

**MINUTES  
CITY COUNCIL MEETING  
August 17, 2021**

The Wayne City Council met in regular session at City Hall on August 17, 2021, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order, followed by the Pledge of Allegiance, 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 thereof by publication in the Wayne Herald, Wayne, Nebraska, the designated method of giving notice, as shown by Affidavit of Publication. In addition, notice was given to the Mayor and all members of the City Council, and a copy of their acknowledgement of receipt of notice and agenda is on file with the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. 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 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 August 3, 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:** ACE HARDWARE & HOME, SU, 856.21; AMERICAN BROADBAND, SE, - 2,476.80; AMERICAN BROADBAND, SE, 1486.80; AMERICAN PUBLIC POWER ASSOCIATION, FE, 1878.53; APPEARA, SE, 111.53; ARNIE'S FORD, SE, 2313.39; BAKER & TAYLOR BOOKS, SU,

135.37; BELT, CRYSTAL, RE, 210.00; BLACKSTONE PUBLISHING, SU, 107.64; BORDER STATES INDUSTRIES, SU, 420.92; CERTIFIED TESTING SERVICES, SE, 369.75; CITY EMPLOYEE, RE, 57.13; CITY EMPLOYEE, RE, 624.87; CITY EMPLOYEE, RE, 34.84; CITY OF WAYNE, RE, 504.50; CITY OF WAYNE, RE, 743.89; CITY OF WAYNE, RE, 2019.33; COLONIAL RESEARCH, SU, 166.99; COPY WRITE PUBLISHING, SE, 170.81; COTTONWOOD WIND PROJECT, SE, 10896.73; DAS STATE ACCTG-CENTRAL FINANCE, SE, 67.79; DAVE'S DRY CLEANING, SE, 93.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2653.24; DEARBORN LIFE INSURANCE COMPANY, SE, 2601.77; DUTTON-LAINSON, SU, 946.96; ECHO GROUP, SU, 166.45; EGAN SUPPLY, SE, 609.00; ELLIS HOME SERVICES, SE, 272.50; FLOOR MAINTENANCE, SU, 1252.42; GERHOLD CONCRETE, SU, 2804.80; GROSSENBURG IMPLEMENT, SU, 3802.12; HAWKINS, SU, 1923.73; HILAND DAIRY, SE, 252.67; INGRAM LIBRARY SERVICES, SU, 874.71; INTERSTATE BATTERY SYSTEM, SU, 105.00; JEO CONSULTING GROUP, SE, 1919.00; LAMP, MACKENZIE, SE, 300.00; LUTT OIL, SU, 6281.96; MAIN STREET GARAGE, SE, 190.00; MATHESON-LINWELD, SU, 35.06; MIDWEST ALARM SERVICES, SE, 740.42; MIDWEST LABORATORIES, SE, 189.00; MUNICIPAL SUPPLY, SU, 1234.31; MYERS CONSTRUCTION COMPANY, SE, 58059.75; NE HARVESTORE, SU, 567.64; NE NOTARY ASSOC, SU, 173.32; NPPD, SE, 38862.08; NORFOLK HOUSING DEVELOPMENT CORP, SU, 10.00; NORFOLK HOUSING DEVELOPMENT CORP, FE, 40.00; NNEDD, SE, 570.00; NOVA FITNESS EQUIPMENT, SE, 573.50; OMAHA WORLD-HERALD, SU, 624.00; PAC N SAVE, SU, 6.50; PEPSI COLA OF SIOUXLAND, SU, 320.60; POLLARD PUMPING, SE, 1000.00; QUALITY FOOD CENTER, SU, 18.55; RONHOVDE, ANNE, RE, 768.00; STAPLES, SU, 176.51; T & S TRUCKING, SE, 232.31; US FOODSERVICE, SU, 1911.09; VERIZON, SE, 536.12; WAYNE AUTO PARTS, SU, 245.93; WAYNE COUNTY CLERK, SE, 44.00; WAYNE HERALD, SE, 958.32; WAYNE HERALD, SE, 13.00; WAYNE HERALD, SE, 256.50; WAYNE HERALD, SE, 190.00; WAYNE SENIOR CENTER, SE, 44.55; WAYNE VETERINARY CLINIC, SE, 266.00; WISNER WEST, SU, 109.85; ZACH HEATING & COOLING, SU, 1146.88; AMERITAS, SE, 171.25; AMERITAS, SE, 2830.68; AMERITAS, SE, 72.00; AMERITAS, SE, 91.43; ARNIE'S FORD, SE, 1093.58; BIG RIVERS ELECTRIC CORPORATION, SE, 234817.62; BOK FINANCIAL, SE, 152184.44; BRANDOW, JENNY, RE, 30.00; BRUMMOND, SCOTT, RE, 500.00; CITY EMPLOYEE, RE, 110.00; CITY OF WAYNE, PY, 95367.76; CITY OF WAYNE, RE, 460.29; ED M. FELD EQUIPMENT, SE, 190.00; GALE/CENGAGE LEARNING, SU, 99.41; GRAINLAND ESTATES, RE, 1900.96; GROSSENBURG IMPLEMENT, SU, 89.58; ICMA, RE, 366.40; ICMA, RE, 147.00; ICMA, RE, 112.52; ICMA, RE, 34.38; ICMA, RE, 376.22; ICMA, RE, 1,450.04; ICMA, RE, 145.28; ICMA, RE, 159.20; ICMA, RE, 8155.21; ICMA, RE, 125.48; IRS, TX, 15983.92; IRS, TX, 12.60; IRS, TX, 53.88; IRS, TX, 3738.24; IRS, TX, 11003.10; JEO CONSULTING GROUP, SE, 6716.50; JILL BRODERSEN, AIA SERVICES, SE, 600.00; KELLY SUPPLY COMPANY, SU, 1638.46; L.G. EVERIST, SU, 166.46; MAIN STREET GARAGE, SE, 75.00; MARCO TECHNOLOGIES, SE, 200.61; MASONIC LODGE, RE, 912.00; MUNICIPAL SUPPLY, SU, 4329.48; NE DEPT OF REVENUE, TX, 4875.99; NE LIBRARY ASSOCIATION, FE, 40.00; O'REILLY AUTOMOTIVE STORES, SU, 31.38; O'REILLY AUTOMOTIVE STORES, SU, 127.61; PROGRESSIVE PROPERTIES, RE, 2802.50; PROGRESSIVE PROPERTIES, RE, 8979.30; PROGRESSIVE PROPERTIES, RE, 7782.56; SKARSHAUG TESTING LAB, SE, 226.55; STAPLES, SU, 18.99; STUBBS, AMBER, RE, 200.00; SUNSET LAW ENFORCEMENT, SU, 1674.00; WAYNE COMMUNITY SCHOOLS, RE, 1905.75

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, with the exception of Councilmember Brodersen who abstained, the Mayor declared the motion carried.

Sandy Brown, representing the Wayne Green Team, was present to request Council consideration to allowing them to close the westbound traffic on 3<sup>rd</sup> Street in between Pearl and Lincoln Streets and change it to two lanes of eastbound traffic, only, for the Electronic Recycling Event to be held on Saturday, September 18, 2021, from 8:00 a.m. to 10:00 a.m. This will be the 8<sup>th</sup> annual recycling event. They received a grant for \$11,000, of which over \$9,000 will be paid to the vendor – Retrofit Companies out of Minneapolis.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving the request of the Wayne Green Team to close the westbound traffic on 3<sup>rd</sup> Street in between Pearl and Lincoln Streets and change it to two lanes of eastbound traffic, only, for the Electronic Recycling Event to be held on Saturday, September 18, 2021, from 8:00 a.m. to 10:00 a.m. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Phil Monahan, Fire Chief, was present requesting Council consideration to approving the Wayne Volunteer Fire Department Application for Membership of Hannah Keatts.

Hannah Keatts was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Taoka, to approve the Wayne Volunteer Fire Department Application for Membership of Hannah Keatts. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Phil Monahan, Fire Chief, was present requesting Council consideration to approving the Wayne Volunteer Fire Department Application for Cadet Membership of Alexandra Harrell.

Alexandra Harrell was present to answer questions.

Councilmember Spieker made a motion, which was seconded by Councilmember Muir, to approve the Wayne Volunteer Fire Department Application for Cadet Membership of Alexandra Harrell. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Phil Monahan, Fire Chief, was present requesting Council consideration to approving the Wayne Volunteer Fire Department Application for Membership of Alexander McCarty.

Alexander McCarty was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to approve the Wayne Volunteer Fire Department Application for Membership of Alexander McCarty. 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 mutual aid agreement between the City of Wayne and the Northeast Nebraska Mutual Aid District (NNMAD). The NNMAD includes the communities and rural fire districts of Allen, Bancroft, Concord, Dakota City, Dixon, Emerson, Homer, Laurel, Martinsburg, Newcastle, Pender, Ponca, Rosalie, South Sioux City, Thurston, Wakefield, Walthill and Winnebago, who agree to respond to other members' emergency fire calls if there is a fire or disaster too big for the local firefighters to control.

Councilmember Brodersen introduced Resolution 2021-41, and moved for its approval; Councilmember Taoka seconded.

#### RESOLUTION NO. 2021-41

#### A RESOLUTION APPROVING A MUTUAL AID AGREEMENT BETWEEN THE CITY OF WAYNE VOLUNTEER FIRE DEPARTMENT AND THE NORTHEAST NEBRASKA MUTUAL AID DISTRICT.

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

Pam Adams, Marketing Manager with American Broadband, gave an update on their "Build Out Timeline" in Wayne. ABB will be coming forward in the near future with a request for a city-wide permit.

Juan Zazveta and Fernand Lopez were present requesting Council consideration to allowing them to keep a pit bull inside City limits for the purpose of being an "emotional support animal."

Attorney Miller stated she received a certificate from Mr. Zazveta showing that this animal was an emotional support animal. She explained to the Council how one is able to get that certificate. She noted this issue was dealt with previously regarding a ball python snake being on the Wayne State College campus. The difference here is that the Wayne State College campus is not on city property.

At that time, we talked a lot on how Federal law trumps municipal law, so any Federal service animal or emotional support animal laws are going to trump any municipal laws we have, unless you find that the animal is a danger to the public. With this particular case, the reason the City put the pit bull ban in several years ago was that they felt pit bulls, in general, were a danger to the community. Therefore, it was her recommendation, if the Council wanted to keep that ordinance in place, that they deny this application.

Police Chief Chinn provided the history of how and why this matter was brought before Council.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Woehler, to deny the request to allow a pit bull inside city limits for the purpose of being an “emotional support animal.” Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke presented the updated proposal from Olsson regarding the “Pond Feasibility Study.” The new proposal has added fees for a geotechnical report and laboratory services (\$5,200) and drilling services (\$2,750) totaling \$7,950. The total cost for the study would be \$19,750 if Council chose those additional options.

Councilmember Karsky stated the committee was asked to look into this and make recommendations. They made a recommendation to the Council to have this study done. They have done the work they were tasked to do. In his opinion, the study is needed to make an informed decision.

After discussion, Councilmember Yasuko introduced Resolution No. 2021-39 and moved for its approval, with the additional fees for a total of \$19,750; Councilmember Spieker seconded.

#### RESOLUTION NO. 2021-39

**A RESOLUTION ACCEPTING PROPOSAL SUBMITTED BY OLSSON FOR A “POND FEASIBILITY STUDY.”**

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

The following two resolutions are requirements by the Department of Economic Development (DED). DED has updated a couple of their requirements or grant guidelines when obtaining CDBG funds. The last time the City adopted DED Procurement Procedures and Code of Conduct was on October 16, 2007.

Councilmember Brodersen introduced Resolution No. 2021-42 and moved for its approval, Councilmember Spieker seconded.

RESOLUTION NO. 2021-42

A RESOLUTION ADOPTING PROCUREMENT PROCEDURES AND CODE OF CONDUCT.

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

Another update DED is now requiring is an “Excessive Force Certification” stating that the City Council has adopted a policy prohibiting the use of excessive force by the Police Department against nonviolent civil rights demonstrators. Staff has conferred with the City Attorney and Northeast Nebraska Economic Development regarding the proposed Resolution and find the same to be acceptable for purposes of submitting the same to DED.

Councilmember Brodersen introduced Resolution No. 2021-43 and moved for its approval, Councilmember Spieker seconded.

RESOLUTION NO. 2021-43

A RESOLUTION ADOPTING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY THE POLICE DEPARTMENT AGAINST NONVIOLENT CIVIL RIGHTS DEMONSTRATORS.

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

The following Municipal Annual Certification of Program Compliance Form 2021 and Resolution replaces the annual filing of the One and Six Year Plan or Program and the former standardized system of

annual reporting with the Nebraska Board of Public Roads Classification and Standards. This must be adopted and returned to the Nebraska Department of Transportation (NDOT) by October 31, 2021.

Councilmember Brodersen introduced Resolution No. 2021-44 and moved for its approval, Councilmember Muir seconded.

RESOLUTION NO. 2021-44

A RESOLUTION AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2021.

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

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:41 p.m.