

**MINUTES
CITY COUNCIL MEETING
September 1, 2020**

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on September 1, 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 August 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 Community Room of the Wayne Community Activity Center, 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 Spieker, to approve the minutes of the meetings of August 18 and 25, 2020, and to waive the readings 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:

CLAIMS APPROVED 8/18/20:

ROBERT WOehler & SONS, NEBRASKA ST, 60897.00; RUTJENS CONSTRUCTION, WATER TRANSMISSION LINE, 145294.38

VARIOUS FUNDS: ACES, SE, 928.29; ALL-AMERICAN PUBLISHING, SE, 339.00; APPEARA, SE, 47.66; BATTERY SOLUTIONS, SU, 109.95; BIG RIVERS ELECTRIC CORPORATION, SE, 245797.55; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 3064.03; BLACKBURN

MANUFACTURING, SU, 711.59; BLACKSTONE PUBLISHING, SU, 1048.95; BLUE CROSS BLUE SHIELD, SE, 48627.87; BOK FINANCIAL, SE, 154330.63; BOMGAARS, SU, 1271.67; BUSINESS RADIO LICENSING, FE, 120.00; CENTURYLINK, SE, 423.61; CERTIFIED TESTING SERVICES, SE, 351.00; CITY EMPLOYEE, RE, 32.10; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 5.07; CITY EMPLOYEE, RE, 376.73; CITY OF WAYNE, RE, 2222.79; DANKO EMERGENCY EQUIPMENT, SE, 24.61; DEARBORN LIFE INSURANCE COMPANY, SE, 100.26; DUTTON-LAINSON COMPANY, SU, 97.60; ED M. FELD EQUIPMENT, SU, 287.52; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 170.58; FISCHER, DIANA, RE, 50.00; FLOOR MAINTENANCE, SU, 615.07; GERHOLD CONCRETE, SU, 2624.24; GROSSENBURG IMPLEMENT, SU, 44.71; HAWKINS, SU, 592.00; HHS REGULATION & LICENSURE, FE, 115.00; HILAND DAIRY, SE, 173.43; INDUSTRIAL TOOL, SE, 21.40; IOWA PUMP WORKS, SU, 65.31; ISLAND SPRINKLER SUPPLY, SU, 426.14; JEO CONSULTING GROUP, SE, 17411.05; JMB CONTRACTING, RE, 2364.00; LIFE LINE SCREENING, RE, 200.00; MAIN STREET GARAGE, SU, 103.68; MARCO, SE, 175.92; NE LAW ENFORCEMENT, FE, 10.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 244.00; NNEDD, SE, 1445.09; RODRIGUEZ, NANCY, RE, 48.00; SALT CREEK SOFTWARE, SE, 2140.00; STAPLES, SU, 143.65; UTILITIES SECTION, FE, 3230.00; WESCO, SU, 231.12; WILLIAMS, LACEY, RE, 62.50; WISNER WEST, SU, 28.12; AMERITAS, SE, 154.17; AMERITAS, SE, 2332.18; AMERITAS, SE, 72.00; AMERITAS, SE, 113.61; BIG RED CONSTRUCTION, RE, 250.00; BLACK HILLS ENERGY, SE, 216.59; CITY EMPLOYEE, RE, 95.60; CITY OF WAYNE, PY, 93580.40; CLAUSSEN, HEATHER, SE, 540.00; COLONIAL RESEARCH, SU, 186.25; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; EASYPERMIT POSTAGE, SU, 871.11; HACH COMPANY, SU, 957.16; HILAND DAIRY, SU, 94.52; ICMA, SE, 8005.87; IRS, TX, 3569.36; IRS, TX, 9967.97; IRS, TX, 15262.36; MILLER LAW, SE, 5416.67; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 500.00; NE DEPT OF REVENUE, TX, 4238.58; SKARSHAUG TESTING LAB, SE, 212.68; SOOLAND BOBCAT, TX, 71.65; TYLER TECHNOLOGIES, SE, 200.00; VIAERO, SE, 65.96; WAED, SE, 8620.92

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, the Mayor declared the motion carried.

Gary Weddel, President of the Wayne Rotary Club, presented the City with a ceremonial check for the donated ping pong table that is located at College View Park. Bob Ensz was also present representing the Wayne Rotary Club.

Luke Virgil, Executive Director of Wayne Area Economic Development, stated with this year's Chicken Show, they are planning a fireworks display on Saturday evening (approximately 8:00 p.m.), September 12, 2020, on the rugby fields by the Wayne Softball Complex.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, approving a fireworks display on Saturday, September 12, 2020, for the Chicken Show celebration on the rugby fields by the Wayne Softball Complex. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Luke Virgil, Executive Director of Wayne Area Economic Development, was requesting Council consideration to closing Grainland Road (from the intersection of Pheasant Run Road and proceeding east to the south entrance of the Wayne County Fairgrounds – approx. 1200') on Saturday, September 12, 2020, during the 40th Annual Wayne Chicken Show from 11:00 a.m. to 12:00 noon. The Shriners want to put on a show with their motorized vehicles. If approved, the Chamber would be in contact with the property owners on Grainland Road that would be affected by this street closure.

Councilmember Spieker made a motion, which was seconded by Councilmember Sievers, approving the request of Luke Virgil, Executive Director of Wayne Area Economic Development, to close Grainland Road (from the intersection of Pheasant Run Road and proceeding east to the south entrance of the Wayne County Fairgrounds – approx. 1200') on Saturday, September 12, 2020, during the 40th Annual Wayne Chicken Show from 11:00 a.m. to 12:00 noon.

Councilmember Eischeid stated while he is going to vote for this request, he did not think it was a good idea that the Chicken Show was being held under the circumstances.

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

Mayor Giese declared the time was at hand for the public hearing regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.449004 per hundred dollars of property value is included. The levy equates to a tax request of \$1,119,160.00. Last year's general tax levy was \$.411663 per hundred dollars of valuation; this year it is \$.412303, excluding the airport.

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.

The following Resolution would approve the final property tax request of \$1,027,680. This Resolution does not include the airport levy.

Councilmember Sievers introduced Resolution 2020-41, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2020-41

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY 2020-2021.

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

Mayor Giese declared the time was at hand for the public hearing on the proposed FY 2020-2021 budget.

The total of the FY 2020-2021 budget is \$35,348,642. The property tax proposal for the General Fund operation is \$925,180.00, which compares to the 2019 tax asking of \$879,121.00. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$1,027,680.00 or \$.412303 per \$100 of property valuation, which is slightly higher than last year - \$.411663. The valuation in the community, as reported by the County Assessor for 2020 is \$249,253,762, which is up \$11,165,435 from last year.

Finance Director Beth Porter stated these numbers are based on the final numbers set at the budget work session. When preparing for the budget, an estimated 3% increase on valuation in the community was used for calculations. The actual increase was closer to 5%, which results in an increase of about \$17,000 in property taxes, which can be used to help offset the increased funds allocated to park improvements in the capital projects budget during the budget workshop.

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 Sievers introduced Resolution 2020-42, and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2020-42

A RESOLUTION TO ADOPT THE 2020-2021 BUDGET FOR THE CITY OF WAYNE.

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

The base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not spent and are not expected to be spent for capital improvements. Cities are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase. This increases our base number we can use for our restricted fund revenues.

Councilmember Sievers introduced Resolution No. 2020-43 and moved for its approval, Councilmember Spieker seconded.

RESOLUTION NO. 2020-43

A RESOLUTION APPROVING THE ALLOWABLE 1% INCREASE IN BASE LIMITATION OF RESTRICTED FUNDS' BUDGET 2020-2021.

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

Councilmember Sievers introduced Ordinance 2020-16, and moved for its approval; Councilmember Spieker seconded.

ORDINANCE NO. 2020-16

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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 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, the Mayor declared the motion carried.

Councilmember Spieker made a motion, which was seconded by Councilmember Eischeid, to move for final approval of Ordinance No. 2020-16. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place regarding “fence permits” and the issues that have arisen regarding the same.

Attorney Miller’s recommendation was to do one of two things:

1. Eliminate the fence permit, and it is the property owner’s responsibility to follow the law as it is written; or
2. If you still want to have a fence permit, that a disclaimer be included on the permit stating that it is the property owner’s responsibility to locate property pins, etc.

It was noted that the fence permit lists the restrictions on the front of it.

After discussion, Mayor Giese stated that what we have put forth to you is three solutions/options with varying levels of government intervention:

1. Leave it up to the individual to do good, and we will take care of it on the back side;
2. To maintain the current course we have, but just insert a disclaimer that says we are just helping you abide by our city ordinances; we are not going to help you abide by the law of not trespassing on your neighbor’s property; or
3. We are going to require you to do a survey, along with your fence permit, so that we know, you know, and your neighbor knows that everything is in proper order.

After discussion, the consensus was to add the disclaimer language to the permit. Attorney Miller was directed to prepare the appropriate language and forward the same to staff to be included on the fence permit form.

Discussion took place regarding the ordinance pertaining to “Truck Parking; Where Designated.”

Joel Hansen, Street and Planning Director, explained the changes he made to the proposed ordinance. He noted that the Planning Commission did not make a recommendation on this matter. If changes are made to this section of the code, he would recommend bringing back the other two ordinances that pertained to restricted and prohibited parking in these areas for consideration.

Police Chief Chinn recommended adding some commas to the proposed wording in the ordinance.

Attorney Miller noted she would redraft the wording in the ordinance, which would then be brought forward for consideration at the next meeting (2nd reading).

After further discussion, Councilmember Sievers introduced Ordinance 2020-11, and moved for its approval; Councilmember Buck seconded.

ORDINANCE NO. 2020-11

AN ORDINANCE TO AMEND SECTION 78-174 OF TITLE VII TRAFFIC CODE OF THE WAYNE MUNICIPAL CODE RELATING TO TRUCK PARKING; WHERE DESIGNATED; 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, setting the mini-retreat for Tuesday, September 29, 2020, at 5:30 p.m. at the Wayne Fire Hall. 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 6:39 p.m.