

**MINUTES
CITY COUNCIL MEETING
June 16, 2020**

The Wayne City Council met in regular session (at the Wayne Fire Hall) by way of telephone/video conference due to circumstances associated with the COVID 19 Pandemic on June 16, 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, 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 June 4, 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 Fire Hall, 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 Buck made a motion, which was seconded by Councilmember Sievers, to approve the minutes of the meeting of June 2, 2020, 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: AMERITAS, SE, 72.00; AMERITAS, SE, 2590.28; AMERITAS, SE, 89.61; AMERITAS, SE, 154.17; APPEARA, SE, 112.94; BACKER, JEFF, RE, 500.00; BAKER & TAYLOR BOOKS, SU, 1013.30; BERNARD CEVERA , SE, 1400.00; BIO-ELECTRONICS,

SE, 195.00; BLACKSTONE PUBLISHING, SU, 73.88; BOMGAARS, SU, 751.87; BRAUN, DAVID, RE, 500.00; BROWN SUPPLY, SU, 115.20; CARPENTER PAPER COMPANY, SU, 401.76; CERTIFIED TESTING SERVICES, SE, 1350.50; CITY EMPLOYEE, RE, 21.21; CITY EMPLOYEE, RE, 535.58; CITY EMPLOYEE, RE, 90.00; CITY EMPLOYEE, RE, 1641.58; CITY EMPLOYEE, RE, 500.00; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, PY, 79053.70; CITY OF WAYNE, RE, 2352.26; DAVE'S DRY CLEANING, SE, 36.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2539.85; FAITH REGIONAL PHYSICIAN SERV., SE, 151.00; FLOOR MAINTENANCE, SU, 576.30; GERHOLD CONCRETE CO, SU, 885.76; GROSSENBURG IMPLEMENT, SU, 665.36; HHS REGULATION & LICENSURE, FE, 115.00; HILAND DAIRY, SU, 168.34; HOMETOWN LEASING, SE, 354.50; HORIZON CONSTRUCTION, RE, 500.00; HORIZON CONSTRUCTION, RE, 500.00; ICMA, SE, 8166.87; INGRAM LIBRARY SERVICES, SU, 778.61; INNOVATIVE PROTECTIVES, SU, 1180.00; IRS, TX, 9924.19; IRS, TX, 3120.78; IRS, TX, 13344.16; ISLAND SPRINKLER SUPPLY, SU, 497.72; JMB CONTRACTING, SE, 407.50; KLEIN ELECTRIC, SU, 716.72; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 325.00; LOGAN CONTRACTORS SUPPLY, SU, 21625.00; LUTT OIL, SU, 3046.79; MAIN STREET GARAGE, SE, 73.19; MATHESON-LINWELD, SU, 35.06; MAXNET SECURITY, SE, 2290.50; MERCHANT SERVICES, SE, 44.80; MERCHANT SERVICES, SE, 1901.96; MERCHANT SERVICES, SE, 1624.91; MIDWEST LABORATORIES, SE, 202.00; NE DEPT OF REVENUE, TX, 4222.59; NPPD, SE, 24146.93; NOLTE CONSTRUCTION, RE, 500.00; NORTHEAST POWER, SE, 5176.00; NORTHEAST TIRE SERVICE, SE, 201.40; ONE CALL CONCEPTS, SE, 118.33; PAC N SAVE, SU, 823.99; PITNEY BOWES, SE, 253.85; PLUNKETT'S PEST CONTROL, SE, 97.34; RUDLOFF, JOSH, RE, 500.00; S & S WILLERS, SU, 309.27; SEILER INSTRUMENT & MFG., SU, 7558.16; STAPLES, SU, 173.05; STATE NEBRASKA BANK & TRUST, SE, 45.44; THE GLASS EDGE, SE, 1233.00; THE RETROFIT COMPANIES, SE, 97.25; US BANK, SU, 6907.70; US FOODSERVICE, SU, 1359.50; UTILITIES SECTION, FE, 3930.00; VERIZON, SE, 438.86; WAED, SE, 770.00; WAYNE AUTO PARTS, SU, 867.47; WAYNE COUNTY CLERK, SE, 80.00; WAYNE HERALD, SE, 1500.72; WAYNE HERALD, SE, 373.25; WAYNE VETERINARY CLINIC, SE, 84.00; WISNER WEST, SU, 56.03; WORLDPAY INTERGRATES PAYMENTS, SE, 146.61; BIG RIVERS ELECTRIC CORPORATION, SE, 81127.52; CERTIFIED TESTING SERVICES, SE, 1478.25; CITY EMPLOYEE, RE, 313.69; CITY EMPLOYEE, RE, 263.68; CITY EMPLOYEE, RE, 117.66; COTTONWOOD WIND PROJECT, SE, 17122.43; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; DISCOUNT PLAYGROUND SUPPLY, SU, 2594.00; ECHO GROUP, SU, 173.60; EXHAUST PROS TOTAL CAR CARE, SE, 65.00; FLOOR MAINTENANCE, SU, 37.58; FOURTH GENERATION FAMILY LIMITED, RE, 14582.19; GALE/CENGAGE LEARNING, SU, 172.83; GERHOLD CONCRETE, SU, 2706.16; GRAVER, BRETT, RE, 165.00; IOWA PUMP WORKS, SU, 16319.77; LEONARD, MICHAEL, RE, 500.00; MARCO TECHNOLOGIES, SE, 191.17; MID PLAINS GRAIN, RE, 6769.91; MZRB, RE, 3427.18; NE AIR FILTER, SU, 317.40; NE DEPT OF ENVIRONMENTAL QUALITY, SE, 93.60; NNEDD, SE, 120.00; NOVA FITNESS EQUIPMENT, SE, 473.50; ONE OFFICE SOLUTION, SU, 58.85; PATEFIELD, EMILY, RE, 2.23; PER MAR SECURITY SERVICES, SE, 1269.62; POLLARD PUMPING, SE, 250.00; QUADIANT LEASING USA, SE, 2691.00; SCHMALE, JESSICA, RE, 105.00; ZIMCO SUPPLY, SU, 130.00

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, the Mayor declared the motion carried.

City Clerk McGuire stated that while Cap Peterson, President of Northeast Nebraska Insurance Agency, the city's property and casualty insurance carrier, could not be here this evening, he wanted to present the City with a dividend check in the amount of \$58,537.55. This is the 4th largest dividend that has been received by the City of Wayne, and it is the 19th dividend paid by the Company out of the past 26 years.

Administrator Blecke gave an update on the COVID-19 Pandemic.

Luke Virgil, Director of Wayne Area Economic Development, provided an assessment of what the COVID-19 impact has had on the area businesses. He would like to see some sort of a bridge loan proposal to help businesses get over the hump or at least through the next six months. There have been several different programs out there that have assisted businesses, but they will be ending soon. Mr. Virgil was not proposing grants, but instead recommending low-interest and highly flexible loans, which he thought would be the best-case scenario for businesses locally. The six businesses that he had referred to would need a total of \$250,000, but he would like an additional \$100,000 in case there are more businesses that he is unaware of that would need help. The LB840 Revolving Loan Fund Committee would be the starting point of this process.

Josie Broders, owner of the Beaumont/Wayne Area Event Center, was present to share with the Council what impact the COVID-19 pandemic has had on her business.

Mayor Giese directed Mr. Virgil to work with the City's Finance Director to put something together for the Council to review at their retreat on June 30th.

Discussion took place regarding the pool opening, rules and fees.

Lowell Heggemeyer, Park and Recreation Director, and Roger Protzman, JEO Consulting Group, Inc., gave an update on the status of the pool.

Terran Sievers, Pool Manager, was present to answer questions and update the Council on lifeguarding certification renewals, etc. Heather Claussen who teaches the lifeguarding classes was also present to answer questions.

Staff presented the following pool fees for Council consideration for this pool season:

Family Ticket	\$62.00
Family + 1 Pass	\$82.00
Individual	\$42.00
Senior Citizens	\$35.00
Daily Admission	
Ages 13-over	\$ 3.00
Ages 3-12	\$ 2.00
Age 2 and under	Free with paying adult
Non-Swimmer	\$ 1.00

No refunds will be given.

Councilmember Brodersen introduced Resolution No. 2020-31 and moved for its approval as presented; Councilmember Buck seconded the motion.

RESOLUTION NO. 2020-31

A RESOLUTION AMENDING SCHEDULE OF FEES.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Giese stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a Resolution approving a redevelopment plan for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”) for the following real estate:

Lot 1 and Lot 2, Block 7, John Lake’s Addition to the City of
Wayne, Wayne County, Nebraska.

The notice of the public hearing was published in the Wayne Herald on May 28 and June 4, 2020, and was mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act. Mayor Giese opened the public hearing and invited all interested persons to be heard.

Chad Sebade, d/b/a Sebade Housing, LLC, is requesting tax increment financing for a project (Sebade Housing, LLC, Project 2020) located on Lots 1 and 2, Block 7, John Lake's Addition. Mr. Sebade plans on demolishing the two single-family homes and constructing an eight-unit apartment building on those two lots. The redevelopment of the project is not economically feasible without assistance from tax increment financing. The Community Redevelopment Authority will issue a tax increment revenue bond in the total amount of \$100,000 to assist in the financing. The estimated 2019 assessed value is \$63,815. The estimated value after completion of this project is \$693,815.

The Redevelopment Plan has gone before the Community Redevelopment Authority and then Planning Commission for review and approval. The recommendation of the Planning Commission is to approve the Plan. The next step will be to go back before the Community Redevelopment Authority for approval of the Redevelopment Contract and the issuance of the bond.

Chad Sebade, the Developer, was present to answer questions. This project is located at the corner of 8th and Nebraska Street.

The amount of tax increment financing for this redevelopment project is \$100,000.

Administrator Blecke stated the Architectural Review Committee has met with Mr. Sebade. It was very important to have grass and trees (landscaping). He had concerns about how the project located on Valley Drive looked – no landscaping yet. Attorney Miller has drawn up a deed of trust for Mr. Sebade to sign, which would give some teeth into the fact that the developer would have to do this within a certain time period (24 month) or we would foreclose on the deed of trust. This is the Committee's recommendation.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

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

Councilmember Sievers introduced Resolution No. 2020-32 and moved for its approval, contingent upon Chad Sebade signing the necessary Agreement and Deed of Trust; Councilmember Woehler seconded the motion.

RESOLUTION NO. 2020-32

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON (SEBADE HOUSING, LLC PROJECT).

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke stated four proposals were received for engineering services for the Civic and Community Center Financing Fund Planning Grant (CCCFFPG). A committee reviewed and scored the “Request for Proposals” and is recommending that the firm of Carlson West Povondra Architects be approved as the special engineer for this planning grant project. Their total fees will be \$18,000, of which \$9,000 will be the responsibility of the City and \$9,000 will be through the award of the CCCFFP grant. This firm did the original design of the Community Activity Center.

Jamie Eckmann and Mike West, representatives from Carlson West Povondra Architects, were present via Zoom to answer questions.

Councilmember Spieker introduced Resolution 2020-33, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2020-33

A RESOLUTION APPOINTING CARLSON WEST POVONDRA ARCHITECTS AS THE SPECIAL ENGINEER TO BE USED FOR THE CIVIC AND COMMUNITY CENTER FINANCING FUND PLANNING GRANT TO ASSIST IN THE PLANNING OF A CIVIC CENTER PROJECT.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2020-9, and moved for approval of the third and final reading thereof; Councilmember Spieker seconded.

ORDINANCE NO. 2020-1

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 78 PARKING, SECTION 78-126 PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE (SUMMERFIELD DRIVE AND INDUSTRIAL DRIVE).

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Beth Porter, Finance Director, stated the following Ordinance has been prepared by the City's bonding agent, DA Davidson & Co., which will allow the City to issue long-term debt for a portion of the Electric Revenue Bond Anticipation Notes, Series 2017, and refinance the current Electric Revenue Bonds, Series 2012, for a lower rate. This will also roll both bonds into one going forward.

Andy Forney, Vice President Public Finance Banker with DA Davidson & Co., the City's bonding agent, was present to answer questions. The interest rate from 2017 to now has dropped, and the timing is right to refinance and roll these two bonds into one.

Councilmember Spieker introduced Ordinance No. 2020-10, and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2020-10

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC REVENUE REFUNDING BONDS, SERIES 2020, OF THE CITY OF WAYNE, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000) FOR THE PURPOSE OF REFINANCING THE COSTS OF ENLARGING, EXPANDING AND IMPROVING THE CITY'S ELECTRIC PLANT AND DISTRIBUTION SYSTEM; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PAYING AND REDEEMING ALL OR A PORTION OF THE CITY'S ELECTRIC REVENUE BOND ANTICIPATION NOTES, SERIES 2017, AND THE ELECTRIC REVENUE BONDS, SERIES 2012, WHICH ARE CURRENTLY OUTSTANDING; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID BONDS AND

INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF SAID ELECTRIC SYSTEM; SETTING AND DETERMINING CERTAIN TERMS OF THE BONDS AND AUTHORIZING OFFICERS OF THE CITY TO SET AND DETERMINE CERTAIN TERMS OF THE BONDS; APPROVING AN UNDERTAKING WITH RESPECT TO CONTINUING DISCLOSURE; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

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

Councilmember Spieker made a motion, which was seconded by Councilmember Sievers, to move for final approval of Ordinance No. 2020-10. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Roger Protzman, representing JEO Consulting Group, Inc., presented Contractor's Application for Payment No. 2 in the amount of \$1,006,710.72 to Rutjens Construction, Inc., for the "2019 Water Transmission Main Project."

Administrator Blecke and Casey Junck, Water Supervisor, updated the Council on the project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Woehler, approving Contractor's Application for Payment No. 2 for \$1,006,710.72 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, the Mayor declared the motion carried.

Jon Mooberry, representing JEO Consulting Group, Inc., presented Contractor's Application for Payment No. 4 in the amount of \$365,602.75 to Robert Woehler & Sons Construction, Inc., for the "2019 Nebraska Street Improvements Project – CDBG No. 16-CD-208."

Joel Hansen, Building and Planning Director, and Chris Woehler, representing Robert Woehler & Sons Construction, Inc., updated the Council on the project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving Contractor's Application for Payment No. 4 for \$365,602.75 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 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. 2 in the amount of \$564,102.45 to M&B Quality Concrete. He noted that the contractor is ahead of schedule.

Administrator Blecke stated that the contractor put too much fill in the waterway so they are not in compliance with our 404 Corps Permit.

Mr. Wiggins thought the amount in retainage would be adequate to insure that the work is done. The contractor told him today that they understood the concerns and would take the deduction and complete the work.

After discussion, the consensus was to deduct or reduce the original amount requested by \$100,000 until the matter is corrected/resolved.

Joel Hansen, Street and Planning Director, had concerns about this contractor not being in compliance since the beginning of the project and recommended withholding \$150,000 to get their attention so they stay in compliance for the remainder of the project.

Attorney Miller noted that the City hired the engineer to oversee the project and make sure things are done correctly. So, at some point, you have to rely on their stamp of approval or whatever they recommend withholding.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving Application and Certificate of Payment No. 2 for \$464,102.45 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, the Mayor declared the motion carried.

Administrator Blecke stated that in February 2019, the City entered into an exclusive agreement with Settje Agri Services (SASE) to market and remove sludge from the lagoon. There were no guarantees that any sludge would be removed, but there was a clause that stated if SASE did not remove 20,000 tons by June 1, 2020, the City could terminate the agreement. To date, no sludge has been removed by SASE. Terminating the agreement still allows SASE to assist with the removal if they so choose, but the City could now try to find other parties to help with the cleanup.

Councilmember Sievers made a motion, which was seconded by Councilmember Spieker, to terminate the agreement with Settje Agri Services and Engineering, Inc., effective immediately. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:57 p.m.