

**MINUTES
CITY COUNCIL MEETING
September 15, 2020**

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on September 15, 2020, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order with the following in attendance: Councilmembers Dwaine Spieker, 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. Absent: Councilmember Terri Buck.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 3, 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 Brodersen made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meeting of September 1, 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 Buck 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: AMERICAN BROADBAND, SE, 2463.61; APPEARA, SE, 208.94; BINSWANGER GLASS, SE, 397.89; BLACKSTONE PUBLISHING, SU, 69.89; BORDER STATES INDUSTRIES, SU, 23411.20; BROWN SUPPLY, SU, 364.02; CARHART LUMBER COMPANY, SU, 324.14; CITY EMPLOYEE, RE, 2122.31; CITY EMPLOYEE, RE, 802.00; CITY EMPLOYEE, RE, 100.00; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, RE, 677.27; CLAUSSEN & SONS IRRIG, SE, 9265.85;

COLONIAL RESEARCH, SU, 295.51; COPY WRITE PUBLISHING, SE, 160.58; CORE & MAIN, SU, 4448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2482.01; DUTTON-LAINSON COMPANY, SU, 659.12; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 13949.58; FIRE CATT, SE, 4534.05; FIRST CONCORD GROUP, SE, 2697.80; FLOOR MAINTENANCE, SU, 241.18; GALE/CENGAGE LEARNING, SU, 24.69; GERHOLD CONCRETE, SU, 5841.08; GILL HAULING, SE, 261.25; GROSSENBURG IMPLEMENT, SU, 1272.49; HAWKINS, SU, 592.00; HAYS, BRYAN, RE, 65.00; HILAND DAIRY, SE, 94.91; HOMETOWN LEASING, SE, 436.02; ICMA, SE, 7992.02; JMB CONTRACTING, SE, -2,364.00; KINSLOW, BEA, RE, 2364.00; MEISENBACH, SCOTT, RE, 500.00; NE DEPT OF REVENUE, FE, 25.00; OVERDRIVE, SU, 1003.63; STATE NEBRASKA BANK & TRUST, SE, 61.92; STATE NEBRASKA BANK-PETTY CASH, RE, 94.37; US BANK, SU, 5768.43; VAN METER, GARY, RE, 500.00; VERIZON, SE, 416.58; VOVOS, DIANE, RE, 200.00; WAYNE RENTALS, RE, 1000.00; WIGMAN COMPANY, SU, 580.80; AMERITAS, SE, 154.17; AMERITAS, SE, 2355.76; AMERITAS, SE, 72.00; AMERITAS, SE, 93.35; BAKER & TAYLOR BOOKS, SU, 1344.78; BLACKSTONE PUBLISHING, SU, 26.94; CERTIFIED TESTING SERVICES, SE, 396.25; CITIZENS STATE BANK, RE, 3204.09; CITIZENS STATE BANK, RE, 5051.80; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 134.25; CITY OF WAYNE, PY, 80835.06; CITY OF WAYNE, RE, 300.00; CIVICPLUS, SE, 16.82; COOK, AMANDA, RE, 152.75; CORE & MAIN, SU, 1268.99; COTTONWOOD WIND PROJECT, SE, 12982.93; DANKO EMERGENCY EQUIPMENT, SE, 8173.86; DAS STATE ACCTG-CENTRAL FINANCE, SE, 61.04; AVE'S DRY CLEANING, SE, 15.00; EAKES OFFICE PLUS, SE, 235.74; ELLIS HOME SERVICES, SE, 192.50; FLOOR MAINTENANCE, SU, 427.87; GERHOLD CONCRETE, SU, 492.88; GRAINLAND ESTATES, RE, 6944.06; HAWKINS, SU, 3098.56; IRS, TX, 13509.06; IRS, TX, 9749.45; IRS, TX, 3159.42; KAUP FORAGE & TURF, SU, 3580.00; KAY CONTRACTING, SE, 17585.00; L & L THOMPSON CONSTRUCTION, SE, 4000.00; L.G. EVERIST, SE, 743.92; LOEWENSTEIN, DAVID, SE, 6667.00; LOGIC LAWNS, SE, 200.00; LUTT OIL, SU, 5337.59; MALLOY ELECTRIC, SU, 474.52; MARCO TECHNOLOGIES, SE, 191.17; MATHESON-LINWELD, SU, 35.06; METERING & TECHNOLOGY SOLUTIONS, SU, 1068.77; MID PLAINS GRAIN, RE, 6054.99; MID-IOWA SOLID WASTE, SU, 446.10; MIDLAND TELECOM, SU, 4556.00; MIDWEST LABORATORIES, SE, 189.00; MIDWEST TAPE, SU, 461.98; MILO MEYER CONSTRUCTION, SE, 1300.00; MUNICIPAL SUPPLY, SU, 1212.58; MURPHY TRACTOR & EQUIPMENT, SU, 505.24; NATP, FE, 5.00; NE DEPT OF REVENUE, TX, 4135.52; NE LIBRARY ASSO, FE, 40.00; NPPD, SE, 39312.53; NORFOLK DAILY NEWS, SE, 40.00; OCC BUILDERS, RE, 250.00; O'REILLY AUTOMOTIVE STORES, SU, 215.90; PAC N SAVE, SU, 74.07; PAC N SAVE, SU, 59.33; PAC N SAVE, SU, 634.90; PITNEY BOWES, SE, 253.85; POLLARD PUMPING, SE, 250.00; PREMIER BIOTECH, SE, 110.00; PSYCHOLOGICAL RESOURCES, SE, 270.00; QC FOUNDATION REPAIR, RE, 100.00; QHA CLEANING, SE, 1375.00; QUADIENT LEASING USA, SE, 3346.38; QUALITY 1 GRAPHIC, SU, 15.00; QUALITY FOOD CENTER, SU, 12.49; S & S WILLERS, SU, 433.99; SELECT APPLIANCE, SU, 729.00; STADIUM SPORTING GOODS, SU, 304.00; STAPLES, SU, 209.30; STATE NEBRASKA BANK & TRUST, SE, 510466.25; T & S TRUCKING, SE, 222.48; TAYLORMADE, SU, 780.00; TCH, SU, 1215.22; THEIS, ABBIE, RE, 150.00; TRI AIR TESTING, SE, 403.03; US FOODSERVICE, SU, 1196.81; VIC'S ENGINE SERVICE, SE, 340.13; WAED, SE, 2000.00; WAYNE AUTO PARTS, SU, 223.77; WAYNE HERALD, SE, 555.57; WAYNE HERALD, SE, 80.50; WAYNE HOSPITALITY, RE, 17907.32; WAYNE VETERINARY CLINIC, SE, 14.00; WESCO, SU, 410.88; WAPA, SE, 19486.44; WISNER WEST, SU, 170.38; ZEE MEDICAL SERVICE, SU, 89.08

Councilmember Brodersen 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 Buck who was absent, the Mayor declared the motion carried.

The following Resolution would authorize the Mayor to sign documents pertaining to a “budget amendment request” to the Nebraska Department of Economic Development for Grant No. 16-CD-208 (2019 Nebraska Street Improvements Project).

Jan Merrill, Community Planner with Northeast Nebraska Economic Development District, stated that the City needs to apply for a budget amendment for Wayne 16-CD-208 – Nebraska Street Improvements Project. The amendment consists of moving \$26,730.00 in CDBG funds from the General Administration and \$8,230.00 of Construction Management funds into Street activity, for a total of \$34,960.00.

Councilmember Sievers introduced Resolution No. 2020-44 and moved for its approval, Councilmember Haase seconded.

RESOLUTION NO. 2020-44

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN A BUDGET AMENDMENT REQUEST TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT ON COMMUNITY DEVELOPMENT BLOCK GRANT - COMPREHENSIVE DEVELOPMENT FUNDS (16-CD-208 – NEBRASKA STREET IMPROVEMENTS PROJECT).

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

Mayor Giese declared the time was at hand for the second public hearing to obtain public input on the application for the Community Development Block Grant - Comprehensive Development Grant No. 16-CD-208.

Jan Merrill with the Northeast Nebraska Economic Development District was present to answer questions. She advised the Council that a second public hearing is required for each CDBG funded project to obtain citizen input, comments, or opinions with regard to the program performance.

The City of Wayne was awarded \$475,000 of CDBG Comprehensive Development (CD) Phase II funds. \$430,000 for street and storm sewer improvements to Nebraska Street between 2nd and 7th Street; \$35,000 for general administration; and \$10,000 for construction management. The required matching funds of \$215,000 was provided by the City. A budget amendment was requested to move \$26,730.00 of

CDBG funds from General Administration and \$8,230.00 of Construction Management funds into the street improvement project. Total project cost to date is \$743,400.94. All activities were conducted within the LMI target area. All CDBG funds will benefit low-to-moderate income persons in the community. No persons will be displaced as a result of this project.

No action was needed on the matter.

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.

Jon Mooberry, representing JEO Consulting Group, Inc., presented Application for Payment No. 7 in the amount of \$170,851.91 to Robert Woehler & Sons Construction, Inc., for the “2019 Nebraska Street Improvements Project – CDBG No. 16-CD-208.”

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving Application for Payment No. 7 for \$170,851.91 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 Buck who was absent and Councilmember Woehler who abstained, the Mayor declared the motion carried.

Al Hottovy, Engineer with Leo A Daly, presented Application and Certificate of Payment No. 4 in the amount of \$98,955.00 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 Spieker, approving Application and Certificate of Payment No. 4 for \$98,955.00 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 Buck who was absent, the Mayor declared the motion carried.

The following Municipal Annual Certification of Program Compliance Form 2020 and Resolution replaces the annual filing of the One and Six Year Plan or Program and the former standardized system of annual reporting with the Nebraska Board of Public Roads Classification and Standards. This must be adopted and returned to the Nebraska Department of Transportation (NDOT) by October 31, 2020. This

new law went into effect March 8, 2019, and is the first major change in 50 years to NDOT and County and municipal highway, road and street public record keeping and reporting requirements.

Councilmember Karsky introduced Resolution No. 2020-45 and moved for its approval, Councilmember Spieker seconded.

RESOLUTION NO. 2020-45

A RESOLUTION AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2020.

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

Administrator Blecke stated the City received two bids on the “City of Wayne Lagoon Berm Concrete Removal Project.” Staff has reviewed the bids and is recommending the project be awarded to the low bidder, Robert Woehler & Sons Construction, Inc., for \$57,375.00.

After discussion, Councilmember Eischeid introduced Resolution No. 2020-46 and moved for its approval, with the same also including the following:

- Project completion date of June 1, 2021; and
- 150 tons of crushed concrete to be given back to the city;

Councilmember Spieker seconded.

RESOLUTION NO. 2020-46

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “CITY OF WAYNE LAGOON BERM CONCRETE REMOVAL PROJECT TO ROBERT WOEHLER & SONS CONSTRUCTION, INC. FOR \$57,375.00.”

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

Discussion took place regarding Ordinance 2020-11 amending Wayne Municipal Code, Title VII Traffic Code, Section 78-174 Truck Parking; Where Designated. This is the second reading.

Attorney Miller explained the changes she made to the ordinance per the direction of the City Council at the last meeting. Those changes were as follows:

(A) No chassis cab, step van, semi-tractor, or semi-trailer style vehicle(s) shall be parked on any public street, **except in emergencies or for temporary loading and/or unloading.**

(B) No chassis cab, step van, semi-tractor, or semi-trailer style vehicle(s) shall be parked on any private property in any of the R-1 through R-5 Zoning Districts between the hours of 9:00 p.m. and 7:00 a.m., **except in emergencies or for temporary loading and/or unloading.**

~~(C) (1) The following locations are designated as truck parking areas:
200 Block of East 2nd Street
South 150 feet of the 100 Block of South Pearl Street~~

~~(2) Vehicles of the type described above are allowed to park on the designated truck parking areas not to exceed 72 consecutive hours. It shall be unlawful to park any chassis cab, step van, or semi-tractor or semi-trailer style vehicle(s) on any public street or on private property in any R-1 through R-5 Zoning Districts overnight, except for emergencies. Any person violating this section shall be subject to the penalty provisions of § 10.99 and the presumption set forth in § 78-122 shall be applicable.~~

~~(C) A truck driver or owner may request temporary permission to park a chassis cab, step van or semi-truck tractor overnight in an R-1 through R-5 Zoning District for special circumstances, (e.g. grain harvest season). Such temporary permission would be granted by the City Police Department on a case by case, day by day basis.~~

~~(D)~~ (C) For the purpose of this schedule, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Mayor Giese distributed a “police activity report” he obtained from the Police Department for the locations where trucks usually park in Wayne. In addition, he advised the Council that Eric Smith would like to speak to the Council on this topic at the retreat, so he asked Council not to pass final reading this evening.

Councilmember Eischeid did not think the “police activity report/data” at the locations where trucks are parking warranted eliminating truck parking. He was not in favor of the ordinance amendments.

After further discussion, Councilmember Spieker introduced Ordinance 2020-11, and moved for approval of the second reading thereof, as amended; Councilmember Sievers 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 was all Yeas, with the exception of Councilmember Buck who was absent, and Councilmembers Haase, Karsky and Eischeid who voted Nay. Because the ordinance needed a majority of all members elected to the Council (5), Mayor Giese then cast his vote as a Yea, and declared the motion carried. The third and final reading will take place at the next meeting.

The following Ordinance would add restricted parking on the following street:

The north side of the centerline of East 2nd Street from the east line of Logan Street to the west line of Nebraska Street.

Councilmember Spieker introduced Ordinance 2020-12, and moved for its approval thereof and directing staff to correct the spelling of “Southeast” under Section 1; Councilmember Woehler seconded.

ORDINANCE NO. 2020-12

AN ORDINANCE TO AMEND 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; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND 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 Councilmember Buck who was absent and Councilmember Eischeid who voted Nay, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following Ordinance would add prohibited parking on the following streets:

The east side of the centerline of South Pearl Street from 220 feet south of the south line of West 1st Street south to the north line of Clark Street; and

The west side of the centerline of South Pearl Street from 220 feet south of the south line of West 1st Street south to the south line of Clark Street.

Councilmember Spieker introduced Ordinance 2020-13, and moved for its approval thereof; Councilmember Woehler seconded.

ORDINANCE NO. 2020-13

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – PROHIBITIONS AND ENFORCEMENT, SECTION 78-132 PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY; 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 Councilmember Buck who was absent and Councilmember Eischeid who voted Nay, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Updates were given on the following projects:

- Trail Restoration/Mitigation
- Sunnyview Park playground equipment
- Bressler Park stage/awning
- Pool
- Nebraska Street

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:37 p.m.