

**MINUTES
CITY COUNCIL MEETING
December 3, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, December 3, 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 November 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 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 Woehler made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting November 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 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: ACES, SE, 901.25; AMAZON.COM, SU, 1122.89; AMERICAN UNDERGROUND SUPPLY, SU, 745.73; AMERITAS, SE, 94.48; AMERITAS, SE, 3049.58; AMERITAS, SE, 72.00; AMERITAS, SE, 114.54; APPEARA, SE, 146.59; BENSCOTER,

LOUIS, RE, 250.00; BIG STATE INDUSTRIAL SUPPLY, SU, 229.35; BLACK HILLS ENERGY, SE, 1247.07; BOMGAARS, SU, 119.88; BORDER STATES INDUSTRIES, SU, 2099.40; CARHART LUMBER COMPANY, SU, 117.21; CENTURYLINK, SE, 424.09; CITY EMPLOYEE, RE, 226.22; CITY EMPLOYEE, RE, 17.13; CITY EMPLOYEE, RE, 960.03; CITY OF WAYNE, PY, 79544.64; CITY OF WAYNE, RE, 1300.03; COLONIAL RESEARCH, SU, 38.49; COMMUNITY REDEVELOPMENT AUTHORITY, SE, 2000.00; CONSOLIDATED MANAGEMENT, SE, 8.74; CREAMER AUCTIONEERS, RE, 150.00; CREDIT MANAGEMENT SERVICES, RE, 183.54; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 115.02; ED M. FELD EQUIPMENT, SU, 156.00; FIRST CONCORD GROUP, SE, 2841.76; FLOOR MAINTENANCE, SU, 164.00; HEIKES AUTOMOTIVE, SE, 847.61; HILAND DAIRY, SE, 108.89; HOMETOWN LEASING, SE, 433.87; HYDRAULIC SALES & SERVICE, SE, 115.20; HYDRO OPTIMIZATION, SU, 1152.58; ICMA RETIREMENT-FIRST NATL BANK – MARYLAND, SE, 8002.02; INTERSTATE BATTERY SYSTEM, SU, 127.95; IOWA PUMP WORKS, SE, 5250.53; IRS, TX, 13430.16; IRS, TX, 3140.88; IRS, TX, 9998.18; JACK'S UNIFORMS, SU, 189.90; JEO CONSULTING GROUP, SE, 1891.69; JOHN'S WELDING AND TOOL, SU, 35.00; LAQUINTA INNS & SUITES, SE, 869.60; MIDWEST SERVICE & SALES, SU, 12213.00; MIDWEST TAPE, SU, 59.99; NE DEPT OF REVENUE, TX, 4208.58; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 331.00; NNEDD, SE, 587.14; NORTHEAST POWER, SE, 19171.64; STAPLES, SU, 117.73; STATE NEBRASKA BANK & TRUST, RE, 11752.17; STATE NEBRASKA BANK & TRUST, RE, 45.44; STATE NEBRASKA BANK & TRUST, RE, -45.44; STATE NEBRASKA BANK & TRUST, RE, 45.44; WAYNE COUNTY COURT, RE, 50.00; WIGMAN COMPANY, SU, 957.38; WISNER WEST, SU, 299.63; ZIMCO SUPPLY, SU, 100.00; AMERICAN BROADBAND, SE, 2427.28; APX, SU, 1000.00; BORDER STATES INDUSTRIES, SU, 102.99; CITY EMPLOYEE, RE, 31.22; CITY EMPLOYEE, RE, 29.21; CITY EMPLOYEE, RE, 165.63; CITY EMPLOYEE, RE, 21.86; COPY WRITE PUBLISHING, SE, 149.50; ECHO GROUP, SU, 70.25; ELECTRONIC ENGINEERING, SU, 4520.48; GILL HAULING, SE, 261.25; HILAND DAIRY, SE, 52.33; HILAND DAIRY, SE, 105.15; JEO CONSULTING GROUP, SE, 9862.50; JOHNSON HARDWARE, SU, 123.83; MAIN STREET GARAGE, SE, 401.25; MERCHANT SERVICES, SE, 1815.24; MERCHANT SERVICES, SE, 1048.72; MERCHANT SERVICES, SE, 72.76; METERING & TECHNOLOGY SOLUTIONS, SU, 3169.25; MILLER LAW, SE, 5416.67; NE DEPT OF ENVIRONMENTAL QUALITY, SE, 25685.10; NE DEPT OF ENVIRONMENTAL QUALITY, SE, 230504.13; NORTHEAST NE INS AGENCY, SE, 61.00; NORTHEAST POWER, SE, 5304.00; ONE CALL CONCEPTS, SE, 41.48; SIGNS BY TOMORROW, SE, 634.00; SKARSHAUG TESTING LAB, SE, 180.59; SOOLAND BOBCAT, SU, 23.47; STAPLES, SU, 95.61; STATE NEBRASKA BANK & TRUST, SE, 45.44; TYLER TECHNOLOGIES, SE, 200.00; VIAERO, SE, 68.36; WAED, SE, 8222.92; WESCO, SU, 173.34

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

Gary Boehle of Elkhorn Agency, the City's group health insurance agent, reviewed the 2020 renewal rates that were received from United Healthcare of Nebraska. The same were

increasing by 26%. Mr. Boehle obtained a proposal from Blue Cross Blue Shield of Nebraska, the only other group health insurance carrier in the State of Nebraska. That plan is comparable to the City's current plan, and would be an increase of 15% in the premiums. The deductibles will decrease from \$6,550/\$13,100 single/family to \$6,350/\$12,700 single/family, and with the self-insuring that the City does, the decrease in the out-of-pocket expense to the employees will be \$40/\$80 single/family.

Councilmember Woehler questioned whether a wellness program should be put together or looked into for the employees. He had visited with another insurance agent who has set this program up with other municipalities.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker to terminate the City of Wayne's group health insurance coverage with United Healthcare of Nebraska and to enroll with Blue Cross Blue Shield of Nebraska, effective January 1, 2020, and to direct City staff and Gary Boehle of Elkhorn Agency to look into a wellness program discount. 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.

City Clerk McGuire had received an application for Addition to Liquor License Premises from El Tequila LLC, d/b/a Fiesta Brava. They are requesting Council approval to add a dining area or new addition to the south and a patio café along the west and south sides of that building. She visited with Luis Abundes who said he intends to put in a 5' black metal fence around the perimeter of the sidewalk café.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, approving the Application for Addition to Liquor License Premises – El Tequila LLC, d/b/a Fiesta Brava to add a dining area to the south and a patio café along the west and south side of that building. 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.

The City has received the Annual Renewal Maintenance Agreement from the State of Nebraska Department of Transportation (NDOT). This is their standard form of renewal agreement. This is the same agreement as last year — the City will pay the NDOT \$2,100.00 per lane mile or \$4,935.00 in 2020 for the surface maintenance on 2.35 lane miles of highway through Wayne.

Councilmember Brodersen made a motion, which was seconded by Councilmember Woehler, approving the Annual Renewal Maintenance Agreement (2020) with the State of Nebraska Department of Transportation. 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.

The following Resolution would amend the Wage and Salary Schedule by including a 2% cost of living increase that was approved in the budget. This would be effective with the first payroll period in January, 2020.

Councilmember Brodersen introduced Resolution No. 2019-70 and moved for its approval; Councilmember Spieker seconded the motion.

RESOLUTION NO. 2019-70

A RESOLUTION AMENDING THE WAGE AND SALARY SCHEDULE.

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.

The following Resolution would approve the “Service/Consultant Agreement” between the City and Northeast Nebraska Economic Development District for general administration of CDBG No. 19-PW-017. This grant is for the infrastructure improvements to Pine Heights Road between 9th and 10th Streets, and approximately 300 feet west and 125 feet east on 10th Street and 75 feet north on Lilac Lane from the intersection of Pine Heights Road, Lilac Lane and 10th

Street. The amount to be reimbursed to the District shall not exceed \$25,000. The estimated cost of the project is \$916,230, and the City has been awarded up to \$400,000. Those amounts do not include grant administration (\$25,000) and construction management (\$10,000) fees.

Councilmember Brodersen introduced Resolution No. 2019-71 and moved for its approval; Councilmember Karsky seconded the motion.

RESOLUTION NO. 2019-71

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) FOR THE GENERAL ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT 19-PW-017.

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.

The following ordinance comes before Council for its second reading. Administrator Blecke explained the discussion that took place at the meeting when the first reading of the ordinance was approved. If the Council wants to move trailers that have some life left in them, then staff is of the opinion that how the ordinance has been amended is the easier way to do it. If the wish is to have all mobile homes be demolished on site if they are no longer useable, then the ordinance does not have to be amended.

Joel Hansen, Street and Planning Director, was present to answer questions, and explain his reasons for recommending the amendment to the code.

Councilmember Eischeid introduced Ordinance 2019-17, and moved for approval of the second reading thereof; Councilmember Buck seconded.

ORDINANCE NO. 2019-17

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.03 MOVING BUILDINGS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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. The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2019-18, and moved for approval of the second reading thereof; Councilmember Buck seconded.

ORDINANCE NO. 2019-18

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE SOUTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE (LAGE PROPERTY).

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. The third and final reading will take place at the next meeting.

Administrator Blecke stated that this item was tabled at the last meeting so staff could verify no issues with this project from the State Fire Marshal. Staff met with the Fire Marshal on November 26th on-site, and he saw no issues with the proposed full, 13-ft. long wall. He noted that the sprinklers were in good position to cover the area (even with the wall to the ceiling).

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving and directing City Staff to move forward with the renovation of the concession area in the Community Activity Center Facility, as proposed at the Council min-retreat. 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 in regard to setting a date and time for the next Council retreat. Consensus was to have the Council retreat on Wednesday, January 15, 2020, at 5:00 p.m. in Council Chambers.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to enter into executive session to discuss a personnel matter (the appointment of Amy

Miller as City Attorney and her Retainer Agreement), so as to prevent the needless injury to the reputation of the individual (City Attorney) who has not requested a public hearing, and to allow City Administrator Blecke and City Clerk McGuire to be in attendance. 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 executive session began at 6:07 p.m.

Mayor Giese again stated the matter to be discussed in execution session relates to the appointment and retainer agreement of Amy Miller, City Attorney.

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 Sievers who was absent, the Mayor declared the motion carried, and open session resumed at 6:32 p.m.

Councilmember Brodersen introduced Resolution 2019-72, and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2019-72

A RESOLUTION APPROVING THE APPOINTMENT OF AMY K. MILLER AS CITY ATTORNEY AND RETAINER AGREEMENT.

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.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:33 p.m.