

**MINUTES**  
**CITY COUNCIL MEETING**  
**September 7, 2021**

The Wayne City Council met in regular session at City Hall on September 7, 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, Yasuko Taoka, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Terri Buck and Nick Muir.

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.

Mayor Giese proclaimed September 12-18, 2021, as "National Assisted Living Week."

Councilmember Spieker made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meeting of August 17, 2021, and August 31, 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 Buck and Muir 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:** ACES, SE, 956.14; ALL-AMERICAN PUBLISHING, SE, 355.00; AMAZON, SU, 800.22; AMERITAS, SE, 92.05; AMERITAS, SE, 172.65; AMERITAS, SE, 2915.96; AMERITAS, SE, 72.00; APPEARA, SE, 170.77; APPEARA, SE, 174.30; ARC-HEALTH & SAFETY, FE, 280.00; BACKFLOW APPARATUS, SU, 1910.00; BENSCOTER CONSTRUCTION, RE, 1000.00; BINSWANGER GLASS, SU, 388.45; BLACK HILLS ENERGY, SE, 321.71; BLUE CROSS BLUE SHIELD, SE, 48904.74; BOMGAARS, SU, 902.50; BOMGAARS, SU, 146.75; BORDER STATES INDUSTRIES, SU, 202.24; BORDER STATES INDUSTRIES, SU, 578.32; BROWN SUPPLY, SU, 1555.00; BSN SPORTS, SU, 192.00; BSN SPORTS, SU, 231.96; CARHART LUMBER COMPANY, SU, 281.84; CDW GOVERNMENT, SU, 2387.88; CENTURYLINK, SE, 426.59; CITY EMPLOYEE, RE, 582.78; CITY EMPLOYEE, RE, 101.64; CITY EMPLOYEE, RE, 107.00; CITY EMPLOYEE, RE, 163.70; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 598.79; CITY EMPLOYEE, RE, 796.00; CITY EMPLOYEE, RE, 132.66; CITY EMPLOYEE, RE, 209.50; CITY OF WAYNE, PY, 98831.33; CITY OF WAYNE, RE, 823.61; CITY OF WAYNE, RE, 582.78; CUSTOM FILTRATION, SU, 1067.50; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2653.94; DEARBORN LIFE INSURANCE COMPANY, SE, 92.88; EASYPERMIT POSTAGE, SU, 885.13; ECHO GROUP, SU, 368.16; EKBERG AUTO PARTS, SU, 12.99; FIRST CONCORD GROUP, SE, 3467.88; FLOOR MAINTENANCE, SU, 240.36; FLOOR MAINTENANCE, SU, 290.08; FRANCO, ELDA, RE, 200.00; GALE/CENGAGE LEARNING, SU, 24.69; GARCIA, PEDO, RE, 500.00; GERHOLD CONCRETE, SE, 1661.94; GERHOLD CONCRETE, SU, 326.28; GROSSENBURG IMPLEMENT, SU, 141.70; HANNA:KEELAN ASSOCIATES, SE, 4000.00; HAWKINS, SU, 3299.31; HELENA AGRI-ENTERPRISES, SU, 140.00; HILAND DAIRY, SE, 71.46; HILAND DAIRY, SE, 233.57; HOMETOWN LEASING, SE, 436.02; HORIZON CONSTRUCTION, RE, 500.00; HORIZON CONSTRUCTION, RE, 500.00; ICMA, SE, 1450.04; ICMA, SE, 34.38; ICMA, SE, 375.83; ICMA, SE, 112.52; ICMA, SE, 159.20; ICMA, SE, 8138.26; ICMA, SE, 366.40; ICMA, SE, 124.70; ICMA, SE, 147.00; ICMA, SE, 145.28; INTERSTATE BATTERY SYSTEM, SU, 126.95; IRS, TX, 3854.86; IRS, TX, 11026.92; IRS, TX, 16482.90; JACK'S UNIFORMS, SU, 38.90; JEO CONSULTING GROUP, SE, 1000.00; JOHNSON, LOWELL, RE, 792.00; JR ROOFING, SE, 900.00; KELLY SUPPLY COMPANY, SU, 38.38; KENNY, LEVI, RE, 165.00; KTCH, SE, 75.00; KTCH, SE, 75.00; L.G. EVERIST, SU, 1409.26; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 95.00; MARCO, SE, 175.92; MCLAURY ENGINEERING, SE, 2571.00; MILLER LAW, SE, 5416.67; MUNICIPAL SUPPLY, SU, 2791.82; NE DEPT OF REVENUE, TX, 4781.33; NE LAW ENFORCEMENT, SU, 135.00; NE LIBRARY ASSOCIATION, FE, 200.00; NE LIBRARY COMMISSION, SE, 1742.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 674.90; NERC, SE, 909.75; NORTHEAST POWER, SE, 8466.00; NORTHEAST POWER, SE, 13882.96; OCLC, SE, 529.13; OESTREICH, CHAD, RE, 200.00; O'REILLY AUTOMOTIVE STORES, SU, 83.17; PING TREE SERVICE, SE, 798.00; PTACEK, GREG, RE, 500.00; QUALITY 1 GRAPHIC, SU, 240.00; RODRIGUEZ, NANCY, SE, 148.75; SARGENT DRILLING, SU, 1868.85; SKARSHAUG TESTING LAB, SE, 227.25; STATE NEBRASKA BANK & TRUST, SE, 61.76; STATE NEBRASKA BANK-PETTY CASH, RE, 110.39; T & S TRUCKING, SE, 452.88; TOTAL GRAPHICS, SU, 123.75; TRI AIR TESTING, SE, 415.03; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 4661.46; UTILITIES SECTION, FE, 275.00; VAN DIEST SUPPLY, SU, 798.25; VIAERO, SE, 67.00; WAED, FE, 398.00; WAED, SE, 8592.41; WAYNE COUNTY COURT, RE, 230.00; WAYNE RENTALS, RE, 1000.00; WAYNE SENIOR CENTER, RE, 34.65; WESCO, SU, 1262.60; WESCO DISTRIBUTION, SU, 61.53; WIGMAN COMPANY, SU, 515.62; WISNER WEST, SU, 95.87; ACE HARDWARE & HOME, SU, 655.72; AMERICAN BROADBAND, SE, 1486.64; CITY EMPLOYEE, RE, 54.00; CITY EMPLOYEE, RE, 495.59; CITY OF WAYNE, RE, 41.21; COPY WRITE PUBLISHING, SE, 570.23; DEMCO, SU, 117.84; FLOOR MAINTENANCE, SU, 267.69; GLOBAL PAYMENTS INTEGRATED, SE, 402.84; GROSSENBURG IMPLEMENT, SU, 232.32; KELLY SUPPLY COMPANY, SU, 45.50; LUTT OIL, SU, 6793.68; MERCHANT SERVICES, SE, 54.16; MERCHANT SERVICES, SE, 4024.70; MERCHANT SERVICES, SE, 1060.84; MIDWEST LABORATORIES, SE, 189.00; MIDWEST TAPE, SU, 1039.79; MUNICIPAL SUPPLY, SU, 245.01; ONE CALL CONCEPTS, SE, 119.19; QUADIENT LEASING USA, SE, 655.38; QUALITY FOOD CENTER, SU, 8.72; SOOLAND

BOBCAT, SU, 256.55; STAPLES, SU, 64.39; UTILITY EQUIPMENT, SU, 394.20; WAYNE AUTO PARTS, SU, 279.21; WAYNE HERALD, SE, 52.50; WESCO, SU, 16610.00; WAPA, SE, 20283.44

Councilmember Eischeid 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, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Mayor Giese declared the time was at hand for the public hearing regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.449004 per hundred dollars of property value is included. The levy equates to a tax request of \$1,180,653.00. Last year's general tax levy was \$.412303 per hundred dollars of valuation; this year it is \$.413148, excluding the airport.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Giese closed the public hearing.

The following Resolution would approve the final property tax request of \$1,086,369. This Resolution does not include the airport levy.

Councilmember Karsky introduced Resolution 2021-45, and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2021-45

##### A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY 2021-2022.

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

The base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not spent and are not expected to be spent for capital improvements. Cities

are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase. This increases our base number we can use for our restricted fund revenues.

Councilmember Eischeid introduced Resolution No. 2021-46 and moved for its approval, Councilmember Taoka seconded.

#### RESOLUTION NO. 2021-46

A RESOLUTION APPROVING THE ALLOWABLE 1% INCREASE IN BASE LIMITATION OF RESTRICTED FUNDS' BUDGET 2021-2022.

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

Councilmember Brodersen introduced Resolution 2021-47, and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2021-47

A RESOLUTION TO ADOPT THE 2021-2022 BUDGET FOR THE CITY OF WAYNE.

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

Councilmember Eischeid introduced Ordinance 2021-12, and moved for its approval; Councilmember Karsky seconded.

#### ORDINANCE NO. 2021-12

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Spieker made a motion, which was seconded by Councilmember Eischeid, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Giese

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

Councilmember Spieker made a motion, which was seconded by Councilmember Eischeid, to move for final approval of Ordinance No. 2021-12. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Mayor Giese declared the time was at hand for the public hearing on the application for the Community Development Block Grant — Owner Occupied Rehab Funds.

This grant was initially applied for by the Wayne Community Housing Development Corporation (WCHDC). DED, upon review of the submitted pre-application, determined that WCHDC was not eligible to submit an application for 2021 CDBG Owner Occupied Rehabilitation funds. However, it was determined that the City of Wayne could apply and would then be responsible for administering the grant if selected for award. For administration of a CDBG grant, all CDBG-funded projects require employment of a certified administrator. Because we are a dues paying member of the Northeast Nebraska Economic Development District, we are partnering with them to perform the administration thereof.

With this application, the City is requesting \$315,000 of CDBG – Owner Occupied Rehab (OOR) funds, of which \$250,000 will be used for Owner Occupied Rehab of 10 units; \$20,000 will be used for general administration; \$30,000 for housing management; and \$1,500 per unit will be used for lead based paint abatement. All CDBG funds will benefit low-to-moderate income persons in the community, and no persons or businesses will be displaced as a result of this project. There is no City match with this grant.

Riah Deane with the Northeast Nebraska Economic Development District was present to answer questions, as well as Mytzy Rodriguez-Kufner with Wayne Community Housing Development Corporation.

Council requested Ms. Deane to look into the structure of the loan program, as well as whether or not the amount of funding can be increased. She will find out the answers to their questions and respond back to Administrator Blecke.

City Clerk McGuire had not received any comments, for or against, this public hearing.

There being no further comments, Mayor Giese closed the public hearing.

Councilmember Eischeid introduced Resolution 2021-48, and moved for its approval; Councilmember Spieker seconded.

#### RESOLUTION NO. 2021-48

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – OWNER OCCUPIED REHAB FUNDS (\$315,000).

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

The following Resolution would approve the Scope of Services and Task Order No. 190287.03 with JEO Consulting Group, Inc., for the “Aquarius Tank Maintenance Project.” This Task Order is for engineering and design services to prepare bid documents to replace the diffusers in the Aquarius tank at the Wastewater Treatment Plant. The lump sum fee for said services is estimated to be \$9,000.00.

Roger Protzman, Engineer with JEO Consulting Group, Inc., was present (via zoom) to answer questions.

The Aquarius system was installed and put into operation around 2011. One of the things that was known when this system was put in was that the diffusers in the bottom of the Aquarius tank were going to need to be replaced periodically. The time life of those diffusers is typically 5-10 years. He and staff have conferred and both feel it is probably time to be looking at replacing them. This Task Order is to prepare the documents to go out for bids to do the work to change the diffusers. He noted that general contractors will most likely be the ones that bid on this project (e.g. Erickson Construction, Rutjens, or Hawkins).

Administrator Blecke noted that the best time to do this project has been determined to be when the college is not in session. The project should take about one month to complete. This will be one of the projects where ARPA funds will be used. The project is estimated to be in the \$300,000 range.

Mr. Protzman stated there are about 1,440 diffusers that need replaced. The diffusers are not expensive; it is the labor to get to them and replace them that is.

Councilmember Eischeid introduced Resolution 2021-49, and moved for its approval; Councilmember Taoka seconded.

#### RESOLUTION NO. 2021-49

A RESOLUTION APPROVING SCOPE OF SERVICES AND TASK ORDER NO. 190287.03 WITH JEO CONSULTING GROUP, INC., FOR THE “AQUARIUS TANK MAINTENANCE PROJECT.”

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

The following Resolution would accept the bid and award the contract on the purchase of a 2022 Chevrolet Silverado 2500HD 4WD Double Cab 149” Work Truck through the state bid system as per the bid proposal received from Arnie’s Ford, Inc., for the sum of \$32,261.

Tim Sutton, Electric Distribution Superintendent, was present to answer questions. He stated that two bids were received for the procurement of a 2022 work truck. This truck will replace a truck with 177,000 miles (natural gas) that will either go to a different department or be sold.

Councilmember Spieker introduced Resolution 2021-50, and moved for its approval; Councilmember Woehler seconded.

#### RESOLUTION NO. 2021-50

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF A 2022 CHEVROLET SILVERADO 2500HD 4WD DOUBLE CAB 149” WORK TRUCK THROUGH THE STATE BID SYSTEM AS PER THE BID PROPOSAL RECEIVED FROM ARNIE’S FORD, INC. - \$32,261.

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

Pammy Levinson, Student Activities Coordinator at Wayne State College, submitted a request to close Main Street, between 1<sup>st</sup> and 11<sup>th</sup> Streets, on Saturday, October 2, 2021, from 8:00 a.m. to 11:30 a.m. for the WSC Homecoming/Band Day Parade. This is an annual request.

Councilmember Brodersen introduced Resolution No. 2021-51 and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2021-51

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF TRANSPORTATIONS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving the Contract for Services between the City of Wayne and the Board of Trustees of the Nebraska State Colleges – Wayne State College for the homecoming parade. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Because the contract has not been finalized at this point, no action was taken on Agenda Item No. 17 – Ordinance 2021-13 approving Amendment No. 4 to the Contract with Big Rivers Electric Corporation. It will be brought forward at the next meeting.

Administrator Blecke stated the 8 acres of City owned land just south of the new 4<sup>th</sup> Street (better known as the old community gardens/brush pile/tree farm/upper rugby-soccer fields, etc.) has been replatted and rezoned (R-4) for potential residential development. Previous Council discussions about this land has indicated Council is interested in multi-family units in this area. The next step, if Council wants to develop the property, is to go through a request for proposal (RFP) process, unless Council determines that they just want to sell it outright. This RFP process would allow the City to seek ideas from developers to see their visions for this area. Even if the Council directs staff to solicit proposals, this does not mean the Council has to approve or commit to any plans. This is a different process than the City has gone through previously, but a very common way to now develop land, especially property held by public entities.

Mayor Giese stated four factors the Council will be looking at are: dollars, timeline, what funds are going to be used for this, and what the property's intended use will be.

In response to Councilmember Karsky's concern, Administrator Blecke stated he did not think what was going to happen on this 8 acres was going to impact the lagoon area.

Councilmember Spieker stated he was contacted by a constituent today urging Council not to sell the property because it is a bad place for housing, and if it should be sold, it should go to the highest bidder and not to the one with the best plan. He also heard from Luke Virgil, Director of WAED, who urged Council to go out for requests for proposals.

Councilmember Brodersen stated she never thought the 8 acres would be full of apartments. She would rather the Council wait a couple of months or until the first of the year to do this. She thought the Lagoon Taskforce Committee might have a better idea of what they want down there by that time.

It was noted that there was not a level of commitment by the City in going out for proposals.

Mayor Giese stated he does get the concern, especially about the corridor in the southeast corner and thought that was important. He is interested to see what developers will come up with as far as what they think will sell the best.

Councilmember Woehler, when asked, stated he really doesn't want residential, but wants light industrial for sheds that people can use down there. He was concerned about the odor from the treatment plant.

Mayor Giese again stated he was interested to see what they get back and who responds to the request for proposals.

After further discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Taoka, directing City staff to solicit "Requests for Proposals" for the development of the 4<sup>th</sup> Street property.

Councilmember Brodersen suggested giving the contractors enough time to submit proposals (e.g. 60 days). She again stated she preferred the Council wait a couple of more months until the Lagoon Task Force Committee can meet a few more times.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent and Councilmembers Woehler and Brodersen who voted Nay, the Mayor declared the motion passed.

Administrator Blecke gave an update on the 2020 Census and the Housing Study. He noted that Wayne's population has increased by 313 people in City limits. Wayne is now at 5,973, which is a 5.5% increase over the 2010 census. Wayne County increased by 102.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:42 p.m.