

**MINUTES  
CITY COUNCIL MEETING  
August 16, 2022**

The Wayne City Council met in regular session at City Hall on August 16, 2022, 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, Terri Buck, Nick Muir, Dallas Dorey, 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 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 Woehler, to approve the minutes of the meeting of August 2, 2022, 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:** AMERITAS, SE, 161.94; AMERITAS, SE, 35.00; AMERITAS, SE, 94.18; AMERITAS, SE, 72.00; AMERITAS, SE, 2977.08; APPEARA, SE, 120.76; APX, FE, 65.85; ARC-HEALTH & SAFETY, SU, 513.29; BATTERY SOLUTIONS, SU, 204.00; BEIERMANN ELECTRIC, SE,

680.00; BLACK HILLS ENERGY, SE, 352.86; BRODERS, COLEMAN, RE, 408.00; CITY EMPLOYEE, RE, 652.60; CITY EMPLOYEE, RE, 218.25; CITY EMPLOYEE, RE, 105.20; CITY EMPLOYEE, RE, 178.19; CITY EMPLOYEE, RE, 170.40; CITY OF WAYNE, PY, 100612.02; CITY OF WAYNE, RE, 2077.25; CONTINENTAL FIRE SPRINKLER, SE, 215.00; COPY WRITE PUBLISHING, SU, 187.00; COPY WRITE PUBLISHING, SE, 91.59; COTTONWOOD WIND PROJECT, SE, 11078.51; DANKO EMERGENCY EQUIPMENT, SU, 334.00; DAVE'S DRY CLEANING, SE, 37.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2820.65; DEMCO, SU, 279.77; DUTTON-LAINSON COMPANY, SU, 14907.24; ED M. FELD EQUIPMENT, SU, 28.34; EGAN SUPPLY, SE, 3109.00; ELECTRO-TEST AND MAINTENANCE, SU, 23559.00; ELLIS HOME SERVICES, SE, 2428.00; FIRST CONCORD GROUP, FE, 5869.11; FIRST SOURCE TITLE & ESCROW, SE, -457.50; FIRST SOURCE TITLE & ESCROW, SE, 457.50; GAPP, TIFFANY, RE, 20.00; GENERAL TRAFFIC CONTROLS, SU, 73.00; GERHOLD CONCRETE, SU, 11926.91; GLOBAL PAYMENTS INTEGRATED, SE, 670.62; GRAINLAND ESTATES, RE, 1732.77; GRAPHIC CONTROLS ACQUISITION CORP, SU, 1008.20; HAWKINS, SU, 1084.08; HILAND DAIRY, SE, 310.12; ICMA, RE, 35.42; ICMA, RE, 175.17; ICMA, RE, 154.18; ICMA, RE, 339.92; ICMA, RE, 105.79; ICMA, RE, 1443.86; ICMA, RE, 119.12; ICMA, RE, 65.00; ICMA, RE, 132.97; ICMA, RE, 387.46; ICMA, RE, 8654.82; INGRAM LIBRARY SERVICES, SU, 834.48; INTERSTATE BATTERY SYSTEM, SU, 186.70; IRS, TX, 16753.42; IRS, TX, 11549.55; IRS, TX, 3918.20; JOHN'S WELDING AND TOOL, SU, 211.63; KELLY SUPPLY COMPANY, SU, 99.38; KTCH, SE, 250.00; LIBRARY SKILLS, SU, 1486.95; LUTT OIL, SU, 8591.46; MAIN STREET GARAGE, SE, 220.00; MARX REPAIR, RE, 1000.00; MATHESON-LINWELD, SU, 35.06; MERCHANT SERVICES, SE, 99.44; MERCHANT SERVICES, SE, 3785.12; MERCHANT SERVICES, SE, 1303.82; MICHAEL TODD & CO, SU, 981.08; MIDWEST ALARM SERVICES, SE, 791.14; MIDWEST LABORATORIES, SE, 819.00; NDEE-FISCAL SERVICES, FE, 430.35; NDEE-FISCAL SERVICES, FE, -430.35; NE DEPT OF REVENUE, TX, 5127.76; NE LIBRARY ASSOCIATION, FE, 40.00; NPPD, SE, 7684.04; NPPD, SE, 31.00; NOLTE, SHANDI, RE, 15.00; NNEDD, SE, 1743.75; NORTHEAST POWER, SE, 8504.00; ONE CALL CONCEPTS, SE, 142.00; O'REILLY AUTOMOTIVE STORES, SU, 85.94; OVERDRIVE, SU, 1952.97; PAC N SAVE, SU, 4.70; PAC N SAVE, SU, 1123.96; PAC N SAVE, SU, 5.18; PROGRESSIVE PROPERTIES, RE, 1588.95; PROGRESSIVE PROPERTIES, RE, 4425.53; PROGRESSIVE PROPERTIES, RE, 5099.31; QUADIANT FINANCE, SU, 1000.00; QUALITY FOOD CENTER, SU, 17.79; REHAB SYSTEMS, SE, 37284.80; SEBADE HOUSING, RE, 2409.91; SEBADE HOUSING, RE, 8209.25; SKARSHAUG TESTING LAB, SE, 246.30; STATE NEBRASKA BANK & TRUST, SE, 61.76; TEMME, NATE, RE, 500.00; TIMPERLY CONSTRUCTION, SE, 1650.00; TITAN MACHINERY, SU, 232.02; TOM'S BODY & PAINT SHOP, SE, 1385.80; TYLER TECHNOLOGIES, SE, 2152.93; US FOODSERVICE, SU, 2180.56; UTILITY EQUIPMENT, SU, 311.50; VAKOC, SU, 108.24; VERIZON, SE, 584.93; WAYNE AUTO PARTS, SU, 317.88; WAYNE HERALD, SE, 438.50; WAYNE HERALD, SE, 1720.15; WAYNE HERALD, SE, 95.00; WESCO, SU, 1091.40; WAPA, SE, 21039.83; WINSUPPLY, SU, 50.96; WISNER WEST, SU, 121.78; WRIEDT PROPERTIES, RE, 500.00; ACE HARDWARE & HOME, SU, 853.07; BINSWANGER GLASS, SU, 20092.00; BROWN SUPPLY, SU, 183.00; CITY EMPLOYEE, RE, 2686.87; CITY EMPLOYEE, RE, 154.98; CITY OF WAYNE, RE, 54.09; CITY OF WAYNE, RE, -54.09; COUNTRY NURSERY, SU, 240.00; ED M. FELD EQUIPMENT, SU, 1200.00; FAITH REGIONAL PHYSICIAN SERV, SE, 129.50; FLOOR MAINTENANCE, SU, 1330.63; GERHOLD CONCRETE, SU, 1368.79; JACK'S UNIFORMS, SU, 19.50; MUNICIPAL SUPPLY, SU, 2244.22; NE AIR FILTER, SU, 65.56; NED PORN CONSTRUCTION, SE, 17000.00; PLUNKETT'S PEST CONTROL, SE, 104.15; STAPLES, SU, 347.53

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, the Mayor declared the motion carried.

Mike Powicki, Director of Athletics at Wayne State College, was present requesting Council consideration to allowing them to have a fireworks display at the College after the “Family Day” football game on Saturday, September 24, 2022.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the request of Mike Powicki, Director of Athletics at Wayne State College, to have a fireworks display at the College after the “Family Day” football game on Saturday, September 24, 2022. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Hannah Rathjen was present asking for Council consideration to allowing her to keep a blue tongue skink (lizard) inside City limits. It would be with her in her dorm room at Neihardt Hall on the Wayne State College campus. It will occasionally be out of its cage. Because this is not on the list of domesticated animals that can reside within city limits, she must get Council approval.

Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving the request of Hannah Rathjen to keep a blue tongue skink inside city limits. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Agenda Item No. 7 – Discussion and possible action to temporarily allow parking along Providence Road was stricken from the agenda. Administrator Blecke stated that Providence Medical Center has made other arrangements so this does not need to be discussed.

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

The City of Wayne is requesting \$433,000 in CDBG Public Works (PW) funding for continued implementation of the City’s phased recreational trail that has been a long-term progressive goal that will link up with an existing sidewalk/trail underpass and extend to the west and connect to another trail segment that will run by the 7-12 school, Wayne Activity Center, Park and Cemetery. \$400,000 will be used for park and recreational activities, \$25,000 will be used for general administration and \$8,000 will be used for construction management. The City will provide a minimum of \$135,333 in matching funds, for a total

project cost of \$568,333. The project will benefit low-to-moderate income persons in the community. No persons, businesses, or farms will be displaced as a result of this project.

Riah Deane with the Northeast Nebraska Economic Development District was present to answer questions.

Administrator Blecke stated that JEO Consulting Group, Inc., prepared an engineer's estimate for this project and grouped the same into four different segments. He reviewed the four different segments of the project.

The engineer has estimated all four segments to be \$875,000. This is a viable project and the City has been successful in applying for this grant before because Wayne has demonstrated a good capacity to be able to implement these projects.

Roger Protzman, engineer with JEO Consulting Group, Inc., stated when this was put together with staff, it was very conceptual at that point.

This project would get funded partially out of the Street budget and partially out of the Parks budget. After discussion, the consensus was to move forward with the grant application.

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 Brodersen introduced Resolution 2022-51, and moved for its approval; Councilmember Woehler seconded.

#### RESOLUTION NO. 2022-51

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – PUBLIC WORKS FUNDS (\$433,000).

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 2022 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, 2022.

Councilmember Eischeid introduced Resolution No. 2022-52 and moved for its approval, Councilmember Buck seconded.

RESOLUTION NO. 2022-52

A RESOLUTION AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2022.

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 Scope of Services and Task Order No. 221215.00 (which is part of the Master Services Agreement) with JEO Consulting Group, Inc., for the “Wastewater Treatment Facility Ultraviolet Light Improvement Project.” This Task Order is for engineering, design, bidding, and construction phase services to remove and replace the existing UV system at the Wastewater Treatment Plant. The engineering fees for design and bidding services will be a lump sum fee of \$30,000 and \$14,200 (hourly) will be for construction management and project oversight services. It was noted that in accordance with the Master Services Agreement, a 5% discount would be given on these fees, which would then bring the fees down to \$28,500 and \$13,490 respectively, for a total of \$41,990.

Roger Protzman, Engineer with JEO Consulting Group, Inc., was present to answer questions.

Councilmember Eischeid introduced Resolution 2022-53, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2022-53

A RESOLUTION APPROVING SCOPE OF SERVICES AND TASK ORDER NO. 221215.00 WITH JEO CONSULTING GROUP, INC., FOR THE “WASTEWATER TREATMENT FACILITY ULTRAVIOLET LIGHT IMPROVEMENT PROJECT” — LUMP SUM FEE OF \$28,500 AND HOURLY FEE OF \$13,490 – TOTAL OF \$41,990.

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

Roger Protzman, representing JEO Consulting Group, Inc., the City's engineer on the "2022 Golf Course Sanitary Sewer Extension Project" updated the Council on the project. He presented Change Order No. 1 in the amount of \$5,984.35 to Kay Contracting, Inc. This change order is for the contractor having to complete the following additional work: modify a manhole; extended the sewer line; and additional work and pipe to connect to the service line.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 1 in the amount of \$5,984.35 on behalf of Kay Contracting, Inc., for the "2022 Golf Course Sanitary Sewer Extension Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Protzman then presented Contractor's Application for Payment No. 1 in the amount of \$66,663.70 to Kay Contracting, Inc., for the "2022 Golf Course Sanitary Sewer Extension Project." The 5% retainage of \$3,508.62 is the remaining balance still due on the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Pick, approving Certificate of Payment No. 1 for \$66,663.70 to Kay Contracting, Inc., for the "2022 Golf Course Sanitary Sewer Extension Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Jason Karsky, representing the Stool To Cool Task Force, presented the "Conceptual Master Plan" for the proposed lake/lagoon project. There will be 17 campsites with full hook-up (water, sewer & electric). There is a playground, additional fields, parking, and a bathhouse. This will be a 4 acre lake and includes jetties to fish from, etc. The dog park would still be located in this area.

Matthew Smith, Engineer with Olsson, was present via zoom, to answer questions.

Administrator Blecke noted that on the Conceptual Plan, the area is named "Prairie Park."

Councilmember Eischeid made a motion, which was seconded by Councilmember Woehler, approving the "Conceptual Master Plan" presented by the Stool To Cool Task Force for the proposed lake/lagoon project. 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 Letter Agreement Amendment #1 for services on the Phase II Lagoon Project. This agreement provides for a grading plan along with a preliminary design of water and sanitary sewer (storm sewer to be included in grading plan). The fee for said services would be a lump sum fee of \$33,950.

Councilmember Brodersen introduced Resolution 2022-54, and moved for its approval; Councilmember Karsky seconded.

#### RESOLUTION NO. 2022-54

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #1 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL SERVICES ON THE "PHASE II LAGOON – FAIRGROUNDS AVENUE/RECREATIONAL DEVELOPMENT PROJECT."

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

Matthew Smith, Engineer with Olsson, presented Certificate of Payment No. 1 on the "Lincoln Street Improvements Project" for \$38,221.31 to Robert Woehler & Sons Construction, Inc.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving Certificate of Payment No. 1 for \$38,221.31 to Robert Woehler & Sons Construction, Inc., for the "Lincoln Street Improvements Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Mayor declared the motion carried.

Matthew Smith, Engineer with Olsson, presented Certificate of Payment No. 3 on the "Chicago Street Improvements Project" for \$127,633.41 to Robert Woehler & Sons Construction, Inc.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, approving Certificate of Payment No. 3 for \$127,633.41 to Robert Woehler & Sons Construction, Inc., for the "Chicago Street Improvements Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, stated the following two ordinances will amend Wayne Municipal Code Sections 78-132 Prohibited Parking and 78-133 Restricted Parking 12:00 midnight to 5:00 a.m. on Chicago Street. This is in anticipation of Chicago Street opening up to have uniform enforcement when it is opened.

Councilmember Brodersen introduced Ordinance No. 2022-16, and moved for approval thereof; Councilmember Buck seconded.

#### ORDINANCE NO. 2022-16

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – PROHIBITIONS AND ENFORCEMENT, SECTION 78-132 PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Joel Hansen, Street Superintendent stated, recommended when the following ordinance comes forward at the next meeting for its second reading that it be amended to include restricted parking on Lincoln Street from 2<sup>nd</sup> Street north.

Councilmember Eischeid introduced Ordinance No. 2022-17, and moved for approval thereof; Councilmember Woehler seconded.

#### ORDINANCE NO. 2022-17

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – PROHIBITIONS AND ENFORCEMENT, SECTION 78-133 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Mayor Giese advised the Council that he has received the resignation of Councilmember Dallas Dorey effective August 21, 2022. Mayor Giese requested Council to accept the same and then declare a “Notice of Vacancy” in Ward 3 and authorize the City Clerk to publish notice.

Councilmember Dorey advised the Council that he is moving out of his ward.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to accept the resignation of Councilmember Dallas Dorey effective August 21, 2022, and to declare a “Notice of Vacancy” in Ward 3 and authorize the City Clerk to publish notice. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Giese stated the next item on the agenda is an update on the R. Perry Construction, Inc., project and potential litigation matter.

Councilmember Muir made a motion, which was seconded by Councilmember Dorey, to enter into executive/closed session for the purpose of protecting the public interest to discuss the litigation matter and to allow Administrator Blecke, Attorney Miller, and City Clerk McGuire, to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive/closed session began at 6:49 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to a litigation matter.

Councilmember Muir made a motion, which was seconded by Councilmember Pick, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 6:54 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:54 p.m.