

**MINUTES  
CITY COUNCIL MEETING  
April 16, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, April 16, 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, Jason Karsky, Matt Eischeid and Jill Brodersen; City 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 April 4, 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 Sievers made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting of April 2, 2019, 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:** AUTO ANATOMY ALTERNATIVES, SU, 147.66; BSN SPORTS, SU, 2999.98; CARHART LUMBER COMPANY, SU, 399.89; CASILLAS, OSCAR, RE, 500.00; CITY EMPLOYEE, RE, 188.65; CITY EMPLOYEE, RE, 12.66; CITY OF WAYNE, RE, 884.35; COPY WRITE PUBLISHING, SE, 649.63; DAVE'S DRY CLEANING, SE, 108.00; DEARBORN NATIONAL LIFE, SE, 2511.10; EAKES OFFICE PLUS, SE, 618.60; EASYPERMIT POSTAGE, SU, 1845.06; ECHO GROUP, SU, 450.26; EMPLOYERS MUTUAL CASUALTY, RE, 140.90; FLOOR MAINTENANCE, SU, 169.51; GENO'S STEAKHOUSE, SE,

1491.50; GILL HAULING, SE, 237.50; GROSSENBURG IMPLEMENT, SU, 766.99; HILAND DAIRY, SE, 77.57; HYTREK LAWN, SE, 800.00; INGRAM LIBRARY SERVICES, SU, 606.89; IOWA PUMP WORKS, SE, 1100.74; J.P. COOKE COMPANY, SU, 178.82; JACK'S UNIFORMS, SU, 132.40; JEO CONSULTING GROUP, SE, 2710.00; KAUP FORAGE & TURF, SU, 360.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 125.00; LUTT OIL, SU, 4142.11; MAAS, COURTNEY, RE, 160.96; MAIN STREET GARAGE, SE, 40.00; MARCO, SE, 366.81; MATHESON-LINWELD, SU, 44.02; MIDWEST LABORATORIES, SE, 164.00; NDRI USA, SE, 80.00; NE DEPT OF LABOR, SE, 120.00; NE LAW ENFORCEMENT, SE, 110.00; NEBRASKA ENVIRONMENTAL PRODUCTS, SU, 645.94; NPPD, SE, 29069.47; NMPP ENERGY, FE, 2221.40; ONE CALL CONCEPTS, SE, 27.67; PAC N SAVE, SU, 949.38; PEERLESS WIPING CLOTH, SU, 331.50; PENGUIN RANDOM HOUSE, SU, 618.75; PITNEY BOWES, SE, 253.85; PROMES, BEN, RE, 209.44; SELECT APPLIANCE, SE, 84.53; SHOPKO, SU, 114.56; SKARSHAUG TESTING LAB, SE, 176.54; THE PENDER TIMES, SU, 43.00; TITAN MACHINERY, SU, 360.33; TYLER TECHNOLOGIES, SE, 1375.00; US BANK, 10080.86; VAKOC CONSTRUCT, SU, 303.06; VERIZON, SE, 318.38; WASHINGTON COUNTY COURT, RE, 150.00; WAYNE AUTO PARTS, SU, 741.88; WAYNE COUNTY CLERK, SE, 10.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 254.00; WAYNE HERALD, SE, 968.56; WAYNE VETERINARY CLINIC, SE, 39.00; WAPA, SE, 19388.49; WIESE, TONY, RE, 100.00; WISNER WEST, SU, 140.59; WRECK-AMENDED TOWING & RECOVERY, SE, 325.00; AMERICAN UNDERGROUND SUPPLY, SU, 653.04; AMERITAS, SE, 87.86; AMERITAS, SE, 2715.36; AMERITAS, SE, 72.00; AMERITAS, SE, 60.07; APPEARA, SE, 144.63; BAKER & TAYLOR BOOKS, SU, 661.72; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1161.50; BROWN, SANDY, RE, 144.48; CITY EMPLOYEE, RE, 731.25; CITY EMPLOYEE, RE, 250.00; CITY OF WAYNE, PY, 73583.46; CITY OF WISNER, FE, 30.00; CONSOLIDATED MANAGEMENT, SE, 21.42; COTTONWOOD WIND PROJECT, SE, 16241.34; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; ECHO GROUP, SU, 102.50; ENGINEERED CONTROLS, SU, 3250.00; ETS, SE, 20.89; ETS, SE, 1562.84; ETS, SE, 1247.20; FLOOR MAINTENANCE, SU, 156.86; GROSSENBURG IMPLEMENT, SU, 83.38; HAWKINS, SU, 284.41; HILAND DAIRY, SU, 66.71; HOMETOWN LEASING, SE, 284.32; ICMA, SE, 9946.68; IRS, TX, 12727.28; IRS, TX, 9551.65; IRS, TX, 2976.58; MAGUIRE IRON, SE, 5800.00; MARCO TECHNOLOGIES, SE, 182.96; NE DEPT OF REVENUE, TX, 3899.38; NEBRASKA DHHS DPH, FE, 50.00; OVERDRIVE, SU, 902.44; OVERHEAD DOOR, SE, 211.50; PAR MAR SECURITY SERVICES, SE, 788.04; RR DONNELLEY, SU, 114.72; SEBADE HOUSING, RE, 4233.15; SPARKLING KLEAN, SE, 2886.90; ST OF NE-CHARITABLE GAMING DIVISION, TX, 1709.00; STATE NEBRASKA BANK-PETTY CASH, RE, 106.68; UNITED HEALTHCARE, SE, 41251.10; VILLAGE OF EMERSON, RE, 500.00; WAYNE COMMUNITY SCHOOLS, RE, 2750.25; WAYNE COMMUNITY SCHOOLS FFA, RE, 200.00J; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY COURT, RE, 287.50; WAYNE COUNTY COURT, RE, 150.00; WESTERN RIDGE III, RE, 10549.14; WIGMAN COMPANY, SU, 761.45

Councilmember Sievers 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.

The Mayor proclaimed April 26<sup>th</sup> as Arbor Day and May 5<sup>th</sup> – 11<sup>th</sup> as Municipal Clerks' Week.

City Clerk McGuire received from the Nebraska Liquor Control Commission a Manager Application on behalf of Joshua Sievers for the Wayne Hospitality Group, LLC, d/b/a the Cobblestone Hotel.

Josh Sievers, the new manager of the Cobblestone Hotel, was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to approve the Nebraska Liquor Control Commission's Manager Application on behalf of Joshua Sievers for the Wayne Hospitality group, LLC, d/b/a Cobblestone Hotel. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Phil Monahan, Fire Chief, was present requesting Council consideration to approving the Wayne Volunteer Fire Department Application for Membership of Christopher Williams.

Christopher Williams was present to answer questions.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, to approve the Wayne Volunteer Fire Department Application for Membership of Christopher Williams. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Rusty Parker gave an update on the Golf Course Clubhouse Improvement Project.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Friday, July 12<sup>th</sup>, the Committee is requesting the closure of the following streets from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to 3<sup>rd</sup> Street; 2<sup>nd</sup> Street from the east alley to the west alley and 3<sup>rd</sup> Street from Pearl to the alley east of Main Street; and that the closed areas on 2<sup>nd</sup> and 3<sup>rd</sup> Streets be dedicated to handicap and vendor parking; and then from 3:15 p.m. to 2:00 a.m. Main Street from 3<sup>rd</sup> Street to 4<sup>th</sup> Street.

Discussion took place on the time change to close Main Street from 3<sup>rd</sup> Street to 4<sup>th</sup> Street at 3:15 p.m. Ms. Fletcher stated she had been made aware of some concerns from Melanie Loggins with the Majestic Theater. They have a movie showing at 3:00 p.m. that day and Ms. Loggins feels that the closure could interfere with attendance at the movie. However, this time closure would compromise the vendor set-up. WAED does not generally use that area for staging unless there are activities that have asked to be in that area, but it has to be closed because of the detour on 4<sup>th</sup> Street.

Councilmember Brodersen stated she had advised Ms. Loggins to let her patrons know as they come in to the theater that they would have to move their car as soon as the movie is over.

Councilmember Eischeid stated he was not in favor of changing the time.

Ms. Fletcher stated the 2:30 p.m. closure has been taking place since 2013. Prior to that, the street closure was at 3:00 p.m. She believed the street closures should be at one time.

Police Chief Chinn stated he usually has to tow between two and four cars per year. He said every year it is a nightmare because of the cars that are parked and left on the closed streets. The people who park there either choose not to see the signs or they do not see them, and it takes hours to make contacts.

Administrator Blecke stated it is easier to close the streets at one time. The important thing is that the detour has to be at 4<sup>th</sup> and Main, so you cannot leave that portion open and close the rest of the area. That is the concern he has. The street closings have to either all be at 3:15 p.m. or all at 2:30 p.m.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving the request of the Chicken Show Committee to close the following streets on Friday, July 12<sup>th</sup> from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to 4<sup>th</sup> Street; 2<sup>nd</sup> Street from the east alley to the west alley and 3<sup>rd</sup> Street from Pearl to the alley east of Main Street; and that the closed areas on 2<sup>nd</sup>

and 3<sup>rd</sup> Streets be dedicated to handicap and vendor parking. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who voted Nay, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 13<sup>th</sup>, the Committee is requesting the closure of the following streets from 6:00 a.m. until 5:00 p.m., for the Annual Chicken Show Celebration in Bressler Park: 10<sup>th</sup> Street from Lincoln Street to Douglas Street; Lincoln and Douglas Streets from 10<sup>th</sup> Street to 8<sup>th</sup> Street. The intersections at 10<sup>th</sup> and Douglas, 10<sup>th</sup> and Lincoln, and 9<sup>th</sup> and Lincoln Streets are also requested to be closed.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving the request of the Chicken Show Committee to close the following streets on Saturday, July 13<sup>th</sup>, from 6:00 a.m. until 5:00 p.m. for the annual Chicken Show celebration in Bressler Park: 10<sup>th</sup> Street from Lincoln Street to Douglas Street; Lincoln and Douglas Streets from 10<sup>th</sup> Street to 8<sup>th</sup> Street; as well as the intersections at 10<sup>th</sup> and Douglas, 10<sup>th</sup> and Lincoln, and 9<sup>th</sup> and Lincoln Streets. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 13<sup>th</sup> for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10<sup>th</sup> Street to 7<sup>th</sup> Street will also be used for the parade.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, approving the request of the Chicken Show Committee to close the following streets on Saturday, July 13<sup>th</sup>, for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and

10th Street from Main Street to Lincoln Street. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Sunday, July 14<sup>th</sup>, for the car show from 7:00 a.m. until 2:00 p.m.: 2<sup>nd</sup> Street from Main Street to Pearl Street.

The Chicken Show Committee has been looking for some alternate sites for the car show. The car show starts at 9:00 a.m. and essentially ends at 1:00 p.m. They have added additional time at the beginning and end for set up and closing. This does not involve closing Main Street or Pearl Street. She noted that most communities have their car shows either on Main Street or on the side streets.

Ms. Fletcher stated the location they are requesting gives them access to amenities such as restrooms, etc.

Councilmember Spieker asked about having it at a different location, such as the Riley's parking lot. In addition, he asked if Johnnie Byrd had been contacted about the event and using their restroom. Ms. Fletcher responded that the committee members have been given specific duties, but she was not sure if they had contacted Johnnie Byrd yet. Councilmember Spieker thought this should be tabled until someone has visited with Johnnie Byrd.

Councilmember Eischeid thought this new location could be a trial run for car show.

Councilmember Sievers made a motion, which was seconded by Councilmember Woehler, approving the request of the Chicken Show Committee to close the following street on Sunday, July 14<sup>th</sup>, for the car show from 7:00 a.m. until 2:00 p.m.: 2<sup>nd</sup> Street from Main Street to Pearl Street. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Spieker who voted Nay, the Mayor declared the motion carried.

Councilmember Spieker introduced Resolution No. 2019-23 and moved for its approval;  
Councilmember Brodersen seconded.

RESOLUTION NO. 2019-23

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS (HENOWEEN AND THE WAYNE CHICKEN SHOW).

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 the request to have a fireworks display on Friday, July 12, 2019, for the Henoween Celebration on the rugby fields by the Wayne Softball Complex. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Jon Mooberry, Project Manager with JEO Consulting Group, Inc., stated that one bid was received on April 9, 2019, on the "Wayne 2019 Nebraska Street Improvements Project." The engineer's opinion of probable cost for the entire project was estimated at \$1,110,000.00. The bidder was Robert Woehler & Sons Construction with the following bid submitted for each group:

- ♦ Group A (Completion Fall 2019) – Bid of \$1,284,233.94
- ♦ Group B (Completion Fall 2020) - Bid of \$1,212,275.06
- ♦ Group C Alternate (Salvage of Asphalt Millings) – Bid of \$24,390

Mr. Mooberry contacted several contractors to gather information and help determine why only one bid was received, as well as verify that the unit prices submitted were reasonable. He found that the individual unit prices for all pay items, except for the concrete paving work, were found to be within acceptable average unit prices and those estimated for the project. The concrete paving work was approximately \$165,000 over the estimate. In addition, material costs from concrete suppliers has increased \$8-10 per yard, and all contractors located in the

surrounding areas are full for 2019 and anticipate being extremely busy in 2020. Contractors do not need to bid projects outside of their local area to find work.

Based on the review of the bid and information gathered, Mr. Mooberry was recommending that Council consider and take action on one of the following two options:

1. Accept Group B as bid and award the project to Robert Woehler & Sons Construction; or
2. Reject the bids and plan to rebid in the fall.

In a normal year, the opportunity to receive more bids and have the bids come in around the estimated cost would be more likely.

Jan Merrill with the Northeast Nebraska Economic Development District was also present and advised the Council that she contacted the Nebraska Department of Economic Development. The contract end date is November 14, 2020. She said no matter what we do, it is going to be hard not to ask for an extension. When she suggested going out for bids again and have a 2021 construction date, she did not get a yes or no answer. She also noted that Wayne is not the only community that is having issues right now with all of the flooding. Any other year, she would agree with Mr. Mooberry to reject the bid and rebid it.

Administrator Blecke stated initially he was in favor of rejecting the bid and starting over. However, the bid is 10% over the estimate, which is not uncommon. The concern he has if we would decide to rebid, we may not get any bidders, and if we do, they may be higher than this bid.

Councilmember Sievers introduced Resolution 2019-24, and moved for its approval; Councilmember Buck seconded.

#### RESOLUTION NO. 2019-24

A RESOLUTION ACCEPTING THE BID ON THE “2019 NEBRASKA STREET IMPROVEMENTS PROJECT” FROM ROBERT WOehler & SONS CONSTRUCTION – GROUP B (COMPLETION FALL 2020) FOR \$1,212,275.06 AND GROUP C ALTERNATE (SALVAGE OF ASPHALT MILLINGS) FOR \$24,390.

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

Jon Mooberry with JEO Consulting Group, Inc., presented Change Order No. 1 for the “2018 Pedestrian Curb Ramp Project.” It represents an increase of \$48,086.84 to I&A Construction, LLP. This change order is for additional quantities and new pay items for the construction of eleven additional curb ramps along 3<sup>rd</sup> Street from Douglas to Pearl Street.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, approving Change Order No. 1 for the “2018 Pedestrian Curb Ramp Project,” which represents an increase of \$48,086.84 to I&A Construction, LLP, for additional quantities and new pay items for the construction of eleven additional curb ramps along 3<sup>rd</sup> Street from Douglas to Pearl Street. 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 the original standard specification book was completed by an architecture, engineering, and planning firm from Sioux City back in 1979, and was last reviewed in 2001. The City hired Advanced Consulting Engineering Services to review the book to update standard numbers, etc., and eliminate certain practices that are no longer used, such as brick construction of manholes, etc. We have also consolidated the book by removing sections that were repeated under water, sewer, and storm sewer and placed them under one location, such as trenching and backfilling. We did submit the book to two local contractors to review and have not heard back from either one. We will be reviewing the book in sections, and what was in the Council packet was Article 1 – Article 15. This was a discussion item only.

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, the Mayor declared the motion carried and the meeting adjourned at 6:39 p.m.