

**MINUTES  
CITY COUNCIL MEETING  
November 3, 2020**

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on November 3, 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, Chris Woehler, Jason Karsky, and Matt Eischeid; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Jennifer Sievers and Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 22, 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](http://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.

New employee Brian Hanson, Park Supervisor, was introduced to the Council.

Councilmember Spieker made a motion, which was seconded by Councilmember Woehler, to approve the minutes of the meeting of October 20, 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 Councilmembers Sievers and Brodersen who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS - FISCAL YEAR 2019-2020:** M&B QUALITY CONCRETE, SE, 111508.85; MIDWEST ALARM SERVICES, SE, 119.84; WAYNE COMMUNITY SCHOOLS, RE, 2521.00

**VARIOUS FUNDS - FISCAL YEAR 2020-2021:** ROBERT WOEHLER & SONS, SE, 314910.80; ACES, SE, 928.29; AMERITAS, SE, 100.81; AMERITAS, SE, 167.44; AMERITAS, SE, 2279.96; AMERITAS, SE, 72.00; APPEARA, SE, 94.29; APPEARA, SE, 57.62; ARC-HEALTH & SAFETY, SE, 84.00; AUTO ANATOMY ALTERNATIVES, SE, 185.98; BARGHOLZ, CINDY, RE, 650.00; BLACK HILLS ENERGY, SE, 382.87; BLACKSTONE PUBLISHING, SU, 30.91; BLUE CROSS BLUE SHIELD, SE, 50388.43; BOMGAARS, SU, 616.49; BORDER STATES INDUSTRIES, SU, 354.62; BRODERS, RICHARD, RE, 464.98; BROWN SUPPLY, SU, 690.00; CARHART LUMBER COMPANY, SU, 46.16; CENTURION TECHNOLOGIES, FE, 72.00; CENTURYLINK, SE, 425.83; CHEMQUEST, SU, 1787.50; CITY EMPLOYEE, RE, 3294.14; CITY EMPLOYEE, RE, 224.55; CITY EMPLOYEE, RE, 2220.85; CITY EMPLOYEE, RE, 174.10; CITY OF MADISON, FE, 100.00; CITY OF NORFOLK, RE, 1500.00; CITY OF WAYNE, PY, 79469.63; CITY OF WAYNE, RE, 471.90; CITY OF WAYNE, RE, 2220.85; CIVICPLUS, SE, 5913.98; COUNTRY NURSERY, SU, 220.00; DAS STATE ACCTG-CENTRAL FINANCE, SE 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 96.82; DEMCO, SU, 265.83; DISCOUNT PLAYGROUND SUPPLY, SU, 1177.25; DISPLAY SALES, SU, 1015.50; ECHO GROUP, SU, 24.58; ED M. FELD EQUIPMENT, SU, 1022.00; ED M. FELD EQUIPMENT, SU, 761.00; ELLIS HOME SERVICES, SE, 1545.58; FIREMAN'S ASSOCIATION, RE, 5000.00; FIRST CONCORD GROUP, FE, 2697.80; FLOOR MAINTENANCE, SU, 302.63; GERHOLD CONCRETE, SU, 2872.22; GODFATHERS PIZZA, SU, 104.80; GROSSENBURG IMPLEMENT, SU, 136.39; H2I GROUP, SU, 2225.00; HAWKINS, SU, 585.00; HILAND DAIRY, SU, 123.48; HILAND DAIRY, SU, 161.22; HOMETOWN LEASING, SE, 436.02; ICMA, SE, 7862.79; INTERSTATE BATTERY SYSTEM, SE, 45.95; IRS, TX, 3124.14; IRS, TX, 10011.06; IRS, TX, 13358.94; JEO CONSULTING GROUP, SE, 18945.87; L.G. EVERIST, SU, 1481.95; MAIN STREET GARAGE, SE, 20.00; MAIN STREET GARAGE, SE, 20.00; MARCO, SE, 175.92; MERIT MECHANICAL, SE, 760.50; MILLER LAW, SE, 5416.67; MITCHELL, DENNIS, RE, 1000.00; MUNICIPAL SUPPLY, SU, 796.02; NATIONAL BUSINESS FURNITURE, SU, 1754.10; NE DEPT OF REVENUE, TX, 4208.52; NE LIBRARY COM, FE, 800.00; NE NOTARY ASSOC, SU, 158.27; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 45.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 18.00; NNEDD, SE, 1545.00; NOVA FITNESS EQUIPMENT, SE, 230.25; OCC BUILDERS, RE, 500.00; O'REILLY AUTOMOTIVE STORES, SU, 39.27; ORIENTAL TRADING, SU, 152.76; QUALITY 1 GRAPHIC, SU, 200.00; ROBINETT, LAURA, RE, 500.00; RON'S RADIO, SU, 68.42; S & V EXCAVATION, SE, 16297.50; SIEVERS, TOM, RE, 100.00; STAPLES, SU, 58.25; STATE FARM INSURANCE, SE, 563.00; STATE NEBRASKA BANK & TRUST, SE, 800.00; STATE NEBRASKA BANK & TRUST, SE, 4813.75; T & S TRUCKING, SE, 443.20; THE RADAR SHOP, SU, 301.00; TITAN MACHINERY, SU, 46.00; TOTAL GRAPHICS, SU, 836.50; VIAERO, SE, 67.05; WAED, SE, 8592.41; WAYNE COUNTY COURT, RE, 150.00; WAYNE KIWANIS, FE, 141.00; WESCO, SU, 230.06; WISNER WEST, SU, 79.22; AMERICAN BROADBAND, SE, 2439.64; ATCO INTERNATIONAL, SU, 206.80; BATTERY SOLUTIONS, SU, 109.95; CITY OF PONCA, RE, 14988.05; CITY OF WEST POINT, RE, 21753.20; CITY OF WISNER, RE, 2266.95; DUTTON-LAINSON COMPANY, SU, 992.96; JACK'S UNIFORMS, SU, 53.95; MARTINEZ, JENNIFER, SE, 200.00; MUNICIPAL SUPPLY, SU, 5399.39; PONCA RURAL FIRE BOARD, RE, 3587.85; QUALITY FOOD CENTER, SU, 11.98; SCHLINES, TODD, RE, 500.00; TYLER TECHNOLOGIES, FE, 200.00; VILLAGE OF WINSIDE, RE, 4795.70; WESCO, SU, 89.88

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to approve the claims. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Brodersen who were absent, the Mayor declared the motion carried.

Mayor Giese stated that Wayne Area Economic Development has asked that Agenda Item Nos. 5 and 6 that pertain to the Annual Christmas on Main Celebration/Parade of Lights be pulled from the agenda.

Mayor Giese stated the following ordinance would release and abandon the north and south side-yard utility easements in Lot 1 and Lot 2, Block 3, Vintage Hill 3<sup>rd</sup> Addition to the City of Wayne, Wayne County, Nebraska, per the request of Darrell Moore. Mr. Moore has purchased these two lots and wants to build a house over the easements.

Councilmember Spieker introduced Ordinance No. 2020-19, and moved for approval thereof; Councilmember Woehler seconded.

#### ORDINANCE NO. 2020-19

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF THE SIDE-YARD UTILITY EASEMENTS CONSISTING OF THE NORTH 7 FEET OF THE SIDE-YARD UTILITY EASEMENT IN LOT 1 AND THE SOUTH 7 FEET OF THE SIDE-YARD UTILITY EASEMENT IN LOT 2, BLOCK 3, VINTAGE HILL 3<sup>RD</sup> ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Brodersen who were absent, 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, with the exception of Councilmembers Sievers and Brodersen who were absent, 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. 2020-19.

Administrator Blecke recommended that this be approved contingent upon a house being built over the lot lines.

Attorney Miller then recommended that final approval fail and the ordinance be reintroduced with that condition.

Mayor Giese stated the motion, and the result of roll call being all Nays, with the exception of Councilmembers Sievers and Brodersen who were absent, the Mayor declared the motion failed.

Councilmember Buck then reintroduced Ordinance No. 2020-19, and moved for approval thereof with the condition being that if a house is not built on/over these two lots, the easements would not be released and abandoned; Councilmember Eischeid seconded.

#### ORDINANCE NO. 2020-19

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF THE SIDE-YARD UTILITY EASEMENTS CONSISTING OF THE NORTH 7 FEET OF THE SIDE-YARD UTILITY EASEMENT IN LOT 1 AND THE SOUTH 7 FEET OF THE SIDE-YARD UTILITY EASEMENT IN LOT 2, BLOCK 3, VINTAGE HILL 3<sup>RD</sup> ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

Councilmember Buck made a motion, which was seconded by Councilmember Spieker, 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 Sievers and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Buck made a motion, which was seconded by Councilmember Spieker, to move for final approval of Ordinance No. 2020-19. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Brodersen who were absent, the Mayor declared the motion carried.

Jon Mooberry, representing JEO Consulting Group, Inc., the City's engineer on the "2019 Nebraska Street Improvements Project" – CDBG No. 16-CD-208 updated the Council on the project. He presented Change Order No. 4 (Final) in the amount of \$9,806.69 to Robert Woehler & Sons Construction, Inc. This change order balances all final quantities and pay items for said project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving Change Order No. 4 (Final) in the amount of \$9,806.69 on behalf of 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 Councilmembers Sievers and

Brodersen who were absent and Councilmember Woehler who abstained, the Mayor declared the motion carried.

Mr. Mooberry then presented Contractor's Application for Payment No. 9 (Final) in the amount of \$76,624.35 to Robert Woehler & Sons Construction, Inc., for the "2019 Nebraska Street Improvements Project" – CDBG No. 16-CD-208. This pay application incorporates all change orders and provides final payment of work completed for closeout of the project.

Councilmember Spieker made a motion, which was seconded by Councilmember Eischeid, approving Application for Payment No. 9 (Final) for \$76,624.35 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 Councilmembers Sievers and Brodersen who were absent and Councilmember Woehler who abstained, the Mayor declared the motion carried.

Lowell Heggemeyer, Park and Recreation Director, advised the Council he sought bids from the two local dealerships for two 2021 Chevrolet Silverado work trucks. The low bid came from Arnie's Ford for \$30,593 each, and his recommendation was to award the same to Arnie's Ford.

Councilmember Spieker introduced Resolution 2020-52, and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2020-52

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF TWO 2021 CHEVROLET SILVERADO 3500 4WD WORK TRUCKS THROUGH THE STATE BID SYSTEM AS PER THE BID PROPOSAL RECEIVED FROM ARNIE'S FORD, INC.

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

Joel Hansen, Street and Planning Director, stated he had obtained bids from two vendors for the purchase of an "Arctic Snow Pusher." The low bid was from Dinkel's for \$12,450. His recommendation was to purchase said piece of equipment from the low bidder.

Mr. Hansen noted that this item will allow much quicker and efficient removal of snow from various parking lots. Right now, they have requests from the Police Department, the CAC, and the Fire Hall to have their lots cleaned as soon as possible at 4 a.m. With a pickup, it takes quite a while to cover this much area, and it is difficult to get in tight spaces where curbs bump in or out and around overhead doors. The snow pusher will allow them to back drag the snow from the doors, and the separate sections allow it to ride over curbs as needed in tight spaces. It is nearly twice the width of their loader buckets and is twice the width of any of their v-plows on the pickups. It will also be utilized downtown to help push up the piles at the intersections prior to snow hauling and also finish behind the snow blower cleaning up as it can flex to match the pavement while the blower cannot.

Councilmember Eischeid introduced Resolution 2020-53, and moved for its approval; Councilmember Spieker seconded.

#### RESOLUTION NO. 2020-53

#### A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF AN ARCTIC SNOW PUSHER FROM DINKEL'S FOR \$12,450.

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

Mayor Giese stated because the next agenda item has to deal with a medical issue, he recommended Council go into executive session.

Councilmember Spieker made a motion, which was seconded by Councilmember Eischeid, to enter into executive session for the purpose of preventing the needless injury to the reputation of an individual who has not requested a public hearing on a request to keep a ball python snake within the corporate limits of Wayne, and to allow the following persons to be in attendance: City Administrator Blecke, City Clerk McGuire, Attorney Miller, and Joel Hansen. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Brodersen who were absent, the Mayor declared the motion carried, and executive session began at 5:53 p.m.

Mayor Giese again stated that the matter to be discussed in execution session pertains to discussing the request to keep a ball python snake within the corporate limits of Wayne.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Brodersen who were absent, the Mayor declared the motion carried, and open session resumed at 6:02 p.m.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the request, per Section 90.007 of the Wayne Municipal Code, to keep a ball python snake within the corporate limits of Wayne, with the following conditions:

- There is documentation from a registered veterinarian saying that the snake is in proper health; and
- If the snake would move or if this individual would move within the City of Wayne, that the City of Wayne would be contacted and notified of their change of address.

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

Mayor Giese requested Council consideration to the appointment of Dave Zach, Mike Vovos and Matt Eischeid, who will replace outgoing Councilmember Jon Haase, to the Problem Resolution Team.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck approving the appointment of Dave Zach, Mike Vovos and Matt Eischeid to the Problem Resolution Team. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Brodersen who were absent, Mayor Giese declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:04 p.m.