

MINUTES
CITY COUNCIL MEETING
July 7, 2020

The Wayne City Council met in regular session at the Wayne Fire Hall on July 7, 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, Jennifer Sievers, Chris Woehler, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Jon Haase and Jason Karsky.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 25, 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 Spieker made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meetings of June 16, and June 30, 2020, and to waive the readings thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried and the Minutes approved.

Attorney Miller advised the Council that the following action has been recommended by the League of Nebraska Municipalities for the reason that these particular meetings were not held in a public forum, but by Zoom.

Councilmember Spieker made a motion, which as seconded by Councilmember Brodersen, ratifying all actions identified in the minutes taken by the City of Wayne during their meetings held on March 27, 2020, April 7, 2020, April 21, 2020, May 5, 2020, May 19, 2020, and June 2, 2020. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried

The following claims were presented to Council for their approval:

VARIOUS FUNDS: M & B QUALITY CONCRETE, SE, 464102.45; ROBERT WOehler & SONS, SE, 365602.75; RUTJENS CONSTRUCTION, SE, 1006710.72; M & B QUALITY CONCRETE, SE, 100000.00; ACES, SE, 928.29; AMAZON.COM, SU, 766.60; AMERICAN BROADBAND, SE, 2545.49; AMERITAS, SE, 2393.50; AMERITAS, SE, 72.00; AMERITAS, SE, 91.21; AMERITAS, SE, 154.17; APPEARA, SE, 90.83; BATTERY SOLUTIONS, SU, 109.95; BIG STATE INDUSTRIAL SUPPLY, SU, 179.40; BLACK HILLS ENERGY, SE, 171.90; BLACKSTONE PUBLISHING, SU, 458.27; BLUE CROSS BLUE SHIELD, SE, 52148.99; BOMGAARS, SU, 2599.71; BORDER STATES INDUSTRIES, SU, 4477.78; BRAUN, DAVID, RE, 100.00; BROWN PLUMBING, SU, 40.00; BROWN SUPPLY, SU, 118.00; BRUMMOND, SCOTT, RE, 100.00; CARHART LUMBER COMPANY, SU, 722.29; CENTURYLINK, SE, 421.61; CITY EMPLOYEE, RE, 1623.20; CITY EMPLOYEE, RE, 225.60; CITY OF WAYNE, PY, 79884.47; CITY OF WAYNE, RE, 1218.50; CONTRERAS, SHERRY, RE, 25.00; COPY WRITE PUBLISHING, SE, 233.73; DANKO EMERGENCY EQUIPMENT, SU, 786.59; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DE NORA WATER TECHNOLOGIES, SU, 1522.27; DEARBORN LIFE INSURANCE COMPANY, SE, 89.94; DGR & ASSOCIATES, SE, 2405.00; DORING, BRENT, RE, 500.00; DUTTON-LAINSON COMPANY, SU, 3176.56; DYNAMIC SPORTS CONSTRUCTION, SE, 50591.84; EAKES OFFICE PLUS, SE, 1818.48; ECHO GROUP, SU, 139.90; ED M. FELD EQUIPMENT CO, SE, 1268.00; ELLIS, JEFF, RE, 500.00; ENGINEERED EQUIPMENT SOLUTIONS, SU, 1927.27; ENVIRONMENTAL ANALYSIS SOUTH, SU, 150.00; FIRST CONCORD GROUP, SE, 2797.80; FLOOR MAINTENANCE, SU, 101.99; GERHOLD CONCRETE, SU, 6283.12; GILMORE & BELL, SE, 6500.00; GRANQUIST, JIM, SE, 40.00; GROSSENBURG IMPLEMENT, SU, 46.88; HAWKINS, SU, 4707.34; HEARTSMART, SU, 559.00; HELENA AGRI-ENTERPRISES, SU, 520.00; HILAND DAIRY, SE, 376.36; HOFFMAN, TYLER, RE, 25.00; HYPERION, SE, 81.00; ICMA, SE, 8206.49; ICMA, SE, 8207.03; IRS, TX, 13427.36; IRS, TX, 9817.27; IRS, TX, 3140.28; ISLAND SPRINKLER SUPPLY, SU, 327.67; ITRON, SE, 285.00; JACK'S UNIFORMS, SU, 39.00; JEO CONSULTING GROUP, SE, 38404.40; JOHNSON, JENNA, RE, 25.00; KATHOL TURF, SU, 79.34; KAY CONTRACTING, SE, 892.50; KENNEDY, TIFFANY, RE, 25.00; KESTING, BRIAN, RE, 25.00; KLEIN ELECTRIC, SE, 18138.28; LARSON, SARAH, RE, 25.00; LAWYER, MICHELLE, RE, 25.00; LUETH, AARON, RE, 25.00; LUTT, RANDY, RE, 100.00; MARCO, SE, 175.92; MCPHILLIPS, LOGAN, RE, 25.00; MILLER LAW, SE, 5416.67; MOORMEIER, KARI, RE, 35.00; MUNTER, BAILEY, RE, 35.00; NE DEPT OF REVENUE, TX, 4194.98; NE DEPT OF TRANSPORTATION, SE, 63101.86; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 190.00; NE WATER RESOURCES ASSOCIATION, FE, 105.00; NELSON, JARED, RE, 25.00; NIEMANN, ANDREA, RE, 190.00; NMC EXCHANGE, SU, 117.58; NNEDD, SE, 90.00; NORTHEAST NE INS AGENCY, SE, 90534.00; NORTHEAST POWER, SE, 19171.64; NWEA, FE, 60.00; O'REILLY AUTOMOTIVE STORES, SU, 14.99; OVERDRIVE, SU, 1029.22; OVERDRIVE, SU, 40.00; PLAGER, TIFFANY, RE, 25.00; QHA CLEANING, SE, 1375.00; ROSE EQUIPMENT, SU, 725.31; RUHL, ROCKY, RE, 720.00; RUWE, SARA, RE, 25.00; SIMS, NATE, RE, 25.00; SIRCHIE, SU, 94.32; SKARSHAUG TESTING LAB, SE, 212.47; STAPLES, SU, 290.28; STEEN, JEAN, RE, 50.00; STURM, MIKE, RE, 25.00; TYLER TECHNOLOGIES, SE, 3094.56; US BANK, SU, 4784.26; US FOODSERVICE, SU, 2065.64; VIAERO, SE, 64.58; WAED, SE, 8257.92; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY TREASURER, RE, 5743.45; WEHRER, NICOLE, RE, 50.00; WEMHOFF, ANTHONY, RE, 25.00;

WESCO, SU, 2854.76; WISNER WEST, SU, 10.00; WOHLERS, MATT, RE, 25.00; ZEE MEDICAL SERVICE, SU, 150.78; ZIMCO SUPPLY, SU, 770.00; ACE HARDWARE & HOME, SU, 154.36; AMERITAS, SE, 90.01; AMERITAS, SE, 154.17; AMERITAS, SE, 2336.58; AMERITAS, SE, 72.00; APPEARA, SE, 54.60; ARNIE'S FORD, SE, 117.62; BORDER STATES INDUSTRIES, SU, 160.33; CHEMQUEST, SE, 695.00; CITY OF WAYNE, PY, 80709.55; EASYPERMIT POSTAGE, SU, 1855.93; GERHOLD CONCRETE, SU, 2629.60; IRS, TX, 3169.28; IRS, TX, 13551.48; IRS, TX, 9937.07; ITRON, SE, -285.00; ITRON, SE, 50.00; LUTT OIL, SU, 4723.83; NE DEPT OF REVENUE, TX, 4203.38; NELSON, JARED, RE, 50.00; NORTHEAST POWER, SE, 7391.00; ONE CALL CONCEPTS, SE, 161.83; OSTEN, ANNA, SE, 35.00; QUALITY FOOD CENTER, SU, 7.50; SHARER, LIZ, RE, 125.00; SOOLAND BOBCAT, SE, 1023.51; STATE NEBRASKA BANK & TRUST, SE, 61.68; VAN DIEST SUPPLY, SU, 449.00; VIRGIL, LUKE, RE, 82.50; ZISKA, BRANDON, RE, 62.50

Councilmember Eischeid 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 Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Luke Virgil, Executive Director of Wayne Area Economic Development, updated the Council on some grants he was looking into relating to the COVID pandemic.

Administrator Blecke stated the following agenda item - Action on a Request for Funding Assistance (Match) for a Grant received by the Wayne Community Housing Development Corporation (WCHDC) to be used for Daily Operations comes from discussions at the retreat.

Mytzy Rodriguez-Kufner, the new Director of the WCHDC, was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving a request for funding assistance (match) for a grant received by the Wayne Community Housing Development Corporation to be used for daily operations in the amount of \$20,000.00. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, received three bids for the purchase of a 2020 Chevrolet Silverado 1500 4WD Pickup truck. He recommended that the award go to the low bidder who met the specifications, Quality Auto Sales for \$29,499. This pickup will replace the blue electric car he currently drives.

Councilmember Brodersen introduced Resolution No. 2020-34 and moved for its approval; Councilmember Woehler seconded the motion.

RESOLUTION NO. 2020-34

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF A 2020 CHEVROLET SILVERADO 1500 4WD PICKUP TRUCK THROUGH THE STATE BID SYSTEM AS PER THE BID PROPOSAL RECEIVED FROM QUALITY AUTO SALES - \$29,499.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Administrator Blecke received three proposals for playground equipment at Sunnyview Park. The request for proposals asked what the companies could provide for \$85,000. Staff reviewed the proposals and are recommending that the award go to Creative Sites, LLC, Omaha, NE for \$79,411. Installation will be September/October of this year.

Councilmember Sievers introduced Resolution No. 2020-35 and moved for its approval; Councilmember Spieker seconded the motion.

RESOLUTION NO. 2020-35

A RESOLUTION ACCEPTING PROPOSAL AND AWARDING CONTRACT FOR THE PURCHASE OF PLAYGROUND EQUIPMENT TO BE LOCATED IN SUNNYVIEW PARK, WAYNE, NEBRASKA, TO CREATIVE SITES, LLC, OMAHA NE, FOR \$79,411.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Administrator Blecke received two bids on the “Wayne State College Foundation Alumni House Sanitary Sewer Service Line Project.” Staff reviewed the same and are recommending the contract be awarded to the low bidder, Kay Contracting, Inc., for \$17,585. The other bid came from Benscoter Construction for \$18,400.

Casey Junck, Water Supervisor, updated the Council on the project.

Councilmember Woehler had concerns regarding this project and thought a mini lift station would have been a better alternative.

After further discussion, Councilmember Spieker introduced Resolution No. 2020-36 and moved for its approval; Councilmember Eischeid seconded the motion.

RESOLUTION NO. 2020-36

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “WAYNE STATE COLLEGE FOUNDATION ALUMNI HOUSE SANITARY SEWER SERVICE LINE PROJECT” FOR THE CITY OF WAYNE, NEBRASKA, TO KAY CONTRACTING, INC., FOR \$17,585.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent and Councilmember Woehler who voted Nay, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, stated the Department of Transportation sent an agreement to be approved between the City and Olsson for engineering costs. The original agreement amount will be reduced by \$1,619 due to lodging/meal changes therein, and then increased by \$9,833.60 for additional work necessary to complete the services under the original agreement. The supplemental amount added to the agreement is \$8,214.60, bringing the total engineering agreement amount to \$387,767.

Councilmember Eischeid introduced Resolution No. 2020-37 and moved for its approval; Councilmember Sievers seconded the motion.

RESOLUTION NO. 2020-37

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF CONSTRUCTION ENGINEERING SERVICES AGREEMENT SUPPLEMENTAL AGREEMENT NO. 1 – BK1959-01 BETWEEN THE CITY OF WAYNE AND OLSSON RELATING TO THE WAYNE TRAIL – PHASE 2 PROJECT STPB-90(4).

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, approving the Certificate of Substantial Completion for the “Wayne Senior Center – Room and Walk-In Freezer Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Discussion took place regarding the truck parking ordinance (request from Wayne County), as well as the restricted and prohibited parking ordinances in the southeast and southwest quadrants of the city respectively that are on the agenda for consideration.

After discussion, a motion was made by Councilmember Spieker and seconded by Councilmember Brodersen, to table action on Ordinance 2020-11 Amending Wayne Municipal Code, Title VII Traffic Code, Section 78-174 Truck Parking; Where Designated, until a later time. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, to table action on Ordinance 2020-12 Amending Wayne Municipal Code, Title VII Traffic Code, Section 78-131 Restricted Parking 12:00 Midnight to 5:00 a.m.; Southeast Quadrant of the City. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, to table action on Ordinance 2020-13 Amending Wayne Municipal Code, Title VII Traffic Code, Section 78-132 Prohibited Parking; Southwest Quadrant of the City. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Attorney Miller brought the following Ordinance forward for Council consideration which would amend Sec. 90.038 as follows:

§ 90.038 LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog owned, kept or harbored by him or her, or under his or her charge or control, **to injure any person, or** to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, shall be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained.

Councilmember Spieker introduced Ordinance No. 2020-14, and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2020-14

AN ORDINANCE TO AMEND SECTION 90.038 OF TITLE IX GENERAL REGULATIONS, CHAPTER 90 ANIMALS, OF THE WAYNE MUNICIPAL CODE RELATING TO LIABILITY OF OWNER; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were 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 Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, to move for final approval of Ordinance No. 2020-14. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, setting the budget work sessions for July 21st and August 4th. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Karsky who were absent, the Mayor declared the motion carried.

Discussion took place on whether or not to continue to use zoom to allow the public and staff to attend meetings. Consensus was that this was a good option, but the preference was to have those presenting be in attendance at the meeting.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:48 p.m.