

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

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on December 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 November 19, 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 Buck made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of November 17, 2020, and to waive the reading 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:

VARIOUS FUNDS: ACES, SE, 928.29; ADAMS, BRIAN, RE, 30.00; AMAZON, SU, 659.10; AMERITAS, SE, 209.24; AMERITAS, SE, 72.00; AMERITAS, SE, 89.61; AMERITAS, SE, 2569.14; ARC-HEALTH & SAFETY, SU, 650.60; AVERY, STEVE, RE, 25.00; BALDWIN, KARI, RE, 50.00; BARGHOLZ, CHRISTINA, RE, 25.00; BIRKEL, THOMAS, RE, 25.00; BLUE CROSS BLUE SHIELD, SE, 52148.99; BOLLES, DAMON, RE, 25.00; BOSE, JULIE, RE, 30.00; BRANDOW, JENNY, RE, 30.00; BROGREN, SCOTT, RE, 30.00; CENTURYLINK, SE, 427.60; CHASE, SCOTT, RE, 40.00; CHAVEZ,

EDGAR, RE, 25.00; CITY EMPLOYEE, RE, 190.12; CITY EMPLOYEE, RE, 25.00; CITY EMPLOYEE, RE, 40.00; CITY EMPLOYEE, RE, 70.70; CITY EMPLOYEE, RE, -70.70; CITY EMPLOYEE, RE, 10.70; CITY EMPLOYEE, RE, 131.00; CITY EMPLOYEE, RE, 25.00; CITY EMPLOYEE, RE, 414.71; CITY EMPLOYEE, RE, 25.00; CITY EMPLOYEE, RE, 15.00; CITY EMPLOYEE, RE, 140.80; CITY EMPLOYEE, RE, 81.20; CITY OF WAYNE, PY, 91908.52; CITY OF WAYNE, RE, 520.00; CITY OF WAYNE, RE, 140.80; CLAUSSEN, HEIDI, RE, 25.00; CLIFF, JOSH, RE, 30.00; CONTRERAS, SHERRY, RE, 40.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 61.04; DAVE'S DRY CLEANING, SE, 9.00; DEARBORN LIFE INSURANCE COMPANY, SE, 96.82; DOBBINS, MELISSA, RE, 25.00; DUNKLAU, RYAN, RE, 30.00; DUTCHER, JUSTIN, RE, 15.00; DUTTON-LAINSON COMPANY, SU, 1800.82; EKBERG, ERIC, RE, 30.00; ELLYSON, WADE, RE, 25.00; ENDICOTT, ADAM, RE, 30.00; FEHRINGER, MICHAEL, RE, 25.00; FISCHER, DIANA, RE, 25.00; FRANCIS, JEFF, RE, 25.00; FRANCO, ELDA, RE, 200.00; FRANK, HEATHER, RE, 25.00; GALE/CENGAGE LEARNING, SU, 198.17; GAMBLE, BRIAN, RE, 25.00; GREVE, RODNEY, RE, 25.00; GUBBELS, JOE, RE, 50.00; GUBBELS, JULIE, RE, 25.00; HAASE, MINDY, RE, 25.00; HALL, BRANDON, RE, 50.00; HALLE, KEVIN, RE, 60.00; HAMIK, KIM, RE, 25.00; HANK, RYAN, RE, 50.00; HANSEN, SCOTT, RE, 20.00; HANSEN, TONY, RE, 80.00; HARMER, NICOLE, RE, 25.00; HARRIS, TAYLOR, RE, 20.00; HAYS, BRYAN, RE, 25.00; HEISER, RYAN, RE, 25.00; HEITHOLD, BRYCE, RE, 20.00; HEITHOLD, JASON, RE, 30.00; HEITHOLD, MANDY, RE, 65.00; HENNEMAN, JENNA, RE, 25.00; HICKS, KIM, RE, 30.00; HILAND DAIRY, SE, 129.37; HISTORY NEBRASKA, SU, 35.00; HOLZ, TRAVIS, RE, 30.00; HOMETOWN LEASING, SE, 436.02; HOPKINS, JOSH, RE, 25.00; HUFF, KYLE, RE, 40.00; HURNER, CASEY, RE, 25.00; ICMA, SE, 8018.74; IRS, TX, 3559.52; IRS, TX, 10733.77; IRS, TX, 15220.30; ISLAND SPRINKLER SUPPLY, SU, 81.90; JACK'S UNIFORMS, SU, 262.65; JENSEN, JESSI, RE, 25.00; JEO CONSULTING GROUP, SE, 2859.50; JONES, MATT, RE, 25.00; JUDD, DAN, RE, 40.00; JURGENSEN, MATT, RE, 30.00; KAHN, SCOTT, RE, 30.00; KENNEDY, TIFFANY, RE, 30.00; KRAMER, BRETT, RE, 50.00; KUTCHA, ANDY, RE, 25.00; LEATHERDALE, REBECCA, RE, 25.00; LEGLER, KELLY, RE, 25.00; LIPP, NICK, RE, 40.00; LUTTER, BETH, RE, 25.00; MCGUIRE, CHRIS, RE, 25.00; MCINTOSH, SCOTT, RE, 70.00; MCMANIGAL, MELANIE, RE, 50.00; MCMENAMIN, JOHN, RE, 50.00; MEYER, KELLY, RE, 25.00; MOORMEIER, KARI, RE, 25.00; MOSTEK, SCOTT, RE, 25.00; MYER, TIFFANY, RE, 20.00; NATIONAL BUSINESS FURNITURE, SU, 1026.20; NE DEPT OF REVENUE, TX, 4567.92; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 63.00; NELSON, JEREMY, RE, 25.00; NELSON, MATT, RE, 20.00; NELSON, TATE, RE, 25.00; NOLTE, SHANDI, RE, 65.00; NORTHEAST POWER, SE, 18917.44; OCLC, SE, 336.60; OWNEI, MARIA, RE, 50.00; PARKER, RUSTY, RE, 500.00; PATEFIELD, DAVID, RE, 50.00; PCAN, FE, 50.00; PETERSEN, KELLY, RE, 25.00; POLAND, LYNN, RE, 50.00; RAGER, ALISSA, RE, 20.00; REDDEN, GARY, RE, 50.00; ROBERT WOehler & SONS, SE, 9000.00; ROCKHILL, DAN, RE, 40.00; RUBENDALL, RACHEAL, RE, 50.00; RUWE, SARA, RE, 40.00; SALTZMAN, MATT, RE, 20.00; SCHAFFER, PEG, RE, 30.00; SCHLICKBERND, MIKE, RE, 30.00; SCHMALE, JESSICA, RE, 20.00; SCHRAMM, NANCY, RE, 25.00; SEVERSON, LANIE, RE, 25.00; SHARER, LIZ, RE, 25.00; SIEVERS, SCOTT, RE, 50.00; SIMS, NATE, RE, 20.00; SPIEKER, DWAIN, RE, 20.00; STARZL, COLLEEN, RE, 25.00; STATE NEBRASKA BANK & TRUST, RE, 9787.50; STEEN, JEAN, RE, 20.00; STEFFEN TRUCK EQUIPMENT, SU, 7900.00; STURM, MIKE, RE, 25.00; TENTINGER, CRAIG, RE, 50.00; THETA PHI ALPHA, RE, 150.00; TIEDTKE, DAN, RE, 25.00; TOTAL GRAPHICS, SU, 15.95; UTILITY EQUIPMENT, SU, 477.56; VALENZUELA, YESENIA, RE, 20.00; WACKER HOME IMPROVEMENT, RE, 500.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE FOOD PANTRY, RE, 735.00; WEMHOFF, ANTHONY, RE, 25.00; WILLIAMS, LACEY, RE, 25.00; WILTMAN, KEVIN, RE, 30.00; WISNER WEST, SU, 76.55; WOehler, MARCI, RE, 25.00; WOehler, MATT, RE, 25.00; ZARATE, VICTOR, RE, 25.00; ZAVALA, LAURA, RE, 40.00; ZIMCO SUPPLY, SU, 130.00; ZISKA, BRANDON, RE, 25.00; ACTIVE NETWORK, SU, 6960.00; AMERICAN BROADBAND, SE, 2,436.41; APPEARA, SE, 229.10; ARC-HEALTH & SAFETY, SE, 210.00; BLACK HILLS ENERGY, SE, 773.40; BOMGAARS, SU, 1397.47; BROWN SUPPLY, SU, 691.26; CARHART LUMBER COMPANY, SU, 319.19; CARPENTER PAPER COMPANY, SU, 535.68; CITY EMPLOYEE, RE, 49.46; CITY EMPLOYEE, RE, 178.26; CITY EMPLOYEE, RE, 190.00; CITY OF WAYNE, RE, 638.80;

DAKTRONICS, SU, 13867.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DISPLAY SALES, SU, 457.00; ECHO GROUP, SU, 364.84; FIRST CONCORD GROUP, SE, 2697.80; FLOOR MAINTENANCE, SU, 72.06; FREDRICKSON OIL, SU, 751.37; GALE/CENGAGE LEARNING, SU, 24.69; GERHOLD CONCRETE, SE, 1735.80; GRANQUIST, JIM , SU, 90.00; GROSSENBURG IMPLEMENT, SU, 370.72; HAWKINS, SU, 419.00; HHS REGULATION & LICENSURE, FE, 115.00; HILAND DAIRY, SE, 107.85; HORIZON CONSTRUCTION, SE, 405.00; KLUTE TRUCK EQUIPMENT, SE, 1107.98; MARCO, SE, 175.92; MATT PARROTT, SU, 307.63; MICHAEL TODD & CO, SU, 481.51; MILLER LAW, SE, 5416.67; MILO MEYER CONSTRUCTION, SE, 682.50; MONAHAN, PHILLIP, RE, 109.72; NE HARVESTORE, SU, 880.95; NOVA FITNESS EQUIPMENT, SU, 5968.40; ONE OFFICE SOLUTION, SU, 433.90; O'REILLY AUTOMOTIVE STORES, SU, 28.71; ROSE EQUIPMENT, SU, 4437.20; STAPLES, SU, 398.79; US BANK, SU, 2884.36; VIAERO, SE, 66.06; WAED, RE, 8592.41; WAYNE COUNTY COURT, RE, 300.00; WESCO, SU, 102.72; ZEISS, JACKIE, RE, 100.00

Councilmember Sievers 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 Spieker and Woehler who abstained, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to adjourn the meeting sine die. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

This being the time for the new Council to organize and Terri Buck, Yasuko Taoka, Dwaine Spieker, and Nick Muir having qualified for Councilmembers of the 1st, 2nd, 3rd and 4th Wards respectively, City Attorney Amy Miller presented the oaths of office to the newly elected Councilmembers - Yasuko Taoka and Nick Muir.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to reconvene the meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, nominating Jill Brodersen as President of Council. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Giese then presented plaques to outgoing Councilmembers Sievers and Haase in appreciation of their valued contributions made to the City of Wayne as Councilmembers from 2012-2020, and from 2008-2020 respectively.

Gary Boehle of Elkhorn Agency, the City's group health insurance agent, reviewed the 2021 renewal rates that were received from Blue Cross Blue Shield of Nebraska. After some negotiating, he was able to get the premiums decreased by 2%. However, the deductibles were increasing from \$6,350 single/\$12,700 family to \$7,000 single/\$14,000 family. With the self-insuring that the City does, the increase in the out-of-pocket expenses to the employees will be \$122.72/\$211.12 single/family. City staff were going to visit with Mr. Boehle about a possible Health Savings Account in the future, as well as looking into different options for employees, rather than a one-size-fits-all plan that we currently have.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving the City of Wayne's 2021 Group Health Insurance Policy with Blue Cross/Blue Shield effective January 1, 2021. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke stated he had forwarded the three questions/concerns Council had at the last meeting to Jon Mooberry, engineer with JEO Consulting Group, Inc., on the "Pine Heights Road & Utility Improvements Project" – CDBG No. 19-PW-017. Those questions concerned references, sales tax and whether they were a type one or type two contractor.

Jon Mooberry, representing JEO Consulting Group, Inc., was present to address Council's concerns. Myers Construction does not have full width slip paving experience, but they intend to rent (or "sub out") the equipment that will come with an experienced operator. Myers Construction does have other slip paving experience and have completed quality work of this paving magnitude. He stands by his earlier recommendation to award the project to Myers Construction. He has professionally worked with them and observed their work, and is fully confident in his recommendation to award the contract to them.

Myers' submission of their bid certifies they will fulfill the contract for this award, and in this case, meeting the full width slip paving specification. Mr. Mooberry does not feel that their lack of full width slip paving experience is justification for not awarding the project to them. He has no reservations with awarding them the Pine Heights project.

Councilmember Brodersen introduced Resolution No. 2020-55 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2020-55

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “PINE HEIGHTS ROAD & UTILITY IMPROVEMENTS PROJECT” CDBG NO. 19-PW-017.

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

Mayor Giese stated the following Ordinance would amend Wayne Municipal Code Section 34.06 Community Redevelopment Authority to change the term of each member’s appointment from four years to five years. This is pursuant to State Statute.

Councilmember Spieker introduced Ordinance 2020-21, and moved for its approval; Councilmember Brodersen seconded.

ORDINANCE NO. 2020-21

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE, TITLE III ADMINISTRATION, CHAPTER 34 CITY ORGANIZATIONS, BY ADDING SECTION 34.06 COMMUNITY REDEVELOPMENT AUTHORITY; 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.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, 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 Karsky, to move for final approval of Ordinance No. 2020-21. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Giese advised the Council he was postponing action on Agenda Item No. 12 – Action to appoint two at-large Community Redevelopment Authority Members until a later meeting date.

Administrator Blecke stated the following Ordinances would implement a mask mandate. The Ordinance is very similar to that of Norfolk's, which was passed earlier this week.

Julie Rother, Director of the Northeast Nebraska Public Health Department and Dr. Melissa Dobbins spoke on the importance/benefits of wearing a mask. They have found that counties that have mask mandates reduced their number of cases. The face masks are one tool that we have to help slow the spread.

Mayor Giese stated while he is not happy being put in this situation, he is not an expert, but the experts are telling us this is in our best interest.

The penalty would be \$25.00 plus court costs, and enforcement would probably be on a complaint driven basis.

Chris Woerdemann, BJ Woehler, Mark Putnam, Chele Meisenbach, Mike Carnes, and Adam Smith expressed their thoughts and opinions, for and against, the proposed ordinance.

Discussion took place regarding a sunset date, and the consensus was to set February 2, 2021, as said sunset date.

Councilmember Spieker introduced Ordinance 2020-22, and moved for its approval with the following amendments thereto:

Sec. 94-45. Exceptions.

- (13) Participants in a sporting event **or a live theatrical performance**, but only while they are playing the game **or performing**, if the school or sponsoring organization does not require facial coverings, however, spectators, coaches, and non-participants would be required to wear facial coverings.

Sec. 94-50. Sunset provision.

The requirements imposed by this Article shall expire and terminate at 11:59 p.m. on **February 2, 2021**, or earlier as decided by the council in consultation and coordination with the medical community, or may otherwise be extended by ordinance of the council.

Councilmember Brodersen seconded.

ORDINANCE NO. 2020-22

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA TO AMEND TITLE IX GENERAL REGULATIONS, CHAPTER 94 HEALTH & SANITATION, BY ADDING A SECTION OF THE OFFICIAL CITY CODE ENTITLED "PREVENTION OF COVID-19;" TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; TO REQUIRE INDIVIDUALS TO WEAR FACIAL COVERINGS AND EXCEPTIONS THEREOF; TO PROVIDE FOR THE ENFORCEMENT OF VIOLATIONS AND PENALTIES; TO ESTABLISH A SUNSET PROVISION; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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 Brodersen, 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 Brodersen, to move for final approval of Ordinance No. 2020-22. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to set the Council Retreat date for December 15, 2020, after the regular Council meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, Mayor declared the motion carried.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, to enter into executive session to protect the public interest for the purpose of being updated on the potential pool litigation matter and to allow the following persons to be in attendance: City Administrator Blecke, City Clerk McGuire, Attorney Miller, Joel Hansen and Brian Kesting. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 7:16 p.m.

Mayor Giese again stated that the matter to be discussed in execution session pertains to being updated on the potential pool litigation matter.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 7:29 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:29 p.m.