

**MINUTES
CITY COUNCIL MEETING
May 19, 2020**

The Wayne City Council met in regular session by way of telephone/video conference due to circumstances associated with the COVID 19 Pandemic on May 19, 2020, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order 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 May 7, 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, as well as on the City of Wayne website at cityofwayne.org/8/Government, 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 Eischeid, to approve the minutes of the meeting of May 5, 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 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, 154.17; AMERITAS, SE, 2313.94; AMERITAS, SE, 72.00; AMERITAS, SE, 89.61; APPEARA, SE, 54.60; ARDENT LIGHTING GROUP, SU, 8,866.00; BACKFLOW APPARATUS, SU, 210.00; BAKER & TAYLOR BOOKS, SU, 842.58; BORDER STATES INDUSTRIES, SU, 218.88; CITIZENS STATE BANK, RE, 8550.80; CITIZENS STATE BANK, RE, 3787.70; CITY EMPLOYEE, RE, 1082.71; CITY EMPLOYEE, RE, 75.11; CITY EMPLOYEE, RE, 68.05; CITY OF WAYNE, PY, 74236.88; CITY OF WAYNE, RE, 3007.80; COTTONWOOD WIND PROJECT, SE, 17217.98; CUSIP SERVICE BUREAU, SE, 91.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; DEARBORN LIFE INSURANCE, SE, 2536.90; DITCH WITCH UNDERCON, SU, 457.44; EASYPERMIT POSTAGE, SU, 1873.98; ED M. FELD EQUIPMENT, SU, 249.40; ELECTRONIC ENGINEERING, SE, 657.45; EXHAUST PROS TOTAL CAR CARE, SE, 74.90; FAITH REGIONAL PHYSICIAN SERV, SE, 151.00; FASTENAL, SU, 122.12; FLOOR MAINTENANCE, SU, 25.99; GILL HAULING, SE, 261.25; GRAINLAND ESTATES, RE, 7917.22; GROSSENBURG IMPLEMENT, SU, 169.21; HEARTLAND FIRE PROTECTION, SE, 1450.40; HILAND DAIRY, SE, 104.40; HYDRO OPTIMIZATION, SE, 1032.00; ICMA, SE, 8142.35; IRS, TX, 12579.40; IRS, TX, 9422.31; IRS, TX, 2941.90; J.P. COOKE COMPANY, SU, 180.40; JASON SEARS FLOORING, SU, 50.00; JOHN'S WELDING AND TOOL, SU, 78.64L; LEO A DALY, SE, 27525.00; LOEWENSTEIN, DAVID, FE, 375.00; LUTT OIL, SU, 2500.98; MATHESON-LINWELD, SU, 34.25; MERCHANT SERVICES, SE, 2087.35; MERCHANT SERVICES, SE, 1832.67; MERCHANT SERVICES, SE, 34.28; MIDWEST ALARM SERVICES, SE, 667.03; MIDWEST LABORATORIES, SE, 210.00; NATL LEAGUE OF CITIES, FE, 1172.00; NE DEPT OF REVENUE, TX, 3994.11; NE HARVESTORE, SU, 791.96; NPPD, SE, 24623.20; NNEDD, SE, 7305.27; NORTHEAST TIRE SERVICE, SE, 39.00; PAC N SAVE, SU, 954.62; PITNEY BOWES, SE, 253.85; PLUNKETT'S PEST CONTROL, SE, 92.12; POLLARD PUMPING, SE, 250.00; QUALITY FOOD CENTER, SU, 138.90; SD MYERS, SE, 3213.00; STATE NEBRASKA BANK-PETTY CASH, RE, 93.06; US FOODSERVICE, SU, 1263.21; VERIZON, SE, 398.85; WAYNE AUTO PARTS, SU, 2174.68; WAYNE COUNTY CLERK, SE, 108.00; WAYNE HERALD, SE, 1088.55; WAYNE HERALD, SE, 80.50; WAYNE HOSPITALITY, RE, 22401.28; WAYNE SENIOR CENTER, SU, 3000.00; WAYNE VETERINARY CLINIC, SE, 196.00; WAYNE VETERINARY CLINIC, SE, -126.00; WORLDPAY INTERGRATES PAYMENTS, SE, 137.77; ZACH HEATING & COOLING, SE, 894.00; ZOOBEAN, SE, 949.00; AMAZON.COM, SU, 405.09; APPEARA, SE, 90.83; BIG RIVERS ELECTRIC CORPORATION, SE, 117336.89; BORDER STATES INDUSTRIES, SU, 149.37; CARROLL DISTRIBUTING, SU, 301.81; CITY EMPLOYEE, RE, 7.19; DAVE'S DRY CLEANING, SE, 27.00; DGR & ASSOCIATES, SE, 1032.50; ELLIS HOME SERVICES, SU, 299.39; FREDRICKSON OIL, SU, 401.00; GROSSENBURG IMPLEMENT, SU, 52.72; HANZLIK, ADAM, RE, 150.00; HILAND DAIRY, SE, 110.18; INGRAM LIBRARY SERVICES, SU, 710.90; JACK'S UNIFORMS, SU, 15.60; KELLY SUPPLY COMPANY, SU, 260.57; KORTH CONSTRUCTION, SE, 4080.00; MARCO TECHNOLOGIES, SE, 191.17; MONAHAN, PHILLIP, RE, 50.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 199.00; NMPP ENERGY, SE, 800.00; NORTHEAST POWER, SE, 38343.28; PIERSON, TRACY, RE, 150.00; ROBERTS, JANET, RE, 200.00; STADIUM SPORTING GOODS, SU, 15.00; STATE NEBRASKA BANK & TRUST, RE, 70397.50; TOM'S BODY & PAINT SHOP, SE, 97.50

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

An update was given on the COVID-19 Pandemic by Julie Rother, Director of the Northeast Nebraska Public Health Department.

City Administrator Blecke advised the Council that the City is back at full force at this time. The plan is to open City Hall back up to the public June 1st. There will be six feet distancing with marks on the floor for the utility billing office, as well as for the Police Department. There has been a lot of discussion on swimming pools and youth sports. The League of Nebraska Municipalities came out with their recommendation, which was not to open pools for the summer, as per the directive of their insurance carrier, LARM. Our insurance carrier has no recommendation. Most communities in Nebraska have decided to delay or not to open. On the youth sports side, that would be the opposite right now. The League's recommendation is if you allow youth sports to take place, turn everything over to your associations and let them be responsible for those facilities. Attorney Miller is going to work on some language to amend our Memorandums of Understanding to give us a little better protection. Most of the communities are going to allow this, but then turn things over to their associations to make sure they are abiding by the Governor's directed health measures.

Mayor Giese stated he would like to plan on having the next Council meeting being held at the Wayne Fire Hall. The public will attend by zoom. The Council can spread out at the Fire Hall, and we will continue like that. The Library is following their own protocol, and the Senior Center will be closed for the month of June.

The weight room at the activity center has opened up. A decision on opening the pool will be postponed at this time. The current rules would limit it to 10 people. The pool will be filled, whether it gets open or not, for maintenance reasons. It was noted that Wakefield and Laurel will not be opening their pools.

Darin Greunke, Leader of the Sharp Shooters 4-H Club, was present requesting Council consideration to allowing them to operate a shooting gallery style air gun/archery trailer at the Henoween and Chicken Show activities in July, with an alternate date of September 12, 2020.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, approving the request of Darin Greunke, Leader of the Sharp Shooters 4-H Club, to operate a shooting gallery style air gun/archery trailer at the Henoween and Chicken Show activities in July, with an alternate date of September 12, 2020. 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.

Mayor Giese declared the time was at hand for the public hearing regarding the submittal of a grant application for the purchase of a 14-passenger bus with wheelchair lift for the Wayne Senior Center.

The Wayne Senior Center is submitting a grant application to the State of Nebraska Department of Transportation (NDOT) for funds to purchase a 14-passenger bus with wheelchair lift. This vehicle will replace both the 2008 7-passenger Chevy Uplander van and the 2004 9-passenger Ford van. The total cost of this bus is \$66,000, of which the Federal share is 80% or \$52,800, State share is 10% or \$6,600 and the City's share is 10% or \$6,600. Any maintenance done to this new vehicle after it is purchased will be paid for 100% by the NDOT. The 2008 and 2004 vans will be put up for sealed bids or offers, and the City will be able to keep the proceeds from those sales.

Diane Bertrand, Wayne Senior Center Coordinator, was present to answer questions.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Giese closed the public hearing.

Councilmember Spieker introduced Resolution 2020-25, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2020-25

A RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS.

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.

Administrator Blecke stated that the 2019-2020 budget has \$30,000 allocated for Public Art. Last fall, a committee of “art minded” individuals helped create a request for proposal for Public Art with a \$20,000 limit. The City received nine proposals. The Committee chose one artist, Dave Loewenstein from Lawrence KS, to prepare a draft concept. This would be a painted mural on the north side of the Majestic Theater. The Majestic Board would give approval of the final design. The final project should be completed by the end of July.

Councilmember Brodersen introduced Resolution 2020-26, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2020-26

A RESOLUTION APPROVING LEAD ARTIST AND OWNER AGREEMENT BETWEEN THE CITY OF WAYNE AND DAVE LOEWENSTEIN, INDEPENDENT CONTRACTOR.

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.

Marlen Chinn, Police Chief, stated his department has assisted Providence Medical Center (PMC) for years for ambulance assist calls. The COVID-19 pandemic has brought up some concerns. He notified PMC that the Police Department would not be assisting with their calls because they were not issued personal protective equipment to protect his staff. That opened up some other discussions and concerns as far as trying to limit the city’s liability in assisting a private entity with their services.

The amendment to the Police Officer job description adds “Providence Medical Center” to the list of assisting entities.

Councilmember Karsky made a motion, which was seconded by Councilmember Buck, approving the amendment to the Police Officer job description. 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 amendment to the agreement between Providence Medical Center and the City to add assist calls for police officers when available. It also adds that Providence Medical Center will provide training for proper lifting technique and appropriate donning and doffing of personal protective equipment.

Councilmember Spieker introduced Resolution No. 2020-27 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2020-27

A RESOLUTION APPROVING AGREEMENT FOR AMBULANCE SERVICES BETWEEN THE CITY OF WAYNE, NEBRASKA, AND PROVIDENCE MEDICAL CENTER.

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.

Mayor Giese stated he was informed that Williams Form Engineering was about 30 days away from having a solution to the parking matter on Summerfield/Industrial Drive, so he recommended Council tabling action on the third and final reading of Ordinance 2020-1 until the second meeting in June.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, to table action on the third and final reading of Ordinance 2020-1 for 30 days. 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.

Councilmember Brodersen introduced Ordinance No. 2020-7, and moved for approval of the third and final reading thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2020-7

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR THE CITY OF WAYNE.

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.

Joel Hansen, Street and Planning Director, stated that Chad Hoepfner would like to move his existing detached one-stall garage between his house and the alley to the rear of his property for use as a lawn shed. He would then add onto the house with a two-stall garage. This will increase the size of his existing house west towards the alley. Chad has found his property pins, and with his planned addition, he will only have between 5 and 6 feet between the house and the alley. His property is zoned R-1, so his side yard setback is 7 feet. Thus, he has the following options:

- 1) Reduce the width of his garage by 2 feet;
- 2) Request to rezone his block to R-2 to match the south side of the street and reduce his setback requirement to 5 feet;
- 3) Request to amend the zoning text for R-1 to reduce the side yard setback to 5 feet like it is for the other R Districts; or
- 4) Request the City to vacate the alley while maintaining a permanent easement for the storm sewer and other utilities. This will give Chad an additional 8 feet and thus, he will have between 13 and 14 feet between the house and the alley.

Staff's recommendation to Chad was that he pursue Option 4, as it has the least impact on anyone else within the neighborhood or the City. The City will retain a permanent easement on this alley. The property will revert back to the adjacent property owners. Chad is requesting that the three readings of the ordinance be waived.

Chad Hoepfner was present to answer questions.

Councilmember Brodersen introduced Ordinance 2020-8, and moved for its approval; Councilmember Spieker seconded.

ORDINANCE NO. 2020-8

AN ORDINANCE APPROVING THE VACATION OF AN ALLEY LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, DESCRIBED AS THE NORTH-SOUTH ALLEY LYING BETWEEN LOTS 15 AND 16, TAYLOR & WACHOB'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, 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 Sievers who was absent, the Mayor declared the motion carried.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, to move for final approval of Ordinance No. 2020-8. 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, Inc., updated the Council on the “2019 Water Transmission Main Project” and presented Contractor’s Application for Payment No. 1 in the amount of \$680,672.88 to Rutjens Construction, Inc.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving Contractor’s Application for Payment No. 1 for \$680,672.88 to Rutjens Construction, Inc., for the “2019 Water Transmission Main Project.” 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, Inc., then presented Change Order No. 1 for an increase of \$4,845.00, to Rutjens Construction, Inc., for the “2019 Water Transmission Main Project.” Groundwater was found along the project route. The contractor, per the City’s request, was requested to drain the lines to keep the transmission main dry at the manhole point. They installed a pipe and tile line from the manhole to the creek so that the manhole would be permanently dewatered to keep groundwater out of that manhole.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, approving Change Order No. 1 in the amount of \$4,845.00 to Rutjens Construction, Inc., for the

“2019 Water Transmission Main Project.” 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, Inc., and on behalf of Jon Mooberry, presented Contractor’s Application for Payment No. 3 in the amount of \$139,045.50 to Robert Woehler & Sons Construction, Inc., for the “2019 Nebraska Street Improvements Project – CDBG No. 16-CD-208.”

Chris Woehler, representing Robert Woehler & Sons Construction, Inc., and city staff updated the Council on the project.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, approving Contractor’s Application for Payment No. 3 for \$139,045.50 to Robert Woehler & Sons Construction, Inc., for the “2019 Nebraska Street Improvements Project - CDBG No. 16-CD-208.” 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.

David Wiggins, representing Leo A Daly, updated the Council on the “Restoration of Walking Trail Project” and presented Application and Certificate of Payment No. 1 in the amount of \$340,522.20 to M&B Quality Concrete.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving Application and Certificate of Payment No. 1 for \$340,522.20 to M&B Quality Concrete for the “Restoration of Walking Trail Project.” 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.

Jill Brodersen, Architect for the “Wayne Senior Center – Room and Walk-In Freezer Addition Project” presented Application and Certificate for Payment No. 2 in the amount of \$24,890.00 to Sioux Contractors, Inc.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving Application and Certificate for Payment No. 2 for \$24,890.00 to Sioux Contractors, Inc., for the “Wayne Senior Center – Room and Walk-In Freezer Addition Project.” 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.

Phill Monahan advised the Council that he was appointed the Fire Chief by the Wayne Volunteer Fire Department for the upcoming year. This is his 8th year serving as Fire Chief.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, approving the appointment of Phill Monahan as Fire Chief. 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.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to set the next mini retreat date for June 30, 2020, at 5:00 p.m. at the Wayne Fire Hall. 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 6:55 p.m.