

**MINUTES  
CITY COUNCIL MEETING  
October 1, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, October 1, 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, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jennifer Sievers.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 19, 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 Haase made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of September 17, 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 Sievers 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:** AMERITAS, SE, 83.69; AMERITAS, SE, 2638.42; AMERITAS, SE, 72.00; AMERITAS, SE, 100.02; APPEARA, SE, 34.21; BAKERS CANDIES, SU, 67.60; CARPENTER PAPER COMPANY, SU, 58.75; CITY EMPLOYEE, RE, 2007.52; CITY

EMPLOYEE, RE, 22.32; CITY EMPLOYEE, RE, 3327.45; CITY EMPLOYEE, RE, 164.45; CITY EMPLOYEE, RE, 11.76; CITY EMPLOYEE, RE, 114.02; CITY OF MADISON, SE, 100.00; CITY OF WAYNE, PY, 76589.33; CITY OF WAYNE, RE VOID, -139.67; CITY OF WAYNE, RE VOID, -116.67; CITY OF WAYNE, RE, 705.09; CREDIT MANAGEMENT SERVICES, RE, 181.95; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DGR & ASSOCIATES, SE, 447.50; DUTTON-LAINSON, SU, 318.71; GROSSENBURG IMPLEMENT, SU, 164.29; HAWKINS, SU, 354.32; HYDRO OPTIMIZATION, SU, 1588.10; I&A CONSTRUCTION, SE, 61512.27; ICMA, SE, 7979.91; IRS, TX, 12778.52; IRS, TX, 9344.38; IRS, TX, 2988.48; JEO CONSULTING GROUP, SE, 2145.90; LESEBERG MASONRY & CONST, SE VOID, -4805.00; MICHAEL TODD & CO, SU, 192.03; MIDWEST TURF & IRRIGATION, SE VOID, -1,424.83; NE DEPT OF REVENUE, TX, 3878.09; NE DEPT OF REVENUE, FE, 25.00; NNEDD, SE, 1380.00; NORTHEAST POWER, SE, 19171.64; PING TREE SERVICE, SE, 526.00; STAPLES, SU, 60.21; STATE NEBRASKA BANK-PETTY CASH, RE, 62.00; WAYNE COMMUNITY SCHOOLS, SE, 63.00; WAYNE COUNTY, SE, 1000.00; WAYNE STATER, SE, 150.00; WESCO, SU, 14272.21; WISNER WEST, SU, 28.00; ZIMCO SUPPLY, SU, 930.00; 1ST CHOICE RECYCLING, SE, 5500.00; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 1420.29; AMERICAN UNDERGROUND SUPPLY, SU, 517.10; APPEARA, SE, 52.31; ARNIE'S FORD, SU, 56.38; B & B PAINTING, SE, 900.00; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1775.00; BINSWANGER GLASS, SE, 736.04; BIO-ELECTRONICS, SE, 203.30; BLACK HILLS ENERGY, SE, 175.09; BORDER STATES INDUSTRIES, SU, 465.45; CDW GOVERNMENT, SE, 2538.00; CENTURYLINK, SE, 422.96; CITIZENS STATE BANK, RE, 3857.53; CITIZENS STATE BANK, RE, 2467.51; CITY EMPLOYEE, RE, 163.75; CITY EMPLOYEE, RE, 237.34; CITY EMPLOYEE, RE, 224.81; CITY OF WAYNE, RE, 243.69; COLONIAL RESEARCH, SU, 135.68; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 34743.69; EAKES OFFICE PLUS, SE, 935.80; ECHO GROUP, SU, 66.00; ELLIS HOME SERVICES, SE, 3868.17; FIRST CONCORD GROUP, SE, 2841.76; FLOOR MAINTENANCE, SU, 665.48; GERHOLD CONCRETE, SU, 3257.88; GROSSENBURG IMPLEMENT, SE, 2286.70; HELENA AGRICULTURAL ENTERPRISES, SU, 20.00; HILAND DAIRY, SE, 60.25; INTERSTATE BATTERY SYSTEM, SU, 110.95; IOWA PUMP WORKS, SU, 5756.00; ISLAND SPRINKLER SUPPLY, SU, 421.40; JEO CONSULTING GROUP, SE, 1781.37; KATHOL TURF, SE, 2689.05; KYLE MILLER, RE, 458.82; LESEBERG MASONRY & CONST, SE, 4805.00; MARRIOTT HOTELS, SE, 654.00; MIDWEST TURF & IRRIGATION, SE, 1424.83; MUNICIPAL EMERGENCY SERVICES, SU, 319.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 643.00; NORTHEAST POWER, SU, 191.22; NOVA FITNESS EQUIPMENT, SU, 1045.44; RASMUSSEN AIR & GAS ENERGY, SU, 2738.71; RON'S RADIO, SE, 90.00; SIRCHIE, SU, 257.36; STAPLES, SU, 36.94; STATE NEBRASKA BANK-PETTY CASH, RE, 49.61; STATE NEBRASKA BANK-PETTY CASH, RE, 442.82; STATE NEBRASKA BANK-PETTY CASH, RE, 20.00; THE RADAR SHOP, SE, 258.00; US BANK, SU, 16422.32; WESCO, SU, 267.50; ZEE MEDICAL SERVICE, SU, 170.28;

**FISCAL YEAR 2019-2020:** ACES, SE, 901.25; DEARBORN LIFE INSURANCE COMPANY, SE, 99.76; HOMETOWN LEASING, SE, 433.87; MILLER LAW, SE, 5416.67; NE DHHS, FE, 7600.00; NE STATE FIRE MARSHAL, SE, 120.00; NORTHEAST NE INS AGENCY, SE, 85782.00; PROVIDENCE MEDICAL CENTER, SE, 63975.00; TYLER TECHNOLOGIES, SE, 2550.88; UNITED HEALTHCARE, SE, 44052.75; VIAERO, SE, 68.24; WAED, SE, 8222.92; WAYNE KIWANIS, FE, 141.00

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

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

It was noted before discussion took place on Agenda Item No. 5 that Councilmember Chris Woehler had a conflict of interest as an investor, as well as Administrator Blecke.

Luke Virgil, Executive Director of Wayne Area Economic Development, was present regarding the LB840 Revolving Loan Fund Review Committee's recommendation on the request of Ace Hardware & Home for a \$200,000, 0%, 15-year loan, to be used for start-up costs associated with opening an Ace store in Wayne and to purchase inventory tailored for the Wayne market.

Following the meeting, the Review Committee discussed and took the following action on the request by Ace Hardware & Home with the following terms:

- Loan request of \$200,000;
- Loan repayment period of 15 years;
- Interest rate to be set at 0% for years 1-5 and 2% for years 6-15; and
- That final approval is contingent upon the receipt of Credit Bureau Reports for managers, as required by the LB840 Economic Development Plan Guidelines.

When the City put together the LB840 program, it had to borrow money from the Electric Fund at an interest rate set at 3%. Therefore, there is an expectation to try to recoup that in some capacity. The LB840 guidelines recommend having an interest rate set at half of the primary lender's interest rate. That rate is at 5 or 5.25%, so 2% is actually below the recommendation in the guidelines. However, the Committee felt it was important to the community to fill the void that was created last June by the closing of the Shopko store. The Committee also felt that the first five years is some of the most important times, which is why they went with 0% for that timeframe. The total project will be about \$1.6 million, and they hope to employ 8-10 full-time employees.

Steve LeGrand, Mike McManigal and BJ Woehler were present to answer questions and request that the Council reconsider their request for a \$200,000 loan, at 0% for 15 years. Mr.

LeGrand owns an Ace Hardware Store in Blair. They will tailor the store to the City of Wayne. They are hoping to have the store open March 1, 2020.

It was noted that at this time, there is \$235,000 available in the LB840 account. If this loan were approved, it would leave about \$35,000 in that fund. By the end of the calendar year, there would be another \$132,829 in revenue through loan repayments and sales tax revenue. Over the next ten months, there will be enough monies in the account to make the loan payments to the Electric Fund.

Councilmember Spieker made a motion, which was seconded by Councilmember Karsky, approving the LB840 Revolving Loan Fund Review Committee's recommendation on a revolving loan fund application to Wayne's Economic Development Program by Ace Hardware & Home for \$200,000 to be used for start-up costs associated with opening an Ace Store in Wayne to purchase inventory tailored to the Wayne market (location – former Shopko Store).

When asked about the terms, Councilmember Spieker rescinded his motion because he wanted to hear more about what the Council thought. Councilmember Karsky then rescinded his second to the motion.

After discussion, Councilmember Karsky made a motion, which was seconded by Councilmember Spieker, approving the request of Ace Hardware & Home for a \$200,000, 0%, 15-year loan to Ace Hardware & Home.

Councilmember Eischeid stated he was going to vote in favor of this motion; however, he wanted it noted that he does not like going against what the LB840 Committee recommends.

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

Attorney Miller noted she would be in contact with Mr. LeGrand for specifics.

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 Annual Christmas on Main Celebration/Annual Parade of Lights to be held on Thursday, November 21, 2019.

Irene Fletcher, representing Wayne Area Economic Development, was present to answer questions.

Councilmember Brodersen introduced Resolution No. 2019-57 and moved for its approval; Councilmember Spieker seconded.

#### RESOLUTION NO. 2019-57

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF TRANSPORTATION 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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, was requesting Council consideration to prohibit parking on Main Street in the 200 block of Main Street from 5:30 p.m. until 8:00 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, November 21<sup>st</sup>.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, approving the request of Wayne Area Economic Development to prohibit parking on Main Street in the 200 block of Main Street from 5:30 p.m. until 8:00 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, November 21<sup>st</sup>. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Roger Protzman, representing JEO Consulting Group, reviewed the plans and specifications for the "Transmission Water Main from North Well Field to City Limits Project." The estimate of cost on the project is \$3,030,800 (PVC pipe) and \$3,620,000 (ductile iron pipe). In his 20 years of experience, he thought the PVC pipe was the way to go.

Councilmember Brodersen introduced Resolution 2019-58, and moved for its approval;  
Councilmember Eischeid seconded.

RESOLUTION NO. 2019-58

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE “TRANSMISSION WATER MAIN FROM NORTH WELL FIELD TO CITY LIMITS PROJECT;” AUTHORIZING SUBMITTAL OF THE PLANS AND SPECIFICATIONS TO THE DEPARTMENT OF HEALTH & HUMAN SERVICES; AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

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

Discussion took place on the offer to purchase the South 25’ of Lot 5 and the North 5’ of Lot 4, Block 1, Spahr’s Addition to the City of Wayne, Wayne County, Nebraska, by Ed and Lee Brogie, for \$200.

Administrator Blecke stated the City dedicated 28’ of this property to right-of-way. Now, this lot is unbuildable. It is only 30’ wide. The property is zoned B-3.

Joel Hansen, Street and Planning Director, stated that because it is now a corner lot, that 30’ has a 15’ setback on the north side. If the property were sold to Brogies, they would then be responsible for mowing and cleaning the sidewalks, which would relieve the City of those jobs. It was noted that the Brogie’s sewer line goes through this lot. Parking would probably be the only option for this piece of property.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, directing staff to advertise for sale the following property:

The South 25’ of Lot 5 and the North 5’ of Lot 4, Block 1, Spahr’s Addition to the City of Wayne, Wayne County, Nebraska,

with the results being brought before Council at the November 5<sup>th</sup> meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Therefore, no action was taken on Agenda Item No. 9 — Resolution 2019-59: Authorizing the sale of the South 25' of Lot 5 and the North 5' of Lot 4, Block 1, Spahr's Addition to the City of Wayne, Wayne County, Nebraska, to Ed Brogie and Lee Brogie, Husband and Wife, for \$200.00 or Agenda Item No. 10 — Ordinance 2019-16: Directing the sale of the South 25' of Lot 5 and the North 5' of Lot 4, Block 1, Spahr's Addition to the City of Wayne, Wayne County, Nebraska, to Ed Brogie and Lee Brogie, Husband and Wife, for \$200.00.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:44 p.m.