

**MINUTES  
CITY COUNCIL MEETING  
September 6, 2022**

The Wayne City Council met in regular session at City Hall on September 6, 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 Brittany Webber, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmembers Brendon Pick, 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 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 Eischeid made a motion, which was seconded by Councilmember Brodersen, to approve the minutes of the meetings of August 16, 2022, and August 30, 2022, 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 Pick, 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:** AMAZON, SU, 1494.11; AMERITAS, SE, 161.94; AMERITAS, SE, 97.82; AMERITAS, SE, 72.00; AMERITAS, SE, 35.00; AMERITAS, SE, 3151.76; APPEARA, SE, 126.42; APPEARA, SE, 59.77; ARC-HEALTH & SAFETY, FE, 253.00; ARDENT LIGHTING GROUP, SU, 1218.50; BAKER & TAYLOR BOOKS, SU, 642.89; BERGERS CONSTRUCTION, RE, 500.00; BERNAL, GEORGINA, SE, 70.00; BIG RIVERS ELECTRIC CORPORATION, SE, 290088.95; BLACK HILLS ENERGY, SE, 354.90; BLUE CROSS BLUE SHIELD, SE, 48458.53; BOK FINANCIAL, RE, 189890.00; BOMGAARS, SU, 1570.08; CARHART LUMBER COMPANY, SU, 93.65; CENTURYLINK, SE, 401.12; CITY EMPLOYEE, RE, 468.50; CITY EMPLOYEE, RE, 105.20; CITY EMPLOYEE, RE, 790.22; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 1118.88; CITY EMPLOYEE, RE, 175.00; CITY OF WAYNE, PY, 102953.08; CITY OF WAYNE, RE, 3225.24; CITY OF WAYNE, RE, 790.22; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 17000.00; DANKO EMERGENCY EQUIPMENT, SE, 2000.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE, SE, 96.32; DGR & ASSOCIATES, SE, 100.00; DUTTON-LAINSON COMPANY, SU, 379.63; DUTTON-LAINSON, SU, 1325.44; ED M. FELD EQUIPMENT, SE, 449.72; ELKINS PORTABLE RESTROOMS, SE, 560.00; ELLIS HOME SERVICES, SE, 235.00; EXHAUST PROS TOTAL CAR CARE, SE, 80.25; FASTENAL, SU, 51.00; FIRST CONCORD GROUP, FE, 3947.74; FLOOR MAINTENANCE, SU, 2506.47; FRIENDS OF THE LIBRARY, RE, 200.00; GALE/CENGAGE LEARNING, SU, 123.45; GERHOLD CONCRETE, SU, 364.49; GERHOLD CONCRETE, SU, 8026.98; GOTCHA COVERED OF SIOUXLAND, FE, 1179.44; GROSSENBURG IMPLEMENT, SU, 0.66; GROSSENBURG IMPLEMENT, SU, 27.54; HAWKINS, SU, 3304.47; HEIKES AUTOMOTIVE, SE, 130.00; HILAND DAIRY, SE, 181.63; HILAND DAIRY, SE, 254.60; HORIZON CONSTRUCTION, SE, 2071.00; ICMA, SE, 35.42; ICMA, SE, 339.92; ICMA, SE, 174.75; ICMA, SE, 113.73; ICMA, SE, 1443.86; ICMA, SE, 8600.14; ICMA, SE, 154.18; ICMA, SE, 132.14; ICMA, SE, 65.00; ICMA, SE, 119.12; ICMA, SE, 387.46; IRS, TX, 17006.42; IRS, TX, 3977.38; IRS, TX, 99.32; IRS, TX, 23.24; IRS, TX, 11693.21; JACK'S UNIFORMS, SU, 125.95; JEO CONSULTING GROUP, SE, 2023.75; JEO CONSULTING GROUP, FE, 521.31; JEO CONSULTING GROUP, SE, 5252.31; KAUP FORAGE & TURF, SU, 1710.00; KAY CONTRACTING, SE, 66663.70; KEPSCO ENGRAVING, SU, 21.10; KNOX, SADIE, RE, 200.00; KOUATIL, ZAYNAB, SE, 150.00; LAMP, MACKENZIE, SE, 250.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 11046.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MICHAEL TODD & CO, SU, 511.31; MILLER LAW, SE, 5416.67; MUNICIPAL SUPPLY, SU, 4494.90; MURPHY TRACTOR & EQUIPMENT, SU, 1115.63; NE DEPT OF REVENUE, TX, 5101.35; NE DEPT OF REVENUE, TX, 4.52; NE HARVESTORE, SU, 361.65; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 876.00; NERC, SE, 930.77; NORTHEAST MACHINE & MANUFACTURINC, SU, 1434.63; NORTHEAST NE INS AGENCY, SE, 5033.70; NORTHEAST POWER, SE, 18478.29; NORTHWEST ELECTRIC, FE, 35.00; NORTHWEST ELECTRIC, SU, 578.65; OLSSON, SE, 15780.52; ONE OFFICE SOLUTION, SU, 999.80; O'REILLY AUTOMOTIVE, SU, 413.66; O'REILLY AUTOMOTIVE, SU, 309.46; OVERDRIVE, SU, 29.99; POSTMASTER, SU, 999.68; QHA CLEANING, SE, 650.00; RASMUSSEN, TONI, RE, 25.00; RESCO, SU, 1122.95; ROBERT WOehler & SONS, SE, 127633.41; ROBERT WOehler & SONS, SE, 38221.31; SCHMITZ, CINDY, SE, 45.00; TOM'S BODY & PAINT SHOP, SU, 171.00; US BANK, SU, 7589.25; US FOODSERVICE, SU, 2866.73; UTILITIES SECTION, FE, 3230.00; UTILITY EQUIPMENT, SU, 63.13; VERA, CLAUDIA, RE, 200.00; VIAERO, SE, 67.36; WAED, SE, 8990.41; WAYNE VETERINARY CLINIC, SE, 84.00; WESCO, SU, 320.95; ZIMCO SUPPLY, SU, 2227.50; ZIMCO SUPPLY, SU, 1905.00; APPEARA, SE, 53.85; CITY EMPLOYEE, RE, 296.70; CITY OF WAYNE, RE, 951.90; CITY OF WAYNE, RE, 296.70; CLAUSSEN & SONS IRRIG, SE, 809.00; COTTONWOOD WIND PROJECT, SE, 11390.00; ECHO GROUP, SU, 94.44; FLOOR MAINTENANCE, SU, 145.31; GERHOLD CONCRETE, SU, 189.27; GLOBAL PAYMENTS INTEGRATED, SE, 770.01; GREAT DANE, RE, 500.00; HOMETOWN LEASING, SE, 436.02; KAUS, JENNIFER, RE, 20.00; MERCHANT SERVICES, SU, 5604.58; MERCHANT SERVICES, SU, 50.53; MERCHANT SERVICES, SU, 1324.09; NDEE-FISCAL SERVICES, FE, 500.00; NE MUNICIPAL CLERKS ASSOC, FE, 150.00; NPPD, SE, 7892.56; NORTHEAST POWER, SE, 8372.00; ONE CALL CONCEPTS, SE, 202.84; PREMIER BIOTECH, SE, 76.36; SKARSHAUG TESTING LAB, SE, 245.55; STANLEY STEEMER-CONCORD, SE, 1302.52; TITAN MACHINERY, SU, 231.72; TYLER

TECHNOLOGIES, SE, 32654.34; USA BLUE BOOK, SU, 1920.39; UTILITIES SECTION, FE, 850.00; WAPA, SE, 20283.44

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to approve the claims. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, Buck and Muir who were absent, 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 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 24, 2022, from 7:00 a.m. to 10:30 a.m. In addition, she was requesting that parking be prohibited on 3<sup>rd</sup> Street between Pearl and Lincoln Streets beginning on Friday, September 23, 2022. She noted that this is the 9<sup>th</sup> year for this event.

Councilmember Brodersen 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 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 24, 2022, from 7:00 a.m. to 10:30 a.m. and that parking be prohibited on 3<sup>rd</sup> Street between Pearl and Lincoln Streets beginning on Friday, September 23, 2022. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried.

Roger Protzman, representing JEO Consulting Group, Inc., the City's engineer on the "2022 Aquarius Tank Diffuser Replacement Project" updated the Council on the project. He presented Change Order No. 1 in the amount of \$19,002.75 to Philip Carkoski Construction and Trenching, Inc. This Change Order represents additional labor for repairs of media racks and weir replacement. In addition, it represents a one-month delay in the contract time (August 1<sup>st</sup> to September 1<sup>st</sup>).

Councilmember Brodersen made a motion, which was seconded by Councilmember Woehler, approving Change Order No. 1 in the amount of \$19,002.75 on behalf of Philip Carkoski Construction and

Trenching, Inc., for the “2022 Aquarius Tank Diffuser Replacement Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried.

Mr. Protzman then presented Contractor’s Application for Payment No. 1 (Final) in the amount of \$408,722.75 to Philip Carkoski Construction and Trenching, Inc., for the “2022 Aquarius Tank Diffuser Replacement Project.”

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving Certificate of Payment No. 1 (Final) for \$408,722.75 to Philip Carkoski Construction and Trenching, Inc., for the “2022 Aquarius Tank Diffuser Replacement Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the Certificate of Substantial Completion on the “2022 Aquarius Tank Diffuser Replacement Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, 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 land acquisition from Vakoc Construction Company (Final Touch Property). The legal descriptions are as follows:

- Lot 9, Block 29, Original Town of Wayne, Wayne County, Nebraska; and
- Tax Lot 57, Pt SW1/4NW1/4 Wayne Tracts, 18-26-4, Wayne County, Nebraska.

The purchase price is \$315,000. This gives the City an opportunity to relieve some stress at the Street Shop, as well as provide the Library a place to store their books. Batting cages could also be stored at this location, and it may also solve the transit problem.

Councilmember Woehler spoke against the purchase of this property.

Councilmembers Karsky and Eischeid spoke in favor of the purchase of this property.

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

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

Councilmember Eischeid introduced Resolution 2022-55, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2022-55

A RESOLUTION APPROVING THE ACQUISITION OF REAL ESTATE LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM VAKOC CONSTRUCTION COMPANY - \$315,000.

Mayor Giese stated the motion, and the result of roll call being all Yeas (which includes the affirmative vote of Mayor Giese), with the exception of Councilmembers Pick, Buck and Muir who were absent and Councilmember Woehler who voted Nay, 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 \$.419014 per hundred dollars of property value is included. The levy equates to a tax request of \$1,212,077.56. Last year's general tax levy was \$.413148 per hundred dollars of valuation; this year it is \$.384371, excluding the airport.

Beth Porter, Finance Director, was present to answer questions.

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 \$1,111,864.56. This Resolution does not include the airport levy.

Councilmember Brodersen introduced Resolution 2022-56, and moved for its approval; Councilmember Woehler seconded.

RESOLUTION NO. 2022-56

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY 2022-2023.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, 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. 2022-57 and moved for its approval, Councilmember Brodersen seconded.

#### RESOLUTION NO. 2022-57

##### A RESOLUTION APPROVING THE ALLOWABLE 1% INCREASE IN BASE LIMITATION OF RESTRICTED FUNDS' BUDGET 2022-2023.

Mayor Giese stated the motion, and the result of roll call being all Yeas (which includes the affirmative vote of Mayor Giese), with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Resolution 2022-58, and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2022-58

##### A RESOLUTION TO ADOPT THE 2022-2023 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 Pick, Buck and Muir who were absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2022-18, and moved for its approval; Councilmember Brodersen seconded.

ORDINANCE NO. 2022-18

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

Mayor Giese stated the motion, and the result of roll call being all Yeas (which includes the affirmative vote of Mayor Giese), with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, 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 (which includes the affirmative vote of Mayor Giese), with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to move for final approval of Ordinance No. 2022-18. Mayor Giese stated the motion, and the result of roll call being all Yeas (which includes the affirmative vote of Mayor Giese), with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried.

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. This is the second reading for both.

Councilmember Brodersen introduced Ordinance No. 2022-16, and moved for approval of the second reading thereof; Councilmember Woehler 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, with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Joel Hansen, Street Superintendent, stated the following ordinance has been amended to include restricted parking on the west side of Lincoln Street from 1<sup>st</sup> Street to 5<sup>th</sup> Street.

Staff was directed to make contact with the property owners on Lincoln Street (1<sup>st</sup> to 5<sup>th</sup> Street) regarding this matter before the next meeting.

Councilmember Brodersen introduced Ordinance No. 2022-17, and moved for approval of the second reading thereof as amended; 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, with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Mayor Giese reminded Council of the Chamber Coffee that will be held at the Library/Senior Center on Friday, September 16, 2022, at 10:00 a.m. for their 25<sup>th</sup> anniversary.

Mayor Giese stated the next item on the agenda is an update on the Bradley J. Woehler and Bradley F. Roberts vs. City of Wayne litigation matter.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to enter into executive/closed session for the purpose of protecting the public interest to discuss the Bradley J. Woehler and Bradley F. Roberts vs. City of Wayne 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, with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried, and executive/closed session began at 6:07 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to the Bradley J. Woehler and Bradley F. Roberts vs. City of Wayne litigation matter.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Pick, Buck and Muir who were absent, the Mayor declared the motion carried, and open session resumed at 6:22 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:22 p.m.