

**MINUTES
CITY COUNCIL MEETING
February 16, 2021**

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on February 16, 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 and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 4, 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 to approve the minutes of the meeting of February 2, 2021, and to waive the reading thereof.

Councilmember Spieker made a request to insert the word "generally" into the following sentence on page 11: 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 amended her motion to approve the minutes of the meeting of February 2, 2021, as amended, and to waive the reading thereof; Councilmember Spieker seconded the motion. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of

Councilmember Eischeid 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: ACE HARDWARE & HOME, SU, 122.14; AMGL, SE, 29350.00; APPEARA, SE, 45.44; BAKER & TAYLOR BOOKS, SU, 698.03; BATTERY SOLUTIONS, SU, 329.85; BIO-ELECTRONICS, SU, 195.07; BROWN SUPPLY, SU, 590.90; CARROT-TOP INDUSTRIES, SU, 358.61; CITY EMPLOYEE, RE, 39.99; CITY EMPLOYEE, RE, 59.98; CITY EMPLOYEE, RE, 1585.33; CITY OF WAYNE, RE, 984.00; CITY OF WAYNE, RE, -128.36; CONSOLIDATED MANAGEMENT, SE, 72.86; COPY WRITE PUBLISHING, SU, 144.73; DANKO EMERGENCY EQUIPMENT, SE, 1383.13; DANLADI, PHIMWANALA, SE, 120.00; DUGAN BUSINESS FORMS, SU, 743.98; ED M. FELD EQUIPMENT, SU, 105.00; EVOQUA WATER TECHNOLOGIES, SE, 3600.00; FLOOR MAINTENANCE, SU, 537.65; GAMBLE, PAYTON, SE, 50.00; GLOBAL PAYMENTS INTEGRATED, SE, 83.60; GREENFIELD, BRETT, SE, 25.00; HEGGEMEYER, CANDACE, SE, 19.50; HILAND DAIRY, SE, 155.23; HILAND DAIRY, SE, 131.45; HOMETOWN LEASING, SE, 436.02; HOSKINS, BRAD, SE, 50.00; ICC, FE, 145.00; ICMA, RE, 8700.59; INGRAM LIBRARY SERVICES, SU, 749.88; J. F. AHERN, SE, 330.00; JOHN'S WELDING AND TOOL, SE, 1143.23; KELLY SUPPLY COMPANY, SU, 82.98; LOFFLER, SE, 247.17; LUTT OIL, SU, 4984.04; MATHESON-LINWELD, SU, 35.06; MERCHANT SERVICES, SE, 2513.40; MERCHANT SERVICES, SE, 36.84; MERCHANT SERVICES, SE, 1335.14; NORTHEAST POWER, SE, 23770.44; OZUNA, MARIA, SE, -50.00; OZUNA, MARIA, SE, 50.00; VERIZON, SE, 416.93; WAYNE COUNTY COURT, RE, 300.00; WORLDPAY INTERGRATES PAYMENTS, SE, 192.28; AMERITAS, SE, 174.53; AMERITAS, SE, 2142.24; AMERITAS, SE, 72.00; AMERITAS, SE, 30.48; APPEARA, SE, 44.40; APPEARA, SE, 57.62; BIG RIVERS ELECTRIC CORPORATION, SE, 155298.60; CARRAHER, ELLIOT, SE, 50.00; CITY EMPLOYEE, RE, 39.99; CITY EMPLOYEE, RE, 101.90; CITY OF WAYNE, PY, 80754.94; CONSOLIDATED MANAGEMENT, SE, 52.19; CORNERSTONE, RE, 1000.00; COTTONWOOD WIND PROJECT, SE, 13994.38; DANLADI, PHIMWANALA, SE, 90.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 61.04; FLOOR MAINTENANCE, SU, 1439.53; GAMBLE, PAYTON, SE, 25.00; GREENFIELD, BRETT, SE, 50.00; HOSKINS, BRAD, SE, 50.00; IRS, TX, 13679.42; IRS, TX, 10218.71; IRS, TX, 3199.18; KTCH, SE, 150.00; MARCO TECHNOLOGIES, SE, 191.17; MIDWEST ALARM SERVICES, SE, 740.42; MIDWEST LABORATORIES, SE, 195.00; MUNICIPAL SUPPLY, SU, 1695.12; NE DEPT OF REVENUE, TX, 4412.73; NE HARVESTORE, SU, 842.02; NE LAW ENFORCEMENT, FE, 175.00; NPPD, SE, 30635.08; NORDHUES, LOGAN, SE, 19.90; NOVA FITNESS EQUIPMENT, SE, 473.50; ONDERSTAL, SHELDON, RE, 20.00; ONE CALL CONCEPTS, SE, 5.76; ONE OFFICE SOLUTION, SU, 632.00; O'REILLY AUTOMOTIVE STORES, SU, 619.47; OVERDRIVE, SU, 2416.18; PAC N SAVE, SE, 628.79; PATEFIELD, MICHAEL, RE, 500.00; PING, RASCHELL, SE, 39.80; QUALITY FOOD CENTER, SU, 28.63; RAABE, WALKER, SE, 75.00; SANCHEZ, CINDY, SE, 70.64; SARGENT DRILLING, SU, 9999.46; SERVPRO OF SOOLAND, SE, 31427.35; STADIUM SPORTING GOODS, SU, 102.00; STAPLES, SU, 19.98; STATE NEBRASKA BANK & TRUST, SE, 60.72; SWARTZENDRUBER, NICOLE, RE, 1828.87; TRUCK CENTER COMPANIES, SU, 26.45; UNITED INDUSTRIES, SU, 561.71; US FOODSERVICE, SU, 1314.50; WAYNE AUTO PARTS, SU, 84.54; WAYNE COUNTRY CLUB, RE, 10500.00; WAYNE COUNTY CLERK, SE, 484.00; WAYNE HERALD, SE, 1105.57; WAYNE HERALD, SE, 260.00; WAYNE HERALD, SE, 40.00; WAYNE RENTALS, RE, 23694.99; WAYNE VETERINARY CLINIC, SE, 28.00; WESCO, SU, 96.30; WAPA, SE, 20458.24; WESTERN RIDGE III, RE, 10633.45; WISNER WEST, SU, 162.38; ZACH HEATING & COOLING, SU, 30.00

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

Mayor Giese proclaimed the month of March as “Problem Gambling Awareness Month.”

Marcy Luth of AMGL presented the FY2019-20 Audit.

Heather Headley, Library Director, gave a report on what is taking place at the Library.

Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), was present via Zoom requesting Council consideration to closing off a portion of East 10th Street from Angel Avenue to Hillside Drive for an electric vehicle power drive rally (State Championship) on Saturday, May 1st, from 8:00 a.m. until 5:00 p.m. In addition, he is requesting that port-a-potties be provided as in the past.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, approving the request of Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), to close off a portion of East 10th Street from Angel Avenue to Hillside Drive for an electric vehicle power drive rally (2021 State Championship) on Saturday, May 1st, from 8:00 a.m. until 5:00 p.m. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, 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 in regard to amending Wayne Municipal Code, Title XV Land Usage, Chapter 151 Subdivisions, Section 151.036 Administrative Subdivisions. The Applicant is the City of Wayne.

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 “Finding of Fact” being staff’s recommendation.

Current City Code allows the owner of a property, which has previously been subdivided according to the provisions of the City Code, to subdivide the property twice as long as each time does not involve the replatting, consolidation, or development of one or more lots into more than four lots. As an example, we end up with legal descriptions such as “the Administrative Lot Split of Lot 1A of the Administrative Subdivision of Lot 1 of the Original Subdivision.” This can become confusing and lead to mistakes on real estate documents. This new language would limit each property to just one administrative subdivision, but allow the final number of lots to go from four to eight to allow for more flexibility within the process.

Tom Jacobsen was present and spoke in favor of this amendment and asked for Council consideration to waiving the three readings.

Joel Hansen, Street and Planning Director, requested that in paragraph A (1) of the Ordinance, the second “twice” in that sentence be stricken.

BJ Woehler requested Council not waive the three readings.

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 Brodersen introduced Ordinance No. 2021-6 and moved for its approval as amended; Councilmember Woehler seconded.

ORDINANCE NO. 2021-6

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, BY AMENDING SECTION 151. SUBDIVISIONS, SECTION 151.036 ADMINISTRATIVE SUBDIVISIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING 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 Eischeid who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following Resolution is an annual requirement to obtain funding from the Nebraska Department of Roads to help pay for the operating costs of the local public transportation system (handi-van).

Councilmember Spieker introduced Resolution 2021-12, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2021-12

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS FOR THE OPERATION OF THE WAYNE PUBLIC TRANSPORTATION SYSTEM.

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

Administrator Blecke stated the City is the official owner of the outlot (west driveway) in the Greenwood Addition (cemetery). Per previous discussion and the replatting process, the City intends to replace the concrete on this outlot (driveway). Staff intends to bid this project and have it begin sometime after Memorial Day and completed no later than September 1st. The City will also have additional time/expense (outside the bid) to tie in the new driveway to the existing ones. It was noted that staff needed to add into the specifications or advertisement for bid “7” thick concrete.”

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, directing city staff to begin advertising for bids on the “Greenwood Cemetery – West Driveway Project” and adding into the specifications “7” thick concrete.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Councilmember Spieker left the meeting at 6:11 p.m.

An update was given on engineering services for the “Shovel Ready – Centennial Road/21st Street Project.”

This discussion centered on how to select an engineer for this project. The options were to select the City engineer (JEO Consulting Group, Inc.) or to issue a request for proposals (RFP).

Staff is recommending using the City's engineer, JEO Consulting Group Inc., on the project, and bringing an actual proposal to Council for approval. However, staff is waiting on direction from Council on what they want to do.

Attorney Miller stated that because engineering is a professional service, you do not have to go out for proposals and pick the engineer with the lowest cost.

Joel Hansen, Street and Planning Director, stated that JEO has done some work in that area for a developer, and they would have some data to get started. To go out for proposals could take a month before coming back again before Council.

Councilmember Woehler had concerns of not going out for proposals, as did Councilmember Buck.

Again, staff recommended that the City solicit a proposal from JEO as City engineer and not issue a full RFP. Council could then take action on the agreement as soon as March 2nd.

BJ Woehler who was present via Zoom thought it was in the City's best interest to go out for proposals for this project.

After further discussion, Councilmember Brodersen made a motion, which was seconded by Councilmember Karsky, directing staff to solicit an engineering proposal from JEO Consulting Group, Inc., for the "Shovel Ready – Centennial Road/21st Street Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir, Buck and Woehler who voted Nay, the Mayor declared a tie. Because of the tie vote (3-3), Mayor Giese was then able to cast his vote, which was a yea vote, and declared the motion carried.

Administrator Blecke stated the following Resolution would amend the schedule of fees as recommended by City staff.

Amber Schwarte, Recreation Services Coordinator, explained the changes to the corporate rates at the CAC.

A correction made to the fee schedule was in "Building & Planning: Pre-Inspection - \$35 **per hour**, plus Federal Mileage."

Councilmember Brodersen introduced Resolution No. 2021-13 and moved for its approval as amended; Councilmember Buck seconded.

RESOLUTION NO. 2021-13

A RESOLUTION AMENDING SCHEDULE OF FEES.

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

Mayor Giese advised Council that Councilmember Eischeid requested that the Resolution adopting the Personnel Manual be tabled until the next meeting.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to table action on Resolution 2021-14 Adopting the City of Wayne Employee Personnel Manual until the next meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Administrator Blecke updated the Council on the power issues that have taken place the past few days.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:11 p.m.