

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

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on March 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 February 18, 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](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.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting of February 16, 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; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 5022.95; AMERITAS, SE, 72.00; AMERITAS, SE, 30.48; AMERITAS, SE, 2117.64; AMERITAS, SE, 174.53; APPEARA, SE, 56.59; BLUE CROSS BLUE SHIELD, SE, 48488.27; BOK FINANCIAL, RE, 28080.63; CITY EMPLOYEE, RE, 228.18; CITY EMPLOYEE, RE, 79.98; CITY EMPLOYEE, RE, 57.81; CITY OF WAYNE, PY, 94036.22; CITY OF WAYNE, RE, -33.25; CITY OF WAYNE, RE, -1756.06; CITY OF WAYNE, RE, -1162.60; CITY OF WAYNE, RE, -304.20; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, -300.00; GALE/CENGAGE LEARNING, SU, 74.72; CITY EMPLOYEE, RE, 33.25;

HERITAGE HOMES, RE, -150.00; HERITAGE HOMES, RE, 150.00; HILAND DAIRY, SE, 238.81; ICMA, SE, 8719.49; IRS, TX, 15597.80; IRS, TX, 10973.67; IRS, TX, 3647.84; LUTT OIL, SU, 24966.59; MAIN STREET GARAGE, SE, 571.96; MARCO, SE, 175.92; NE DEPT OF REVENUE, TX, 4737.73; NE HARVESTORE, SU, 1118.49; NE STATE TREASURER, RE, 1756.06; NE STATE TREASURER, RE, 1162.60; NERC, SE, 909.75; NORTHEAST POWER, SE, 13463.71; O'REILLY AUTOMOTIVE STORES, SU, 46.35; PATRIOT YOUTH FUND, RE, -280.00; RIDLING, JOE, SE, -36.00; RIDLING, JOE, SE, 36.00; SIOUX CONTRACTORS, SE, 2390.00; STATE FARM INSURANCE, FE, 563.00; STATE NEBRASKA BANK-PETTY CASH, RE, 96.87; TRUCK CENTER COMPANIES, SU, 400.60; VOLKMAN PLUMBING & HEAT, SE, 4201.00; WAYNE COUNTY COURT, RE, 150.00; WESCO DISTRIBUTION, SU, 821.76; ZAMZOW, RILEY, RE, 140.00; ZAMZOW, RILEY, RE, -140.00; AMAZON, SU, 796.06; AMERICAN BROADBAND, SE, 2443.88; BATTLES, MEGHAN, SE, 39.80; BEEMER LUMBER, SE, 409.30; BLACK HILLS ENERGY, SE, 2194.20; BOMGAARS, SU, 104.96; BSN SPORTS, SU, 183.96; CARPENTER PAPER COMPANY, SU, 155.55; CENTURYLINK, SE, 426.31; CHEMQUEST, SE, 695.00; CITY EMPLOYEE, RE, 103.47; CITY OF WAYNE, RE, 35.48; CONSOLIDATED MANAGEMENT, SE, 103.63; CORE & MAIN, SU, 4758.00; DANLADI, PHIMWANALA, SE, 240.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DAVE'S DRY CLEANING, SE, 102.00; DEARBORN LIFE INSURANCE COMPANY, SE, 96.82; DUTTON-LAINSON COMPANY, SU, 8891.70; ED M. FELD EQUIPMENT, SE, 821.23; FLOOR MAINTENANCE, SU, 116.90; FREDRICKSON OIL, SE, 36.00; GAMBLE, PAYTEN, SE, 50.00; GENERAL TRAFFIC CONTROLS, SU, 499.53; GRANQUIST, JIM, RE, 19.95; GRAVER, BRETT, SE, 100.00; GRAVER, BRETT, RE, -100.00; GRAVER, BRETT, SE, 50.00; GREENFIELD, BRETT, SE, 25.00; GREENFIELD, BRETT, SE, 50.00; HACH COMPANY, SU, 149.42; HANSEN, THOMAS T., SE, 2500.00; HAWKINS, SU, 2202.29; HOSKINS, BRAD, SE, 100.00; HYDRO OPTIMIZATION, SU, 825.76; HYPERION INTEGRATOR, SE, 1325.75; INTERSTATE BATTERY SYSTEM, SU, 531.80; ITRON, SE, 150.00; JACK'S UNIFORMS, SU, 411.64; JEO CONSULTING GROUP, SE, 2914.81; KELLY SUPPLY COMPANY, SU, 332.92; LYNN, SHAWN, RE, 30.00; MAROTZ, MORGAN, SE, 30.48; MILLER LAW, SE, 5416.67; MONAHAN, PHILLIP, RE, 45.00; MUNICIPAL SUPPLY, SU, 676.39; NE DHHS, FE, 40.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 488.00; NE RURAL WATER, FE, 150.00; NORDHUES, LOGAN, SE, 25.00; NORTHEAST POWER, SE, 4901.00; OVERHEAD DOOR, SU, 470.25; PING, RASCHELL, SE, 29.85; QUADIANT LEASING USA, SE, 655.38; RAABE, WALKER, SE, 100.00; SANCHEZ, CINDY, SE, 60.12; SIEVERS, TERRAN, SE, 19.90; STADIUM SPORTING GOODS, SU, 64.00; STAPLES, SU, 23.18; THE FINAL TOUCH, SU, 1475.60; THE FINAL TOUCH, SU, -1,475.60; TRI-STATE COMMUNICATIONS, SU, 72.00; TYLER TECHNOLOGIES, SE, 1345.63; ULINE, SU, 678.18; US BANK, SU, 7001.92; USA BLUE BOOK, SU, 218.31; VAKOC CONSTRUCTION, SU, 1475.60; VIAERO, SE, 67.00; WAED, SE, 8592.41

Councilmember Buck 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, the Mayor declared the motion carried.

Brian Gibson was present requesting Council consideration to approving his request to do a fireworks display on Friday, July 9, 2021, for the Henoween Celebration on the rugby fields by the Wayne Summer Sports Complex.

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, approving the request of Brian Gibson for a fireworks display on Friday, July 9, 2021, for the Henoween

Celebration on the rugby fields by the Wayne Summer Sports Complex. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke stated the most recent City of Wayne housing study was completed in December 2016. Staff has been exploring ways to utilize incentives with the newer provisions of tax increment financing (TIF) laws. These newer TIF provisions (TIF uses/costs now to include vertical building construction, in addition to public infrastructure, land acquisition/demolition, etc.) are allowed in “rural” areas of the state and require a recent housing study no older than twenty-four months. Having this study completed could spur additional housing development using TIF, but there are no guarantees.

This action would allow the City to apply for a NIFA grant for 50% (\$8,000) of a new housing study. The other 50% (\$8,000) would come from City funds. This cost is based off of a quote from Hanna:Keelan, who conducted the last housing study for the City of Wayne. It is anticipated the study will take about four months to complete, and it will include the 2020 census numbers.

Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving the Nebraska Investment Finance Authority Application for Housing Study Grant and the City’s required match of \$8,000. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Diane Bertand, Senior Center Coordinator, requested Council consideration to approving the submission of the Senior Center Budget to the Northeast Nebraska Area Agency on Aging. The Senior Center must apply for State funding for the meal program, and Council must approve the budget to be submitted to the Northeast Nebraska Area Agency on Aging. In addition, she requested Council action on acceptance of the new fiscal year Service Awards that have been awarded by the Area Agency and approval of any revisions made during the fiscal year to the Service Awards. The dollar amounts reflected in the budget represent a two-year grant funding period.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving the submission of the Wayne Senior Center’s Fiscal Year 2021 detailed plan of operation and budget to the Northeast Nebraska Area Agency on Aging; acceptance of new fiscal year “Service Awards”

that have been awarded by the Area Agency; and approval of any revisions made during the fiscal year to the “Service Awards.” Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution is needed for the grant funds received by the State of Nebraska for the Senior Center handi-van program.

Councilmember Spieker introduced Resolution 2021-15, and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2021-15

A RESOLUTION SUPPORTING THE APPLICATION FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS AND APPROVING LOCAL MATCH.

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

Councilmember Eischeid introduced Ordinance No. 2021-6 and moved for approval of the second reading thereof; Councilmember Karsky seconded.

#### ORDINANCE NO. 2021-6

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, 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, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Blecke stated the City has received a proposal for auditing services from 2021 through 2025 from AMGL. Wayne has been with AMGL since 2006. The Audit Committee met and reviewed the same, and are recommending that the proposal of AMGL be approved. Their proposed fees are as follows:

2021 - \$24,150 + \$3,000/single audit  
2022 - \$24,650 + \$3,100/single audit  
2023 - \$25,150 + \$3,200/single audit  
2024 - \$25,650 + \$3,300/single audit  
2025 - \$26,150 + \$3,400/single audit

Councilmember Brodersen introduced Resolution 2021-16, and moved for its approval; Councilmember Buck seconded.

#### RESOLUTION NO. 2021-16

A RESOLUTION ACCEPTING PROPOSAL OF AMGL FOR CITY AUDITING SERVICES FROM 2021 THROUGH 2025.

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

The following Resolution outlines the current year goals and future goals brought forth from the mini-retreats that have taken place over the past year.

Mayor Giese requested Council consideration to adding the following goals to the Resolution:

- Work with Wayne Area Economic Development to possibly relocate and partner for the creation of an entrepreneurial incubator space
- Investment in downtown housing, town centers, and meeting places
- Secure access to reliable high speed broadband for residents
- Pursue public/private partnerships to increase the amount of available workforce housing

Councilmember Brodersen introduced Resolution 2021-17, and moved for its approval, as amended (including the additional goals identified above); Councilmember Spieker seconded.

#### RESOLUTION NO. 2021-17

A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.

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

The following Resolution would formally accept the utility improvements (water, sanitary, storm sewer, and paving) that were installed by the developer in the Angel Acres Addition. The Certificate of Completion has been provided by the subdivider's project engineer.

Councilmember Brodersen introduced Resolution 2021-18, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2021-18

A RESOLUTION ACCEPTING THE WATER/SANITARY/STORM SEWER/PAVING IMPROVEMENTS IN ANGEL ACRES ADDITION.

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

The following Resolution would formally accept the utility improvements (water, sanitary, storm sewer, and paving) that were installed by the developer in the Southview II Addition. The Certificate of Completion has been provided by the subdivider's project engineer.

Councilmember Brodersen introduced Resolution 2021-19, and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2021-19

A RESOLUTION ACCEPTING THE WATER/SANITARY/STORM SEWER/PAVING IMPROVEMENTS IN THE SOUTHVIEW II ADDITION.

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 action item is the next step in decommissioning/reusing the old lagoon property. The dirt moving/berm building would allow the wastewater treatment facility to have a designated site to store sludge pressings should the current concrete bunker become full, and in a worst case scenario, be a spot to hold raw sewage in the case of a limited emergency. A follow-up project would include fencing placed around the berm, along with trees outside the fencing for visual appeal. After the new bermed area is secured, the City can have the remaining fence removed from the old lagoon perimeter.

Casey Junck, Water/Wastewater Superintendent, was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, directing city staff to begin advertising for bids on the "Old City of Wayne Lagoon Berm (Northwest Corner) Project – Phase I." Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

City Administrator Blecke stated staff worked with JEO to help them prepare a scope and fee schedule for the “Centennial Road Improvements, 14<sup>th</sup> to 21<sup>st</sup> Street Project.” Wayne County has agreed to pay one-third of the engineering expenses for the design thereof.

Jon Mooberry, representing JEO Consulting Group, Inc., presented the scope of services for the project. The total engineering fees would be \$169,710.

Councilmember Eischeid introduced Resolution No. 2021-20 and moved for its approval; Councilmember Spieker seconded.

#### RESOLUTION NO. 2021-20

A RESOLUTION APPROVING AGREEMENT WITH JEO CONSULTING GROUP, INC., FOR PROFESSIONAL SERVICES RELATING TO THE “CENTENNIAL ROAD IMPROVEMENTS, 14<sup>TH</sup> TO 21<sup>ST</sup> STREET PROJECT.”

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 an agreement with Certified Testing Services, Inc., for geotechnical exploration services on the “Centennial Road Improvements, 14<sup>th</sup> to 21<sup>st</sup> Street Project.” The lump sum fee for said services is \$2,865.00.

Councilmember Spieker introduced Resolution No. 2021-21 and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2021-21

A RESOLUTION APPROVING AGREEMENT WITH CERTIFIED TESTING SERVICES, INC., FOR GEOTECHNICAL EXPLORATION SERVICES FOR THE “CENTENNIAL ROAD IMPROVEMENTS, 14<sup>TH</sup> TO 21<sup>ST</sup> STREET PROJECT.”

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

The following Resolution would approve the amended personnel manual.

One of the items still needing attention was the retirement – employee contribution vs. employer contribution. Currently, regular employees receive 6% from the City, but only have to put in 1% to receive the same. Police Officers, by State Statute, are required to put in 7%, with the City contribution being 7%.

Administrator Blecke is recommending that the percentage for City employees be increased to 7%, but the employee would have to match that to receive it. If the employee puts 3% into retirement, they would only receive 3% from the City, etc.

After discussion, Council consensus was to increase the employer contribution to 7%, with the condition that the employee's contribution match be 7%. In addition, Council consensus was to have the employee contribution be a dollar for dollar match up to the 7% city contribution.

In regard to having a "whistleblower policy," it was noted that there is a chain of command process in place to follow and there is also a grievance section in the manual, which would negate the need for a specific "whistleblower policy."

Councilmember Brodersen introduced Resolution 2021-14, with the change to retirement that the City will match up to 7% of the employee's contribution, and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2021-14

#### A RESOLUTION ADOPTING A PERSONNEL MANUAL GOVERNING ALL CITY EMPLOYEES.

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

An update was given on COVID, and discussion took place regarding the mask mandate. It was noted that Wayne, Omaha and Lincoln are the only cities in Nebraska with a mask mandate at this time.

The Public Health recommendation is to keep the mask mandate intact until April 6<sup>th</sup> and then readdress the same.

After discussion, a motion was made by Councilmember Spieker and seconded by Councilmember Woehler, to let the mask mandate sunset tonight. Mayor Giese stated the motion, and the result of roll call was four Yeas (Councilmembers Buck, Spieker, Eischeid and Woehler) and four Nays (Councilmembers Taoka, Muir, Karsky and Brodersen). Because of the tie vote, Mayor Giese was allowed to cast his vote, which was in the affirmative, and he then declared the motion carried.

Councilmember Spieker left the meeting.

An update was given on the electric event that took place a couple of weeks ago.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:18 p.m.