

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

The Wayne City Council met in regular session at City Hall on December 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 Brendon Pick, Nick Muir, Dallas Dorey, Chris Woehler, Jason Karsky, and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Terri Buck 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 Brodersen made a motion, which was seconded by Councilmember Muir, to approve the minutes of the meeting of November 16, 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 Buck 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:** ACES, SE, 956.14; AMAZON, SU, 1080.79; AMERITAS, SE, 157.25; AMERITAS, SE, 129.38; AMERITAS, SE, 72.00; AMERITAS, SE, 3068.52; APPEARA, SE, 120.11; ARNIE'S FORD, SE, 64.09; ASPM LANDSCAPES, SE, 19063.00; BALDWIN, KARI, RE, 25.00; BENSCOTER CONST,

RE, 500.00; BERNAL, HERWIN, RE, 500.00; BERTOLAS, RANDY, RE, 500.00; BLUE CROSS BLUE SHIELD, SE, 46852.16; BOK FINANCIAL, RE, 7367.50; BOK FINANCIAL, RE, 14222.50; BOMGAARS, SU, 909.47; BOMGAARS, SU, 120.42; BROWN SUPPLY, SU, 107.00; BSN SPORTS, SU, 70.00; CENTURYLINK, SE, 425.45; CITY EMPLOYEE, RE, 3880.00; CITY EMPLOYEE, RE, 44.54; CITY EMPLOYEE, RE, 3790.44; CITY EMPLOYEE, RE, 281.59; CITY EMPLOYEE, RE, 248.83; CITY EMPLOYEE, RE, 232.43; CITY EMPLOYEE, RE, 231.40; CITY EMPLOYEE, RE, 168.06; CITY EMPLOYEE, RE, 217.60; CITY EMPLOYEE, RE, 95.60; CITY EMPLOYEE, RE, 3483.19; CITY EMPLOYEE, RE, 479.97; CITY OF WAYNE, PY, 94254.01; CITY OF WAYNE, RE, 774.45; COLONIAL RESEARCH, SU, 268.67; COMER, HEATHER, RE, 55.00; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 70000.00; CONSOLIDATED MANAGEMENT, SE, 46.28; CORE & MAIN, SU, 1063.77; CUMING CO. COURT, RE, 124.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DAVE'S DRY CLEANING, SE, 48.00; DEARBORN LIFE INSURANCE COMPANY, SE, 103.20; DUTTON-LAINSON COMPANY, SU, 992.96; FIRST CONCORD GROUP, FE, 3467.88; FLOOR MAINTENANCE, SU, 54.65; FREDRICKSON OIL, SU, 1055.92; GALE/CENGAGE LEARNING, SU, 24.69; GERHOLD CONCRETE, SU, 8913.38; GODFATHERS PIZZA, SU, 119.77; HAWKINS, SU, 528.31; HILAND DAIRY, SE, 103.89; HILAND DAIRY, SE, 85.36; HP INC, SU, 6520.00; HYDRO OPTIMIZATION, SU, 6790.00; ICMA, SE, 34.38; ICMA, SE, 375.83; ICMA, SE, 145.28; ICMA, SE, 159.20; ICMA, SE, 1432.70; ICMA, SE, 8250.25; ICMA, SE, 112.52; ICMA, SE, 55.00; ICMA, SE, 124.70; ICMA, SE, 366.40; INTERSTATE ALL BATTERY, SU, 525.09; IRS, TX, 10916.29; IRS, TX, 15842.88; IRS, TX, 3705.08; ISLAND SPRINKLER SUPPLY, SE, 557.47; JEO CONSULTING GROUP, SE, 1067.56; KELLY SUPPLY COMPANY, SU, 191.71; KERKMAN, BRYCE, SE, 72.00; KNUTSON, ERIC & LINDSEY, RE, 100.00; KTCH, SE, 150.00; L.G. EVERIST, SU, 409.09; LANGLEY, BRANDY, RE, 20.00; LAWLER FIXTURE, SU, 450.94; LINDNER, PAUL, RE, 500.00; MACQUEEN EQUIPMENT, SU, 288.49; MAIN STREET GARAGE, SU, 1049.96; MARK, MICHELLE, RE, 200.00; MATT PARROTT, SU, 294.55; NE DEPT OF ENVIRONMENTAL QUALITY, RE, 201596.88; NE DEPT OF ENVIRONMENTAL QUALITY, RE, 87809.29; NE DEPT OF REVENUE, TX, 4805.17; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 243.00; NERC, SE, 930.77; NORTHEAST POWER, SE, 13819.26; NORTHEAST TIRE SERVICE, SE, 40.00; OLSSON ASSOCIATES, SE, 365.00; O'REILLY AUTOMOTIVE STORES, SU, 6.49; OVERHEAD DOOR, SE, 1098.50; PLUNKETT'S PEST CONTROL, SE, 33.75; POSTMASTER, SU, 948.17; QHA CLEANING, SE, 1499.64; QHA CLEANING, SE, 1499.64; QHA CLEANING, SE, -1,499.64; QUILL, SU, 70.56; RERUCHA, MICHAEL, SE, 72.00; SCHMITZ, CINDY, SE, 45.00; SOMMERFIELD & SONS CONSTRUCTION, RE, 500.00; SPERRY, KYLE, SE, 48.00; STATE NEBRASKA BANK & TRUST, FE, 60.32; STATE NEBRASKA BANK & TRUST, RE, 9202.50; WAYNE COUNTY COURT, RE, 230.00; WAYNE SENIOR CENTER, SE, 50.00; WAYNE SENIOR CENTER, SE, 183.25; WYAPT, FE, 25.00; AMERICAN BROADBAND, SE, 1448.27; AMERITAS, SE, 197.96; AMERITAS, SE, 2989.44; AMERITAS, SE, 72.00; AMERITAS, SE, 97.14; APPEARA, SE, 50.66; AXON ENTERPRISE, SU, 1102.32; BLACK HILLS ENERGY, SE, 1,254.18; CDW GOVERNMENT, SE, 7367.10; CERTIFIED TESTING SERVICES, SE, 539.00; CITY EMPLOYEE, RE, 137.50; CITY EMPLOYEE, RE, 5.49; CITY EMPLOYEE, RE, 118.23; CITY EMPLOYEE, RE, 121.60; CITY EMPLOYEE, RE, 60.00; CITY EMPLOYEE, RE, 20.77; CITY OF WAYNE, PY, 85081.42; CITY OF WAYNE, RE, 45.55; CIVICPLUS, FE, 7566.83; COMPLETE FLOORS, SE, 5092.00; CONSOLIDATED MANAGEMENT, SE, 54.77; COPY WRITE PUBLISHING, SE, 272.41; DEARBORN LIFE INSURANCE COMPANY, SE, 2694.77; DICKENS, RUSTY, RE, 500.00; DOWNEY DRILLING, SU, 38706.36; ECHO GROUP, SU, 183.47; ED M. FELD EQUIPMENT, SU, 18.50; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 841.75; FLOOR MAINTENANCE, SU, 103.28; GALE/CENGAGE LEARNING, SU, 49.38; GLOBAL PAYMENTS INTEGRATED, SE, 186.94; GOVERNMENTAL ACCOUNTING, SU, 307.00; HILAND DAIRY, SE, 153.84; HOLIDAY INN EXPRESS-FREMONT, SE, 279.90; HYPERION, SE, 81.00; ICMA, SE, 55.00; ICMA, SE, 8288.55; ICMA, SE, 159.20; ICMA, SE, 366.40; ICMA, SE, 1432.70; ICMA, SE, 145.28; ICMA, SE, 375.83; ICMA, SE, 34.38; ICMA, SE, 124.70; ICMA, SE, 112.52; INTERSTATE BATTERY SYSTEM, SU, 129.95; IRS, TX, 11081.48; IRS, TX, 3436.38; IRS, TX, 14693.32; JR

ROOFING, SE, 9468.00; KAY, MIKE, RE, 500.00; KEPCO ENGRAVING, SU, 151.60; KERKMAN, BRYCE, SE, 84.00; LASER PRO CORP, SE, 7857.00; MAIN STREET GARAGE, SE, 50.00; MARCO, SE, 175.92; MATHESON-LINWELD, SU, 34.25; MERCHANT SERVICES, SE, 48.90; MERCHANT SERVICES, SE, 1232.07; MERCHANT SERVICES, SE, 4089.50; MIDWEST ALARM SERVICES, SE ALARM BATTERIES, RE, -69.66; MIDWEST LABORATORIES, SE, 790.00; MILLER LAW, SE, 5416.67; NE DEPT OF REVENUE, TX, 4862.27; NPPD, SE, 24987.28; NORTHEAST POWER, SE, 6591.00; ONE CALL CONCEPTS, SE, 175.81; ONE OFFICE SOLUTION, SU, 119.00; O'REILLY AUTOMOTIVE STORES, SU, 23.98; PAC N SAVE, SU, 229.46; PAC N SAVE, SU, 757.74; PERMIT TECH NATION, FE, 25.00; PLUNKETT'S PEST CONTROL, SE, 43.26; PREMIER BIOTECH, SE, 134.86; PRONUNCIATOR, SU, 450.00; QHA CLEANING, SE, 2785.96; QUADIENT LEASING, SE, 655.38; ROBERT WOehler & SONS, RE, 250.00; SKARSHAUG TESTING LAB, SE, 231.67; SPERRY, KYLE, SE, 36.00; STADIUM SPORTING GOODS, SE, 78.00; STAPLES, SU, 279.28; STATE NEBRASKA BANK, RE, 6263.75; THE HOME DEPOT PRO, SU, 3456.58; TITAN MACHINERY, SU, 436.29; TOM'S BODY & PAINT SHOP, SE, 117.50; TYLER TECHNOLOGIES, SE, 200.00; VIAERO, SE, 66.46; WASTE CONNECTIONS, SE, 200.00; WAED, SE, 8592.41; WAYNE VETERINARY CLINIC, SE, 602.00; WAPA, SE, 20069.90; WIGMAN COMPANY, SU, 1949.24; WISNER WEST, SU, 128.15

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, 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 Eischeid who were absent and Councilmember Woehler who abstained, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Karsky, approving the mayoral appointment of Mytzy Rodriguez-Kufner as Commissioner to the Wayne Public Housing Authority. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Terry Mead, representing JEO Consulting Group, Inc., presented Change Order No. 2 which is a decrease of \$15,921.60 to Myers Construction, Inc., for the "Pine Heights Road & Utility Improvements Project - CDBG No. 19-PW-017." This squares up the "as-built" quantities with the contract quantities. The majority of the savings comes from a bid item that was in the contract for stabilized subgrade. The contractor did end up stabilizing some of the subgrade on his own, but the City did not pay for that.

Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving Change Order No. 2, which is a decrease of \$15,921.60 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 Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Contractor's Application for Payment No. 5 was submitted by JEO Consulting Group, Inc., in the amount of \$29,020.20 to Myers Construction, Inc., for the "Pine Heights Road & Utility Improvements Project – CDBG No. 19-PW-017." There is still being held \$36,303.99 in retainage. This is being held back because the contractor went past the date that he was required to complete the project, so there is a possibility of liquidated damages being assessed. The City will have the discussion of whether or not to assess liquidated damages at their next meeting.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving Contractor's Application for Payment No. 5 in the amount of \$29,020.20 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 Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Mr. Mead stated the Certificate of Substantial Completion establishes November 19<sup>th</sup> as the actual date upon which the contractor had substantial completion. However their contract date was November 5<sup>th</sup>.

Councilmember Muir made a motion, which was seconded by Councilmember Karsky, approving the Certificate of Substantial Completion (date of November 19, 2021) for 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 Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Councilmember Karsky introduced Ordinance No. 2012-14 and moved for approval of the third and final reading thereof; Councilmember Woehler seconded.

#### ORDINANCE NO. 2021-14

#### AN ORDINANCE ADOPTING OFFICIAL CITY OF WAYNE WARD MAP.

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

Administrator Blecke stated that Northeast Power approached the City to gauge our interest in selling excess power we would have when we generate back to the grid during emergencies. The agreement in the packet does not force the City to generate or generate in excess. It only allows the City to sell excess power generated that we put back on the grid to Northeast Power. Northeast Power is looking to specifically hedge their power purchases through February 2022, especially if another “polar vortex” took place. After March 1, 2022, Big Rivers (BREC) has hedges in place to minimize purchase risks for both Northeast Power and the City of Wayne. Staff has worked on a determined price for the agreement; this price is a fixed cost (i.e. personnel, maintenance) plus a variable fuel cost and a 20% upcharge, and the same is included in the Resolution that was distributed.

After discussion, Councilmember Brodersen introduced Resolution No. 2021-68 and moved for its approval, with the following changes to subparagraph a. thereof:

“If the City runs generators to produce power for the benefit of the City, and if the City produces excess power, then the City ~~shall~~ **may** first offer excess power to Northeast for the price of \$250 plus \$73.50 times the day of diesel cost per megawatt hour prior to placing excess power for sale on the market.

Councilmember Karsky seconded the motion.

#### RESOLUTION NO. 2021-68

#### A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF WAYNE AND NORTHEAST POWER.

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

The City recently adopted “Procurement Procedures and a Code of Conduct” back in August, 2021; however, the Department of Economic Development has, again, updated the said document. A few changes were: updated values for micro-purchases and small purchase thresholds, which have increased from \$3,000 and \$150,000 to \$10,000 and \$250,000 respectively.

Councilmember Brodersen introduced Resolution No. 2021-69 and moved for its approval; Councilmember Dorey seconded the motion.

#### RESOLUTION NO. 2021-69

A RESOLUTION ADOPTING UPDATED PROCUREMENT PROCEDURES AND CODE OF CONDUCT.

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

The following Resolution would approve an agreement with Northeast Nebraska Economic Development District for the general administration of CDBG 21-HO-35041. The City was notified on November 18<sup>th</sup> that it was awarded up to \$315,000 to be used for owner-occupied rehabilitation. This is the grant that the City applied for, but will be used by Wayne Community Housing Development Corporation for owner-occupied rehab purposes. The amount was for \$250,000, with no match required.

Councilmember Karsky introduced Resolution No. 2021-70 and moved for its approval; Councilmember Muir seconded the motion.

#### RESOLUTION NO. 2021-70

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) FOR THE GENERAL ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (OWNER-OCCUPIED REHAB) 21-HO-35041).

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

Lowell Heggemeyer, Parks and Recreation Director, obtained two bids for the purchase of a new pickup truck. After reviewing the bids, his recommendation is to accept the low bid from Arnie's Ford, Inc., through the state bid system, in the amount of \$36,023. This will replace the 1991 Chevrolet flatbed.

Councilmember Brodersen introduced Resolution No. 2021-71 and moved for its approval; Councilmember Karsky seconded the motion.

RESOLUTION NO. 2021-71

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. - \$36,023.

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

Through the years, the City has entered into interlocal agreements with the Village of Carroll to utilize Wayne's certified water treatment personnel; the most recent one being entered into in 2009. Casey Junck, Water/Wastewater Superintendent, was hired as the after hours part-time water/wastewater operator for Carroll. Casey is now stepping down from that position. Jacob Davis is/has now stepped into that position. This Resolution will just reaffirm what was passed back in 2009 and then authorize the Mayor to sign the application for Jacob to serve as a licensed operator for more than one Nebraska public water system.

Councilmember Karsky introduced Resolution No. 2021-72 and moved for its approval; Councilmember Dorey seconded.

RESOLUTION NO. 2021-72

A RESOLUTION REAFFIRMING THE INTERLOCAL COOPERATIVE AGREEMENT TO JOINTLY OPERATE THE MUNICIPAL WATER SYSTEMS AND THE MUNICIPAL WASTEWATER SYSTEMS OF THE CITY OF WAYNE AND THE VILLAGE OF CARROLL AND AUTHORIZING THE MAYOR TO SIGN THE APPLICATION OF JACOB DAVIS TO SERVE AS A LICENSED OPERATOR FOR MORE THAN ONE NEBRASKA PUBLIC WATER SYSTEM.

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

The following Resolution would amend the Personnel Policy – Section 7.15 Holiday Leave to add Juneteenth as a holiday and Section 13.11 Employee Benefits to add "cell phone stipend." The cell phone stipend was implemented back in December, 2005, but was never included in the personnel manual. The stipend of \$25 has not been changed since 2005. This amendment increases the stipend from \$25.00 to \$50.00 per month for full-time and permanent part-time employees.

It was noted that verification should take place on employees having a cell phone.

Councilmember Muir introduced Resolution No. 2021-73 and moved for its approval; Councilmember Dorey seconded.

#### RESOLUTION NO. 2021-73

A RESOLUTION AMENDING SECTION 7.15 HOLIDAY LEAVE AND SECTION 13.11 EMPLOYEE BENEFITS OF THE CITY OF WAYNE PERSONNEL MANUAL.

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

The following Resolution would amend the Wage and Salary Schedule by including a 3% cost of living increase that was approved in the budget. The following are changes to said schedule:

- “Lifeguard” position was separated from “Part-Time Employees;”
- “Power Plant Mechanic/Operator I” was added; and
- “Light Plant Operator II” was deleted.

This would be effective with the first payroll period in January, 2022.

Councilmember Brodersen introduced Resolution No. 2021-74 and moved for its approval; Councilmember Muir seconded the motion.

#### RESOLUTION NO. 2021-74

A RESOLUTION AMENDING THE WAGE AND SALARY SCHEDULE.

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

Discussion took place on changing from voting for Councilmembers by ward to voting for Councilmembers by ward (4) and at-large (4) and directing staff to prepare the necessary documents for the same.

From the previous conversation with Council, staff has done more research into how a new at-large/ward system would transition from a ward system of representation. State Statute spells out how to obtain the at-large representatives (at the first election, the 2 at-large candidates receiving the highest votes

would get 4-year terms and the others would get 2-year terms), but does not state how the ward reps would transition.

State Statute 32-554 states that the City Council “shall establish districts or wards so that approximately one-half of the members of its governing board may be nominated and elected from districts or wards at each election. Districts or wards shall be created not later than October 1 in the year following the general election at which the question was voted upon.” This could mean that even number wards can be elected to 2-year terms and odd number wards to 4-year terms at that first election. This scenario means at the first election, Wayne elects two at-large members to 4-year terms, and the two odd number wards to 4-years; and it also elects two at-large members to 2-year terms and the two even number wards get 2-year terms.

The transition is “messy,” as the Council would have to determine/volunteer which members are being elected to what type of term. However, once the first election is held, the subsequent elections would be similar to what we do now, but with two members every election being at-large and two every election being from wards.

After further discussion, the item died for lack of a motion.

Councilmember Muir made a motion, which was seconded by Councilmember Woehler to set a town hall meeting to discuss annexation for Tuesday, December 21, 2021, at 5:30 p.m. at the Wayne Senior Center. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid 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 6:38