

**MINUTES
CITY COUNCIL MEETING
January 7, 2020**

The Wayne City Council met in regular session at City Hall on Tuesday, January 7, 2020, 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; 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 December 26, 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 Brodersen made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting December 17, 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: DELETE FROM CLAIMS LISTING OF 12/31/19: KAY CONTRACTING, SE, 18926.40;

AMERICAN BROADBAND, SE, 2418.24; AMERICAN UNDERGROUND SUPPLY, SU, 80.07; AMERITAS, SE, 108.28; AMERITAS, SE, 2979.40; AMERITAS, SE, 72.00; AMERITAS, SE, 116.81; APPEARA, SE, 34.21; AUTO ANATOMY ALTERNATIVES, SU, 1079.00; BORDER STATES INDUSTRIES, SU, 116.96; CITY EMPLOYEE, RE, 107.04; CITY EMPLOYEE, RE, 367.03; CITY EMPLOYEE, RE, 1011.03; CITY OF WAYNE, PY, 75336.21; COPY WRITE PUBLISHING, SE, 688.20; CREDIT MANAGEMENT SERVICES, RE, 183.54; DAVE'S DRY CLEANING, SE, 87.00; EASYPERMIT POSTAGE, SU, 1831.56; ECHO GROUP, SU, 65.99; ELLIS HOME SERVICES, SE, 75.50; FREDRICKSON OIL, SU, 594.00; GILL HAULING, SE, 261.25; HOMETOWN LEASING, SE, 433.87; HYPERION INTEGRATOR, SE, 141.25; INTERSTATE BATTERY SYSTEM, SU, 253.90; IRS, TX, 12888.70; IRS, TX, 3014.32; IRS, TX, 68.40; IRS, TX, 16.00; IRS, TX, 9974.04; J. F. AHERN CO., SE, 330.00; JOHN'S WELDING AND TOOL, SU, 7.80; LEAK INVESTIGATORS, SE, 1350.00; LUTT OIL, SU, 4444.95; MERCHANT SERVICES, SE, 131.36; MERCHANT SERVICES, SE, 1026.30; MERCHANT SERVICES, SE, 2038.75; MILLER LAW, SE, 5416.67; MOSLEY, DENNIS, SE, 50.00; NE DEPT OF REVENUE, TX, 4093.10; NE DEPT OF REVENUE, TX, 5.87; NELSON, JEREMY, RE, 500.00; NELSON, MATT, RE, 500.00; NORTHEAST NE INS AGENCY, SE, 89268.00; ONE CALL CONCEPTS, SE, 23.81; O'REILLY AUTOMOTIVE STORES, SU, 13.71; PAC N SAVE, SU, 19.35; PAC N SAVE, SU, 645.66; PLUNKETT'S PEST CONTROL, SE, 43.93; POSTMASTER, FE, 150.00; QHA CLEANING, SE, 2840.00; STAPLES, SU, 123.24; STATE NEBRASKA BANK & TRUST, FE, 46.72; TYLER TECHNOLOGIES, SE, 2235.19; US BANK, SU, 10056.18; VERIZON, SE, 401.30; WAYNE AREA CHAMBER OF COMMERCE, FE, 1150.00; WAED, SE, 8222.92; WAYNE COUNTY CLERK, SE, 22.00; WAPA, SE, 21559.44; WORLDPAY INTERGRATES PAYMENTS, SE, 154.30; ACES, SE, 928.29; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 244.68; AMAZON.COM, SU, 17.99; AMAZON.COM, SU, 2203.17; AMERICAN UNDERGROUND SUPPLY, SU, 1331.56; AMERITAS, SE, 108.65; AMERITAS, SE, 72.00; AMERITAS, SE, 2716.78; AMERITAS, SE, 80.09; APPEARA, SE, 151.18; ASCAP, FE, 363.00; BINSWANGER GLASS, SE, 629.00; BLACK HILLS ENERGY, SE, 1607.26; BOMGAARS, SU, 877.46; BORDER STATES INDUSTRIES, SU, 1050.03; BRENTLINGER, CASEY, SE, 27.00; CANIGLIA, KIM, RE, 500.00; CARHART LUMBER COMPANY, SU, 369.90; CENTURYLINK, SE, 422.77; CITY EMPLOYEE, RE, 29.21; CITY EMPLOYEE, RE, 161.86; CITY EMPLOYEE, RE, 1115.84; CITY EMPLOYEE, RE, 190.00; CITY EMPLOYEE, RE, 432.17; CITY EMPLOYEE, RE, 3112.70; CITY EMPLOYEE, RE, 500.00; CITY EMPLOYEE, RE, 103.69; CITY EMPLOYEE, RE, 280.35; CITY EMPLOYEE, RE, 241.72; CITY OF WAYNE, PY, 84098.83; CITY OF WAYNE, RE, 1315.86; COLONIAL RESEARCH, SU, 160.90; CREDIT MANAGEMENT SERVICES, RE, 183.54; DANLADI, PHIMWANALA, SE, 90.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DE BOER, MITCH, RE, 500.00; DEARBORN LIFE INSURANCE, SE, 120.90; DEARBORN LIFE INSURANCE, SE, 2502.79; DEMCO, SU, 228.10; DOUBLE J DOORS, SE, 90.79; DUTTON-LAINSON COMPANY, SU, 659.12; EAKES OFFICE PLUS, SE, 1292.13; ECHO GROUP, SU, 224.78; EISCHEID, MATT, RE, 250.00; FIRST CONCORD GROUP, SE, 2841.76; FREDRICKSON OIL, SU, 974.00; GOVERNMENTAL ACCOUNTING, FE, 292.00; GROSSENBURG IMPLEMENT, SU, 1360.00; HAWKINS, SU, 2315.83; HEATHER HEADLEY, RE, 23.73; HEIKES AUTOMOTIVE, SU, 223.50; HILAND DAIRY, SE, 180.22; HYDRAULIC SALES & SERVICE, SU, 85.00; HYDRO OPTIMIZATION, SE, 1604.92; ICMA, SE, 7963.34; ICMA, SE, 10867.37; ICMA, RE, 28.88; INTERSTATE BATTERY SYSTEM, SU, 447.80; IRS, TX, 14955.36; IRS, TX, 13815.61; IRS, TX, 3497.58; IRS, TX, 19.90; IRS, TX, 4.66; JEO CONSULTING GROUP, SE, 4664.06; KELLY SUPPLY COMPANY, SU, 373.34; LENIHAN, JOSEPH, RE, 500.00; LEO A DALY, SE, 14850.00; MAIN STREET GARAGE, SE, 175.45; METERING & TECHNOLOGY SOLUTIONS, SU, 3167.20;

MICHAEL TODD & CO, SU, 905.72; MIDWEST SERVICE & SALES, SU, 113.00; MILO MEYER CONSTRUCTION, SE, 2032.50; NE DEPT OF REVENUE, TX, 4935.49; NE DEPT OF REVENUE, TX, 0.60; NE EMERGENCY SERVICE, FE, 75.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 309.00; NEBRASKA RECYCLING COUNCIL, FE, 200.00; NORTHEAST POWER, SE, 5494.94; NORTHEAST POWER, SE, 19171.64; NOVA FITNESS EQUIPMENT, SE, 472.75; POLICE OFFICERS' ASSOCIATION OF NE, FE, 105.00; QUALITY FOOD CENTER, SU, 51.97; SCHLICKBERND, MIKE, RE, 123.93; SD MYERS, SE, 348.00; SIRCHIE, SU, 286.55; SKARSHAUG TESTING LAB, SE, 180.59; STADIUM SPORTING GOODS, SU, 326.00; STAPLES, SU, 149.21; STATE NEBRASKA BANK-PETTY CASH, RE, 96.06; SUBSURFACE SOLUTIONS, SU, 168.52; SUDBECK, MATT, RE, 100.00; US FOODSERVICE, SU, 849.23; VIAERO, SE, 68.36; WAED, SE, 5000.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY COURT, RE, 150.00; WBDA, FE, 80.00; WISNER WEST, SU, 200.79; Y & Y LAWN SERVICE, SE, 380.00

Councilmember Brodersen 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 Eischeid who abstained, the Mayor declared the motion carried.

City Clerk McGuire stated she had received from the Nebraska Liquor Control Commission a Manager Application on behalf of Cindi Stolze for the Wayne Hospitality Group, LLC d/b/a the “Cobblestone Hotel.”

Cindi Stolze was present to answer questions.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving the Nebraska Liquor Control Commission Manager Application of Cindi Stolze for the Wayne Hospitality group, LLC, d/b/a the “Cobblestone Hotel.” Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Jean Grove, Recruiting Assistant for the 2020 Census, gave a presentation on the upcoming 2020 Census and the importance of the data that is collected.

Councilmember Eischeid introduced Ordinance 2019-19, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2019-19

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING (SUPPLEMENTARY DISTRICT REGULATIONS), SECTION 152.139 PARKING REGULATIONS; 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, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Joel Hansen, Street and Planning Director, stated the City received from the Nebraska Department of Transportation the “On-Call Construction Engineering Services Task Order Agreement” between the City of Wayne and Olsson for the Wayne Trail – Phase 2 Project. The maximum agreement amount for said construction engineering services is \$379,552.40. The completion of the project is estimated to be October 31, 2020.

Councilmember Eischeid introduced Resolution 2020-1, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2020-1

A RESOLUTION APPROVING THE ON-CALL CONSTRUCTION ENGINEERING SERVICES TASK ORDER AGREEMENT BETWEEN THE CITY OF WAYNE AND OLSSON AND AUTHORIZING THE SIGNING OF THE SAME – WAYNE TRAIL – PHASE 2 PROJECT.

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 2019 Clark Street Sewer Extension Project. Mayor Giese stated the work that has been done on this project has been approved by the City engineer and staff. The discussion tonight has nothing to do with the quality of the contractor’s work. Mayor Giese provided some background on the project.

The Clark Street project was put together under the direction of the City Administrator. Formal bids were not taken; however, estimates were received from two local contractors: Kay Contracting and Robert Woehler & Sons.

During the unearthing process, a chance to save money was seen. City staff and the engineer approved the rerouting of the sewer line with full knowledge at that time that it would not meet the specifications laid out in the City's guidelines. That caused Councilmember Woehler to call into question JEO's decision to make that call without Council approval.

Roger Protzman, representing JEO Consulting Group, Inc., stated the project was designed with bare minimum standards with an aerial photograph. DEQ approved the plans based on the aerial photograph. When the locates were done, it came to light that there were a couple of sets of power lines that were in the way of the proposed route of the sewer main. Not knowing exactly where the utilities were, it came to light afterward during construction that the multiple power lines were at a couple of different depths. One of the things discussed was deflecting the pipe because manufacturers allow for the deflection of their pipes. Discussion took place with staff as to whether or not we thought we could deflect the pipe and get it in here without adding a manhole to the project, and the general consensus was yes. He had that discussion with staff and he believed that was shared with all of the bidders at some point. They have looked at the project, had it televised, and run mandrels through the pipe on at least three occasions. In that regard, it passes the City's specifications. In addition, the pipe was air tested. One of the tests that they could not do because of the deflection, which is in the City's specifications, is shine a light at one end of the manhole to see if we could see the light at the other end of the pipe. He did confer with the reviewing engineer in Lincoln, and she advised that we could run a camera through the pipe, which we did.

Discussion took place regarding the specification book that was recently passed by Council and the need for it to be reviewed and brought up-to-date again.

Staff and the engineer met on site and talked about “bending” or “deflecting” the pipe around September 23rd. The deflection was an option at that time. They would not know for sure until they started to dig, but the intent was to lay a straight line.

Jeff Brown, representing Brown Plumbing, and Mike Kay, representing Kay Contracting, were present to answer questions. In response to Mr. Brown’s question regarding lamp tests, Casey Junck, Water Supervisor, stated he had visited with the previous Water Supervisor who said he has worked for the City for over 30 years, and he has never been around to see a lamp test done.

Project oversight was then discussed – city staff had oversight responsibility on this project. Mr. Protzman was told that if he was around, he could look at the project. The City did not contract with JEO to do a certain amount or a certain number of hours for this project. Mr. Protzman stated he still had minimal responsibility - he needs to know enough, see enough and trust enough that he can certify to the State at the end of the project.

Mr. Kay stated they vacced (sp) all of the utilities to make sure they found everything because they knew the utilities were there. However, if the utilities are 8’ down, the locates are not precise enough that they know exactly where they are located. They found a group of electric lines, which was when the deflection came about. They undermined those utilities to minimize the deflection of the pipe. That is when they knew they had to have a deflection. They knew that the pipe specifications showed they could do a deflection.

In response to Councilmember Karsky’s question, Mr. Protzman stated the air pressure test was done on the line and it passed.

Joel Hansen, Street and Planning Director, stated every project the City does that has an engineer, the Council approves those plans and specs, but once they get out and do the project, things change. He noted a storm sewer project on 2nd and Nebraska Street where City staff had done some locates. The contractor started after everything was approved by the Council. The contractor found some things where the sewer was going to be in the way of the plans for the

storm sewer. The contractor (R & W Construction) and staff made some adjustments that did not meet the plans and specs anymore, and that was never approved by the Council before the work was done because time was of the essence. He noted that in the 10 years he has been the inspector/planner and involved in these types of projects, there has not been one that has not deviated in some way from what the original plans and specs were. Most of the time, the Council is not aware of it until or unless a change order is brought before them for approval.

Mayor Giese stated this was a project that he did not know about until he got a question about the project. When we deviate from the specs, he wants to be informed of that as well.

Councilmember Karsky had concerns about how this was being handled. He thought the contractors did the work in good faith, but that in the future, there needed to be better communication. He did not want this kind of stuff to keep contractors from bidding. He does not fault the contractors for anything and he wanted to make that clear. He hoped in the future that they and other companies continue to want to do projects for the City of Wayne.

Mr. Kay shared a concern of a competitive contractor, who is also a Councilmember, coming onto his worksite after hours. While discussion on this matter was stopped, Councilmember Eischeid advised Mr. Kay that his comments were so noted.

Administrator Blecke asked for Council direction on when to put the claim/invoice of Kay Contracting on the agenda for Council action. After some discussion, staff was directed to place the same on the Council Retreat Agenda for action on January 15, 2020.

Administrator Blecke asked for Council direction regarding when to utilize professional services and to what extent on City projects. If Council wants additional inspections/oversite on any project, engineering costs are going to increase.

Councilmember Eischeid left the meeting at 6:38 p.m.

Councilmember Haase left the meeting at 6:45 p.m.

Councilmember Spieker did not want to micromanage every single project the City has.

Administrator Blecke advised he uses the \$30,000 number as the threshold for bringing matters to Council and going out for bids. He noted that Council approved the Hank Overin Field Lighting Project, which was over \$300,000, but it was not engineered.

City Attorney Miller read parts of a State Statute that pertained to bidding and the dollar amounts associated therewith.

Mayor Giese stated he wants infrastructure projects that are not time sensitive to come before Council. We want staff to use their discretion, but for infrastructure projects that are not time sensitive, he would like for those items to come before Council.

Discussion took place on inspection responsibilities for the 2019 Water Transmission Main Project.

After discussion, Council directed JEO Consulting Group to prepare a scope of services for more construction oversight on the “2019 Water Transmission Main Project” for Council review and possible action.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:04 p.m.