

**MINUTES
CITY COUNCIL MEETING
March 17, 2020**

The Wayne City Council met in regular session at the Wayne City Auditorium (due to circumstances associated with the COVID 19 Pandemic) on March 17, 2020, 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, Jon Haase, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Terri Buck and Jennifer Sievers.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 5, 2020, 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 City Auditorium 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 Haase made a motion, which was seconded by Councilmember Eischeid, to approve the minutes of the meeting of March 3, 2020, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Sievers who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMERICAN UNDERGROUND SUPPLY, SU, 174.70; AMGL, SE, 28650.00; APPEARA, SE, 49.00; BAKER & TAYLOR BOOKS, SU, 845.98; BARCO MUN PRODUCTS, SU, 209.38; BOMGAARS, SU, 1257.26; BORDER STATES INDUSTRIES, SU, 188.60; BSN SPORTS, SU, 71.94; CARHART LUMBER COMPANY, SU, 507.29; CITY EMPLOYEE, RE, 1591.08; CITY EMPLOYEE, RE, 396.17; CITY EMPLOYEE, RE, 1720.05; CITY EMPLOYEE, RE, 9.54; DANKO EMERGENCY EQUIPMENT, SU, 58.32; DANLADI, PHIMWANALA, SE, 360.00; DANLADI, PHIMWANALA, SE, 60.00; DAVE'S DRY CLEANING, SE, 51.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2447.75; DIETRICH UPHOLSTERY, SE, -300.00; DIETRICH UPHOLSTERY, SE, 190.00; ECHO GROUP, SU, 12.01; ED M. FELD EQUIPMENT, SU, 120.00; ESRIM, SE, 2123.70; EVETOVICH, MARK, SE, 60.00; EVETOVICH, MARK, SE, 360.00; FAITH REGIONAL PHYSICIAN SERV, SE, 90.00; FASTENAL, SU, 16.10; FLOOR MAINTENANCE, SU, 803.70; HILAND DAIRY, SE, 85.01; HILAND DAIRY, SE, 70.37; HYPERION, SE, 81.00; ICC, FE, 135.00; ICMA, SE, 8053.69; INGRAM LIBRARY SERVICES, SU, 742.99; INTERSTATE ALL BATTERY, SU, 71.26; LUNDAHL, EARL, RE, 350.00; LUTT OIL, SU, 3671.21; MATHESON-LINWELD, SU, 31.99; MERCHANT SERVICES, SE, 1009.46; MERCHANT SERVICES, SE, 1799.08; MERCHANT SERVICES, SE, 28.23; MIDWEST LABORATORIES, SE, 273.00; MILLER LAW, SE, 155.90; MUNICIPAL SUPPLY, SU, 703.23; NE RURAL WATER, FE, 275.00; NE SALT & GRAIN, SU, 1912.75; NPPD, SE, 29308.24; NORFOLK DAILY NEWS, SU, 163.00; NORTHEAST NEBRASKA NEWS, SU, 36.50; NORTHEAST POWER, SE, 171.70; NORTHEAST TIRE SERVICE, SU, 2404.00; OCC BUILDERS, SU, 317.00; OVERDRIVE, SU, 492.39; OVERHEAD DOOR, SU, 5432.00; PITNEY BOWES, SE, 253.85; PLUMBING & ELECTRIC SERVICE, SE, 1601.80; PLUNKETT'S PEST CONTROL, SE, 43.26; QUALITY FOOD CENTER, SU, 318.01; S & S WILLERS, SU, 1732.85; SKARSHAUG TESTING LAB, SE, 213.11; STATE NEBRASKA BANK & TRUST, SE, 45.76; US BANK, SE, 10810.56; US FOODSERVICE, SU, 1123.16; UTILITIES SECTION, FE, 480.00; UTILITIES SECTION, FE, 2285.00; UTILITY EQUIPMENT, SU, 158.48; VERIZON, SE, 399.65; WAYNE AUTO PARTS, SU, 526.48; WAYNE COUNTY CLERK, SE, 62.00; WAYNE COUNTY COURT, RE, 250.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE HERALD, SE, 48.00; WAYNE HERALD, SE, 545.50; WAYNE HERALD, SE, 1229.55; WAYNE VETERINARY CLINIC, SE, 112.00; WIN-911, SE, 495.00; WISNER WEST, SU, 47.56; WORLDPAY INTERGRATES PAYMENTS, SE, 201.88; ZACH HEATING & COOLING, SU, 174.00; AMERITAS, SE, 154.17; AMERITAS, SE, 2544.14; AMERITAS, SE, 72.00; AMERITAS, SE, 92.54; APPEARA, SE, 157.22; ARDENT LIGHTING GROUP, SE, 209465.79; ARNIE'S FORD, SU, 386.78; BIG RIVERS ELECTRIC CORPORATION, SE, 167268.17; CARPENTER PAPER COMPANY, SU, 583.23; CITY OF WAYNE, PY, 81535.26; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; DUTTON-LAINSON, SU, 8433.97; EAKES OFFICE PLUS, SE, 261.25; ECHO GROUP, SU, 463.98; FASTENAL, SU, 359.55; HILAND DAIRY, SU, 84.81; INTERSTATE INDUSTRIAL SERVICE, SE, 135.08; IRS, TX, 10216.24; IRS, TX, 13681.20; IRS, TX, 3199.56; MARCO TECHNOLOGIES, SE, 182.96; MIDWEST SERVICE & SALES, SU, 566.60; MILLIGAN, CINDY, RE, 500.00; NE DEPT OF REVENUE, TX, 4316.47; QUADIENT LEASING, SE, 2691.00; STAPLES, SU, 111.24; WAYNE COUNTY COURT, RE, 150.00; WESCO, SU, 310.30

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

Mayor Giese proclaimed the month of April as “Fair Housing Month.”

Retail Reclaimers, LLC, was approved for a \$145,000 loan from Wayne’s Community Development Block Grant (CDBG) Revolving Loan Fund (RLF) on 11-5-2019. This loan is to open an Ace Hardware and Home Store to be located at the former Shopko building at 615 Dearborn Street in Wayne. That was the total available balance at that time. This loan was approved for a term of 15 years at a fixed rate of 0.00%, but has not yet been loaned to the business. Once the loan is closed, payments will start 12 months after the initial opening of the store, followed by regular principal payments over the next 15 years. Since that time, the only remaining Wayne RLF loan was paid in full on 3-2-2020. This added another \$10,000, leaving approximately a \$155,000 balance in this account.

At the direction of the Nebraska Department of Economic Development (DED) to close out local RLF programs, NENEDD staff is recommending the additional \$10,000 be loaned to Retail Reclaimers, LLC, for their project. This will be a total of \$155,000 or the exact balance of Wayne’s CDBG RLF account at the time of loan closing. These funds will be sub-granted to NED, Inc., as a Non-profit Development Organization (NDO), who will in turn lend the \$155,000 to Retail Reclaimers, LLC. All other rate, terms, and collateral of the initial 11-5-2019 loan approval will remain the same. The Northeast Loan committee also recommends the additional \$10,000 for approval.

Mike McManigal, representing Retail Reclaimers, LLC, was present to answer questions.

Councilmember Spieker made a motion, which was seconded by Councilmember Karsky, to approve the recommendation of the Northeast Nebraska Economic Development District to lend an additional \$10,000 to Retail Reclaimers, LLC, for a total of \$155,000 or the total balance of Wayne’s Revolving Loan Fund Account and sub-grant the funds to NED, Inc., to lend to Retail Reclaimers, LLC, utilizing the Non-Profit Development Organization process. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of

Councilmembers Buck and Sievers who were absent and Councilmember Woehler who abstained, 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 in regard to amending the Zoning Text, specifically Section 152.132 (E) Unattached Accessory Use. The applicant, Providence Medical Center, wishes to amend this section to allow a medical facility to build a larger accessory structure than is currently allowed by City Code.

The Planning Commission reviewed this matter at their public hearing on March 2, 2020, and forwarded a recommendation to approve the same, with the "Finding of Fact" being staff's recommendation.

Joel Hansen, Street and Planning Director, stated the Planning Commission is recommending the following amendment to Section 152.132 (E) Unattached Accessory Use:

(E) Unattached accessory use. Any unattached accessory building(s) in combination with the principal or primary structure, in any R designated zoning district, shall not exceed a combined area greater than 50% of the lot area, provided the combined total area of all unattached accessory structures shall not exceed 1,064 square feet or 7% of the lot area up to 3,000 square feet, whichever is greater, except as allowed in § 152.064 (C) for multi-family uses in an R-3 or R-4 District. **These restrictions on size of accessory structures shall not pertain to hospitals, medical care facilities, educational facilities, or public facilities.**

Mark Tietz and James Frank, representing Providence Medical Center, were present to answer questions.

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. 2020-5, and moved for approval thereof; Councilmember Karsky seconded.

ORDINANCE NO. 2020-5

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.132 ACCESSORY USES, SUBSECTION (E) UNATTACHED ACCESSORY USE; 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 Councilmembers Buck and Sievers who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, 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, with the exception of Councilmembers Buck and Sievers who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, to move for final approval of Ordinance No. 2020-5. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Sievers who were absent, the Mayor declared the motion carried.

Mayor Giese stated that agenda item no. 9, which is a public hearing to consider the Planning Commission's recommendation in regard to a rezoning request for Lot 3, Southeast Addition to the City of Wayne, Wayne County, Nebraska, and then agenda item no. 10 which is an ordinance amending the zoning map are going to be postponed until a future meeting.

Administrator Blecke stated two proposals were received on the "Well No. 7 Chemical Storage Room Addition Project." Staff recommendation is to award the contract to the low bidder, Benscoter Construction, for \$19,425. The other proposal submitted was from Leseberg Masonry and Construction for \$21,816.00. Benscoter Construction met the City's insurance requirements.

Casey Junck, Water Supervisor, was present to answer questions. He noted the contractor is ready to start.

Councilmember Eischeid introduced Resolution No. 2020-11 and moved for its approval; Councilmember Woehler seconded.

RESOLUTION NO. 2020-11

A RESOLUTION ACCEPTING PROPOSAL AND AWARDING CONTRACT ON THE “WELL NO. 7 CHEMICAL STORAGE ROOM ADDITION PROJECT” FOR THE CITY OF WAYNE, NEBRASKA, TO BENSCOTER CONSTRUCTION FOR \$19,425.

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

David Wiggins, representing Leo A Daly, the engineers on the “Restoration of Walking Trail Project” stated two bids were received on this project. Mr. Wiggins’ recommendation is to accept the bid and award the contract to the low bidder, M & B Quality Concrete, LLC, of Norfolk, Nebraska, for \$899,202.25. The other bid submitted was from Robert Woehler & Sons Construction, Inc., for \$1,276,775.75. There were some irregularities with the bid of M & B Quality Concrete, LLC – the first three items on the Base Bid Schedule did not have a unit price. The quantity however was “one” and the total cost reflected that. That irregularity did not change the bid price. The other item was that the bid bond that was provided was signed, but did not have the seal stamp thereon. They now have that bid bond with the seal thereon. He noted the City may waive those irregularities or informalities according to the bid specifications. He has called references and received positive responses as far as workmanship, timeliness, communication and staying on schedule.

Brent Berner, representing M & B Quality Concrete, LLC, was present to answer questions.

Councilmember Brodersen introduced Resolution No. 2020-12 and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2020-12

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “RESTORATION OF WALKING TRAIL PROJECT” TO M & B QUALITY CONCRETE, LLC, FOR \$889,202.25.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Sievers who were absent and Councilmember Woehler who abstained, the Mayor declared the motion carried.

Lowell Heggemeyer, Park and Rec Director, and Amber Schwarte, Recreation Services Coordinator, updated the Council on the Community Activity Center improvements. In addition, he provided an update on the track issues.

Administrator Blecke requested Council to decide if they wanted to do spot repairs on the CAC track or if they wanted to replace the three lanes all the way to the water fountain. At this point, he did not think the entire track needed replaced.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, directing City staff to seek bids for the track repair project at the Community Activity Center – (Option 1) replacing approximately 40% of the track; and (Option 2) spot repairs. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Sievers who were absent, the Mayor declared the motion carried.

Amber Schwarte, Recreation Services Coordinator, requested Council consideration to amending the schedule of fees for the Community Activity Center as follows:

Pool Pass:

Add Senior Citizen (age 55 and up) - \$70.00

Personal Training:

Member/Non-Member Same Price

30 Minute Session – from \$10 to \$15

45 Minute Session – from \$15 to \$20

60 Minute Session – from \$20 to \$25

Councilmember Karsky introduced Resolution No. 2020-13 and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2020-13

A RESOLUTION AMENDING SCHEDULE OF FEES.

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

Joel Hansen, Street and Planning Director, stated he would like to replace the 1990 portable air compressor with a new one from Logan Contractors Supply, Inc., for \$21,625.00, which is through the State Bid process. \$22,000 was placed in this year's budget to replace that 1990 air compressor.

Councilmember Brodersen introduced Resolution No. 2020-14 and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2020-14

A RESOLUTION AUTHORIZING THE PURCHASE OF A PORTABLE AIR COMPRESSOR AS PER THE STATE BID PROPOSAL RECEIVED FROM LOGAN CONTRACTORS SUPPLY, INC., FOR \$21,625.00.

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

Mayor Giese requested Council consideration to the appointment of Chele Meisenbach (term will expire 6/30/21) and Mark Sorensen (term will expire 6/30/22) to the Planning Commission.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving the appointment of Chele Meisenbach (term will expire (6/30/21) and Mark Sorensen (term will expire 6/30/22) to the Planning Commission. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Sievers who were absent, the Mayor declared the motion carried.

Mayor Giese requested Council consideration to the appointment of Bob McLean and Andy Haslit to the Civil Service Commission.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving the appointment of Bob McLean and Andy Haslit to the Civil Service Commission. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Sievers who were absent, the Mayor declared the motion carried.

Roger Protzman, representing JEO Consulting Group, Inc., updated the Council on the “Water Main from North Well Field to City Limits Project” and reviewed Amendment No. 2 to the agreement with JEO Consulting Group, Inc., for additional services for said project. The additional amount would be \$47,355, bringing the adjusted agreement amount to \$176,430.

Staff requested the additional engineering services agreement to make sure that the key areas of this line are looked at carefully, not just by city staff, but by an engineer.

Councilmember Woehler questioned the billing rate of \$205 per hour compared to that which was charged for the Pine Heights Project (almost half).

Mr. Protzman noted that the 33 hours per month is an estimate.

Lucas Billesbach, also representing JEO Consulting Group, Inc., was present and stated that the rate is for the engineering services of Mr. Protzman. JEO does not have available a lower rate engineer for that particular period of time.

Administrator Blecke stated that Mr. Protzman, with his experience, is going to see things that maybe the \$115 per hour engineer might not. Is it worth that?

Mayor Giese stated he personally would rather pay extra to have somebody here that we know and have a working relationship with and that staff is not only comfortable with but also comfortable communicating with. Councilmember Spieker agreed.

Councilmember Eischeid introduced Resolution No. 2020-15 and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2020-15

A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE OWNER-ENGINEER AGREEMENT WITH JEO CONSULTING GROUP, INC., FOR ADDITIONAL SERVICES FOR THE “TRANSMISSION WATER MAIN FROM NORTH WELL FIELD TO CITY LIMITS PROJECT.”

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Sievers who were absent and Councilmember Woehler who voted Nay, the Mayor declared the motion carried.

Roger Protzman, representing JEO Consulting Group, Inc., updated the Council on the Lift Station No. 2 Repair Project. They discovered that all four pumps were no longer secured to the base of the lift station. They are going to replace some pipe and apply some coatings to the lower 12’ of the structure. They are still undergoing some investigation to find out what caused the stress to cause the anchors to fail.

Casey Junck, Water Supervisor, was also present to answer questions.

Roger Protzman and Lucas Billesbach representing JEO Consulting Group, Inc., were present to give an update on the Aquatic Center issues.

They provided the following background information:

At the end of the 2018 pool season, City staff expressed a concern regarding leakage. The pipe to the wall suction boxes on the east side of the pool was identified, and a repair was made by the contractor in the spring of 2019. Initially, it was thought this repair would solve the water loss issue. When staff filled the pool after the repair in 2019, it was still perceived to be losing water. Leak Investigators were contacted to do an onsite review. During their observations, some discontinuities and separations were observed between the adjoining concrete and caulk material that lead them to believe that the caulked ones were an area of potential leakage. City staff left the existing caulk in place and applied the recommended caulk to the joints.

Throughout the 2019 swim season, City staff and JEO observed the manhole that collects water from the underdrain system. Water was observed entering the structure. This water was tested for chlorine residual and was observed to have chlorine, possibly indicating that water was leaking from the pool and entering the underdrain system.

On August 19, 2019, JEO coordinated and paid a scuba diver to perform a dye test, which is performed with the pool full of water. The two pool main drains and the play feature return lines were targeted as potential leak areas and were dye tested extensively. The dye testing did not identify any further leaks at any of the points tested. Leak Investigators were contacted and returned to the site in the fall of 2019 to test the return and drain lines for the pool using air as the medium for testing. The testing showed those lines to be intact as they did not lose pressure during the test.

Prior to draining the pool in 2019, between August 15 and 26, measurements were taken every 2-4 days to observe the water level change in the pool. They collected data, which showed approximately a 2,000 gallon per day loss rate after the water level dropped below the gutter.

JEO also researched similar sized pools to compare their pool facility water usage with Wayne's. They found that many communities do not track water usage or maintain records. Of the records they did obtain, the data was based on their water meter records and not a representation of their water loss. In reviewing the numbers, they found that the overall water use at Wayne is within a reasonable range comparable to other facilities similar in size.

The last item of concern was the elevations of the gutter system on the pool. It was brought to their attention that the gutter system was not level. They surveyed the system and found that the diving well is about 0.1 ft. lower than the zero-depth zone of the pool. The deck elevations at the zero-depth zone are about 0.1 ft. higher than design. They are trying to discern if the gutter was installed incorrectly, the diving well settled, or the shallow end heaved. They are proposing to check those elevations in the spring as the frost comes out of the ground to discern if there has been a subsequent change.

Administrator Blecke stated what he could not understand was that the pictures in the shallow end in August of 2016 looked good. Then, in October of 2016, this fix is done – why did we do a fix it if there was nothing to fix?

Councilmember Woehler had concerns about putting a “scab” over a “scab” on the pool.

Mr. Protzman has been researching emails and documents to try to determine when and why this fix was done and who knew about it. In response to Councilmember Woehler’s comment about the City not knowing about this, Mr. Protzman felt that people in the City did know about it. There was some problem there that he and the Council do not know about at this point.

Mr. Billesbach stated the other engineer (Dave Henke) who was supposed to be at this meeting tonight was unable to attend because of illness. He was the main engineer on the project and would have more history on this topic. Mr. Billesbach’s understanding was that the original unlevelness was due to an instrument failure caused by the subcontractor that set the gutters. Whether that is 100% true or not he did not know, but thought he could get that documentation. JEO had progress meetings monthly and those types of issues would have been discussed. As Mr. Protzman stated, he would have hoped that was discussed with city staff, and did not believe that would have been a decision that would have been made by JEO alone. They will go back through their records.

Mr. Protzman stated that part of the headache was at that point, the contractor was gone, and they were not having regular monthly meetings because that project had concluded in July. By the time you get to August, things are being done as punch list type items. The engineer was not here day to day watching things.

Their intention tonight was to bring a list of recommendations (outlined below). Some of these recommendations, Mr. Billesbach stated, are time sensitive because they need to get going on some improvements as it relates to the water loss. They want to get someone here and

get those going before the season starts. JEO has offered to split the cost of the repairs 50% up to total amount of \$15,000 to correct the issues (items 1 and 2 below).

They investigated the issues at hand and came to the following conclusions and recommendations:

Following investigations in 2019 and from the observations and data presented, it is surmised that the two potential sources of leakage are the caulked joint at the base of the gutter system and a leaky spigot. It is recommended that the caulk around the base of the gutter system be removed. If large voids are identified in the grout behind the caulk, a non-shrinking grout system should be installed to fill voided areas. A crystallization waterproofing coating could be applied along the entire joint. Finally, new caulking should be applied after the grout and coatings have fully cured.

1. Repair/replace deck spigot; estimated cost of \$5,000.00 (They do not have a formal estimate for this.)
2. Remove and replace caulk at gutter joint:
 - Gutter caulking \$17,000 (from received quotation – Leak Investigators)
 - Grout under Gutter \$7,500 (opinion of cost)
3. We recommend further monitoring of the gutter elevations. JEO proposes to re-survey the gutter elevations this spring to observe whether there has been any movement.
4. JEO recommends annual monitoring and repair of other caulked joints within the pool. These joints are a maintenance item that should be inspected annually for signs of caulking failure evident by caulk pulling away from the concrete. Any failed caulking should be stripped back to where it is holding strong and new backer rod and caulk installed. A cover coat of paint is optional to match the other areas of the pool.

Councilmember Woehler did not think this was fixing the problem. He did not think the City got the pool it paid for.

Councilmember Eischeid stated he would much rather spend \$15,000 right now to stop losing 4 gallons per minute, and if it reduces it down to 1 gallon per minute, that is a win, but it is a temporary win.

Mr. Protzman stated you have two issues – and they are not connected to each other. Mr. Woehler wants to make them connected to each other is the problem that he sees. If we do the caulk, we take care of the leak. Caulk is a maintenance item and should be done annually. The elevation and whether we have to adjust the gutter cap he sees as a separate issue. This would be a major expense and much more involved and who is responsible? He noted that JEO will not walk away.

Councilmember Brodersen stated she felt like there should be some legal ramifications.

After further discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, to cost-share with JEO Consulting Group, Inc., for the expense of the caulking and potential grout repair to the pool, and the spigot and shut off valve to the water fountain, not to exceed a total of \$15,000 for the City's share.

Councilmember Woehler reiterated why he would be voting against this motion.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Sievers who were absent, and Councilmember Woehler who voted Nay, the Mayor declared the motion carried.

Mayor Giese, Administrator Blecke, and Jim Frank, CEO Providence Medical Center, updated the Council on the COVID-19 pandemic. City facilities will be closing until further notice. City Hall doors will be locked and restricted to public contact. Utility payments are being encouraged to be made by using the drop boxes (located in both the front and back of City Hall), paying online, calling City Hall (402) 375-1733 with debit/credit card, or setting up a bank debit. Future Council meetings will be done by virtual means.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:40 p.m.