

**MINUTES  
CITY COUNCIL MEETING  
June 2, 2020**

The Wayne City Council met in regular session (at the Wayne Fire Hall) by way of telephone/video conference due to circumstances associated with the COVID 19 Pandemic on June 2, 2020, 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, Jon Haase, Jennifer Sievers, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 21, 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 Fire Hall, as well as on the City of Wayne website at [cityofwayne.org/8/Government](http://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 Haase made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meeting of May 19, 2020, 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:** ACES, SE, 928.29; AMERICAN UNDERGROUND SUPPLY, SU, 527.92; AMERICAN UNDERGROUND SUPPLY, SU, 275.62; AMERITAS, SE, 154.17; AMERITAS, SE, 2326.54; AMERITAS, SE, 72.00; AMERITAS, SE, 89.61; APPEARA, SU,

92.65; APPEARA, SE, 51.33; BLUE CROSS BLUE SHIELD, SE, 52148.99; CARHART LUMBER COMPANY, SU, 459.92; CDW GOVERNMENT, SU, 36.68; CENTURYLINK, SE, 421.61; CERTIFIED TESTING SERVICES, SE, 2550.00; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 24.77; CITY EMPLOYEE, RE, 600.60; CITY EMPLOYEE, RE, 418.99; CITY OF WAYNE, PY, 96455.89; CITY OF WAYNE, RE, 4034.47; COTTONWOOD WIND PROJECT, SE, 18004.77; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE CO, SE, 114.02; DESCHARME, JANAE, RE, 36.00; FIRST CONCORD GROUP, SE, 2797.80; FLOOR MAINTENANCE, SU, 103.89; FLOORING SOLUTIONS, SE, 2489.92; FREDRICKSON OIL, SU, 206.00; GALE/CENGAGE LEARNING, SU, 172.83; GERHOLD CONCRETE, SU, 1586.68; GERHOLD CONCRETE, SU, 2637.20; GROSSENBURG IMPLEMENT, SU, 39.90; HEARTLAND FIRE PROTECTION, SU, 56.00; HILAND DAIRY, SE, 95.63; ICMA, SE, 8156.75; IRS, TX, 9945.26; IRS, TX, 3,660.42; IRS, TX, 15651.36; JEO CONSULTING GROUP, SE, 16868.37; JEO CONSULTING GROUP, SE, 26025.15; KAUP SEED & FERTILIZER, SU, 760.00; MACQUEEN EQUIPMENT, SU, 845.73; MARCO, SE, 175.92; MILLER LAW, SE, 5416.67; MILO MEYER CONSTRUCTION, SE, 975.00; NE DEPT OF ENVIRONMENTAL QUALITY, RE, 229703.20; NE DEPT OF ENVIRONMENTAL QUALITY, RE, 25593.65; NE DEPT OF REVENUE, TX, 4117.66; NIEMANN, ANDREA, RE, 50.00; NNEDD, SE, 720.00; NORTHEAST POWER, SE, 19171.64; OVERDRIVE, SU, 942.20; PROGRESSIVE PROPERTIES, RE, 250.00; RAMIREZ, TRINA, RE, 75.00; RUDLOFF, JOSH, RE, 200.00; SALTZMAN, MATT, SU, 50.00; SIMS,NATE, RE, 25.00; SIOUX CONTRACTORS, SE, 13029.00; STAPLES, SU, 176.37; THOMPSON ELECTRIC, SU, 3273.66; TYLER TECHNOLOGIES, SE, 200.00; US FOODSERVICE, SU, 1674.87; VAN DIEST SUPPLY, SU, 420.00; VIAERO, SE, 64.58; WAED, SE, 8222.92; WIGMAN COMPANY, SU, 382.76; ACE HARDWARE & HOME, SU, 197.15; AMERICAN BROADBAND, SE, 2522.55; AMERICAN UNDERGROUND SUPPLY, SU, 75.46; ARCADIAN MARKSMANSHIP CLUB, FE, 105.50; BLACK HILLS ENERGY, SE, 202.66; BLACKSTONE PUBLISHING, SU, 305.45; BOK FINANCIAL, RE, 238220.21; BROWN PLUMBING, SU, 688.90; CITY EMPLOYEE, RE, 115.60; CITY EMPLOYEE, RE, 11.00; CITY OF WAYNE, RE, 3060.33; CORE & MAIN, SU, 330.00; EAKES OFFICE PLUS, SE, 316.73; EASYPERMIT POSTAGE, SU, 869.92; ELLIS HOME SERVICES, SE, 135.58; FLOOR MAINTENANCE, SU, 411.68; GERHOLD CONCRETE, SU, 1458.00; GILL HAULING, SE, 261.25; GROSSENBURG IMPLEMENT, SU, 117.31; HELENA AGRI-ENTERPRISES, SU, 180.00; HILAND DAIRY, S4, 143.14; HOA SOLUTIONS, SE, 6066.79; LOEWENSTEIN, DAVID, SE, 5916.00; MERCHANT JOB TRAINING, SU, 550.00; MONAHAN, PHILLIP, RE, 50.00; QHA CLEANING, SE, 1375.00; QUALITY FOOD CENTER, SU, 21.90; SIOUX CITY JOURNAL, SU, 243.00; STADIUM SPORTING GOODS, SE, 115.00; STAPLES, SU, 185.22; STATE NEBRASKA BANK & TRUST, RE, 87808.75; STATE NEBRASKA BANK & TRUST, RE, 163415.00; THRASHER, RE, 500.00; TYLER TECHNOLOGIES, SE, 138.00; WAPA, SE, 15721.26; WIGMAN COMPANY, SU, 499.23; WRIEDT, RONALD, RE, 50.00;

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

Administrator Blecke gave an update on the COVID-19 Pandemic. City Hall is open, as well as the bathrooms in city parks. Regular services are back. We are looking at opening up

public facilities (fire hall, city auditorium, north meeting room). An update on the Community Activity Center track project was also given.

Upgrades to the Community Activity Center were discussed. Because of the Planning Grant the City received, the concern was whether to do some of those things now or wait until after the planning process has taken place and possibly receiving another grant to help with the cost of those upgrades. Mayor Giese thought the countertops needed to be replaced now. Councilmember Brodersen suggested waiting on replacing the tile until after the planning process takes place, but thought the sinks/countertops needed to be replaced at this time.

Opening the pool was also discussed. The target date or the earliest date for opening the pool is June 27<sup>th</sup>. The guidelines state that 25 people, not including staff, or 25% capacity whichever is greater, can be in the pool. For Wayne, the capacity is 300, which means that 75 people could be allowed to be in the pool. Staff will prepare a proposal for reservations, memberships, and admittance for non-Wayne County residents, etc., for discussion at the next meeting.

The Auditorium can now be rented for wedding receptions, but will have to adhere to the health directives. The Library is using the State Library Association's recommendations. The Senior Center will be the last to reopen. More updates will be forthcoming at the next meeting.

Mayor Giese declared the time was at hand for the public hearing regarding a reuse plan for the City of Wayne Economic Development Revolving Loan Fund Guidelines.

Administrator Blecke stated that the City of Wayne has had a Community Development Block Grant (CDBG) Economic Development Revolving Loan Fund (RLF) for many years. The final loan was approved in March 2020, using the last of the funds in the account.

The Nebraska Department of Economic Development, following directions from Housing and Urban Development (HUD), have requested that local RLF's be discontinued and to sub-grant the funds to designated non-profit development organizations (NDO) to de-

federalize CDBG funds in the local communities. This is being done as an amendment to the current RLF guidelines to discontinue the RLF.

Jeff Christensen, Business Loan Specialist with the Northeast Nebraska Economic Development District, was 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 Spieker introduced Resolution 2020-28, and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2020-28

A RESOLUTION OF THE CITY COUNCIL OF WAYNE, NEBRASKA, APPROVING "AMENDMENT TO THE WAYNE COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND GUIDELINES."

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, stated that Scot Saul would like to construct a new garage. His situation is similar to that of Chad Hoepfner who came before Council at the last meeting. Like Chad, Scot has the following options:

- 1) Reduce the width of his garage;
- 2) Request to amend the zoning text for all R Districts to reduce the side yard setback for detached accessory structures in the rear yard to 1 foot instead of 3 feet; or
- 3) Request the City to vacate the alley while maintaining a permanent easement for the storm sewer and other utilities. This will give Scot an additional 8 feet and thus, he will have adequate footage between the house and the alley.

Staff's recommendation to Scot was that he pursue Option 3, as it has the least impact on anyone else within the neighborhood or the City.

Mr. Hansen advised Council that an issue has arisen in this matter. Both property owners who share this alley have a sole driveway back to their garages. Scot would like to rebuild his garage, and he would like to position it closer to the alley than what the 3' setback is. He has advised Scot and visited briefly with the neighbor's son-in-law that they probably need to

dedicate a permanent easement on each half of the alley that they get because if one neighbor decides to put a fence down that alley, neither one may be able to use that alley to get back to their garages. This is more of a neighbor-to-neighbor issue and not a city issue, but he has advised them both that they may want to have that in place before the City actually vacates the alley, so that one party does not get left behind in this process. Mr. Hansen state another family member has asked that the City not take final approval tonight. They are the trustee of the property and would have to sign off on the easement. They just found out about this matter this evening, which was the reason for the request not to give final approval or waive the three readings of the ordinance.

Scot Saul and Cliff Sherlock were present.

Councilmember Brodersen introduced Ordinance 2020-9, and moved for its approval; Councilmember Buck seconded.

#### ORDINANCE NO. 2020-9

AN ORDINANCE APPROVING THE VACATION OF AN ALLEY LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, DESCRIBED AS THE NORTH-SOUTH ALLEY LYING BETWEEN LOTS 3 AND 4, TAYLOR & WACHOB'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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.

Administrator Blecke stated that Todd Luedeke would like to put in a 6" tie from the new water main, including the bore under the road, to service his subdivision, Tuffern Blue. The engineer on the project has prepared a Change Order for your consideration with a cost of \$12,398.00 to add this 6" service line. Mr. Luedeke has been advised that he is responsible for the cost. He is willing to pay one-half of the amount now to the City and the remaining one-half when the project is completed. This connection/extension was not in the original planning of the project. However, as the contractors are going past his property, a decision had to be made by him on connecting at this time.

Roger Protzman, representing JEO Consulting Group, Inc., was also present to answer questions.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving Change Order No. 2 in the amount of \$12,398.00 to Rutjens Construction, Inc., for the “2019 Water Transmission Main Project” – which is for the water line extension to Todd Luedeke’s property. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke stated there have been multiple calls with the League of Nebraska Municipalities (along with their outside legal counsel) discussing how sports could resume safely in our communities and limiting our liability regarding the COVID-19 pandemic. City Attorney Miller has been on these calls and in discussions with the ball associations to protect the City and still allow ball to be played this summer. Staff recommendation is to approve this Resolution. Associations will sign an addendum to their current Memorandums of Understanding, as well as have all participants of their ball programs sign agreements acknowledging the inherent risks to the COVID-19 virus. One major change to the previously signed MOU’s is that staff is advising that the City waive the license fee for 2020 (this fee would again be collected annually for the remaining term of the MOU through 2022).

Attorney Miller has reviewed the information from the League. She noted a couple of reasons for not collecting a fee from the Associations this year is that they are not having any tournaments or concessions, and the League’s attorneys have advised that when you charge an association to use your facility, they are expecting some sort of protection and you still have some sort of a liability.

Administrator Blecke noted the three associations have signed the Addendums.

Councilmember Spieker introduced Resolution No. 2020-29 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2020-29

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, REGARDING THE RISK OF EXPOSURE TO COVID-19 THROUGH THE USE OF MUNICIPAL PROPERTY FOR SPORTS OR RECREATIONAL ACTIVITIES.

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

Councilmember Buck made a motion, which was seconded by Councilmember Spieker, to enter into executive session for the purpose of protecting the needless injury to the reputation of the City Administrator to discuss his employment agreement, 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, the Mayor declared the motion carried, and executive session began at 6:41 p.m.

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, 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 7:15 p.m.

Councilmember Brodersen introduced Resolution No. 2020-30 and moved for its approval, with the following change therein: Salary increased to \$113,588.80; Councilmember Spieker seconded.

RESOLUTION NO. 2020-30

A RESOLUTION TO ADOPT CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT.

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 7:16 p.m.

