

**MINUTES  
CITY COUNCIL MEETING  
July 6, 2021**

The Wayne City Council met in regular session at City Hall on July 6, 2021, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order with the following in attendance: Councilmembers Terri Buck, Yasuko Taoka, Chris Woehler, Jason Karsky, and Matt Eischeid; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Dwaine Spieker, Nick Muir and Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 24, 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 Council Chambers, 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 Buck made a motion, which was seconded by Councilmember Woehler, to approve the minutes of the meetings of June 15, 2021, and June 29, 2021, and to waive the readings thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Muir and Brodersen who were 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, 464.06; ACES, SE, 956.14; AMAZON, SU, 1219.15; AMERITAS, SE, 91.43; AMERITAS, SE, 190.94; AMERITAS, SE, 2732.96; AMERITAS, SE, 72.00; APPEARA, SE, 44.40; BAUER UNDERGROUND, SE, 65438.93; BEBEE, TIMOTHY J. & LESLIE A, RE, 3307.12; BENSCOTER, LOUIS, RE, 1198.59; BIG RIVERS ELECTRIC CORPORATION, SE, 109433.60; BLUE CROSS BLUE SHIELD, SE, 47804.08; BOMGAARS, SU, 1667.03; BSN SPORTS, SU, 208.95; CARROLL DISTRIBUTING, SU, 650.24; CENTURYLINK, SE, 426.69; CITIZENS STATE BANK, RE, 5777.45; CITY EMPLOYEE, RE, 952.84; CITY EMPLOYEE,

RE, 478.50; CITY EMPLOYEE, RE, 726.53; CITY EMPLOYEE, RE, 840.88; CITY OF WAYNE, PY, 95453.52; CITY OF WAYNE, RE, 715.48; CONTRERAS, SHERRY, RE, 500.00; CORE & MAIN, SU, 735.18; CUMMINS CENTRAL POWER, SE, 1875.50; DAS STATE ACCTG-CENTRAL FINANCE, SE, 509.04; DAVE'S DRY CLEANING, SE, 54.00; DEARBORN LIFE INSURANCE COMPANY, SE, 103.20; DEMCO, SU 1338.72; DITCH WITCH UNDERCON, SU, 364.43; DUTTON-LAINSON, SU, 7648.40; EAKES OFFICE PLUS, SE, 408.45; ED M. FELD EQUIPMENT, SU, 1917.24; FAITH REGIONAL PHYSICIAN SERV, SE, 199.00; FIRST CONCORD GROUP, SE, 3467.88; FLOOR MAINTENANCE, SU, 798.48; FOURTH GENERATION FAMILY, RE, 14735.24; FREDRICKSON OIL, SE, 16.00; GERHOLD CONCRETE, SU, 3744.01; GOTTULA, ALAN, RE, 88.58; GROSSENBURG IMPLEMENT, SE, 108.69; HAWKINS, SU, 2074.32; ICMA, SE, 923.11; ICMA, SE, 1446.86; ICMA, SE, 8394.12; ICMA, SE, 159.20; ICMA, SE, 145.28; ICMA, SE, 366.40; ICMA, SE, 124.70; ICMA, SE, 372.47; ICMA, SE, 147.00; ICMA, SE, 112.52; IRS, TX, 51.53; IRS, TX, 10.66; IRS, TX, 45.54; IRS, TX, 16051.72; IRS, TX, 11422.40; IRS, TX, 3754.00; JACK'S UNIFORMS, SU, 870.00; JENSEN, MATT, RE, 48.14; JEO CONSULTING GROUP, SE, 33838.60; JOHNSON'S PLUMBING & HEATING, SE, 191.00; JORGENSEN, KEN, RE, 2796.91; KTCH, SE, 675.00; LUTT, STEVE, RE, 250.00; MACQUEEN EQUIPMENT, SU, -271.41; MACQUEEN EQUIPMENT, SE, 2448.62; MATHESON-LINWELD, SU, 35.06; MICRO FOCUS (US), SE, 2821.27; MILO MEYER CONSTRUCTION, SE, 7612.50; NATIONAL INDUSTRIAL & SAFETY SUPPLY, SU, 143.64; NATP, FE, 95.00; NE DEPT OF REVENUE, TX, 5002.26; NE DEPT OF REVENUE, TX, 7.22; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 1283.00; NE RURAL WATER, FE, 300.00; NEBRASKA JOURNAL LEADER, SE, 54.96; NORTHEAST POWER, SE, 13882.96; NWRA, FE, 105.00; O'REILLY AUTOMOTIVE STORES, SU, 127.33; PETERSON, CARTER, RE, 1503.22; POLLARD PUMPING, SE, 520.00; PSYCHOLOGICAL RESOURCES, SE, 135.00; QUALITY FOOD CENTER, SU, 10.42; RAULSTON, JUSTIN, RE, 500.00; REEG, BETTY S. Revocable Trust, RE, 3006.47; RICK'S RADIATOR & HEATER REPAIR, SU, 825.00; ROTARY CLUB OF WAYNE, FE, 160.00; SCHULTZ, EVERETT, RE, 500.00; SEBADE CONSTRUCTION, RE, 1000.00; SEILER INSTRUMENT & MFG, SU, 1200.00; STADIUM SPORTING GOODS, SU, 49.00; STAPLES, SU, 484.08; STATE FIRE MARSHAL TRAINING DIVISION, FE, 300.00; STATE NEBRASKA BANK & TRUST, RE, 350824.24; STRAIGHT, RICHARD, RE, 200.00; TENTINGER, CRAIG, RE, 500.00; TITAN MACHINERY, SU, 65.65; TOMPKINS, RODNEY R. Irrevocable Trust, RE, 3006.48; UTILITIES SECTION, FE, 650.00; UTILITIES SECTION, FE, 3990.00; WAYNE AREA ECONOMIC DEVELOPMENT, FE, 1000.00; WAYNE AUTO PARTS, SU, 279.44; WAYNE HERALD, SE, 103.00; WAYNE HERALD, SE, 907.20; WESCO, SU, 1981.64; WINNING FINISH, SE, 225.00; WINNING FINISH, SE, 210.00; WINSUPPLY NORFOLK, SU, 27.38; WISNER WEST, SU, 44.89; ZILA, BRIAN, RE, 500.00; ALL HOURS TOWING, SE, 225.00; AMERICAN BROADBAND, SE, 2520.91; AMERICAN LIBRARY ASSOC, FE, 225.00; AMERITAS, SE, 72.00; AMERITAS, SE, 158.54; AMERITAS, SE, 102.32; AMERITAS, SE, 2824.70; APPEARA, SU, 51.09; APPEARA, SE, 94.12; APX, FE, 56.38; ARCADIAN MARKSMANSHIP CLUB, FE, 100.00; ARC-HEALTH & SAFETY, SE, 32.00; ARNIE'S FORD, SU, 91.18; ASPEN EQUIPMENT, SU, 479.52; BATTERY SOLUTIONS, SU, 329.85; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1267.92; BINSWANGER GLASS, SU, 8143.03; BLACK HILLS ENERGY, SE, 111.85; BORDER STATES INDUSTRIES, SU, 442.70; BRINK, MARLON, RE, 100.00; BSN SPORTS, SU, 110.00; CITY EMPLOYEE, RE, 384.80; CITY EMPLOYEE, RE, 1924.00; CITY EMPLOYEE, RE, 55.00; CITY EMPLOYEE, RE, 2960.26; CITY OF WAYNE, PY, 95067.27; CLAUSSEN, HEATHER, SE, 805.00; EAKES OFFICE PLUS, SE, 2398.43; GALE/CENGAGE LEARNING, SU, 163.64; GLOBAL PAYMENTS INTEGRATED, SE, 662.01; GLOVER PAINTING, SE, 10770.00; GROSS, KRISTI, RE, 150.00; HILAND DAIRY, SE, 243.68; HOMETOWN LEASING, SE, 436.02; ICMA, SE, 8336.48; ICMA, SE, 145.28; ICMA, SE, 373.25; ICMA, SE, 159.20; ICMA, SE, 1446.86; ICMA, SE, 112.52; ICMA, SE, 147.00; ICMA, SE, 126.26; ICMA, SE, 366.40; INTERSTATE BATTERY SYSTEM, SU, 253.90; IRS, TX, 16036.88; IRS, TX, 11171.77; IRS, TX, 3750.64; JEO CONSULTING GROUP, SE, 1000.00; KASEYA US, SU, 7613.97; LINCOLN WINWATER WORKS, SU, 1256.10; LITE-FORM TECHNOLOGIES, SU, 516.00; MAIN STREET GARAGE, SE, 98.56; MARCO, SE, 175.92;

MERCHANT SERVICES, SE, 1160.42; MERCHANT SERVICES, SE, 37.98; MERCHANT SERVICES, SE, 3108.97; MIDLAND TELECOM, SU, 4536.00; MIDWEST TAPE, SU, 22.49; MILLER LAW, SE, 5416.67; NATL LEAGUE OF CITIES, FE, 1172.00; NE DEPT OF REVENUE, TX, 4895.60; NORTHEAST NE INS AGENCY, SE, 93312.67; NORTHEAST POWER, SE, 8283.00; OCC BUILDERS, RE, 1000.00; OLSSON ASSOCIATES, SE, 3067.50; ONE CALL CONCEPTS, SE, 167.67; OSTEN, ANNA, SE, 35.00; PAC N SAVE, SU, 744.55; QHA CLEANING, SE, 1375.00; QUALITY FOOD CENTER, SU, 10.85; RIDING, MOLLY, RE, 50.00; STATE NEBRASKA BANK & TRUST, SE, 73.20; STATE NEBRASKA BANK-PETTY CASH, RE, 105.49; THE RETROFIT COMPANIES, SE, 131.00; VIAERO, SE, 67.32; WASTE CONNECTIONS, SE, 261.25; WAED, SE, 8592.41; WAPA, SE, 19961.16; WINNING FINISH, SE, 165.00; WISNER WEST, SU, 147.19; ZIMCO SUPPLY, SU, 90.00

Councilmember Eischeid 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 Councilmembers Spieker, Muir and Brodersen who were absent, the Mayor declared the motion carried.

BJ Woehler who resides at 902 Bressler Court was present requesting Council consideration for a waiver of the sidewalk requirement at said address. His reasons were as follows:

- A cul de sac has no destination;
- The sidewalks in Western Ridge do not connect to the city system, which he stated he was promised several times in the past; and
- Snow

Mr. Woehler would not be upset if the Council told him to pour a sidewalk, but he would like the Council then to start enforcing sidewalks, not only in his subdivision, but across the entire community.

It was noted sidewalks and possibly reinstating sidewalk improvement districts were discussed at the Council Retreat a week ago.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Woehler, to deny the request of BJ Woehler who resides at 902 Bressler Court for a waiver of the sidewalk requirement at said address. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Muir and Brodersen who were absent, the Mayor declared the motion carried.

Dustin Soden was present requesting Council consideration to close 5<sup>th</sup> Street, from Main Street to Pearl Street, for a “Burn-Out Competition” during Cruise Night or Chicken Days. He explained what a “Burn-Out Competition” was and the amount of smoke and noise that would take place during the event.

He advised the Council that he has talked with Northeast Nebraska Insurance Agency regarding liability insurance coverage. To do an event would cost around \$1,000 to \$1,500 for the policy. He noted he pays for the advertising, etc., out of his own pocket, and the additional cost for liability insurance coverage would be a lot for him to spend for this event.

Mayor Giese asked if this was something that could fall under the WAED office's policy. Luke Virgil, Director of WAED, was present and stated this would have to go before their board for discussion and approval.

Councilmember Eischeid stated he thinks Cruise Night has been great for the City. But, from a law enforcement side, we are allowing people to knowingly break the law on our city streets, and that is the only concern he has. If this was on private property, that would be ideal. He likes the idea of the event, but is just not crazy about having it on a city street.

Discussion took place on whether or not there was a better place on Main Street for the event to be held. A suggestion was the former Riley's parking lot.

After discussion, Councilmember Karsky made a motion, which was seconded by Councilmember Eischeid, approving the request of Dustin Soden for a "Burn-Out Competition" at the former Riley's parking lot on Main Street during Cruise Night on both August 20<sup>th</sup> and September 17<sup>th</sup>. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Muir and Brodersen who were absent, the Mayor declared the motion carried.

Pam Adams and Emily Anderson, representing American Broadband (ABB), were present to review the proposed updated agreement with the City on leasing dark fiber. Ms. Adams stated back in 2014, the City of Wayne entered into an agreement with ABB to lease dark fiber. They would like to continue to extend the lease on the fiber strands, as well as any future fiber strands that Wayne would add at no cost, for a 5-year term. They would do the same type of agreement with Wayne Area Economic Development.

Councilmember Eischeid introduced Resolution 2021-32, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2021-32

A RESOLUTION APPROVING MASTER SERVICES AGREEMENT BETWEEN THE CITY OF WAYNE (CITY) AND HUNTEL.NET, INC., D/B/A AMERICAN BROADBAND NEBRASKA COMMUNICATIONS, INC., (ABB) TO PROVIDE SERVICES TO CITY OFFICES AND FACILITIES.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Muir and Brodersen who were absent, the Mayor declared the motion carried.

The following Resolution would accept the work on the “Greenwood Cemetery – West Driveway Project” and authorize final payment to TR Harris Construction, Inc., in the amount of \$75,350.

Joel Hansen, Street & Planning Director, stated the only thing left to do on this project is the seeding, and that was not part of the contract with TR Harris Construction.

Councilmember Eischeid introduced Resolution 2021-33, and moved for its approval; Councilmember Yasuko seconded.

RESOLUTION NO. 2021-33

A RESOLUTION ACCEPTING WORK ON THE “GREENWOOD CEMETERY – WEST DRIVEWAY PROJECT” AND AUTHORIZING FINAL PAYMENT IN THE AMOUNT OF \$75,350.00 TO TR HARRIS CONSTRUCTION, INC.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Muir and Brodersen who were absent, the Mayor declared the motion carried.

Administrator Blecke stated the following Resolution would approve an “Addendum to Agreement with the Wayne Country and Golf Club” to provide water to the golf course from Well No. 6 (located on West 21<sup>st</sup> Street) instead of Well No. 7. The original agreement from 1994 states that the City will provide water through Well No. 7 to the golf course. Both wells have been shut down due to some issues with either high nitrates and/or high selenium. If the City could pump Well No. 6 this summer for irrigation, maybe the issues with Well No. 7 would be cleared up and it could be brought back on line next year. WCC would pay for the electricity and would pay to have their own variable frequency drive put

on to communicate with their system. Again, this agreement would allow the golf course to use Well No. 6, which is completely disconnected from the City's system.

Mayor Giese suggested revisiting the 1994 agreement with the WCC and then preparing a new one for consideration.

Councilmember Woehler introduced Resolution No. 2021-34 and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2021-34

A RESOLUTION APPROVING ADDENDUM TO AGREEMENT BETWEEN THE CITY OF WAYNE AND THE WAYNE COUNTRY AND GOLF CLUB.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Muir and Brodersen who were absent, the Mayor declared the motion carried.

Mytzy Rodriguez-Kufner, Executive Director of Wayne Community Housing Development Corporation (WCHDC), was present to advise the Council that she is making a CDBG application for owner-occupied rehabilitation funds. The amount of the grant is for \$250,000, and there is no match. The Mayor needs to sign a form, as chief elected official of the City, to be attached to the grant application. WCHDC will manage the grant.

Councilmember Eischeid introduced Resolution No. 2021-35 and moved for its approval; Councilmember Woehler seconded.

#### RESOLUTION NO. 2021-35

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT OWNER OCCUPIED REHABILITATION (CDBG-OOR) FUNDS.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Muir and Brodersen who were absent, the Mayor declared the motion carried.

Administrator Blecke stated the following Resolution would approve a Memorandum of Understanding with Wayne Area Economic Development regarding "Public Art."

Luke Virgil, Director of Wayne Area Economic Development, was present and stated this is more of a formality to make sure there is a paper trail for the auditors as to why \$10,000 worth of public funds will be flowing to the Chamber organization so that it can pay the artists. They have expended the \$10,000 out of their general fund to pay the artists. Mr. Virgil is working with Caroline Albrecht on brochures for this project and also with Randy Pedersen and Maria Whittler on plaques for each sculpture.

Councilmember Yasuko introduced Resolution No. 2021-36 and moved for its approval; Councilmember Buck seconded.

#### RESOLUTION NO. 2021-36

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND WAYNE AREA ECONOMIC DEVELOPMENT (WAED) REGARDING PUBLIC ART.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Muir and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, setting the budget work sessions for Tuesday, July 20<sup>th</sup> and Tuesday, August 3<sup>rd</sup>, during the regular Council meetings. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Muir and Brodersen who were absent, the Mayor declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:49 p.m.