

**MINUTES  
CITY COUNCIL MEETING  
April 2, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, April 2, 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, Jon Haase, Jennifer Sievers, Chris Woehler, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jason Karsky.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 21, 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 south 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 Buck made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of March 19, 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 Karsky 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, 901.25; APPEARA, SE, 92.32; ARNIE'S FORD, SU, 109.94; BLACK HILLS ENERGY, SE, 2068.98; BOMGAARS, SU, 948.77; CENTURYLINK, SE, 419.63; CITY EMPLOYEE, RE, 379.35; CITY EMPLOYEE, RE, 756.74; CITY EMPLOYEE,

RE, 253.96; CITY EMPLOYEE, RE, 17.49; CITY OF WAYNE, PY, 73336.20; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 99.76; DGR & ASSOCIATES, SE, 1107.00; DUTTON-LAINSON, SU, 584.22; ED M. FELD EQUIPMENT, SU, 321.90; EISCHEID, MATT, SE, 30.00; ESRI, SE, 1850.00; EVETOVICH, MARK, SE, 150.00; FLOOR MAINTENANCE, SU, 146.38; FREDRICKSON OIL, SU, 1766.60; GALE/CENGAGE LEARNING, SU, 50.03; GROSSENBURG IMPLEMENT, SU, 401.90; HILAND DAIRY, SE, 54.27; HOMETOWN LEASING, SE, 149.55; HORIZON CONSTRUCTION, RE, 100.00; ICMA, RE, 9927.97; IIMC, FE, 170.00; IOWA PUMP WORKS, SU, 2782.00; JACK'S UNIFORMS, SU, 885.00; JEO CONSULTING GROUP, SE, 55.00; KNIFE RIVER MIDWEST, SU, 439.35; LAQUINTA INNS & SUITES, SE, 199.90; MAIN STREET GARAGE, SU, 139.39; METERING & TECHNOLOGY SOLUTIONS, SU, 3168.63; MILLER LAW, SE, 5416.67; NE MUNICIPAL CLERKS ASSOC, FE, 75.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 190.00; NE SALT & GRAIN, SU, 1879.35; NORTHEAST NE INS AGENCY, SE, 85765.00; POLICE ONE, FE, 495.00; PRAUNER, TYLER, SE, 30.00; PRAUNER, TYLER, SE, -180.00; PRAUNER, TYLER, SE, 180.00; QUALITY 1 GRAPHIC, SU, 30.00; RETHWISCH, ADAM, SE, -30.00; RETHWISCH, ADAM, SE, 30.00; RETHWISCH, RICHARD, SE, 30.00; SCHEFFLER, JONAH, SE, 30.00; STAPLES, SU, 81.95; STEFFEN TRUCK EQUIPMENT, SU, 1026.11; TALON CAPITAL, LLC, LLC & MIDWEST BANK, RE, 250000.00; TRI AIR TESTING, SE, 403.03; TYLER TECHNOLOGIES, SE, 200.00; VIAERO, SE, 67.36; WAED, SE, 7871.00; WESTERHOLD, SARA, RE, 100.00; WISNER WEST, SU, 32.00; AMERICAN BROADBAND, SE, 2472.21; AMERITAS, SE, 60.07; AMERITAS, SE, 2621.20; AMERITAS, SE, 72.00; AMERITAS, SE, 87.86; APPEARA, SE, 46.98; BOUND TO STAY BOUND BOOKS, SU, 53.83; BROWN PLUMBING, SE, 129.90; CITY EMPLOYEE, RE, 217.42; CITY EMPLOYEE, RE, 114.45; CITY OF WAYNE, RE, 268.17; DEMCO, SU, 87.94; DUFFY, DAWN, RE, 100.00; EAKES OFFICE, SE, 55.00; FIRST CONCORD GROUP, SE, 4212.64; GALE/CENGAGE LEARNING, SU, 124.75; HAUFF MID-AMERICAN SPORTS, SU, 104.77; HAWKINS, SU, 3092.61; HILAND DAIRY, SE, 72.91; IRS, TX, 9555.44; IRS, TX, 2946.98; IRS, TX, 12600.84; JASA, LYLE, RE, 150.00; JEO CONSULTING GROUP, SE, 24110.00; LIBERAL GASKET MFG, SU, 434.49; MILLER LAW, RE, 6.85; NE DEPT OF REVENUE, TX, 3895.90; NE RURAL WATER, FE, 750.00; NNEDD, SE, 120.00; NORTHEAST POWER, SE, 5440.00; RAGER, NICOLE, RE, 150.00; US FOODSERVICE, SU, 1024.20; WEST-E-CON, SU, 14434.98

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

The Mayor and Council recognized and congratulated City Clerk McGuire for receiving the Nebraska Municipal Clerks' Association "Outstanding Clerk of the Year Award – 2019."

Jim Deuel and Jim Engl, volunteers for the Nebraska Employers Support of the Guard and Reserve organization, presented the Patriot's Award to City Employee, Jeff Brady, Water Supervisor, in recognition of his efforts made to support citizen warriors, more specifically

Guard Reserve Employee Casey Junck, through flexible schedules, time off prior to and after deployment, caring for families and granting leaves of absence, if needed.

Sandy Brown, representing the Wayne Green Team, gave her yearly update/report on their recycling efforts. Over the last ten years, they have been very busy. They have diverted close to 300,000 pounds of electronics, glass, batteries and light strings combined. They have hosted six electronic recycling events, five Earth Day Movies, four Green Expos, three household hazardous waste events, and two Green Move-Outs. They have also raised \$42,000 in grant funds. Over the past three years, the trend they are seeing, however, is that more trash is being collected than recycling. They have less cardboard and less mixed recycling. Summer has the highest volumes of trash. She encouraged the Council to think about what their vision is for the City of Wayne, and how they can continue to best support the Green Team's sustainability effort.

Cap Peterson, President of Northeast Nebraska Insurance Agency, the city's property and casualty insurance carrier, presented the City with a dividend check in the amount of \$48,048.58. This is the third largest dividend that has been received by the City of Wayne, and it is the 18<sup>th</sup> dividend paid by the Company out of the past 25 years.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to adjourn as Mayor and City Council and convene as the Board of Equalization. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Administrator Blecke stated the following two Resolutions were tabled at the last meeting so that staff could research Council action taken in January of 2016 when they approved an engineer for this project, and also determine the costs associated with the unpaved portion of the project that was designed. He stated it turns out that 53% of the project that was engineered was actually paved and 47% was not paved. To be fair, the City needs to pay for that area that

was engineered, but was not paved and outside the improvement district. The assessments were recalculated to reflect that. The City will pay an additional \$62,031.50; Windom Ridge, LLC (Lou Benscoter) will have a deduct of \$44,920.80; and Wayne Crown II LLC (Rob Woodling) will have a deduct of \$17,110.70 in their assessment totals. This did not affect the sewer assessments, because the sewer was all inside the district.

Lou Benscoter was present and thanked Administrator Blecke for recognizing that there was a lot of engineering done outside of the district. He thought it was a fair way to handle the matter.

Administrator Blecke recommended that the interest rate be set at 4-4.5%. He noted that interest rates have been as high as 8% back in 2000 and as low as 3.5% back in 2013.

Councilmember Brodersen introduced Resolution 2019-16, and moved for its approval with the interest rate being set at 4.25% and the assessment recalculations as presented; Councilmember Sievers seconded.

#### RESOLUTION NO. 2019-16

A RESOLUTION MAKING ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NO. 2017-01 (4<sup>th</sup> STREET).

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

Councilmember Eischeid introduced Resolution 2019-17, and moved for its approval as presented, with the interest rate being set at 4.25%; Councilmember Sievers seconded.

#### RESOLUTION NO. 2019-17

A RESOLUTION MAKING ASSESSMENTS IN SANITARY SEWER EXTENSION DISTRICT NO. 2017-01 (4<sup>th</sup> STREET).

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

Councilmember Spieker made a motion, which was seconded by Councilmember Sievers, to adjourn as the Board of Equalization and reconvene as Mayor and City Council.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, 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 regarding the Preliminary Plat for the "Southeast Addition." The applicant for the request is the City of Wayne.

Joel Hansen, Street and Planning Director, stated the Planning Commission held their public hearing on April 1<sup>st</sup>, however, the engineer was not able to get them the preliminary plat before meeting time. They will have to hold another public hearing next month. Therefore, he requested Council to table action on the Resolution approving the same.

There being no further comments or persons who wished to speak, Mayor Giese closed the public hearing.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, to table action on Resolution 2019-21 approving the Preliminary Plat for "Southeast Addition" until a later date. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Administrator Blecke stated at the suggestion of Nic Kemnitz, Wayne County Emergency Manager, the Mayor declared a weather-related emergency on March 14<sup>th</sup> with the flood damage the City was seeing at the time and the potential of further damage as the flooding continued. Without this declaration, the City would not be eligible for certain funding sources to repair damage caused by the flooding. Therefore, this is a ratification of the Mayor's previous declaration.

Councilmember Spieker made a motion, which was seconded by Councilmember Sievers, ratifying the declaration of a "State of Emergency" for the City of Wayne for flood damage sustained on March 12, 2019. Mayor Giese stated the motion, and the result of roll call

being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Administrator Blecke stated the following Resolution would approve a contract/agreement with Tom Hansen, CPA, to help prepare and compile whatever is necessary to submit to the appropriate agencies regarding the damage caused by the flooding. Their fee for said services is \$80 per hour, plus out-of-pocket expenses. Mr. Hansen has also been contracted with the County, as well as other entities. He also assisted the City with submitting and compiling documentation for the 2013 tornado damages.

Beth Porter, Finance Director, stated she did not have a problem attempting to do it by herself, but she did not want to run the risk of not receiving these funds, especially since insurance will not cover any of the damages. She was of the understanding that FEMA will cover a portion of the administration expenses. Mr. Hansen's firm is also assisting Dixon, Cuming, Boyd, and Wayne Counties, the City of Wayne, and also several other townships.

The City would receive 75% from FEMA, 12.5% from NEMA, and 12.5% would be the responsibility of the City.

Councilmember Eischeid introduced Resolution 2019-22, and moved for its approval; Councilmember Sievers seconded.

#### RESOLUTION NO. 2019-22

A RESOLUTION APPROVING AGREEMENT WITH TOM HANSEN, CERTIFIED PUBLIC ACCOUNTANT, TO COMPILE FINANCIAL INFORMATION REGARDING DAMAGE CAUSED BY FLOODING IN MARCH, 2019.

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

Councilmember Sievers made a motion, which was seconded by Councilmember Spieker, to adjourn the meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:11 p.m.