

**MINUTES
CITY COUNCIL MEETING
August 4, 2020**

The Wayne City Council met in regular session in the North Meeting Room of the Wayne City Auditorium on August 4, 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, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jason Karsky.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 23, 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 north meeting room of the Wayne City Auditorium, 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 Sievers made a motion, which was seconded by Councilmember Woehler, to approve the minutes of the meeting July 21, 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 Karsky 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:

APPROVED 7/22/20: ROBERT WOehler & SONS, SE, 13352.25; RUTJENS CONSTRUCTION, SE, 340307.53

VARIOUS FUNDS: ALCANTARA, PATRICIA, RE, 125.00; APPEARA, SE, 88.34; BELT, CHANELLE, RE, 150.60; BLACK HILLS ENERGY, SE, 189.20; BLUE CROSS BLUE SHIELD, SE, 52148.99;

BORDER STATES INDUSTRIES, SU, 220.21; BROWN SUPPLY, SU, 319.62; CENTURYLINK, SE, 424.13; CITY EMPLOYEE, RE, 488.06; CITY EMPLOYEE, SE, 143.96; CORE & MAIN, SU, 861.95; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE, SE, 100.26; DEMCO, SU, 128.77; DGR & ASSOCIATES, SE, 277.50; ED M. FELD EQUIPMENT, SU, 910.48; EILERS, ERIN, RE, 500.00; FLOOR MAINTENANCE, SU, 533.59; GERHOLD CONCRETE, SU, 4165.46; GRAHAM TIRE SIOUX CITY, SU, 156.84; HAWKINS, SU, 5215.81; HILAND DAIRY, SE, 243.86; HUSKER AUTO GROUP, SU, 29499.00; ICMA, RE, 8081.22; ISLAND SPRINKLER SUPPLY, SU, 83.04; JEO CONSULTING GROUP, SE, 19746.25; KUNZ, ZACH, RE, 93.00; L.G. EVERIST, SU, 396.27; LINCOLN WINWATER WORKS, SU, 5513.31; LOPEZ, ELIZABETH, RE, 500.00; MARCO, SE, 175.92; MILLER LAW, SE, 5416.67; NE LIBRARY COM, SE, 1716.00; PING TREE SERVICE, SE, 409.00; QUALITY 1 GRAPHIC, SU, 100.00; ROBERT WOEHLE & SONS, SU, 2887.50; RODRIGUEZ, NANCY, RE, 500.00; STADIUM SPORTING GOODS, SE, 30.00; STAPLES, SU, 79.78; THRASHER, RE, 500.00; UNITED INDUSTRIES, SU, 200.00; US BANK, SU, 4816.24; UTILITY EQUIPMENT, SU, 96.88; VIAERO, SE, 65.96; WAED, SE, 8222.92; WISNER WEST, SU, 258.23; WURDINGER, DIANE, RE, 500.00; ACE HARDWARE & HOME, SU, 126.71; ALARCON-FLORY, PERLA, SE, 201.75; AMERITAS, SE, 122.02; AMERITAS, SE, 176.20; AMERITAS, SE, 2316.52; AMERITAS, SE, 72.00; APPEARA, SE, 100.89; APX, SE, 56.08; ARNIE'S FORD, SE, 950.72; CARHART KITCHEN & BATH, SU, 5917.00; CITY EMPLOYEE, RE, 178.86; CITY EMPLOYEE, RE, 110.00; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, RE, 572.90; CITY OF WAYNE, PY, 86058.73; COPY WRITE PUBLISHING, SE, 413.84; EASYPERMIT POSTAGE, SU, 863.36; ELLIS HOME SERVICES, SU, 93.45; FIRST CONCORD GROUP, SE, 4046.70; FREDRICKSON OIL, SE, 31.00; GERHOLD CONCRETE, SU, 110.72; GILL HAULING, SE, 261.25; GROSSENBURG IMPLEMENT, SU, 609.90; HELENA AGRI-ENTERPRISES, SU, 300.00; HILAND DAIRY, SE, 232.72; INTERSTATE BATTERY SYSTEM, SU, 90.95; IOWA PUMP WORKS, FE, 85.00; IRS, TX, 14275.24; IRS, TX, 10114.26; IRS, TX, 3338.54; JEO CONSULTING GROUP, SE, 1000.00; JMB CONTRACTING, RE, 500.00; LOEWENSTEIN, DAVID, SE, 6667.00; LUTT OIL, SU, 4807.79; NE AIR FILTER, SU, 127.82; NE DEPT OF REVENUE, TX, 4294.98; NELSON, JARED, RE, 75.00; NORTHEAST POWER, SE, 7401.00; PAC N SAVE, SU, 991.57; PAC N SAVE, SU, 12.16; PAC N SAVE, SU, -49.16; QHA CLEANING, SE, 1375.00; RAWLINGS, LESLIE, RE, 500.00; SD MYERS, SE, 354.00; TYLER TECHNOLOGIES, FE, 24840.44; US FOODSERVICE, SU, 1728.26; WAHOO HERITAGE INN, SE, 390.00; WAED EMPLOYEE, RE, 572.90; WAYNE COUNTY CLERK, SE, 10.00; WAPA, SE, 20185.83

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

Mayor Giese proclaimed the week of August 9-15, 2020, as “American Wind Week.”

Mark Janssen was present requesting Council consideration to waiving Section (A)(3)(f) and Section (B)(3)(a) of Section 150.03 Moving Buildings of the Wayne Municipal Code. He would like to move the old Brewhouse Coffee Shop building outside city limits. Those requirements pertain to having to provide the following:

- A certified engineer's statement that the movement of the structure will in no way have adverse effects upon any road surface or bridge on or along the proposed route within the city jurisdiction; and
- A surety or cash bond in the amount of \$10 per square foot of the ground floor level of the structure (approx. \$4,000).

Mr. Janssen has provided proof of a \$1,000,000 liability coverage.

After discussion, a motion was made by Councilmember Brodersen, which was seconded by Councilmember Buck, to only approve waiving the requirement of a certified engineer's statement that the movement of the structure will in no way have adverse effects upon any road surface or bridge on or along the proposed route within the city jurisdiction as per Section (A)(3)(f) of Section 150.03 Moving Buildings of the Wayne Municipal Code. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent and Councilmember Eischeid who voted Nay, the Mayor declared the motion carried.

Nick and Amanda Hawthorne were present requesting Council consideration to allowing them to install a fence on City property at 806 Neihardt Avenue, Western Ridge Subdivision. Two photos were in the packet – one showing where the fence would be on their property and the other showing where the fence would be if they encroached onto the City's property by about 8 feet.

In 2016, the Council allowed Brad Wieland to install a privacy fence on his property at 1222 Pearl Street, with the understanding that if a situation arises where he is required to remove the fence, all costs would be borne by him to do so. It was also noted in those minutes that the Council has the discretion of taking these matters on a case-by-case basis.

Attorney Miller stated she had proposed two options:

- The City could grant the Hawthorne's an easement for the fence, knowing that if the City ever needed to do any work in that portion of the property, the Hawthorne's would be responsible for the costs to remove the fence, etc.; or
- The City could sell the Hawthorne's that property. However, the Hawthorne's would need to have the property surveyed, etc., and those costs would be borne by them.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving an easement at the address of 806 Neihardt Avenue (Nick and Amanda Hawthorne), with the understanding that the homeowners may be required to move that fence in the future.

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

Luke Virgil, Director of Wayne Area Economic Development, gave his semi-annual report on LB840 activity.

The following Resolution would allocate \$76,800 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. Last year's allocation was \$74,526.

Travis Meyer, Chair of the Wayne Airport Authority Board, was present to answer questions and update the Council on things that are happening at the airport.

Councilmember Brodersen introduced Resolution No. 2020-39 and moved for its approval, Councilmember Buck seconded.

RESOLUTION NO. 2020-39

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY (\$76,800).

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

Joel Hansen, Street and Planning Director, stated that Change Order No. 2 for \$5,012.70 for T.R. Harris Construction, Inc., for the "Wayne Trail – Phase 2 Project" is a result of the City requesting that the detectable warning panels that are going to be installed be made of cast iron to match the remainder of the City's previously installed detectable warning panels rather than the kind from the NDOT's approved product list. Mr. Hansen believes that this price difference will also be cost-shared by the State.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving Change Order No. 2 for the "Wayne Trail – Phase 2 Project" in the amount of \$5,012.70 to T.R. Harris Construction, Inc. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, stated that Change Order No. 3 for \$12,017.63 for T.R. Harris Construction, Inc., for the “Wayne Trail – Phase 2 Project” is a result of the City requesting that hydro-mulch be used in place of straw mulch on the trail project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving Change Order No. 3 for the “Wayne Trail – Phase 2 Project” in the amount of \$12,017.63 to T.R. Harris Construction, Inc. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Administrator Blecke presented Application and Certificate of Payment No. 3 in the amount of \$158,291.25 to M&B Quality Concrete for the “Restoration of Walking Trail Project.” He also updated the Council on the project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving Application and Certificate of Payment No. 3 for \$158,291.25 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 Karsky who was absent, the Mayor declared the motion carried.

The budget work session continued.

Discussion items included, but were not limited to, parking at Hank Overin Field, the sprinkler system at Hank Overin Field, and the western most road in the Greenwood Cemetery.

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

Mayor Giese noted the next Council meeting will be held in the community meeting room of the Wayne Community Activity Center.