

**MINUTES
CITY COUNCIL MEETING
May 4, 2021**

The Wayne City Council met in regular session in the Community Room of the Wayne Community Activity Center on May 4, 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 Matt Eischeid; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 22, 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 Woehler made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meeting of April 20, 2021, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen 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: ACES, SE, 956.14; ALL HOURS TOWING, SE, 275.00; AMERICAN TEST CENTER, SE, 1482.00; AMERITAS, SE, 174.53; AMERITAS, SE, 2606.02; AMERITAS, SE, 72.00; AMERITAS, SE, 120.81; APPEARA, SE, 94.30; ARNIE'S FORD, SU, 30593.00; ARNIE'S FORD, SU, 30593.00; BACKFLOW APPARATUS, SU, 1605.80; BLACK HILLS ENERGY, SE, 863.15; BLUE CROSS BLUE SHIELD, SE, 49499.69; CENTURYLINK, SE, 426.69; CITY EMPLOYEE, RE, 175.00;

CITY EMPLOYEE, RE, 500.00; CITY EMPLOYEE, RE, 259.86; CITY EMPLOYEE, RE, 87.45; CITY EMPLOYEE, RE, 248.26; CITY EMPLOYEE, RE, 327.11; CITY EMPLOYEE, RE, 83.68; CITY OF WAYNE, PY, 81504.92; CITY OF WAYNE, RE, 284.40; CONSOLIDATED MANAGEMENT, SE, 8.74; CORE & MAIN, SU, 1694.86; CUSTOM FILTRATION, SU, 392.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 216.72; DITCH WITCH UNDERCON, SU, 32.86; FIRST CONCORD GROUP, SE, 3429.96; FLOOR MAINTENANCE, SU, 214.42; GDS ASSOCIATES, SE, 2062.50; GERHOLD CONCRETE, SU, 219.66; GROSSENBURG IMPLEMENT, SU, 124.17; HILAND DAIRY, SE, 297.23; HUNDERTMARK CLEANING SYSTEMS, SU, 162.20; ICMA, SE, 273.88; ICMA, SE, 154.72; ICMA, SE, 8348.23; ICMA, SE, 1446.86; ICMA, SE, 61.88; ICMA, SE, 112.52; ICMA, SE, 145.28; ICMA, SE, 147.00; ICMA, SE, 121.15; ICMA, SE, 366.40; IIMC, FE, 175.00; IOWA PUMP WORKS, SU, 420.37; IRS, TX, 10508.62; IRS, TX, 3286.34; IRS, TX, 14051.80; JEO CONSULTING GROUP, SE, 1000.00; KTCH, SE, 75.00; LINCOLN WINWATER WORKS, SU, 220.60; LINNERSON, ABBY, RE, 50.00; LYNN PEAVEY, SU, 179.50; MICHAEL TODD & CO, SU, 3372.13; MILLER LAW, SE, 5416.67; MUNICIPAL SUPPLY, SU, 2716.40; NE DEPT OF REVENUE, TX, 4445.46; NE DEPT OF TRANSPORTATION, SE, 48712.76; NMPP ENERGY, SE, 1000.00; OLSSON ASSOCIATES, SE, 8890.00; O'REILLY AUTOMOTIVE STORES, SU, 55.03; OSNES, JACK, RE, 85.00; PREMIER BIOTECH, SE, 76.36; QHA CLEANING, SE, 1375.00; SERVICE TECH OF CENTRAL IOWA, SE, 1727.06; SHERWIN WILLIAMS, SU, 30.00; STAPLES, SU, 174.94; STATE FIRE MARSHAL TRAINING DIVISION, SE, 100.00; SUNSET LAW ENFORCEMENT, SU, 1277.70; SUPERCIRCUITS, SU, -779.00; THE HOME DEPOT PRO, SU, 270.44; TOTAL GRAPHICS, SU, 157.20; UTILITY EQUIPMENT, SU, 1106.57; VAN DIEST SUPPLY, SU, 474.00; WAED, SE, 8627.41; WAYNE COUNTY TREASURER, SE, 405.55; WESCO, SU, 55.40; WIGMAN COMPANY, SU, 661.52; WISNER WEST, SU, 170.59; ZIMCO SUPPLY, SU, 1247.00; ALTEC INDUSTRIES, SU, 304.68; AMERICAN BROADBAND, SE, 2445.84; BIRTH, COURTNEY, RE, 500.00; BOMGAARS, SU, 1434.90; CARHART LUMBER, SU, 213.46; CITY EMPLOYEE, RE, 79.20; CITY EMPLOYEE, RE, 164.17; CITY EMPLOYEE, RE, 151.74; CITY OF PONCA, RE, 14988.05; CITY OF WEST POINT, RE, 21753.20; CITY OF WISNER, RE, 2266.95; DUGAN BUSINESS FORMS, SU, 2523.75; EASYPERMIT POSTAGE, SU, 884.93; ED M. FELD EQUIPMENT, SU, 245.00; GALE/CENGAGE LEARNING, SU, 24.69; GERHOLD CONCRETE, SU, 153.12; GLOBAL PAYMENTS INTEGRATED, SE, 430.77; HALLE, KEVIN, RE, 25.00; HOMETOWN LEASING, SE, 436.02; KAUP FORAGE & TURF, SU, 1330.00; LUTT OIL, SU, 5441.04; LYNN PEAVEY, SU, 12.30; MAXNET SECURITY, SE, 2290.50; NE LAW ENFORCEMENT, SE, 30.60; NNEDD, FE, 7361.90; NORTHEAST POWER, SE, 6688.00; PAC N SAVE, SU, 698.26; PAC N SAVE, SU, 9.87; PONCA RURAL FIRE BOARD, RE, 3587.85; QHA CLEANING, SE, 1375.00; QUALITY 1 GRAPHIC, SE, 130.00; SHERWIN WILLIAMS, SU, 55.81; STATE NEBRASKA BANK-PETTY CASH, RE, 98.28; THETA PHI ALPHA, RE, 150.00; THETA PHI ALPHA, RE, -150.00; TOTAL GRAPHICS, SU, 638.03; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 15571.34; UTILITY EQUIPMENT, SU, 536.03; VIAERO, SE, 67.32; VILLAGE OF WINSIDE, RE, 4795.70; WAYNE COMMUNITY SCHOOLS, RE, 4464.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE COUNTY COURT, RE, 280.00; WYNIA, KATIE, SE, 80.00

Councilmember Buck 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 Brodersen who was absent, the Mayor declared the motion carried.

Sandy Brown, representing the Wayne Green Team, gave her yearly update/report on their recycling efforts. She noted they have diverted close to 356,000 pounds of materials from the landfill, which covers electronics, glass, batteries and light strings combined. They have hosted seven electronic

recycling events, six Earth Day Movies, and has helped buy 27 outdoor recycling bins. They have secured \$23,000 in grant funds this year. Since 2013, the City of Wayne Green Team has secured over \$72,000 in grant funds for the community.

Casey Junck, Water/Wastewater Superintendent, and Roger Protzman, Engineer with JEO Consulting Group, Inc., gave an update on the water transmission main. Staff super chlorinated the first 2.5 miles of the main, shut the air release valves off, and flushed the line. Two tests, two days in a row passed or came back negative. They are going to take one of the air release valves off and send to the factory to be tested. They will provide more updates as they come in.

A presentation was given by Andrew Ross, Director of Retail Utility Services & Member Relations for the Nebraska Municipal Power Pool, on the “February Electric Event.” They put together a proforma for Wayne that reflects a production cost adjustment to recover Big Rivers’ estimated \$819,157 of additional power costs due to the February weather event. The Production Cost Adjustment (PCA) of \$.0124 per kWh is estimated to recover the costs over a 12-month period, beginning June 1, 2021. The PCA charge is calculated based on pre-pandemic 2019 kWh sales. However, he advised the Council could do nothing and reduce its reserves by that much or increase rates to recover the costs. By reducing reserves, the need to increase rates would be pushed ahead by one year. If the PCA is enacted, he anticipates Wayne’s rates would not have to be changed for 2-3 years. His recommendation was to enact the PCA.

Staff recommendation was to enact the PCA to help recover the costs in lieu of decreasing reserves or implementing a rate increase.

After discussion, a motion was made by Councilmember Spieker and seconded by Councilmember Eischeid, to set a Production Cost Adjustment at \$.0124 per kWh per the recommendation of Andrew Ross, Director of Retail Utility services & Member Relations for the Nebraska Municipal Power Pool, effective with the billing that goes out June 1, 2021, for 12 months. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Doug Temme, President of the Wayne County Ag Society, along with Kevin Davis and Matt Haschke, were present requesting Council consideration to forgiving the Ag Society's sewer bill for the usage between February 15 and March 15th, 2021, for the reason that they had a water line break in the Commercial Building during the very cold spell in February. Mr. Temme noted they have paid the water bill.

A concern was that this may be setting a precedent for similar situations.

It was noted that because the fairgrounds is outside city limits, the Ag Society pays double on both water and sewer services.

After discussion, a motion was made by Councilmember Eischeid, and seconded by Councilmember Woehler, to waive the entire sewer usage portion of the Wayne County Ag Society utility bills received on April 1st and May 1st (February 15th – April 15th usage), 2021. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried

Administrator Blecke stated that Black Hills Energy (BHE) is requesting the same consideration as was given ALLO for a "Community-Wide Blanket Construction Permit." They want to construct, install, operate, maintain and expand its natural gas distribution facilities across all of the City under a "blanket construction and digging permit" for a fee of \$800 for 2021. BHE would need to come before Council again for work to be completed in 2022 and beyond.

Representatives from Black Hills Energy (Mary Martin, Community Affairs Manager, Matt Hines, Norfolk Operations Supervisor, and Mike Vovos, Lead Service Tech), were present to answer questions. Their goal is to have the project start June 1st and have everything wrapped up in September. This first phase of work will take place in the northeast quadrant of Wayne. This blanket permit is just for this project and not for their other day-to-day activities. They will communicate with their customers/residents in the areas they will be working to keep them informed of the project, possible service disruption, etc.

Councilmember Spieker introduced Resolution 2021-25, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2021-25

A RESOLUTION APPROVING COMMUNITY-WIDE BLANKET CONSTRUCTION PERMIT AGREEMENT BETWEEN THE CITY OF WAYNE AND BLACK HILLS NEBRASKA GAS, LLC, D/B/A BLACK HILLS ENERGY.

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

Lowell Heggemeyer, Park and Rec Director, stated he received four bids on the “Hank Overin Ball Field Irrigation Sprinkler System Project.” After review of the same, he is recommending the project be awarded to the low bidder, Claussen & Sons Irrigation, LLC, for \$7,650. He noted this is for labor only. The City will purchase the materials for the project, which are estimated to be around \$13,325. The FY-21 budget has allocated funds for this project (\$25,000). This project will start August 1st.

Councilmember Eischeid had concerns in regard to touching the infield in light of the improvements that were just made to it a few years ago.

Councilmember Taoka introduced Resolution 2021-26, and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2021-26

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “HANK OVERIN BALL FIELD IRRIGATION SPRINKLER SYSTEM PROJECT” TO CLAUSSEN & SONS IRRIGATION, INC., FOR \$7,650.00.

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

Joel Hansen, Street and Planning Director, stated he had not received any comments back from Council regarding any of the changes to the proposed ordinance. If Council wanted to see changes to the temporary occupancy permit before final approval, he could put limitations such as “under these conditions, you can have a temporary occupancy permit” if items a, b, c are completed.

Discussion took place in regard to implementing a higher deposit for a temporary occupancy fee. It is now \$1,000. A suggestion was to make the deposit based on the valuation of the house.

Administrator Blecke stated he had conferred with a local contractor who recommended a deposit of 10% of whatever the value of the building permit was. This would be required for those wanting a temporary occupancy permit.

Mr. Hansen stated in addition to this, there are non-ending building permits with remodeling projects. He was recommending establishing a time limit (2 years) on the section of the code pertaining to building permits. When it hits year 2, the fee and deposit would be forfeited. They would need to apply for a new permit and put down a new deposit in order to continue with the rest of the work.

After discussion, Mr. Hansen stated he would prepare amendments to the appropriate sections of the code for consideration and distribute the same to Council prior to the next meeting.

After discussion, Councilmember Eischeid introduced Ordinance No. 2021-8, and moved for approval of the second reading thereof; Councilmember Karsky seconded.

ORDINANCE NO. 2021-8

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.15 BUILDING CODE; BUILDING PERMITS; SECTION 150.16 ELECTRICAL CODE; SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; SECTION 150.18 PLUMBING CODE; PLUMBERS; SECTION 150.19 MECHANICAL CODE; SECTION 150.31 PROPERTY MAINTENANCE CODE; SECTION 150.32 ENERGY CONSERVATION CODE; AND SECTION 150.33 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:42 p.m.