; NORTHEAST MEDIA, SE, 1600.00; NORTHEAST NE INS AGENCY, SE, 1701.18; NORTHEAST TIRE SERVICE, SE, 180.00; OLSSON, SE, 12917.50; O'REILLY AUTOMOTIVE STORES, SU, 247.85; OVERDRIVE, SU, 1086.73; PEPSI COLA OF SIOUXLAND, SU, 75.95; SEALS & SERVICE, SU, 566.76; SOMMERFELD, KIRK, SE, 100.00; STAPLES, SU, 440.18; STATE NEBRASKA BANK-PETTY CASH, RE, 103.29; TITAN MACHINERY, SU, 349.00; US BANK, SU, 15830.12; US FOODSERVICE, SU, 2106.70; UTILITY EQUIPMENT, SU, 138.23; VERIZON, SE, 574.49; WAYNE AUTO PARTS, SU, 396.52; WAYNE HERALD, SE, 190.00; WAYNE HERALD, SE, 880.55; WAYNE HERALD, SE, 912.00; WAYNE STATE COLLEGE, SU, 130.35; WESCO, SU, 2642.90; WESTERN IOWA TECH, FE, 400.00; AIR EQUIPMENT SALES, SU, 1269.10; BIG RIVERS ELECTRIC CORPORATION, SE, 216176.38; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1626.80; BOK FINANCIAL, RE, 1653.75; BROWN, SANDY, RE, 731.31; CARGILL, TREVOR, SE, 50.00; CITY EMPLOYEE, RE, 298.42; CITY OF NORFOLK, SE, 149.12; CITY OF WAYNE, RE, 140.37; CITY OF WAYNE, RE, -140.37; CORNHUSKER AUTO CENTER, SU, -3,263.24; DUTTON-LAINSON, SU, 436.97; FASTWYRE BROADBAND, SE, 1638.66; FLOOR MAINTENANCE, SU, 634.68; GROSSENBURG IMPLEMENT, SU, 3.27; GROSSENBURG IMPLEMENT, SU, 151.88; HORIZON CONSTRUCTION, RE, 1000.00; JACK'S UNIFORMS, SU, 49.95; JEFF'S RPM SERVICE, SU, 215.70; JORGENSEN CONCRETE & CONSTRUCTION, RE, 500.00; LIBERAL GASKET, SU, 61.65; NE DEPT OF TRANSPORTATION, SE, 4935.00; NERC, SE, 1176.67; NORTHEAST COMM COLLEGE, FE, 1105.00; O'REILLY AUTOMOTIVE STORES, SU, 413.63; O'REILLY AUTOMOTIVE STORES, SU, 35.81; O'REILLY AUTOMOTIVE STORES, SU, -35.81; O'REILLY AUTOMOTIVE STORES, SU, 19.77; ROBERTS, NOAH, SE, 50.00; SOOLAND BOBCAT, SE, 1690.00; STAPLES, SU, 193.99; STATE NEBRASKA BANK & TRUST, SU, 185.54; STEELE POOL, SU, 18000.00; USA BLUE BOOK, SU, 275.71; WAYNE COUNTRY CLUB, RE, 12786.00; WESCO, SU, 995.10

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, the Mayor declared the motion carried.

Mindy Haase, representing the Wayne High School Post Prom Committee, was present to request Council consideration to using the Community Activity Center for their post prom event on Saturday,

March 23, 2024, and to request Council to consider waiving the rental fee. There is some construction taking place at the high school where they usually hold Post Prom and this is the reason for the request. City employees who are parents and are on the Post Prom Committee would be present that night to help monitor the event.

After discussion, Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving the request of Mindy Haase, representing the Wayne High School Post Prom Committee, to use the Community Activity Center for their post prom event on Saturday, March 23, 2024, and to waive the rental fee, but not the \$200 damage deposit. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Courtney Birth, representing the Cruise Main Committee, was present, along with others, to request Council to allow food trucks to park/operate on/at the Riley's property for Cruise Main in Wayne on the following dates: May 17th; June 21st; July 19th; August 16th; and September 20th. They previously were able to park food trucks at the Ameritas parking lot, which is now owned by the City and under construction. They do not charge a fee for the food trucks.

After discussion, Councilmember Brodersen made a motion, which was seconded by Councilmember Karsky, to approve the request of the Cruise Main Committee to allow food trucks to park/operate on/at the Riley's property for Cruise Main in Wayne on the following dates: May 17th; June 21st; July 19th; August 16th; and September 20th. Mayor Giese stated the motion, and the result of roll call being all Yeas, 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 February 15, 2024, to review the revolving loan fund application of Breland and Jennifer Ridenour, owners of "Blends & Boards" to the Wayne Economic Development Program for \$10,000 in LB840 funds. The Ridenours intend to use said funds for business start-up costs, such as purchasing inventory and furniture. They are leasing the property at 211 Main Street. The Committee voted unanimously to recommend the following terms for a loan to Blends & Boards:

1. Approval of the loan request for \$10,000;
2. A loan repayment period of 5 years; and
3. An interest rate to be set at one-half the rate set by the primary lender (Primary Lender Rate - SNB&T: 9.5% variable; WEDP Rate: 4.75% fixed).

Breland and Jennifer Ridenour were present to answer questions and request the interest rate be reduced to 2%. Security for said loan will be personal property.

Mr. Virgil noted that the average interest rate across the board on these loans is 1.88%. In addition, if there were funds in the other Wayne revolving loan fund, the Ridenours would have gone that route and could have received \$10,000 for 10 years at 0% interest.

After discussion, Councilmember Bratcher made a motion, which was seconded by Councilmember Buck, to approve the recommendation of the LB840 Revolving Loan Fund Review Committee for a \$10,000 revolving loan fund loan to “Blends & Boards” with the following conditions/changes:

- A loan repayment period of 5 years; and
- An interest rate to be set at 0%.

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

Mayor Giese stated the time was at hand for the public hearing regarding the application for a Retail Class D Liquor License for JF Clarke, Inc., d/b/a “Pac N Save,” located at 1115 W 7th Street.

Nichole Bogan, Attorney, Steve Clarke, and Brent and Dana Engels, representatives of Pac N Save, were present to answer questions.

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.

Councilmember Eischeid introduced Resolution No. 2024-9 and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2024-9

A RESOLUTION APPROVING THE APPLICATION FOR A RETAIL CLASS D LIQUOR LICENSE — JF CLARKE, INC., D/B/A “PAC N SAVE.”

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 Wayne Municipal Code, Chapter 152 Zoning, specifically Section 152.082 (H) Minimum Yard Requirements in the B-3 Neighborhood Commercial District. The applicant is the Community Redevelopment Authority.

The Planning Commission held a public hearing on February 5, 2024, regarding a request by the Wayne Community Redevelopment Authority to consider amending the zoning text, specifically Section 152.082 (H) Minimum Yard Requirements in the B-3 Neighborhood Commercial District. The applicant wishes to adjust the front yard requirements to a minimum of 15 feet. By maintaining a setback of 15 feet prevents a corner lot on the highway from using a half-frontage facing the highway as allowed on other corner lots in town. In addition, it was also noted that considering the location of the highway and site triangles, it is probably good to keep buildings on those lots back at 15 feet rather than allowing them to go to 7.5 feet on one side of the lot, either facing the highway or the side street.

Joel Hansen, Street and Planning Director, was present to answer questions. He advised the Council the concern with the setback requirements of the Wayne Community Redevelopment Authority pertain to the lots they own north of Jimmy John's.

After deliberation, the Planning Commission forwarded a recommendation to the Council to approve the minimum front yard requirement be 15 feet, with the amendment to that section of the code being as follows:

H) *Minimum yard requirements.*

(1) *Front yard.* **The minimum front yard shall be 15 feet.**

~~(a) — In a B-3 District, there shall be a minimum front yard of not less than a depth of 80 feet from the centerline of a federal aid primary designated street or highway or 15 feet from the property line, whichever is greater.~~

~~(b) — On all other streets or highways, there shall be a minimum front yard of not less than a depth of 15 feet from the property line.~~

(e a) These yard requirements shall apply to any yard abutting a federal aid-primary designated street or highway regardless of the lot being an interior or corner lot.

(2) *Rear yard.* The minimum rear yard abutting an R District shall be ten feet.

(3) *Side yard.* The minimum side yard abutting an R District shall be ten feet.

(4) *Distance between structures.* The minimum distance between a residential or other principal structure and another structure shall be ten feet.

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.

Councilmember Brodersen introduced Ordinance No. 2024-1 and moved for its approval; Councilmember Karsky seconded.

ORDINANCE NO. 2024-1

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.082 B-3 NEIGHBORHOOD COMMERCIAL DISTRICT (H) MINIMUM YARD REQUIREMENTS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

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 for the City of Wayne.

Joel Hansen, Street & Planning Director, stated the Planning Commission met on February 5, 2024, to review the "Future Land Use Map of the Comprehensive Plan."

The Planning Commission does an annual review of the "Future Land Use Map" and has brought forth revisions for Council consideration. After deliberation and discussion, the Planning Commission forwarded a recommendation to the Council to amend the Future Land Use Corporate Limits Map to show the area west of town to be targeted for annexation to include the area north of Grainland Road and east of Pheasant Run, the area a quarter mile west of Grainland Road beginning on the south at the edge of the Logan Creek floodplain and going north of Highway 35 for a half mile, and the area east of Pheasant Run

north of Western Ridge 3rd Addition to tie into the existing area targeted for annexation west of Western Ridge II Addition, plus change the City's East 14th Street property from Mixed Use Residential/Commercial to Public/Quasi-Public.

BJ Woehler was present to request that the map be passed as recommended.

Considerable discussion took place on the "areas targeted for annexation."

The Planning Commission recommended approval of this Future Land Use Map, with the "Finding of Fact" being staff's recommendation.

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

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

After discussion, Councilmember Brodersen made a motion to table action on Ordinance No. 2024-2 until the next meeting; Councilmember Houser seconded.

Administrator Blecke was going to contact Attorney Mike Bacon for answers to questions that were brought up during the discussion.

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

The following Resolution would approve the Interlocal Cooperation Agreement, which is similar to the one passed in 2022, between the City and the School District which is necessary to have in place for the additional sales tax asking. If the ballot measure passes, then the entities can work on and approve addendums thereto. This interlocal agreement was approved by the School Board at their February Board meeting.

Councilmember Eischeid introduced Resolution 2024-10, and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2024-10

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH WAYNE COUNTY SCHOOL DISTRICT 0017 (WAYNE COMMUNITY SCHOOLS) RELATED TO RECREATIONAL FACILITIES.

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

The following Resolution would place the following sales tax question/proposition on the May ballot:

“Shall the City Council of the City of Wayne, Nebraska, increase the local sales and use tax rate by one-half of one percent (0.50%) upon the same transactions within the City of Wayne on which the State of Nebraska is authorized to impose a tax, with all revenues generated by the additional one-half percent (0.5%) to be used for public infrastructure projects of the City, which shall include recreational facilities of the City, under the following terms and conditions?”

Councilmember Brodersen introduced Resolution 2024-11, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2024-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, PLACING A BALLOT QUESTION ON THE BALLOT FOR THE STATEWIDE PRIMARY ELECTION ON MAY 14, 2024, TO APPROVE AN INCREASE IN THE LOCAL OPTION SALES AND USE TAX BY AN ADDITIONAL ONE-HALF OF ONE PERCENT.

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

Joel Hansen, Street and Planning Director, presented his annual department report.

Luke Virgil, Economic Development Director, presented his semi-annual LB840 program report.

Luke Virgil, Economic Development Director, gave an “Economic Development Department Report,” as well as touched upon the NEDA Legislative Day and Nebraska Chamber of Commerce Annual Banquet he attended this month.

Mayor Giese and Administrator Blecke updated the Council on the Community Activity Center Relocation Project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to enter into executive/closed session to discuss potential litigation and to protect the reputation of an individual when the individual has not requested a public hearing – closed session being in regard to Lot 1, Beaumont First Addition to the City of Wayne, Wayne County, Nebraska & the N1/2N1/2SW1/4 & PT of

the SW1/4NW1/4, less TL 11, 6-26-4, and to allow Administrator Blecke, City Clerk McGuire, Attorney Miller, Finance Director Beth Porter, and Luke Virgil, Economic Development Director, 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/closed session began at 7:21p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to Lot 1, Beaumont First Addition to the City of Wayne, Wayne County, Nebraska & the N1/2N1/2SW1/4 & PT of the SW1/4NW1/4, less TL 11, 6-26-4.

Councilmember Webber made a motion, which was seconded by Councilmember Bratcher, 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 7:57 p.m.

Councilmember Eischeid made a motion, which was seconded by Councilmember Bratcher, to authorize Luke Virgil, Economic Development Director, to be in contact with the owner of said property to bring the payment current by the end of February, 2024, and if not made current by March 1st, authorizing the City Attorney to commence foreclosure proceedings. 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 7:58 p.m.