

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

The Wayne City Council met in regular session at City Hall on Tuesday, July 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, Jason Karsky, and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 20, 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 Brodersen, to approve the minutes of the meeting of June 18, 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 Eischeid 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; AJQUI, DOMINGA, RE, 50.00; AMERICAN UNDERGROUND SUPPLY, SI, 140.87; AMERICAN UNDERGROUND SUPPLY, SU, 3678.57; AMERITAS, SE, 87.86; AMERITAS, SE, 72.00; AMERITAS, SE, 2580.92;

AMERITAS, SE, 80.09; AMOT, SU, 1660.28; APPEARA, SE, 82.71; BEBEE, TIMOTHY J. & LESLIE A., RE, 3100.41; BENSCOTER, LOUIS, RE, 3244.48; BOMGAARS, SU, 1341.89; BORDER STATES INDUSTRIES, SU, 607.97; CARHART LUMBER COMPANY, SU, 203.00; CENTURYLINK, SE, 419.39; CITIZENS STATE BANK, RE, 1595.41; CITIZENS STATE BANK, RE, 9989.80; CITY EMPLOYEE, RE, 11.78; CITY EMPLOYEE, RE, 12.82; CITY EMPLOYEE, RE, 576.61; CITY OF WAYNE, PY, 89642.81; CITY OF WAYNE, RE, 1242.75; CORE & MAIN, SU, 1558.46; DANKO EMERGENCY EQUIPMENT, SE, 1703.45; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 103.20; DEMCO, SU, 227.33; DUTTON-LAINSON, SU, 4515.40; EAKES OFFICE PLUS, SE, 910.81; ED M. FELD EQUIPMENT, SU, 487.50; FIRST CONCORD GROUP, SE, 2841.76; FLOOR MAINTENANCE, SU, 392.46; FOURTH GENERATION FAMILY, RE, 13832.88; GRAINLAND ESTATES, RE, 2289.30; GRONE, KELLY, RE, 150.00; GROSSENBURG IMPLEMENT, SU, 179.16; H & R CONSTRUCTION, RE, 250.00; HAWKINS, INC, SU, 539.31; HILAND DAIRY, SE, 104.95; I&A CONSTRUCTION, SE, 45556.25; ICMA, SE, 8298.68; IRS, TX, 1.86; IRS, TX, 11124.12; IRS, TX, 14906.46; IRS, TX, 7.96; IRS, TX, 3486.18; JEO CONSULTING GROUP, SE, 23093.95; JORGENSEN, KEN, RE, 2910.00; JWC ENVIRONMENTAL, SU, 593.98; KAY CONTRACTING, SE, 8610.00; KNIFE RIVER MIDWEST, SE, 1146.95; LEE, MARA, RE, 150.00; LOVE SIGNS, RE, 100.00; METERING & TECHNOLOGY SOLUTIONS, SU, 879.33; MIDSTATES ERECTORS, SU, 868.50; MILLER LAW, SE, 5416.67; MZRB LLC, RE, 3026.53; NE DEPT OF REVENUE, TX, 4485.38; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 493.00; NeRPA, FE, 60.00; NORTHEAST NNEDD, SE, 350.00; NNEDD, SE, 660.00; NORTHEAST NE INS AGENCY, SE, 90439.00; NORTHEAST POWER, SE, 19346.48; NOVA FITNESS EQUIPMENT, SE, 916.90; PETERSON, CARTER, RE, 1409.28; PROGRESSIVE PROPERTIES, RE, 3600.28; PROGRESSIVE PROPERTIES, RE, 1300.17; PROGRESSIVE PROPERTIES, RE, 4145.59; REEG, BETTY S. Revocable Trust, RE, 2818.56; REEG, BILL, RE, 100.00; SHARP CONSTRUCTION, RE, 100.00; SKARSHAUG TESTING LAB, SE, 196.32; TOMPKINS, RODNEY R. Irrevocable Trust, RE, 2818.56; UNITED HEALTHCARE, SE, 43065.50; US BANK, SU, 4238.81; UTILITIES SECTION, FE, 3942.00; WAED, SE, 14871.00; WAYNE COUNTY COURT, RE, 150.00; WESCO, SU, 1705.58; WESTERN RIDGE III, RE, 4373.56; WINDOM RIDGE, RE, 2939.91; WISNER WEST, SU, 402.20; WISNER WEST, RE, -182.31; AMERICAN BROADBAND, SE, 2540.47; AMERICAN PUBLIC POWER ASSOCIATION, FE, 1600.91; B & B PAINTING, RE, 412.52; BANK FIRST, RE, 62707.19; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1170.00; BORDER STATES INDUSTRIES, SU, 529.65; CITY EMPLOYEE, RE, 430.62; CITY EMPLOYEE, RE, 31.22; DANKO EMERGENCY EQUIPMENT, SU, 9316.80; ED M. FELD EQUIPMENT, SE, 290.15; ELKHORN VALLEY BANK, RE, 11000.00; FLOOR MAINTENANCE, SU, 447.49; FREDRICKSON OIL, SE, 141.60; GERHOLD CONCRETE, SU, 23.70; GILL HAULING, SE, 261.25; GROSSENBURG IMPLEMENT, SU, 18.13; HAWKINS, SU, 1596.80; HEARTLAND FIRE PROTECTION, SE, 95.80; HELENA AGRI-ENTERPRISES, SU, 65.00; HILAND DAIRY, SE, 49.18; HOMETOWN LEASING, SE, 433.87; INTERSTATE BATTERY SYSTEM, SU, 115.95; LAMP, MACKENZIE, SE, 300.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 890.00; LOGIC LAWNS, SE, 250.00; LOVE SIGNS, SU, 170.00; MENENDEZ, JOSE M., SE, 232.80; METERING & TECHNOLOGY SOLUTIONS, SU, 3169.25; MIDWEST TAPE, SU, 223.96; NE LIBRARY ASSO, FE, 60.00; NEBRASKA STATEWIDE ARBORETUM, FE, 100.00; NORTHEAST POWER, SE, 5563.00; ONE CALL CONCEPTS, SE, 96.42; PLUNKETT'S PEST CONTROL, SE, 916.73; QHA CLEANING, SE, 4081.68; QUALITY 1 GRAPHIC, SU, 300.00; QUALITY FOOD CENTER, SU, 7.50; RESCO, SU, 549.46; STATE NEBRASKA BANK & TRUST, SE, 45.04; THRASHER, RE, 100.00; TOTAL GRAPHICS, SU, 567.60; TYLER TECHNOLOGIES, SE, 200.00; US FOODSERVICE, SU, 1122.47; VAN DIEST SUPPLY, SU, 1436.80; VIAERO, SE, 67.12; WESCO, SU, 532.86; WAPA, SE, 19178.16; ZIMCO SUPPLY, SU, 840.00

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

Jerry Allemann, representing the Lower Elkhorn Natural Resource District, presented the City of Wayne with a check for \$30,000, which represents a grant received to assist in the funding of the Versacourt Play Area Project at College Hill Park.

Luke Virgil, Director of Wayne Area Economic Development, presented the semi-annual report of the LB840 activity.

Councilmember Eischeid arrived at 5:36 p.m.

The following Resolution is a requirement by the Nebraska Department of Transportation when a State highway will be closed for a celebration/parade. This Resolution pertains to the Wayne State College Homecoming Parade and Band Day on Saturday, October 5, 2019.

Sarah Gunion, Student Activities Coordinator at Wayne State College, was present to answer questions. She is requesting to close Main Street, between 1st and 11th Streets, on Saturday, October 5, 2019, from 8:00 a.m. to 11:30 a.m. for the WSC Homecoming/Band Day Parade.

Councilmember Sievers introduced Resolution No. 2019-38 and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2019-38

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF TRANSPORTATIONS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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

Councilmember Sievers made a motion, which was seconded by Councilmember Spieker, approving the Contract for Services between the City of Wayne and the Board of Trustees of the Nebraska State Colleges – Wayne State College for the homecoming parade. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tracy Golden, General Manager of Northeast Power, and David Levy, Attorney at Baird Holm LLP Law Firm, gave an update on the Northeast Power electric system and their contemplated upgrades and the impact the same will have on the City of Wayne electric system.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to enter into executive session for the purpose of protecting the public interest to receive an update on pending litigation regarding the Northeast Power electric system, and to allow the following persons to be in attendance: City Administrator Blecke, City Clerk McGuire, Attorney Miller, Electric Distribution Superintendent Tim Sutton, Tracy Golden, General Manager of Northeast Power, David Levy, Attorney at Baird Holm LLP Law Firm, and Jim Litchfield, City Administrator of Wakefield. 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 5:51 p.m.

Mayor Giese again stated that the matter to be discussed in executive session pertains to being updated on pending litigation regarding the Northeast Power electric system.

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 6:40 p.m.

Administrator Blecke stated the following Resolution would appoint JEO Consulting Group, Inc., as the special engineer to be used on various projects in 2019 and also approve the “Master Services Agreement” between the City and JEO Consulting Group, Inc.

City Attorney Miller reviewed the agreement and found the same to be acceptable.

Roger Protzman, Engineer with JEO Consulting Group, Inc., was present to answer questions. The proposal is for him to be in Wayne two mornings per week. There will be a minimum charge of \$1,000 per month. There will be a 5% discount on work that is not contracted for at this time. If there are times when the City does not have work for him, then he can work on other JEO projects because of the access to Wi-Fi.

Councilmember Spieker introduced Resolution 2019-39, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2019-39

A RESOLUTION APPOINTING JEO CONSULTING GROUP, INC., AS THE SPECIAL ENGINEER TO BE USED ON VARIOUS CITY OF WAYNE PROJECTS IN 2019 AND APPROVING THE MASTER SERVICES AGREEMENT BETWEEN THE CITY OF WAYNE AND JEO CONSULTING GROUP, INC.

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, presented the Council with the specifications for a 2019 Ford F-350 Super Duty Pick-up Truck. This would be purchased from Arnie's Ford through the state bid process for the sum of \$40,750. This vehicle would be delivered after October 1st, and would be paid for with funds from the 2019-2020 fiscal year. This pickup would be used to move snow if necessary.

Councilmember Woehler had concerns in regard to this pickup purchase. He questioned the need for a diesel rather than gas, which increases the price by approximately \$9,000. He stated that there are not enough employees to drive all of the vehicles in the Street Department. In addition, he had concerns about the vehicle having sides and the need to hand-lift forms into the truck rather than using a skid loader to lift forms into the truck.

Mr. Hansen stated if the Council did not want to approve the diesel engine option, he would be fine with the gas engine.

Councilmember Karsky, in response to Councilmember Woehler's statements, stated that you have to look at what the vehicle's purpose is, not how many employees you have. These vehicles all have their purposes. He tends to trust and rely on staff to inform them (the Council) on their needs.

Councilmember Eischeid stated he would give the Street Department a lot of credit. This vehicle is replacing a 1992 pickup. They have done really well with the vehicles they have had, and the length of time they have had them. These things are in the budget to prepare for the future. If a vehicle is 25 years old and worth probably \$500, then we need to start thinking about updating the same. He trusts staff to let them know what they need, not just to spend money.

After discussion, Councilmember Karsky introduced Resolution No. 2019-40 and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2019-40

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A 2019 FORD F-350 SUPER DUTY PICK-UP TRUCK THROUGH THE STATE BID SYSTEM AS PER THE BID PROPOSAL RECEIVED FROM ARNIE'S FORD - \$40,750.00.

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

Councilmember Sievers introduced Ordinance No. 2019-7, and moved for approval of the third and final reading thereof; Councilmember Spieker seconded.

ORDINANCE NO. 2019-7

AN ORDINANCE ADOPTING THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF WATER, SEWER, STORM SEWER AND PAVING MANUAL.

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

Discussion took place regarding the all-terrain and utility vehicle ordinance.

Attorney Miller stated that right now, we have an ordinance that deals with ATV's and UTV's and it mirrors State Statutes. She would suggest that the City keep the ATV and UTV rules and regulations separate from the golf carts, golf cars, and lawn mowers, by way of a separate ordinance or separate section in the ordinance that has been prepared. She also advised the Council that they need to figure out what their goal or purpose is for this ordinance.

Councilmember Haase left the meeting at 7:22 p.m.

Councilmember Eischeid stated that there are two reasons for this:

1. To prevent those people that are skirting State Law by not driving their car or pickup when they do not have valid licenses to get from point A to point B as a mode of transportation.
2. For safety. Wayne has two major highways going through it and a lot of truck and vehicle traffic.

Attorney Miller asked the Council to forward their goals to her and she will prepare the wording to see if that meets what they want, etc.

After further discussion, Councilmember Spieker made a motion, which was seconded by Councilmember Sievers, to table action on Ordinance No. 2019-8 until the next meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who left the meeting, the Mayor declared the motion carried.

Councilmember Spieker made a motion, which was seconded by Councilmember Sievers, 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 to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who had left the meeting, the Mayor declared the motion carried, and executive session began at 6:20 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 Buck, to resume open session. Mayor Giese stated the motion, and the result of roll call being

all Yeas, with the exception of Councilmember Haase who had left the meeting, the Mayor declared the motion carried, and open session resumed at 8:05 p.m.

Councilmember Spieker introduced Resolution No. 2019-41 and moved for its approval, with the following change therein:

- Salary increased to \$101,000; and

Councilmember Eischeid seconded.

RESOLUTION NO. 2019-41

A RESOLUTION TO ADOPT CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who had left the meeting, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, to adjourn the meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who had left the meeting, the Mayor declared the motion carried and the meeting adjourned at 8:07 p.m.