

**MINUTES
CITY COUNCIL MEETING
February 2, 2021**

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on February 2, 2021, 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, Nick Muir, Yasuko Taoka, 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 January 21, 2021, 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 January 19, 2021, 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, 956.14; AMAZON, SU, 619.38; APPEARA, SE, 44.40; ARC-HEALTH & SAFETY, FE, 32.00; BECKER, JOHANNA, SU, 150.00; BLUE CROSS BLUE SHIELD, SE, 50005.40; BOMGAARS, SU, 1568.27; BORDER STATES INDUSTRIES, SU, 1022.32; CENTURYLINK, SE, 426.31; CITY EMPLOYEE, RE, 132.67; CITY OF WAYNE, RE, 671.70; CIVICPLUS, FE, 8875.00; CONSOLIDATED MANAGEMENT, RE, 67.45; COPY WRITE PUBLISHING, SE, 133.87; DEMCO, SU, 486.95; FLOOR MAINTENANCE, SU, 195.03; FRANK, JIM, RE, 500.00; GALE/CENGAGE LEARNING, SU, 74.72; GERHOLD CONCRETE, SU, 378.55; H2I GROUP, SU, 4379.51; HILAND

DAIRY, SU, 21.02; INTERSTATE BATTERY SYSTEM, SU, 167.00; JACK'S UNIFORMS, SU, 179.85; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 395.00; LIFE LINE SCREENING, RE, 150.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 191.17; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 150.00; NE LAW ENFORCEMENT, FE, 216.00; NE LIBRARY COMMISSION, FE, 750.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 1416.00; NE STATE FIRE MARSHAL, SE, 244.00; NORTHEAST NE INS AGENCY, SE, 97359.00; O'REILLY AUTOMOTIVE STORES, SU, 132.37; POLICE OFFICERS' ASSOCIATION OF NE, FE, 90.00; RIEKES EQUIPMENT, SE, 286.76; SIRSIDYNIX, SE, 6996.41; STADIUM SPORTING GOODS, SU, 209.00; STAPLES, SU, 125.04; TOM'S BODY & PAINT SHOP, SE, 32.50; TRI-STATE COMMUNICATIONS, SU, 32.00; UTILITY EQUIPMENT, SU, 1495.80; WISNER WEST, SU, 127.39; ZEE MEDICAL SERVICE, SU, 295.85; AMERICAN BROADBAND, SE, 2441.83; AMERITAS, SE, 196.99; AMERITAS, SE, 2472.54; AMERITAS, SE, 72.00; AMERITAS, SE, 43.54; APPEARA, SE, 44.40; BLACK HILLS ENERGY, SE, 1627.18; BSN SPORTS, SU, 223.64; CARHART LUMBER CO, SU, 593.41; CITY EMPLOYEE, RE, 3841.61; CITY EMPLOYEE, RE, 133.90; CITY OF WAYNE, RE, 133.90; CITY OF WAYNE, PY, 85149.84; CITY OF WAYNE, RE, 281.93; COLONIAL RESEARCH, SU, 171.20; COMFORT INN-GRAND ISLAND, SE, 249.00; CONSOLIDATED MANAGEMENT, SE, 68.56; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE, SE, 2633.26; DEARBORN LIFE INSURANCE, SE, 103.70; DEMCO, SU, 230.17; DINKEL'S, SU, 13148.00; DITCH WITCH UNDERCON, SU, 37.79; DUTTON-LAINSON, SU, 4986.20; EASYPERMIT POSTAGE, SU, 867.59; ECHO GROUP, SU, 350.12; ED M. FELD EQUIPMENT, SU, 1041.06; EVOQUA WATER TECHNOLOGIES, SE, 9823.90; FIRST CONCORD GROUP, SE, 3367.88; FLOOR MAINTENANCE, SU, 45.03; GALE/CENGAGE LEARNING, SU, 49.38; GROSSENBURG IMPLEMENT, SU, 155.56; HILAND DAIRY, SE, 123.42; HORIZON CONSTRUCTION, RE, 1000.00; ICMA, SE, 8709.45; IRS, TX, 3385.14; IRS, TX, 11144.21; IRS, TX, 14474.04; JACK'S UNIFORMS, SU, 955.00; JEO CONSULTING GROUP, SE, 1276.56; KAY CONTRACTING, SE, 583.44; MILLER LAW, SE, 5416.67; N.E. NEB CLERKS ASSOCIATION, FE, 20.00; NE DEPT OF REVENUE, TX, 4765.83; NE DEPT OF TRANSPORTATION, SE, 104055.60; NE RURAL WATER, FE, 275.00; NEBRASKA JOURNAL LEADER, SE, 123.66; O'REILLY AUTOMOTIVE STORES, SU, 142.04; OWNEL MARIA, RE, -50.00; OZUNA, MARIA, RE, 50.00; PREMIER BIOTECH, SE, 252.00; SKARSHAUG TESTING LAB, SE, 224.38; SOOLAND BOBCAT, SU, 249.48; STADIUM SPORTING GOODS, SE, 20.00; STAPLES, SU, 195.58; STOWATER, TROY, RE, 500.00; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 4752.80; VAKOC CONSTRUCT, SU, 24.86; VIAERO, SE, 67.00; WAED, SE, 8592.41; WAYNE COUNTY CLERK, SE, 325.01; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY TREASURER, SE, 1159.00

Councilmember Brodersen 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, the Mayor declared the motion carried.

Richard Koenig, Water Supply Specialist, NHHS, DPH, Drinking Water Program, gave an update on the sampling issues with the new water transmission main, chlorination, etc. Roger Protzman, representing JEO Consulting Group, Inc., and Casey Junck, Water/Wastewater Superintendent, were also present to answer questions, explain testing procedures, the steps they have taken so far and will take to try to figure out why the water samples are not passing.

Barb Engebretsen and Endia Casey-Agoumba, representing the Voices for Vision Coalition were present requesting Council consideration to naming the trail system “Freedom Trail.” The Voices for Vision Coalition is a community group that came together last summer in response to racial tensions with the dual goals of acknowledging our nation’s systemic racism and promoting inclusive community.

Mayor Giese recommended tabling this matter until a future meeting date so that more input could be obtained from the community.

Connie Hall, spoke in opposition to the naming of the trail the “Freedom Trail” because she said the trail already has a name – “Wayne Community Pedestrian Trail.”

After discussion, Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, to table action on the request of Barb Engebretsen (Voices for Vision Coalition) to name the trail system “Freedom Trail.” Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Lowell Heggemeyer, Park and Recreation Director, gave a report on what is taking place in his department. Amber Schwarte, Recreation Services Coordinator, updated the Council on things that have taken place at the Community Activity Center.

Joel Hansen, Street and Planning Director, stated Kari Patefield, owner of IKT, has applied for a “Sign Permit” pursuant to Wayne Municipal Code, Section 154.01 Permit Required. Love Signs is installing an awning and a lit sign on the front of their building at 112 E. 2nd Street. This will hang over the City’s right-of-way. Staff cannot approve this permit; it must come before the City Council for approval for that reason. Your responsibility is to review the sign as proposed. You have the right to make modifications as you see fit, approve it as presented, or deny it. The only requirement by code is that it must be least 8’ above the sidewalk.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving the Sign Permit for Kari Patefield, owner of IKT, 112 E. 2nd Street, pursuant to Wayne Municipal Code Section 154.01 Permit Required. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Giese recessed the meeting for 5 minutes.

Mayor Giese declared the time was at hand for the public hearing on the One and Six Year Street Improvement Program.

Joel Hansen, Street and Planning Director, presented the One and Six Year Street Improvement Program. This is a yearly requirement to receive Highway Allocation Funds from the Nebraska Department of Transportation. He noted that just because a project is in the One and Six Year Street Improvement Plan does not mean the project has to be done that year. However, if the City would want to do a project that is not in the One and Six Year Street Improvement Plan, another public hearing would have to be held to amend the plan.

Upcoming projects, which include some carry-over projects from previous year(s), include the following:

<u>Project Number</u>	<u>Project Year</u>	<u>Improvement</u>	<u>Estimated Cost</u>

M – 617(128)	2021	Pine Heights Road from E. 9 th to E. 10 th and East 10th from Pine Heights Road west 220’ – 780’ Construct Concrete Paving, Curb & Gutter	\$630,000

M – 617(129)	2022	Fairgrounds Avenue from S. Main to S. Nebraska – 415’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$195,000
M – 617(115)	2022	W. 3 rd Street from Oak Dr. to 250’ E. of Oak Dr. – 250’ Construct Concrete Paving, Curb & Gutter	\$ 70,000

M – 617(132)	2023	E. 4 th Street and Thorman Street – 2,300’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$900,000
M – 617(127)	2023	Downtown Alleys – 2,880’ Overlay and Concrete Paving	\$480,000

M – 617(107)	2024	Clark Street & S. Pearl Street . – 745’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$350,000
M – 617(114)	2024	W. 2 nd Street from Blaine St. to 360’ E of Blaine St. – 380’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$180,000
M – 617(131)	2024	E. 21 st Street from Vintage Hill Drive to Centennial Road and Centennial Road from E. 14 th to E. 21 st – 4,500’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$ 1,300,000

M – 617(98)	2025	Sherman Street from W. 5 th St. to W. 6 th St. – 300’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$140,000
M – 617(113)	2025	Sherman Street from W. 3 rd St. to W. 4 th St. – 300’ Construct Concrete Paving, Curb & Gutter	\$140,000

M – 617(112)	2026	Lagoon Streets – 2,500’ Construct Concrete Paving	\$900,000
M – 617(130)	2026	W. 11 th Street from Main to Sherman – 1,550’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$850,000
M – 617(89)	2026	Lage Subdivision – South of Fairgrounds Avenue – 900’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$400,000
M – 617(120)	2026	Northern Ridge Drive from Highway 15 to W. 21 st St. – 1,800’ Construct Concrete Paving, Curb & Gutter, & Storm Sewer	\$800,000
M – 617(104)	2026	S. Lincoln Street from W. 1 st St. to 300’ S. of W. 1 st St. – 300’ Construct Concrete Paving, Curb & Gutter	\$90,000
M – 617(116)	2026	W. 7 th Street from Haas Avenue to Pheasant Run – 1,650’ Storm Sewer & Sidewalk	\$110,000
M – 617(119)	2026	South Windom Street from 232’ S of Folk St. to 333’ S of Folk St. Construct Concrete Paving, Curb and Gutter – 101’	\$25,000

Luke Virgil, Director of Wayne Area Economic Development, spoke in favor of placing the 21st Street/Centennial Road Project on the One and Six Year street Improvement Program, in addition to the 4th Street Project.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Mayor Giese closed the public hearing.

Councilmember Eischeid introduced Resolution 2021-8 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2021-8

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM.

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 to consider the Planning Commission's recommendation regarding the Final Plat for "Greenwood Addition." The applicant for the request is the City of Wayne. The area is located in the East Half of the Southeast Quarter of the Southwest Quarter of Section 12, T26N, R3E of the 6th P.M., Wayne County, Nebraska.

Joel Hansen, Street and Planning Director, stated the Planning Commission held a public hearing on this matter on February 1, 2021, and approved the same, with the "Findings of Fact" being:

- Consistency with the Comprehensive Plan and future land use map; and
- Staff's recommendation.

This plat, when finalized, will allow the City to take ownership of the west driveway (Outlot A) in the cemetery which provides access to the west water tower. The preliminary plat shows the layout of the existing driveway and how it lays within the platted outlot. By taking ownership of Outlot A, as shown, the City would have the ability to improve the concrete driveway this summer.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Mayor Giese closed the public hearing.

Councilmember Spieker introduced Resolution 2021-9, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2021-9

A RESOLUTION APPROVING THE FINAL PLAT FOR "GREENWOOD ADDITION," CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

Administrator Blecke stated the following Resolution would formally accept the Wayne Trail Phase II Project.

Councilmember Eischeid introduced Resolution 2021-10, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2021-10

A RESOLUTION APPROVING FINAL ACCEPTANCE OF PROJECT CONSTRUCTION – WAYNE TRAIL PHASE II PROJECT.

Discussion took place about the railings on the underpass. It was noted that if the City would want to change those, the cost thereof would be borne by the City and it would have to be approved by the State. In addition, it was also noted that all of the railings in Wayne are like the ones on the underpass.

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

Administrator Blecke stated the following Resolution would approve the Interlocal Agreement between the City of Wayne and Wayne County for the 21st Street/Centennial Road Paving Project.

Staff has conferred with the County and the projected cost-share for this project will be two-thirds (City), one-third (County). That cost-share, which only pertains to design engineering fees, was approved by the County this morning. The Interlocal Agreement was prepared by Attorney Miller. The hope is that there will be stimulus funding to help fund this project.

Councilmember Brodersen introduced Resolution 2021-11, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2021-11

A RESOLUTION APPROVING INTERLOCAL COOPERATION ACT AGREEMENT BY AND BETWEEN THE COUNTY OF WAYNE, NEBRASKA, AND THE CITY OF WAYNE, NEBRASKA.

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

Councilmember Spieker introduced Ordinance No. 2021-3, and moved for approval of the third and final reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2021-3

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 78 PARKING, SECTION 78-126 PROHIBITED PARKING; NORTHEAST 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, the Mayor declared the motion carried.

Council reviewed and discussed Chapters 14-22 of the City of Wayne Employee Personnel Manual. The entire manual will be presented at the next Council meeting for approval/adoption.

Discussion took place and updates were given on the COVID-19 pandemic and also the current face covering requirement.

Julie Rother, Health Director of the Northeast Nebraska Public Health Department, Dr. Melissa Dobbins, and Jim Frank, CEO of Providence Medical Center, reported on numbers for before and after the mask mandate implementation, vaccination distribution, etc., and were in favor of extending the mask mandate.

Luke Virgil, Executive Director of Wayne Area Economic Development, stated he had sent out 52 surveys, which one of the questions was: "Should the council extend the mask mandate ordinance?" Of those 52 surveys sent out, 25 said no, 24 said yes, and the remaining 3 were indifferent.

Those from the public speaking against continuing the mask mandate were: Dr. Levi Kenny, Bridget Korth, Rick Gathje, and Mark Putnam.

Those from the public speaking in favor of continuing the mask mandate besides Julie Rother, Director of the Northeast Nebraska Public Health Department, Dr. Melissa Dobbins, and Jim Frank, CEO Providence Medical Center, was Traci Bruckner.

Councilmember Brodersen and City Administrator Blecke are part of a committee of community leaders and partners, which includes the Wayne Community Schools, Wayne State College, Providence Medical Center, the Public Health Department, Rainbow World, Emergency Management and WAED. They met this morning, and Councilmember Brodersen reported that Wayne Community Schools and Wayne State College will be masking up through May. In addition, the School, College, Public Health Department, and Providence Medical Center would like to see the City extend the mask mandate.

Councilmember Eischeid stated when we have our health care professionals, the CEO of our hospital, doctors, nurses and friends at the hospital ask for our help to do anything to minimize the numbers or help them, he is in favor of that. This is about the overall health of our community.

Councilmember Karsky stated there are all types of stress, and one of the things he came away with from some of the calls he received from the elderly folks is that they are scared. They are frightened. He asked: "Where is the humanity in regard to protecting those that are most important to us in regard to the people that have lived their entire life here in Wayne?"

Councilmember Buck stated she struggles with the fact that people aren't wearing their masks, yet our numbers are going down. In addition, we are struggling to enforce this ordinance.

Councilmember Woehler stated he thought the City should just recommend wearing a mask/face covering and not force it.

Councilmember Spieker stated the response he has heard now is different than what he had heard when the mask mandate first came up. It is much more mixed. There are people out there that are just not going to follow the mandate. He does not think that, at this time, it is the right thing to do.

Councilmember Taoka stated she received responses of about 75% for and 25% against, as did Councilmember Brodersen.

Councilmember Muir stated he received comments of about 60% for and 40% against this time.

Mayor Giese stated he thought a mandate increases the amount of people wearing a mask. He did not think a recommendation was going to increase the amount of people wearing a mask.

After further discussion, Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to renew Ordinance No. 2021-5, with a sunset provision of April 6th unless terminated sooner by Council.

Councilmember Spieker stated while he agrees with Councilmember Karsky, the constituents he has heard from this time, generally, do not want the mask mandate.

Councilmember Brodersen responded that our Community Partners (School, College, and Providence Medical Center) have asked us to renew the mask mandate, and she cannot say no to them.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Buck and Woehler who voted Nay, the Mayor declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 8:53 p.m.