

**MINUTES
CITY COUNCIL MEETING
October 15, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, October 15, 2019, 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 Dwaine Spieker, Terri Buck, Jennifer Sievers, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jon Haase.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 3, 2019, 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 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 Buck, to approve the minutes of the meeting of October 1, 2019, 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 Haase 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:

Fiscal Year 2018-2019: ALERT-ALL CORP, SU, 205.00; APPEARA, SE, 76.90; BAKER & TAYLOR BOOKS, SU, 1213.57; BOMGAARS, SU, 3621.80; BRUENING LANDSCAPES

AND TURF, SE, 2750.00; CARHART LUMBER COMPANY, SU, 921.16; CARROLL DISTRIBUTING, SU, 701.29; CHEMQUEST, SU, 1457.50; CITY EMPLOYEE, RE, 78.94; CITY EMPLOYEE, RE, 4040.00; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 416.98; CITY EMPLOYEE, RE, 6550.86; CITY EMPLOYEE, RE, 248.09; CITY EMPLOYEE, RE, 56.94; CITY EMPLOYEE, RE, 80.21; COPY WRITE PUBLISHING, SU, 481.69; CORE & MAIN LP, SU, 1265.68; DEMCO, 2235.56; DUTTON-LAINSON COMPANY, SU, 14213.88; EASYPERMIT POSTAGE, SU, 829.01; ELECTRONIC ENGINEERING, SE, 3739.25; GALE/CENGAGE LEARNING, SU, 125.40; GERHOLD CONCRETE, SU, 3379.35; HILAND DAIRY, SE, 77.26; INGRAM LIBRARY SERVICES, SU, 850.79; INTERSTATE BATTERY SYSTEM, SU, 127.95; KAUP FORAGE & TURF, SU, 1290.00; KAY PARK REC CORP, SU, 6983.00; KTCH AM/FM RADIO, SE, 507.00; LUTT OIL, SU, 5110.92; MATHESON-LINWELD, SU, 32.75; MIDWEST LABORATORIES, SE, 184.00; MIDWEST TAPE, SU, 69.98; MOTOROLA SOLUTIONS, SU, 20030.40; NPPD, SE, 36589.45; NORTHEAST POWER, SE, 14672.36; OLSSON ASSOCIATES, SE, 1664.80; ONE CALL CONCEPTS, SE, 87.57; PAC N SAVE, SU, 749.45; PAC N SAVE, SU, 243.65; PENGUIN RANDOM HOUSE, SU, 131.24; QHA CLEANING, SE, 2532.75; QUALITY FOOD CENTER, SU, 282.95; QUALITY FOOD CENTER, SU, 47.92; RASMUSSEN, JEREMY, RE, 100.00; SELECT APPLIANCE, SU, 250.00; ST OF NE-CHARITABLE GAMING DIVISION, TX, 1291.00; THE GLASS EDGE, SU, 179.00; TRUCK CENTER COMPANIES, SU, 484.31; ULINE, SU, 119.75; US BANK, SU, 3879.11; WAYNE AUTO PARTS, SU, 732.15; WAYNE COUNTY CLERK, SE, 46.00; WAYNE HERALD, SE, 272.00; WAYNE HERALD, SE, 465.00; WAYNE HERALD, SE, 797.00; WAYNE HERALD, SE, 2612.19; WAYNE HERALD, SE, 595.00; WAYNE VETERINARY CLINIC, SE, 560.00; WESCO, SU, 188.32; WAPA, SE, 14676.09; WIGMAN COMPANY, SU, 213.48; WILSON TOOL SERVICE, SU, 338.00; WISNER WEST, SU, 141.26; AMERICAN UNDERGROUND SUPPLY, SU, 296.60; BIG RIVERS ELECTRIC CORPORATION, SE, 234464.51; CITY EMPLOYEE, RE, 3.06; COTTONWOOD WIND PROJECT, SE, 16114.05; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; FAITH REGIONAL PHYSICIAN SERV., SE, 90.00; HYDRO OPTIMIZATION, SE, 60667.94; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 1416.00; MERCHANT SERVICES, SE, 2187.89; MERCHANT SERVICES, SE, 996.61; MERCHANT SERVICES, SE, 21.78; NORTHEAST POWER, SE, 19171.64; S & S WILLERS, SU, 298.41; SIGNS BY TOMORROW, SU, 634.00; TYLER TECHNOLOGIES, SE, 1393.75; WAYNE COMMUNITY SCHOOLS, RE, 1419.50; WORLDPAY INTERGRATES PAYMENTS, SE, 342.56

FISCAL YEAR 2019-2020: AMERITAS, SE, 80.09; AMERITAS, SE, 2624.22; AMERITAS, SE, 72.00; AMERITAS, SE, 89.96; BORDER STATES INDUSTRIES, SU, 144.65; BROWN SUPPLY, SU, 37.64; CITIZENS STATE BANK, RE, 1595.41; CITY EMPLOYEE, RE, 736.28; CITY EMPLOYEE, RE, 68.00; CITY OF WAYNE, PY, 77638.25; CITY OF WAYNE, RE, 736.28; CREDIT MANAGEMENT SERVICES, RE, 181.95; DUTTON-LAINSON, SU, 34.24; ECHO GROUP, SU, 164.48; FETHKENHER, KELSEA, RE, 150.00; FOURTH GENERATION FAMILY LIMITED, RE, 12615.48; GALE/CENGAGE LEARNING, SU, 173.48; GROSSENBURG IMPLEMENT, SU, 116.13; HAWKINS, SU, 872.50; ICMA, RE, 7983.69; IRS, TX, 3034.58; IRS, TX, 9362.38; IRS, TX, 12975.52; KELLY SUPPLY COMPANY, SU, 32.10; MARCO, SE, 182.96; MERCHANT SERVICES, SE, -3,206.28; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 150.00; NE DEPT OF REVENUE, TX, 3923.23; NE LIBRARY COM, FE, 800.00; OVERDRIVE, SU, 346.93; PAR MAR SECURITY SERVICES, SE, 113.38; ROBERTS, MAXIM, RE, 10.00; STADIUM SPORTING GOODS, SE, 184.00; UTILITY EQUIPMENT, SU, 5000.00; W.T. COX SUBSCRIPTIONS, SU, 1325.80; WAYNE COMMUNITY SCHOOLS, FE, 143.00; WAYNE HERALD, SU, 48.00; WORLDPAY INTERGRATED PAYMENTS, SE, -342.56; AMERICAN BROADBAND, SE, 2564.24; BACKSTROM, LESLIE, RE, 150.00; BENSCOTER CONSTRUCTION, SE, 8334.50; CITY OF WAYNE, RE, 50.76; DEARBORN LIFE INSURANCE, SE, 2497.62; ECHO GROUP, SU, 123.64; EMBASSY SUITE, SE, 278.00; EMPLOYERS MUTUAL CASUALTY, SE, 1008.01;

FRANCO, ELDA, SE, 35.00; GILL HAULING, SE, 261.25; GROSSENBURG IMPLEMENT, SU, 1.46; HANSEN, BRAD, RE, 500.00; HILAND DAIRY, SE, 110.85; MARCO, SE, 126.36; MERCHANT SERVICES, SE, 996.61; MERCHANT SERVICES, SE, 21.78; MERCHANT SERVICES, SE, 2187.89; MZRB, RE, 250.00; NE MUNICIPAL CLERKS ASSOC, FE, 45.00; NE NOTARY ASSOC, SU, 147.58; O'KEEFE ELEVATOR COMPANY, SE, 1629.92; O'REILLY AUTOMOTIVE STORES, SU, 34.18; PITNEY BOWES, SE, 253.84; STANTON YOUTH VOLLEYBALL PROGRAM, FE, 75.00; STATE NEBRASKA BANK & TRUST, SE, 45.28; TYLER TECHNOLOGIES, SE, 200.00; US FOODSERVICE, SU, 981.41; VAKOC CONSTRUCT, SU, 13.99; VERIZON, SE, 320.83; WAYNE COUNTY COURT, RE, 400.00; WORLDPAY INTERGRATES PAYMENTS, SE, 342.56

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

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving the cadet membership application of Carter Hasemann 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 Haase who was absent, the Mayor declared the motion carried.

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving the membership application of Kyauna Kring 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 Haase who was absent, the Mayor declared the motion carried.

Ashley Shiwarski, Director Business Development – Administrator for the National League of Cities Service Line Warranty Program, stated her company or program is the only one endorsed by the National League of Cities; however, the company she actually works for is called “Utility Service Partners (USP).” Their program is designed to help address the public policy issue of aging infrastructure. They would partner with the City to make this optional program available to the city’s customers. They provide homeowners with protection on their external water lines and external sewer lines, as well as their in-home plumbing. USP would do the marketing, billing, claims management, and customer service. They would also educate the city’s customers on the homeowner’s responsibilities regarding water and sewer lines. USP offers homeowners the opportunity to purchase a warranty on water service lines, sanitary sewer service lines and in-home plumbing. USP only uses local area plumbers to do their work. The homeowner will receive up to \$8,500 in coverage towards each repair incident. USP does not have an annual or lifetime limit, nor do they limit the number of incidents or claims that anyone can have. USP does not have a service fee or deductible. The in-home coverage is up to \$3,000 towards each repair incident. The City will receive revenue for their partnership in this - \$.50 per month, per paid warranty contract. USP markets by way of direct mail and has three campaigns in the calendar year. Council will consider entering into a contract with USP at a future meeting date. USP has approximately 700 municipal partners across the United States and six are in Nebraska. The premiums are \$6.75 for the external water service line; \$7.75 for the external sewer service line; and \$9.99 for the in-home plumbing.

Councilmember Haase arrived at 5:36 p.m.

Denny Lutt, representing the Wayne VFW, 220 Main Street, was present requesting Council to consider adjusting their utility bill due to a higher than normal water/sewer usage as a result of a toilet running unnoticed.

Staff recommendation was to not adjust the utility bill, but rather allow more time in which to make payments.

While the Council sympathized with the situation, they felt that reducing the bill would be setting a precedent.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, denying the request of Denny Lutt, representing the Wayne VFW, 220 Main Street, to adjust the VFW's utility bill, but to allow them to pay the excess over a 12-month period. Mayor Giese stated the motion, and the result of roll call being all yeas, the Mayor declared the motion carried.

Matt Ley, CEO of State Nebraska Bank & Trust, was present requesting Council consideration to participating in the "Commercial Alley Paving Cost-Share Program." Mr. Ley stated the bank is willing to pay for 50% of the costs without involving the property owners on the west side of the alleyway, up to the end of their lot line, which is approximately 218 feet. Otte Construction has provided a cost estimate of \$7.09 per square foot (3,488 sq. ft.) for a total of \$24,734.00 for 7" thickness.

Administrator Blecke stated that Resolution 2006-75 established a cost-share program for paving alleys in areas zoned for commercial use in the City of Wayne. First National Bank of Wayne used this program in 2007 when the alley west of their new location (now Elkhorn Valley Bank) was built. State Nebraska Bank is now requesting the same consideration as they build their new branch facility at the corner of 10th and Main.

There was concern posed by Council over not paving the entire alley because of its high usage.

Administrator Blecke stated the Council could create a paving district; however, if the owners of 51% or more of the property (linear feet) opt out of the district, then the district is defeated. It was noted that the property or alley adjoining Chad Sebade's property to the north is already paved and therefore would not be part of the paving district.

Joel Hansen, Street and Planning Director, stated his concern is that the City is responsible for maintaining the alley. If a portion is left unpaved, the City will be receiving calls about erosion, mud, etc., to keep the alley in drivable condition.

Keith Moje, representing Otte Construction, advised the Council that 90% of the water from the project would be discharged out to Main Street and not in the alley. He was of the opinion if the other property owners, at a future time, would decide to pave the alley, it would not cause any issues.

Councilmember Woehler thought the entire alley should be completed/paved at one time.

Mr. Ley did not think the customers would be using the alley, as one would think.

Mr. Hansen, when asked, stated his opinion was also that the alley should be paved at one time.

Councilmember Woehler made a motion, which was seconded by Councilmember Eischeid, approving the request of Matthew Ley, CEO of State Nebraska Bank & Trust to participate in the Commercial Alley Paving Cost-Share Program (50%) for the alley located behind their new drive-thru at the corner of 10th and Main Streets, and to look at options to finish paving the remainder of the alley. 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 second public hearing to obtain public input on the application for Community Development Block Grant No. 16-CD-108 — Wayne 2018 Pedestrian Curb Ramp 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 \$350,000 of CDBG Comprehensive Development (CD) Phase II funds. \$277,674.43 has been used to install approximately 175 ADA ramps at pedestrian crossings; \$6,161.98 has been used for general administration; and \$2,138.12 has been used for construction management. Local matching funds of \$76,750 and \$76,750 in leveraged funds was provided by the City of Wayne from the 2nd Street Paving and Storm Sewer Project. The total program cost to date is \$285,554.53. All activities will be conducted within the LMI target area. All CDBG funds will benefit low-to-moderate income persons in the community and 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 amending the budget for CDBG 16-CD-108 –“Wayne 2018 Pedestrian Curb Ramp Project.” She explained that the amendment consists of moving \$27,428.00 in CDBG funds from the General Administration and \$5,622.00 of Construction Management funds into the Street activity. This is a result of the actual construction and project engineering costing more than the estimated costs indicated in the grant application. The Northeast Nebraska Economic Development District, the organization providing grant administration services, estimates that approximately \$33,050.00 in general administration funds will be de-obligated if the budget amendment is not approved. The City has provided \$216,679.49 in local matching and leveraged funds to this project.

Administrator Blecke stated we would then reimburse ourselves \$27,428 for the ADA work that was done at Bressler Park. It fits very well with this project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving the budget amendment for CDBG 16-CD-108 – Wayne 2018 Pedestrian Curb Ramp Project. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke stated the “Wayne 2018 Pedestrian Curb Ramp Project” is complete, and the following two agenda items have been requested to be brought before Council for consideration by Jon Mooberry, JEO Consulting Group, Inc., engineer on the project.

Councilmember Spieker made a motion, which was seconded by Councilmember Eischeid, approving the Certificate of Substantial Completion for the “Wayne 2018 Pedestrian Curb Ramp — CDBG No. 16-CD-108 Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, approving Contractor’s Application for Payment No. 5 (Final) for \$10,860.52 to I & A Construction, LLP, for the “Wayne 2018 Pedestrian Curb Ramp – CDBG No. 16-CD-108 Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke stated that the City received three bids on the “Senior Center Freezer/Pantry Storage Addition Project.” After review of the same, the recommendation is to award the contract to the lowest bidder – Benscoter Construction for \$27,215. The other two bids were from Otte Construction - \$41,670 and Horizon Construction - \$37,910. Mr. Blecke’s only concern on the bids received was the brick, specifically the size and color. He wants the outside to look like it was not an afterthought.

Lou Benscoter was present to answer questions. He noted that the color match would be the same, but the size would be a little shorter. He thought that maybe enough of the old brick could be salvaged to do the south side of the addition.

City Clerk McGuire noted that the bond previously submitted is for “Louis Benscoter, d/b/a Benscoter Plumbing.” She stated she does not have a Certificate of Insurance on file from Mr. Benscoter. Mr. Benscoter advised them that this project would be for “Benscoter Construction,” which is now owned by Louis Benscoter, his son. The appropriate bond/certificate of insurance would need to be received for “Benscoter Construction.”

Mr. Blecke stated the start date for this project was the fall of 2019, and the completion date was April 1, 2020. There were no penalties indicated in the specifications, nor was there a bid bond required for the project.

Councilmember Woehler had concerns about the lack of a bid bond being required for the project. In addition, the lack of bid specs could be why there is a discrepancy in the bid amounts. It could be that not everyone is bidding apples to apples.

Councilmember Brodersen also had concerns with the lack of bid specs.

Administrator Blecke stated in order to address the additional concerns, the project would have to be rebid.

City Attorney Miller advised the Council they have to take the lowest responsible bid. If Council has more questions, they can reject all bids.

Councilmember Eischeid made a motion, which was seconded by Councilmember Woehler, rejecting the bids received on the “Senior Center Freezer/Pantry Storage Addition Project” and directing City staff to contact the City Engineer and Architect to prepare plans and specifications for the “Senior Center Freezer/Pantry Storage Addition Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Police Chief Chinn stated due to an accident a few weeks ago involving one of the Police Department’s patrol cars, he is requesting approval to purchase a new 2019 Ford Police Interceptor Sedan that was located in Nebraska by Arnie’s Ford. EMC Insurance has totaled the cruiser involved in the accident and is issuing the City of Wayne a check for \$15,000 (market value of the vehicle) to speed the process of the claim that has been made. They will then subrogate the other insurance company involved for any other additional expenses or damages found. Chief Chinn asked Arnie’s to search to see if any prebuilt units were available to help alleviate the wait time of working through the specs and ordering a replacement vehicle. They found six patrol cars that were not accepted by an ordering agency due to end of year budget

time issues. There is one of these left that has very similar specs to what the City would normally order. The State bid contract price is \$26,147.00. Since Ford was stuck with these, they have reduced the purchase price to \$25,147.00. Arnie's is placing a hold on this vehicle, pending Council approval to purchase.

Chief Chinn would not necessarily be looking at another sedan for a replacement due to size restrictions with equipment, but all of the equipment in the 2015 vehicle involved in the accident will transfer to this 2019 vehicle with no additional purchase of any equipment. EMC will also be covering the costs involved with the un-installing of the existing equipment, the installation of equipment into the new unit, along with the decals on the new unit, and any other equipment damage found from the accident during this process.

Councilmember Spieker introduced Resolution 2019-60, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2019-60

A RESOLUTION AUTHORIZING THE PURCHASE OF A 2019 FORD POLICE INTERCEPTOR SEDAN AS PER THE BID PROPOSAL RECEIVED FROM ARNIE'S FORD - \$25,147.00.

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 6:51 p.m.