

**MINUTES  
CITY COUNCIL MEETING  
October 5, 2021**

The Wayne City Council met in regular session at City Hall on October 5, 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, Chris Woehler, Jason Karsky and Jill Brodersen; Attorney Amy Miller; and City Clerk Betty McGuire. Absent: Councilmembers Yasuko Taoka and Matt Eischeid.

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 Buck made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meeting of September 21, 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 Councilmembers Taoka and Eischeid 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:**

**Delete from claims 1/19/21: City of Wayne Payroll - \$92.29**

AMERITAS LIFE INSURANCE, SE, 208.22; AMERITAS, SE, 91.43; AMERITAS, SE, 72.00; AMERITAS, SE, 2996.16; ANDERSON, BONNIE, RE, 50.00; APPEARA, SE, 166.59; BARTZ, TIM, RE, 500.00; BENSCOTER, LOUIS, RE, 1000.00; BLACK HILLS ENERGY, SE, 308.98; BLUE CROSS BLUE SHIELD, SE, -48904.74; BONDHUS, ANNA, RE, -25.00; BORDER STATES INDUSTRIES, SU, 1190.87; BROWN SUPPLY, SU, 384.00; CARHART LUMBER COMPANY, SU, 267.46; CARROT-TOP INDUSTRIES, SU, 528.11; CENTURYLINK, SE, 426.59; CERTIFIED TESTING SERVICES, SE, 4500.00; CITY EMPLOYEE, RE, 27.78; CITY EMPLOYEE, RE, 139.64; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 109.13; CITY EMPLOYEE, RE, 30.56; CITY EMPLOYEE, RE, 288.40; CITY OF WAYNE, RE, 2.23; CITY OF WAYNE, RE, -2.23; CITY OF WAYNE, PY, 83904.08; CITY OF WAYNE, RE, 92.29; CITY OF WAYNE, RE, 1593.01; CITY OF WAYNE, RE, -312.83; CONSOLIDATED MANAGEMENT, SE, 97.36; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DCL AMERICA, SU, 11037.00; DGR & ASSOCIATES, SE, 907.50; DUTTON-LAINSON, SU, 376.41; EAKES OFFICE PLUS, SE, 2431.04; FIRST CONCORD GROUP, SE, 3467.88; FLOOR MAINTENANCE, SU, 1177.08; FREDRICKSON OIL, SU, 281.50; GALE/CENGAGE LEARNING, SU, 148.79; GERHOLD CONCRETE, SU, 859.53; GILLILAND, RACHEL, RE, 250.00; GRAYBEAL, LISA, RE, -30.00; HAWKINS, SU, 2739.98; HILAND DAIRY, SU, 201.49; ICMA, SE, 34.38; ICMA, SE, 1619.90; ICMA, SE, 375.83; ICMA, SE, 7956.04; ICMA, SE, 159.20; ICMA, SE, 145.28; ICMA, SE, 112.52; ICMA, SE, 55.00; ICMA, SE, 124.70; ICMA, SE, 366.40; IRS, TX, 14459.24; IRS, TX, 10912.53; IRS, TX, 3381.56; ISLAND SPRINKLER SUPPLY, SU, 162.44; KTCH, SE, 150.00; KUTCHA, ANDY, RE, -30.00; L & L THOMPSON CONSTRUCTION, SE, 2250.00; LEU, SAMANTHA, RE, -30.00; LOPEZ, ERICA, RE, -30.00; MAIN STREET GARAGE, SE, 1593.37; MARCO, SE, 175.92; MCCARTHY, ERIKA, RE, -30.00; MYERS CONSTRUCTION COMPANY, SE, 160099.93; NE DEPT OF REVENUE, TX, 4707.70; NE STATE TREASURER, RE, 285.00; NE STATE TREASURER, RE, 312.83; NNEDD, SE, 762.00; OVERDRIVE, SU, 191.40; PATEFIELD, DAVID, RE, -60.00; POLICE OFFICERS' ASSOCIATION OF NE, FE, 105.00; POLICE OFFICERS' ASSOCIATION OF NE, FE, -105.00; POUTRE, DEREK, RE, 200.00; QUADIANT LEASING USA, SE, -2691.00; QUALIFICATION TARGETS, SU, 451.77; STADIUM SPORTING GOODS, SU, 63.00; STANLEY STEEMER, SE, 1112.00; STAPLES, SU, 86.41; STURM, MIKE, RE, -25.00; TINT SPECIALTIES, SU, 419.00; VAN DIEST SUPPLY, SU, 592.50; VIAERO, SE, 67.00; WAYNE COMMUNITY SCHOOLS, FE, 48.00; WEMHOFF, ANTHONY, RE, -25.00; WESCO, SU, 108.00; WINNER'S CIRCLE, SU, 240.00; WISNER WEST, SU, 197.37; Y & Y LAWN SERVICE, SU, 120.00; ZACH HEATING & COOLING, SU, 110.50; ACE HARDWARE & HOME, SU, 354.04; ADVANTAGE TAPE ADVERTISING, SE, 373.00; APPEARA, SE, 59.57; ARNIE'S FORD, SE, 265.67; BOMGAARS, SU, 2690.30; BOMGAARS, SU, 172.94; BSN SPORTS, SU, 187.50; CARHART LUMBER COMPANY, SU, 35.30; CARPENTER PAPER COMPANY, SU, 535.68; CDW GOVERNMENT, SU, 13014.44; CITY EMPLOYEE, RE, 6.51; CITY EMPLOYEE, RE, 49.16; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 28644.44; COPY WRITE PUBLISHING, SE, 147.70; FLOOR MAINTENANCE, SU, 306.46; FREDRICKSON OIL, SU, 1342.00; GERHOLD CONCRETE, SU, 652.56; GRAPHIC CONTROLS ACQUISITION CORP, SU, 827.15; GREENFIELD, BRETT, SE, 50.00; GROSSENBURG IMPLEMENT, SU, 89.46; GROSSENBURG IMPLEMENT, SU, 360.98; HAWKINS, SU, 1073.00; HILAND DAIRY, SE, 11.01; HYDRO OPTIMIZATION, SE, 75.00; JOHN'S WELDING AND TOOL, SE, 283.25; JORGENSEN CONCRETE & CONSTRUCTION, SE, 2500.00; KOPECKY, ABBY, SE, 30.00; LIQUID ENGINEERING CORPORATION, SE, 2950.00; LUTT OIL, SU, 6872.70; MUNICIPAL SUPPLY, SU, 5239.53; MUNICIPAL SUPPLY, SU, 30.50; NORBLADE, TATE, SE, 30.00; NORTHEAST POWER, SE, 8154.00; ONE CALL CONCEPTS, SE, 239.02; PAC N SAVE, SU, 1136.99; PAC N SAVE, SU, 891.40; PLUNKETT'S PEST CONTROL, SE, 97.34; QHA CLEANING, SE, 1375.00; QUALITY 1 GRAPHIC, SU, 750.00; QUALITY FOOD CENTER, SU, 48.21; RONHOVDE, ANNE, RE, 408.00; S & S WILLERS, SU, 3036.41; STAPLES, SU, 53.69; STATE NEBRASKA BANK & TRUST, SU, 950.05; STATE NEBRASKA BANK-PETTY CASH, RE, 95.55; STATE NEBRASKA BANK-PETTY CASH, RE, 416.63;

STATE NEBRASKA BANK-PETTY CASH, RE, 51.52; STATE TREASURER OF NE, RE, 755.18; US BANK, SU, 451.42; US BANK, SU, 4454.34; US BANK, SU, 2147.40; UTILITY EQUIPMENT, SU, 5281.20; WAYNE AUTO PARTS, SU, 294.65; WAYNE COMMUNITY SCHOOLS, RE, 1994.25; WAYNE COMMUNITY SCHOOLS, SE, 50.00; WAYNE HERALD, SE, 2342.88; WAYNE HERALD, SE, 447.00; WAYNE HERALD, SE, 617.50; WAYNE RENTALS, RE, 500.00; WAYNE SENIOR CENTER, SE, 24.75; WAYNE STATER, SE, 300.00; WESCO, SU, 231.12; WAPA, SE, 15318.09; ZIMCO SUPPLY, SU, 1050.00; GLOBAL PAYMENTS INTEGRATED, FE, 266.66; MERCHANT SERVICES, FE, 1868.62; MERCHANT SERVICES, FE, 4387.50; MERCHANT SERVICES, FE, 60.68; STATE NEBRASKA BANK & TRUST, SE, 61.12; WAYNE HERALD, SE, 70.00

**FISCAL YEAR 2021-2022:** BLUE CROSS BLUE SHIELD, SE, 48904.74; CITY EMPLOYEE, RE, 175.00; DEARBORN LIFE INSURANCE COMPANY, SE, 106.64; HOMETOWN LEASING, SE, 436.02; MILLER LAW, SE, 5416.67; NORTHEAST NE INS AGENCY, SE, 93061.66; POLICE OFFICERS' ASSOCIATION OF NE, FE, 105.00; PROVIDENCE MEDICAL CENTER, RE, 73084.00; QUADIENT LEASING USA, SE, 2691.00; STANTON YOUTH VOLLEYBALL PROGRAM, FE, 450.00; WAED, SE, 8592.41

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to approve the claims. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Taoka and Eischeid who were absent, the Mayor declared the motion carried.

Mayor Giese advised the Council that he has received the resignation of Councilmember Yasuko Taoka effective immediately. Because the resignation is effective immediately, he requested Council to accept the same and then declare a "Notice of Vacancy" in Ward 2 and authorize the City Clerk to publish notice.

Councilmember Brodersen made a motion, which was seconded by Councilmember Woehler, to accept the resignation of Councilmember Yasuko Taoka effective immediately and to declare a "Notice of Vacancy" in Ward 2 and authorize the City Clerk to publish notice. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Taoka and Eischeid who were absent, the Mayor declared the motion carried.

Mayor Giese stated the time was at hand for the public hearing regarding the application for a Retail Class C Liquor License on behalf of Baha, Inc., d/b/a "Raintree Liquor" located at 421 N Main Street.

Doug Manz and Jason Claussen were present to answer questions.

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

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

Councilmember Spieker introduced Resolution No. 2021-56 and moved for its approval; Councilmember Woehler seconded.

RESOLUTION NO. 2021-56

A RESOLUTION APPROVING THE APPLICATION FOR A RETAIL CLASS C LIQUOR LICENSE — BAHA, INC., D/B/A “RAINTREE LIQUOR.”

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

Joel Hansen, Street & Planning Director, stated three bids were received on the “Old City of Wayne Lagoon Berm Dirt Work Project.” Bids ranged from \$5,460.00 to \$14,640.00. The recommendation of staff is to award said contract to the low bidder – S & V Excavation, LLC, for \$5,460.00.

Councilmember Karsky introduced Resolution No. 2021-57 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2021-57

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE “OLD CITY OF WAYNE LAGOON BERM DIRT WORK PROJECT” — S & V EXCAVATION, LLC - \$5,460.00.

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

Joel Hansen, Street and Planning Director, on behalf of Lowell Heggemeyer, Parks and Recreation Director, stated two bids were obtained from Bobcat for the purchase of a new tool cat w/broom. Bobcat from Norfolk was the low bidder by \$51.43 - \$61,500.87.

Councilmember Brodersen introduced Resolution No. 2021-58 and moved for its approval, Councilmember Spieker seconded.

RESOLUTION NO. 2021-58

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE PURCHASE OF A BOBCAT UW56 FROM BOBCAT OF NORFOLK, NEBRASKA — \$61,500.87.

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

Joel Hansen, Street and Planning Director, stated he had obtained two bids from Bobcat for the purchase of a new S66 T4 Bobcat Skid Steer Loader with attachments. Bobcat from Norfolk was the low bidder with \$39,209.02. This will replace their existing 2012 skid loader.

Councilmember Brodersen introduced Resolution No. 2021-59 and moved for its approval, Councilmember Karsky seconded.

#### RESOLUTION NO. 2021-59

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF AN S66 T4 BOBCAT SKID STEER LOADER WITH ATTACHMENTS FROM BOBCAT OF NORFOLK, NEBRASKA - \$39,209.02.

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

Phil Monahan, Fire Chief, and Brent Doring of the Wayne Volunteer Fire Department, presented the Council with the bid specifications for a new fire truck. They were requesting Council approval of the specifications and to direct the City Clerk to begin advertising for bids. The estimated cost of the new truck is \$535,000.

Councilmember Karsky introduced Resolution No. 2021-60 and moved for its approval; Councilmember Spieker seconded.

#### RESOLUTION NO. 2021-60

A RESOLUTION APPROVING FIRE TRUCK AND EQUIPMENT SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

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

Contractor's Application for Payment No. 3 was submitted by JEO Consulting Group, Inc., in the amount of \$102,061.01 to Myers Construction, Inc., for the "Pine Heights Road & Utility Improvements Project – CDBG No. 19-PW-017."

Joel Hansen, Street and Planning Director, updated the Council on the project.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, approving Contractor's Application for Payment No. 3 in the amount of \$102,061.01 to Myers Construction, Inc., for the "Pine Heights Road & Utility Improvements Project – CDBG No. 19-PW-017." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

In regard to the next agenda item, the Community Redevelopment Authority (CRA) is asking that a \$300,000 loan be forgiven by the City that dates back to 2012. They are also asking for a line of credit for property purchases.

In 2012, the City applied for \$300,000 in funds from LB 840 to start a down payment assistance program for new housing construction. Ultimately, the City could not use those LB 840 funds with the flexibility they wanted or needed, so the City used Electric Funds to fund the program. This loan is to be paid back in 2024 or renegotiated at that time. The current CRA is being more aggressive in redevelopment than previous CRA's. They would like to clear this debt up so they know what funds they can use long-term for redevelopment purposes.

The CRA is currently funded by lot sales in Western Ridge, and only a few are left, as well as through an annual contribution from the excess economic development funds generated by the 1.85% charged to electric customers. This year that amount was \$28,000+. The CRA briefly discussed at its last meeting the possibility of asking the City to include a property tax asking (the same way the airport operates). State Statutes allow the CRA to ask up to \$.026 on \$100 of valuation. With the 2021 valuation, that would have generated about \$68,000 this year. Another option is to allocate a certain percentage of sales tax money to the CRA at the next election. If the City wants the CRA to continue to be aggressive with some less than appealing properties that the market isn't moving to redevelop, they have to have funds to operate, whether those are payable loans from conventional financing or city financing, or forgivable loans from City funds.

The balance in the CRA checking account at this time is around \$409,000. The CRA has a couple of opportunities to purchase property, one being the property at 2<sup>nd</sup> & Logan Street for \$70,000. They have a purchase agreement on this property.

After some discussion, Councilmember Spieker made a motion, which was seconded by Councilmember Muir, to enter into executive session for the protection of the public interest to discuss proposed real estate purchases by the Community Redevelopment Authority, and to allow City Administrator Blecke (via zoom); City Clerk McGuire, Finance Director Beth Porter, Electric Distribution Superintendent Tim Sutton, Street & Planning Director Joel Hansen, Water/Wastewater Superintendent Casey Junck and Police Chief Marlen Chinn, to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried, and executive session began at 5:45 p.m.

Mayor Giese again stated the matter to be discussed in execution session relates to discussing proposed real estate purchases by the Community Redevelopment Authority.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried, and open session resumed at 6:20 p.m.

Greg Ptacek, a member of the Community Redevelopment Authority, was present and distributed a handout showing the current projects the CRA is actively working on. In his opinion, government should be involved in things where the market has failed. He thinks that is where the CRA's role comes in – where the private market has failed. The CRA can act as an arm of the City. When asked, Mr. Ptacek was agreeable to extending the \$300,000 loan another 5 years.

Some concern was expressed to the Council in regard to forgiving the \$300,000 loan. This is due to the fact that the electric rate payers, at this time, are paying a "Production Cost Adjustment" on their electric bills as a result of the winter cold event last February that is being paid off through the Electric Fund.

After some discussion, Councilmember Spieker made a motion to extend the \$300,000 note/loan that is due in 2024 to December 31, 2026. After further discussion, Councilmember Spieker withdrew his motion.

After further discussion, Councilmember Woehler made a motion to deny the request to forgive the current loan in the amount of \$300,000 due in 2024 and to approve an additional \$200,000 line of credit to be given to the Community Redevelopment Authority, with any money taken out due December 31, 2026, and accruing interest at the rate of .50%.

Councilmember Karsky seconded the motion.

Mayor Giese opined he would not put an end date on the line of credit.

Both Councilmember Woehler and Councilmember Karsky withdrew their motion and second.

After further discussion, Councilmember Buck made a motion, which was seconded by Councilmember Brodersen, approving an additional \$200,000 line of credit with the Community Redevelopment Authority at .50% interest to begin at the time they start withdrawing on the line of credit.

It was noted that the \$300,000 loan is not forgiven and still due in 2024.

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

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:55 p.m.