

**MINUTES
CITY COUNCIL MEETING
March 3, 2020**

The Wayne City Council met in regular session at City Hall on March 3, 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 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. Absent: Councilmember Dwaine Spieker.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 20, 2020, 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 Buck, to approve the minutes of the meeting of February 18, 2020, 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 Spieker 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, 928.29; AMERICAN BROADBAND, SE, 2417.99; AMERITAS, SE, 122.04; AMERITAS, SE, 3537.30; AMERITAS, SE, 72.00; AMERITAS, SE, 89.61; APPEARA, SE, 97.08; BLACK HILLS ENERGY, SE, 1184.79; BLUE CROSS BLUE

SHIELD, SE, 49174.25; BOK FINANCIAL, SE, 11090.00; BOK FINANCIAL, SE, 29330.63; BOMGAARS, SU, 27.97; BROWN SUPPLY, SU, 2939.00; BSN SPORTS, SU, 690.58; CENTURYLINK, SE, 421.95; CHEMQUEST, SE, 695.00; CITY EMPLOYEE, RE, 820.42; CITY EMPLOYEE, RE, 486.16; CITY EMPLOYEE, RE, 325.80; CITY EMPLOYEE, RE, 3875.42; CITY EMPLOYEE, RE, 152.70; CITY EMPLOYEE, RE, 262.34; CITY OF WAYNE, PY, 93952.67; CIVICPLUS, SE, -4,375.00; COPY WRITE PUBLISHING, SE, 168.66; CORE & MAIN, SU, 5720.92; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 124.34; DEMCO, SU, 204.76; DIETRICH UPHOLSTERY, SE, 300.00; DUTTON-LAINSON COMPANY, SU, 1278.38; EASYPERMIT POSTAGE, SU, 1947.67; EBIX, SU, 217.80; ECHO GROUP, SU, 959.13; EMPLOYERS MUTUAL CASUALTY, SE, 996.08; FIRST CONCORD GROUP, SE, 2797.80; FLOOR MAINTENANCE, SU, 376.66; GILL HAULING, SE, 261.25; GROSSENBURG IMPLEMENT, SU, 6.75; HACH COMPANY, SU, 43.08; HAWKINS, SU, 220.96; HILAND DAIRY, SE, 187.75; HOLIDAY INN OF KEARNEY, SE, 419.80; HOMETOWN LEASING, SE, 433.87; ICMA, SE, 8046.08; IRS, TX, 15588.10; IRS, TX, 11382.85; IRS, TX, 3645.54; ITRON, SE, 235.00; JACK'S UNIFORMS, SU, 902.62; JEO CONSULTING GROUP, SE, 1799.37; JOHN'S WELDING AND TOOL, SU, 332.00; MAIN STREET GARAGE, SE, -383.52; MAJESTIC THEATER, SU, 45.00; MARCO, SE, 175.92; MARRIOTT HOTELS, SE, 550.00; MCCORMICK DRAIN SERVICE, SE, 595.00; METERING & TECHNOLOGY SOLUTIONS, SU, 3170.55; MICHAEL TODD & CO, SU, 1239.34; MILLER LAW, SE, 5416.67; NE DEPT OF REVENUE, TX, 4623.82; NE DHHS, FE, 40.00; NORTHEAST POWER, SE, 19171.64; NORTHEAST POWER, SE, 5514.00; NORTHEAST TIRE SERVICE, SU, 1800.00; NOVA FITNESS EQUIPMENT, SE, 723.98; ONE CALL CONCEPTS, SE, 26.13; OVERHEAD DOOR, SE, 342.50; QHA CLEANING, SE, 2450.00; QUALITY 1 GRAPHICM, SU, 20.00; QUALITY FOOD CENTER, SU, 13.98; STAPLES, SU, 115.43; STATE FARM INSURANCE, SE, 563.00; STATE NEBRASKA BANK-PETTY CASH, RE, 95.95; STEFFEN TRUCK EQUIPMENT, SU, 347.62; SUN RIDGE SYSTEMS, SE, 3075.00; TOM'S BODY & PAINT SHOP, SE, 219.50; TYLER TECHNOLOGIES, SE, 1323.30; UNITED RENTALS, SU, 715.00; USA BLUE BOOK, SU, 137.86; VIAERO, SE, 67.60; WAED, SE, 8222.92; WAYNE COUNTRY CLUB, RE, 7997.00; WAPA, SE, 19762.95; WISNER WEST, SU, 118.95

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

City Clerk McGuire advised the Council she had received a Manager Application on behalf of Kyle Schellpeper for the Wayne Country & Golf Club. Council can either approve, deny or make no recommendation to the Nebraska Liquor Control Commission.

Rusty Parker, President of the Wayne Country Club Board of Directors, introduced Kyle Schellpeper, the head golf pro and golf manager.

Marlen Chinn, Police Chief, stated he reviewed the information that was on Mr. Schellpeper's application and had a question. He contacted the Liquor Commission Inspector

who had the same question, but could not provide an immediate answer before tonight's meeting. Therefore, he could not recommend approval or denial of the application. A vote of no recommendation would still continue the process with the Liquor Commission, which is what he was recommending at this time.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, to make no recommendation on the Manager Application on behalf of Kyle Schellpeper for the Wayne Country & Golf Club to the Nebraska Liquor Commission. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Spieker who was absent, the Mayor declared the motion carried.

Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), was present requesting Council consideration to closing off a portion of East 10th Street from Angel Avenue to Hillside Drive for an electric vehicle power drive rally on Saturday, May 2nd, from 8:00 a.m. until 5:00 p.m. for the 2020 Power Drive State Championship and to have the City provide portable restrooms.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the request of Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), to close off a portion of East 10th Street from Angel Avenue to Hillside Drive for an electric vehicle power drive rally on Saturday, May 2nd, from 8:00 a.m. until 5:00 p.m. for the 2020 Power Drive State Championship and to have the City provide portable restrooms. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Spieker who was absent, the Mayor declared the motion carried.

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

Councilmember Sievers introduced Ordinance No. 2020-2 and moved for approval thereof; Councilmember Buck seconded.

ORDINANCE NO. 2020-2

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE I, SECTION 78-12 STOP SIGN LOCATIONS; EAST OF MAIN STREET, SOUTH OF SEVENTH STREET; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Discussion took place regarding this ordinance that was brought forward from Council direction at the last meeting to place stop signs at the intersection of 6th and Windom Streets.

Councilmember Eischeid, who is a State Patrolman, explained that putting a stop sign or yield sign at this location is not going to fix the problem. The more we add these throughout the community, the less people are going to abide by them. He sees close calls everywhere throughout the day. He suggested that since Nebraska Street is going to be closed and redone, he would like to wait on any action until after that time. If we continue to have problems, then the ordinance or matter can be brought back for consideration.

After further discussion by Council, Mayor Giese stated the motion, and the result of roll call being all Nays, with the exception of Councilmembers Buck, Sievers, and Karsky who voted yea, and Councilmember Spieker who was absent, the Mayor declared the motion failed.

No action was taken on Agenda Item No. 9 – Ordinance No. 2020-3 Amending Wayne Municipal Code Title VII Traffic Code, Chapter 78 Parking, Section 78-9 Yield Signs; Location (deleting the yield sign at 6th & Windom Streets).

Brian Kesting, Information Technology Specialist, updated the Council on the ransomware attack that hit Wayne on the morning of February 18th.

City Administrator Blecke stated the City received “Statement of Qualifications” from five engineering firms for the “2020 Pine Heights Road Improvements, 9th to 10th Street Project.” This is in conjunction with the grant the City received for street and storm sewer

improvements in this area. A committee reviewed and scored the “Statement of Qualifications” and is recommending that the firm of JEO Consulting Group, Inc., be approved as the special engineer for this project. In addition, the proposed Resolution will also approve the agreement between the City and JEO Consulting Group, Inc., for professional services for said project at a cost of \$162,610. This amount was negotiated by Jan Merrill, Northeast Nebraska Economic Development District. City staff does not see fee proposals from any of the engineers until this point in the process.

Roger Protzman, representing JEO Consulting Group, Inc., was present to answer questions. He noted they are required to do some mandatory tasks as part of this grant.

Administrator Blecke stated the complexity of the intersection and Pine Heights and 10th Street is the biggest driver in the cost of these engineering fees. We are also looking at some other issues on 10th Street that could get involved, such as raising part of 10th Street. There are some complexities with this project that the Nebraska Street project did not have, and he is comfortable with what Ms. Merrill is recommending.

Mayor Giese wanted the engineer to take into account the bigger picture — the college acquiring more property and ultimately creating more drainage in that area in the future. Mr. Protzman noted that in the scope of services, there is a drainage study that will look at some of those things.

Councilmember Brodersen introduced Resolution No. 2020-9 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2020-9

A RESOLUTION APPOINTING JEO CONSULTING GROUP, INC., AS THE SPECIAL ENGINEER TO BE USED FOR THE DESIGN AND CONSTRUCTION OF THE “2020 PINE HEIGHTS ROAD IMPROVEMENTS, 9TH TO 10TH STREET PROJECT” — CDBG NO. 19-PW-017 AND APPROVING AGREEMENT BETWEEN THE CITY OF WAYNE AND JEO CONSULTING GROUP, INC., FOR PROFESSIONAL SERVICES FOR THE “2020 PINE HEIGHTS ROAD IMPROVEMENTS, 9TH TO 10TH STREET PROJECT” — CDBG NO. 19-PW-017.

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

Administrator Blecke stated the following Resolution would approve an agreement with Certified Testing Services, Inc., for concrete/construction materials testing for the “2020 Pine Heights Road Improvements, 9th to 10th Street Project” – CDBG No. 19-PW-017. The fee of approximately \$10,050 is for conducting 15 concrete tests with cylinder breaks. This is not a lump sum proposal. Certified Testing Services will only bill us for work completed.

Councilmember Eischeid introduced Resolution No. 2020-10 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2020-10

A RESOLUTION APPROVING AGREEMENT WITH CERTIFIED TESTING SERVICES, INC., FOR GEOTECHNICAL EXPLORATION SERVICES FOR THE “2020 PINE HEIGHTS ROAD IMPROVEMENTS, 9TH TO 10TH STREET PROJECT” — CDBG NO. 19-PW-017 - \$10,050.

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

Casey Junck, Water Supervisor, and Roger Protzman, representing JEO Consulting Group, Inc., gave an update on the issues that are taking place with Lift Station No. 2 at the Wastewater Treatment Plant. This lift station handles every gallon of sewage that goes through town. Upon inspection, two of the four pumps have come loose from the brackets and are floating loose in the lift station, but until they find a way to divert the entire flow of the town and drain this, they do not know what they are dealing with. Staff contacted 4 companies and could not find anyone to help. Mr. Protzman then became involved and contacted Hawkins Construction of Omaha who was able to help. In addition, a company by the name of Rain to Rent has been contacted who will shut down the lift station and bypass all of the flow straight to the end works facility. Hawkins Construction and Rain to Rent work in conjunction with one

another. The proposal from Hawkins Construction is \$93,311 and the proposal from Rain to Rent is \$19,302.83. The money to pay for this will come out of the reserves.

Mayor Giese explained in order to accept the proposals of Hawkins Construction and Rain to Rent without going out for bids, we must declare this an “emergency” by way of the following Ordinance.

Councilmember Karsky introduced Ordinance 2020-4, and moved for its approval; Councilmember Buck seconded.

ORDINANCE NO. 2020-4

AN ORDINANCE DECLARING AN EMERGENCY IN THE CITY OF WAYNE, NEBRASKA.

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

Councilmember Karsky made a motion, which was seconded by Councilmember Eischeid, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Spieker who was absent, the Mayor declared the motion carried.

Councilmember Karsky made a motion, which was seconded by Councilmember Eischeid, to move for final approval of Ordinance No. 2020-4. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Spieker who was absent, the Mayor declared the motion carried.

Council consensus was to hold a town hall meeting on annexation on April 21st, at the Wayne Fire Hall at 5:30 p.m.

Mayor Giese requested Council consideration to the following appointments to the Architectural Review Committee: Councilmembers Brodersen and Karsky and Andy Haslit, Art History Professor at Wayne State College.

Administrator Blecke provided background on the Architectural Review Committee. The Committee was put together/established back in 2013 to review projects that were receiving any type of city incentive. The Committee (Councilmembers Kaki Ley, Jill Brodersen and Jon Haase) has not met for a while, and Councilmember Ley, who was one of the original members of the committee, is no longer on Council.

Councilmember Sievers made a motion, which was seconded by Councilmember Buck, approving the appointment of Councilmembers Jill Brodersen and Jason Karsky and Andy Haslit, Wayne State College Art History Professor, to the Architectural Review Committee. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Spieker 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 7:03 p.m.