

**MINUTES
CITY COUNCIL MEETING
August 20, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, August 20, 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, Jennifer Sievers, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jon Haase.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 8, 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 southwest 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 Spieker, to approve the minutes of the meeting of August 6, 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 Haase 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: APPEARA, SE, 68.42; ASPM LANDSCAPES, LLC, RE, 500.00; BAKER & TAYLOR BOOKS, SU, 854.17; BOMGAARS, SU, 1148.37; BORDER STATES INDUSTRIES, SU, 1291.39; CARROT-TOP INDUSTRIES, SU, 127.00; CITY EMPLOYEE,

RE, 26.97; CITY EMPLOYEE, RE, 772.14; CITY EMPLOYEE, RE, 51.56; CITY OF WAYNE, RE, 1773.09; COPY WRITE PUBLISHING, SE, 99.86; COTTONWOOD WIND PROJECT, SE, 13833.79; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; DAVE'S DRY CLEANING, SE, 96.00; DEARBORN LIFE INSURANCE, SE, 2395.25; DEMCO INC, SU, 511.98; DIAMOND VOGEL PAINTS, SU, 639.20; ECHO GROUP, SU, 176.12; ED M. FELD EQUIPMENT, SU, 385.95; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 2660.23; FLOOR MAINTENANCE, SU, 334.06; GERHOLD CONCRETE, SU, 2193.01; GROSSENBURG IMPLEMENT, SU, 334.34; HAUFF MID-AMERICAN SPORTS, SU, 228.44; HELENA AGRI-ENTERPRISES, SU, 92.00; HILAND DAIRY, SU, 143.99; HOMETOWN LEASING, SE, 433.87; INGRAM LIBRARY SERVICES, SU, 952.96; IOWA PUMP WORKS, SU, 288.63; IVES, TESSA, SE, 300.00; JEO CONSULTING GROUP, SE, 3898.50; JOHN'S WELDING AND TOOL, SU, 272.47; JOHN'S WELDING AND TOOL, SU, -73.47; KLEIN ELECTRIC, SE, 9778.00; KTCH, SE, 973.00; L.G. EVERIST, SU, 659.69; LIONS CLUB PARK, RE, 60.00; LUCAS, JUAN, RE, 150.00; LUTT OIL, SU, 7072.07; MARCO INC, SE, 126.36; MERCHANT SERVICES, SE, 25.80; MERCHANT SERVICES, SE, 1815.89; MERCHANT SERVICES, SE, 869.73; MIDWEST ALARM SERVICES, SE, 144.00; MIDWEST LABORATORIES, SE, 184.00; MUNICIPAL SUPPLY, SU, 2394.66; NE LIBRARY COM, SE, 1188.00; NPPD, SE, 40620.97; NNEDD, SE, 690.00; OCLC, INC, SU, 518.75; OMAHA WORLD-HERALD, SU, 418.95; OVERDRIVE, INC, SU, 401.43; OVERDRIVE, INC, SU, 434.49; OVERHEAD DOOR, SU, 19070.00; PENGUIN RANDOM HOUSE, SU, 30.00; RASMUSSEN AIR & GAS ENERGY, SU, 9704.36; REHAB SYSTEMS, SE, 26524.95; ROBERT WOehler & SONS, SE, 10962.50; SIEVERS, TOM, RE, 294.00; SKARSHAUG TESTING LAB, SE, 305.97; STATE NEBRASKA BANK & TRUST, SE, 45.28; THOMPSON, JOSIE, SE, 300.00; THOMPSON, LUCAS, RE, 250.00; US BANK, SU, 7672.88; UTILITY EQUIPMENT, SU, 4458.66; WAYNE AUTO PARTS, SU, 1161.81; WAYNE COUNTY COURT, RE, 300.00; WAYNE HERALD, SE, 837.81; WESCO, SU, 115.56; WISNER WEST, SU, 40.87; WORLDPAY INTERGRATES PAYMENTS, SE, 185.67; WRECK-AMENDED TOWING & RECOVERY, SE, 100.00; AMERITAS, SE, 79.49; AMERITAS, SE, 2701.82; AMERITAS, SE, 72.00; AMERITAS, SE, 89.43; BIG RIVERS ELECTRIC CORP, SE, 248423.71; BORDER STATES INDUSTRIES, SU, 203.11; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, PY, 84234.12; ECHO GROUP, SU, 209.08; GEOCOMM, SE, 12920.00; GERHOLD CONCRETE, SU, 3638.01; GROSSENBURG IMPLEMENT, SU, 211.03; IRS, TX, 13923.06; IRS, TX, 3256.26; IRS, TX, 9772.01; JACK'S UNIFORMS, SU, 5434.06; JORGENSEN CONCRETE & CONSTRUCTION, SE, 250.00; MARCO TECHNOLOGIES, SE, 182.96; MERCHANT JOB TRAINING, SU, 650.00; MZRB LLC, RE, 250.00; NASC, FE, 190.00; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 150.00; NE DEPT OF REVENUE, TX, 4044.24; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 124.00; NORTHEAST POWER, SE, 19171.64; POLLARD PUMPING, SE, 380.00; RDG PLANNING & DESIGN, SE, 930.00; STANLEY STEAMER, SE, 1738.30; TRI-STATE COMMUNICATIONS, INC, SU, 420.00

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 Haase who was absent and Councilmembers Sievers and Woehler who abstained, the Mayor declared the motion carried.

Sandy Brown, representing the Wayne Green Team, was present to request Council consideration to allowing them to close the westbound traffic on 3rd Street in between Pearl and

Lincoln Streets and change it to two lanes of eastbound traffic only for the Electronic Recycling Event to be held on Saturday, September 14, 2019, from 8:00 a.m. to 10:30 a.m. This will be the seventh recycling event.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the request of the Wayne Green Team to close the westbound traffic on 3rd Street in between Pearl and Lincoln Streets and change it to two lanes of eastbound traffic only for the Electronic Recycling Event to be held on Saturday, September 14, 2019, from 8:00 a.m. to 10:30 a.m. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried

Administrator Blecke, Joel Hansen, Street and Planning Director, as well as Lowell Heggemeyer, Park and Recreation Director, gave an update on the trail project. The plans and specs are out. We are on track for an August 29th bid letting. There are 19 projects being let that same day. Four approved bidders have already taken out plans. In addition, requests for proposals are being sought from engineers for flood damage to the airport and walking trail down by the bridge. This is being treated like a CDBG project, which is the reason we are soliciting engineers and not just letting JEO provide the services. In addition, an update was given on the Roosevelt Park and the Bressler park (stage) projects.

Roger Protzman, JEO Consulting Group, Inc., reported back his findings on the issue with the sewer line that services three properties on West 7th Street. He has conducted a survey of the property and calculated the elevations, which was the main concern. Discussion at the last meeting was whether to develop or install a new line in front of the homes on 7th Street or in the back of the homes where the existing sewer line is. One of the issues with one of the homes is that the sewer line runs through the storm sewer pipe. After the elevations were shot and he examined the options, he has determined that the least expensive option would be to replace the three service lines in the back of the homes.

Councilmember Eischeid noted that the City has done its part in finding a solution to this issue. It is now up to the homeowners to fix the problem. He thought something could be worked out as far as an “assessment” that could be paid back over a certain period of time to ease the burden on the homeowners.

Councilmember Woehler noted that the option to install a water main in front of the homes could easily cost \$50,000, while the service lines in the back could cost a couple of thousand dollars for each homeowner. We know the line can be installed on the north side of their homes, so now it is up to the homeowners to find a contractor to get estimates to fix the same.

It was noted that this project should only take about a week to complete.

After discussion, a motion was made by Councilmember Eischeid and seconded by Councilmember Sievers, to authorize staff to find/locate a contractor to put in a sewer line west of Sherman Street and north of 7th street and assess the costs back to the homeowners. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried.

Discussion took place regarding Ordinance No. 2019-9. If Council does nothing at this time, then golf carts are illegal on city streets, and punishable by a \$100 fine. If you approve what is allowable under section one, golf carts can only be operated on streets that are contiguous or adjacent to the golf course, which means they can only be operated on 21st Street from the highway to the east edge of the golf course. The second section is what is in the proposed ordinance.

Councilmember Eischeid stated he has talked to several people, and not one person is for golf carts on city streets. He is not in favor of how the proposed ordinance is written. Safety is more important than convenience.

Councilmember Sievers stated her opinion was either everyone should be allowed to drive a golf cart on city streets or no one should be able to. She did not think golf carts should be allowed only on certain streets or in certain areas of the City.

Councilmember Karsky stated he thought this has the potential to cause bad feelings amongst the citizens of this community, if approved.

Police Chief Chinn reminded Council that if they adopt or choose Option 1 or 2, everyone who has a golf cart has to have liability insurance coverage. Attorney Miller stated she had contacted a local insurance agent, and he thought coverage would cost about \$50 per year. She assumed the golf course already has this insurance coverage on their golf carts.

It was noted that right now, the police are using discretion when they see a golf cart on city streets, more particularly on 21st Street, going from the front nine to the back nine.

There being no further discussion, the second reading of the ordinance died for lack of a motion.

Councilmember Spieker introduced Ordinance No. 2019-10, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2019-10

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VIII GENERAL OFFENSES, CHAPTER 132 OFFENSES AGAINST PUBLIC HEALTH AND SAFETY, SECTION 132.04 FIREWORKS DISCHARGE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR 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 Councilmember Haase who was absent and Councilmember Eischeid who voted Nay, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

The following Municipal Annual Certification of Program Compliance Form 2019 and Resolution replaces the annual filing of the One and Six Year Plan or Program and the former standardized system of annual reporting with the Nebraska Board of Public Roads Classification

and Standards. This must be adopted and returned to the Nebraska Department of Transportation (NDOT) by October 31, 2019. This new law went into effect March 8, 2019, and is the first major change in 50 years to NDOT and County and municipal highway, road and street public record keeping and reporting requirements.

Councilmember Sievers introduced Resolution No. 2019-48 and moved for its approval, Councilmember Buck seconded.

RESOLUTION NO. 2019-48

A RESOLUTION AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2019.

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

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:53 p.m.