

**AGENDA  
CITY COUNCIL MEETING  
COUNCIL CHAMBERS – CITY HALL  
306 PEARL STREET  
December 6, 2022**

1. [Call the Meeting to Order – 5:30 p.m.](#)
2. [Pledge of Allegiance](#)

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the southwest wall of the Council Chambers as well as on the City of Wayne website.

The City 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.

3. [Approval of Minutes – November 15, and November 29, 2022](#)
4. [Approval of Claims](#)
5. [Presentation of Dedication of Service Plaque to Outgoing Councilmember — Chris Woehler](#)
6. [Adjourn Sine Die](#)
7. [Swearing in of Newly Elected Mayor and Councilmembers](#)
8. [Reconvene](#)
9. [Select President of Council](#)
10. [Action on the Nebraska Department of Transportation’s Maintenance Agreement \(2023 Renewal\)](#)

**Background:** This is the annual agreement with the Nebraska Department of Transportation regarding surface maintenance of the state highways through our City limits. The State maintains the driving lanes at their cost, and this agreement is for us to pay for the center turn lane through town. Typical maintenance work under this agreement is crack sealing, pothole repair, joint grinding, and concrete replacement. The City is responsible for the snow removal on the entire highway within the City limits.

11. [Action to appoint Joel Hansen, Class B License number S-1155, as the City Street Superintendent for calendar year 2023, January 1 thru December 31, 2023, for the purpose of the 2023 calendar year Highway Incentive payment, to be issued to the city, by the Nebraska Department of Transportation, in February 2024](#)

12. [Resolution 2022-74: Authorizing the signing of the Year-End Certification of City Street Superintendent Form — 2022](#)

**Background:** These new requirements are the basis for determining the City's calendar year 2022 incentive funds. This Resolution, along with the Year-End Certification Form, must be approved, signed and returned to the Department of Transportation by December 31, 2022.

13. [Resolution 2022-75: Appointing JEO Consulting Group, Inc., as the special engineer to be used on various City of Wayne projects in 2023](#)

14. **Approving the 2022 Rural Workforce Housing Land Development Program Letter of Intent**

15. Appointments:

Betty McGuire, City Clerk  
Beth Porter, Finance Director  
Joel Hansen, Street and Planning Director  
Marlen Chinn, Police Chief  
Lowell Heggemeyer, Park and Recreation Director  
Diane Bertrand, Senior Citizens Coordinator  
Heather Headley, Library Director  
Jeff Triggs, Electric Production Superintendent  
Tim Sutton, Electric Distribution Superintendent  
Casey Junck, Water/Wastewater Superintendent

Problem Resolution Team – 2

Civil Service Commission – 2

LB840 Revolving Loan Fund Committee – 3

LB840 Sales Tax Advisory Committee – 7

16. [Resolution 2022-76: Approving the appointment of Amy K. Miller as City Attorney and approving her Retainer Agreement for 2023](#)

**Background:** Amy was first appointed City Attorney in 2015 for \$5,416 per month. Her compensation has not changed since that time.

17. Update on discussions with Wayne Community Schools on the future of the Community Activity Center land

18. Discussion/Update on the proposed acquisition of Part of Lots 1, 2, and 3, Block 5, North Addition from First Methodist Church of Wayne

19. [Resolution 2022-77: Approving the acquisition of real estate located in the City of Wayne, Wayne County, Nebraska, from the First Methodist Church of Wayne \(Part of Lots 1, 2, and 3, Block 5, North Addition\) - \\$50,000.00](#)

20. Discussion and possible action authorizing City Staff to negotiate the purchase of property from Ameritas Life Insurance Corporation

**Parcel 1:**

513 Main Street - Part of Lots 4 and 5, and all of Lots 6, 7, 8, and 9, and 16' of the vacated alley, Block 5, North Addition to the City of Wayne, Wayne County, Nebraska (Ameritas Life Insurance Corporation Building)

**Parcel 2:**

517 Logan Street - Lots 1, 2, 3 and 8' of the vacated alley, Block 6, North Addition to the City of Wayne, Wayne County, Nebraska (Ameritas Life Insurance Corporation Parking Lot)

21. [Adjourn](#)

**MINUTES  
CITY COUNCIL MEETING  
November 15, 2022**

The Wayne City Council met in regular session at City Hall on November 15, 2022, at 5:30 o'clock P.M.

Council President Jill Brodersen called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Brendon Pick, Terri Buck, Nick Muir, Brittany Webber, Chris Woehler, Jason Karsky, and Matt Eischeid; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Mayor Cale Giese.

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.

Council President Brodersen 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, she 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 Woehler, to approve the minutes of the meeting of November 1, 2022, and to waive the reading thereof. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:**

APPROVED 11/1/22: OCC Builders, SE, 28447.00; ACE HARDWARE & HOME, SU, 431.54; AMERITAS, SE, 35.00; AMERITAS, SE, 102.59; AMERITAS 72.00; AMERITAS 3040.42; AMERITAS,

SE, 163.86; APPEARA, SE, 125.10; ARC-HEALTH & SAFETY, FE, 105.00; AUTO ANATOMY ALTERNATIVES, SE, 123.51; AWE ACQUISITION, SE, 13826.50; BATTERY SOLUTIONS, SU, 204.00; BEIERMANN, JASON, RE, 250.00; BLUE TO GOLD, FE, 225.00; BORDER STATES INDUSTRIES, SU, 342.19; CITY EMPLOYEE, RE, 174.03; CITY EMPLOYEE, RE, 279.46; CITY EMPLOYEE, RE, 4937.29; CITY EMPLOYEE, RE, 105.20; CITY OF WAYNE, RE, 2000000.00; CITY OF WAYNE, RE, 250000.00; CITY OF WAYNE, PY, 93334.63; CITY OF WAYNE, RE, 928.16; CITY OF WAYNE, RE, 279.46; COLONIAL RESEARCH, SU, 642.92; COPY WRITE PUBLISHING, SE, 217.34; COTTONWOOD WIND PROJECT, SE, 15008.18; CREATIVE PRODUCT SOURCE, SU, 185.64; DAVE'S DRY CLEANING, SE, 42.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2827.76; ED M. FELD EQUIPMENT, SE, 46.00; ED M. FELD EQUIPMENT, SU, 777.00; EPP FOUNDATION REPAIR, SE, 7934.40; EXHAUST PROS TOTAL CAR CARE, SE, 160.50; FAITH REGIONAL PHYSICIAN SERV, SE, 30.00; FLOOR MAINTENANCE, SU, 62.10; GERHOLD CONCRETE, SU, 50.00; GLOBAL PAYMENTS INTEGRATED, SE, 644.02; HAWKINS, SU, 2591.02; HILAND DAIRY, SE, 179.91; HOLIDAY INN OF KEARNEY, SE, 235.90; HYDRO OPTIMIZATION, SU, 288.66; ICMA, SE, 8930.14; ICMA, SE, 175.58; ICMA, SE, 119.12; ICMA, SE, 65.00; ICMA, SE, 339.92; ICMA, SE, 133.80; ICMA, SE, 387.46; ICMA, SE, 154.18; ICMA, SE, 1607.86; ICMA, SE, 105.79; INGRAM LIBRARY SERVICES, SU, 1226.77; IRS, TX, 3673.32; IRS, TX, 11616.75; IRS, TX, 15706.38; L.G. EVERIST, SU, 798.57; LAQUINTA INNS & SUITES, SE, 239.90; LUTT OIL, SU, 6947.55; MADISON CO COURT, RE, 150.00; MERCHANT SERVICES, SE, 4642.81; MERCHANT SERVICES, SE, 1184.37; MERCHANT SERVICES, SE, 101.77; MICHAEL TODD & CO, SU, 623.58; MIDWEST ALARM SERVICES, SE, 808.02; MIDWEST LABORATORIES, SE, 195.00; MIDWEST TAPE, SU, 175.97; MILLER LAW, SE, 2274.00; MOTOROLA SOLUTIONS, SU, 45.00; MUNICIPAL SUPPLY, SU, 886.67; MURPHY TRACTOR & EQUIPMENT, SU, 97400.00; NAVARRO, BRAYDEN, SE, 30.00; NE DEPT OF REVENUE, TX, 5080.78; NPPD, SE, 8076.56; NO SWETT FENCING, SE, 6120.00; NNEDD, E, 262.50; OCLC, SE, 353.63; ONE CALL CONCEPTS, SE, 165.58; ONE OFFICE SOLUTION, SU, 2005.59; OPTK NETWORKS, SE, 817.08; O'REILLY AUTOMOTIVE STORES, SU, 12.72; OVERDRIVE, SU, 602.96; OVERHEAD DOOR, SU, 56.00; PAC N SAVE, SU, 1063.32; QUADIANT FINANCE USA, SU, 133.18; QUALITY FOOD CENTER, SU, 25.38; RASMUSSEN MECHANICAL SERVICES, SE, 4157.80; ROBERTS, NOAH, SE, 48.00; ROSE EQUIPMENT, SU, 3807.20; SIRSI CORPORATION, SE, 7532.44; SKARSHAUG TESTING LAB, SE, 250.06; SMITH, STEPHANIE, RE, 200.00; SPARLING INSTRUMENTS, SU, 2075.00; STATE FIRE MARSHAL TRAINING DIVISION, FE, 50.00; STATE NEBRASKA BANK & TRUST, SE, 58.96; STATE NEBRASKA BANK-PETTY CASH, RE, 120.71; TORRES, ANDREA, RE, 200.00; TUCKER, DARYLE, SE, 48.00; US FOODSERVICE, SU, 2763.41; UTILITY EQUIPMENT, SU, 1058.22; VERIZON, SE, 584.33; WASTE CONNECTIONS, SE, 757.53; WAYNE AUTO PARTS, SU, 897.49; WAYNE COUNTY CLERK, SE, 70.00; WAYNE HERALD, SE, 1114.82; WAYNE HERALD, SE, 370.50; WAYNE HERALD, SE, 95.00; WAYNE VETERINARY CLINIC, SE, 947.75; WESCO, SU, 282.48; WAPA, SE, 15955.50; WISNER WEST, SU, 816.18; FIREMAN, RE, 388.00; ZACH HEATING & COOLING, SE, 611.30; ARC-HEALTH & SAFETY, FE, 96.00; BAKER & TAYLOR BOOKS, SU, 1458.54; BARGHOLZ, CINDY, RE, 200.00; BERGERS CONSTRUCTION, RE, 500.00; BIG RIVERS, SE, 149633.57; BSN SPORTS, SU, 1277.61; CITY EMPLOYEE, RE, 275.00; CITY EMPLOYEE, RE, 202.72; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 126.16; CITY OF WAYNE, RE, 1500.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 62.36; ED M. FELD EQUIPMENT, SU, 89.50; ELKINS PORTABLE RESTROOMS, SE, 760.00; ELLIS HOME SERVICES, SE, 99.99; FLOOR MAINTENANCE, SU, 740.16; GROSSENBURG IMPLEMENT, SU, 70.80; HEIKES AUTOMOTIVE, SE, 125.00; KTCH, SE, 155.00; MICHAEL TODD & CO, SU, 485.17; MILLER, DREW, SE, 12.00; NE SAFETY COUNCIL, FE, 361.00; NELSON, COLSON, SE, 112.00; NOVA FITNESS EQUIPMENT, SU, 858.96; OLSSON, SE, 10000.00; OVERHEAD DOOR, SE, 9426.00; PAC N SAVE, SU, 5.96; PAC N SAVE, SU, 46.01; PROGRESSIVE PROPERTIES, RE, 4561.25; PROGRESSIVE PROPERTIES, RE, 3958.57; PROGRESSIVE PROPERTIES, RE, 1421.29; ROBERTS, NOAH, SE, 48.00; SARGENT DRILLING, SE, 21352.40; STADIUM SPORTING GOODS, SE, 48.00; STAPLES, SU, 376.95; STATE FARM INSURANCE, SE, 563.00; STATE NEBRASKA BANK

& TRUST, RE, 8520.00; TOTAL GRAPHICS, SU, 610.00; TUCKER, DARYLE, SE, 36.00; WESCO DISTRIBUTION, SU, 866.70; WINNER'S CIRCLE, SU, 47.95

Councilmember Karsky made a motion, which was seconded by Councilmember Woehler, to approve the claims. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Phil Monahan, Fire Chief, introduced Aidan Dowling and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the membership application of Aidan Dowling to the Wayne Volunteer Fire Department. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Blecke advised the Council that in order to provide full-time police dispatcher coverage at this time, we are unable to grant most requests for vacation leave. Under the City's current policy, employees that have accumulated 280 hours of unused vacation leave can no longer accrue additional vacation leave until they use some of that 280 hours up. He recommended that the City temporarily pay out the vacation time the employees are unable to use each pay period until there is enough staff in place to allow vacation leave when requested. At the current time, there are 3 dispatchers, instead of 5. This would be addressed again at the end of June, 2023.

Councilmember Muir made a motion, which was seconded by Councilmember Eischeid, authorizing the City Administrator to temporarily pay out police department (dispatchers) vacation leave in the amount over the accrual limit at current wage rates and to reevaluate the same in June, 2023. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Mytzy Rodriguez-Kufner, Director of Wayne Community Housing Corporation, gave a report on housing development in Wayne.

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

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

This public hearing is to amend the budget for this grant application. At the previous public hearing, it was noted that the City will provide a minimum of \$135,333 in matching funds, for a total project cost of \$568,333. It has been amended to say that the City will provide a minimum of \$475,000 in matching funds, for a total project cost of \$908,000.

The City of Wayne back on September 1, 2022, applied for a grant in the amount of \$433,000 in CDBG Public Works (PW) funding for the 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 grades 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 \$475,000 in matching funds, for a total project cost of \$908,000. The project will benefit low-to-moderate income persons in the community, and no persons, businesses, or farms will be displaced as a result of this project.

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

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Eischeid introduced Resolution 2022-69, and moved for its approval; Councilmember Woehler seconded.

#### RESOLUTION NO. 2022-69

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS (\$433,000.00).

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

The following Resolution would approve the “Service/Consultant Agreement” between the City and Northeast Nebraska Economic Development District for general administration of CDBG No. 22-PW-008. We were notified on October 19<sup>th</sup> that we were awarded up to \$433,000 to be used for park improvements – specifically, the continuation of the Wayne walking/biking trail.

Councilmember Eischeid introduced Resolution No. 2022-70 and moved for its approval; Councilmember Buck seconded the motion.

#### RESOLUTION NO. 2022-70

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 22-PW-008 (\$25,000.00).

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

The following Resolution would approve an agreement with Northeast Nebraska Economic Development District for construction management services relating to CDBG 21-PW-022 (Pool House Renovation Project).

This agreement with Northeast Nebraska Economic Development District is for construction management services relating to CDBG 21-PW-022. This is for the grant the City was awarded (up to \$303,000) to be used to repurpose the shower house which will be used by the community as a four-season recreational facility and will become the trailhead for the City’s trail system. The project will also include a pathway that will be in compliance with the Americans with Disabilities Act (ADA) that will connect the facility with the trails. The fees for said construction management services shall not exceed \$10,000.

The total project costs are estimated at \$383,400, and local matching funds of \$80,400 will be provided by the City. The project site is at what is now known as “Freedom Park,” formerly the old City Pool Park, located at the corner of West 13th and Lincoln Streets in Wayne. 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.

Councilmember Karsky introduced Resolution 2022-71, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2022-71

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) FOR CONSTRUCTION MANAGEMENT SERVICES RELATING TO COMMUNITY DEVELOPMENT BLOCK GRANT 21-PW-022 (FREEDOM PARK TRAILHEAD PROJECT - \$10,000.00).

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Taylor Kube, representing Olsson, presented Change Order No. 2 in the amount of \$12,406.60, to Robert Woehler & Sons Construction, Inc., for the “Chicago Street Improvement Project.” This change represents balancing out final quantities.

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving Change Order No. 2 in the amount of \$12,406.60, to Robert Woehler & Sons Construction, Inc., for the “Chicago Street Improvement Project.” Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Council President declared the motion carried.

Taylor Kube, Engineer with Olsson, presented Certificate of Payment No. 6 on the “Chicago Street Improvement Project” for \$42,515.21 to Robert Woehler & Sons Construction, Inc.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving Certificate of Payment No. 6 for \$42,515.21 to Robert Woehler & Sons Construction, Inc., for the “Chicago Street Improvement Project.” Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Council President declared the motion carried.

Taylor Kube, representing Olsson, presented Change Order No. 1 in the amount of \$7,130.00, to Robert Woehler & Sons Construction, Inc., for the “Lincoln Street Improvement Project.” This change represents balancing out final quantities.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving Change Order No. 1 in the amount of \$7,130.00, to Robert Woehler & Sons Construction, Inc., for the “Lincoln Street Improvement Project.” Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Council President declared the motion carried.

Taylor Kube, Engineer with Olsson, presented Certificate of Payment No. 3 on the “Lincoln Street Improvement Project” for \$141,587.66 to Robert Woehler & Sons Construction, Inc.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving Certificate of Payment No. 3 for \$141,587.66 to Robert Woehler & Sons Construction, Inc., for the “Lincoln Street Improvement Project.” Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Council President declared the motion carried.

The following Resolution would approve Letter Agreement Amendment #2 with Olsson regarding the Lincoln Street Improvement Project. This would be for an additional \$10,000.

Taylor Kube, Engineer with Olsson, was present to explain the reason for Amendment #2.

Some additional information regarding this fee and the projects are below:

- Chicago Street Base Bid Price: \$744,327. Construction Services Fee: \$40,000
- Lincoln Street Bid Price: \$224,429. Construction Services Fee: \$10,000 (being requested)
- The additional fee Olsson is asking for is comparable to the construction cost of the streets.
- Olsson was hoping the contractor would treat this as one big project and that they could perform construction services under the original agreement, but these street projects were constructed separately.
- This amendment is to add \$10,000 to Olsson’s original \$40,000 not to exceed fee.

Councilmember Karsky introduced Resolution 2022-72, and moved for its approval; Councilmember Buck seconded.

#### RESOLUTION NO. 2022-72

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #2 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL SERVICES ON THE “WAYNE LINCOLN STREET IMPROVEMENT PROJECT” - \$10,000.00.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Council President declared the motion carried.

Lowell Heggemeyer, Parks and Rec Director, presented the specifications for a 2023 3/4 Ton Regular Cab Ford F250 Pickup through the State Bid System as per the bid proposal received from Anderson Ford, Lincoln. This would replace a 1990 and 1991 pickup. The State Bid price is \$48,652.00.

Councilmember Eischeid introduced Resolution 2022-73, and moved for its approval; Councilmember Buck seconded.

#### RESOLUTION NO. 2022-73

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A 2023 3/4 TON REGULAR CAB FORD F250 PICKUP THROUGH THE STATE BID SYSTEM AS PER THE BID PROPOSAL RECEIVED FROM ANDERSON FORD, LINCOLN, NEBRASKA - \$48,652.00.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Pick updated the Council on the recent meeting that took place with Wayne Community Schools on the future of the Community Activity Center.

Administrator Blecke updated the Council on the proposed purchase of Part of Lots 1, 2, and 3, Block 5, North Addition, from the First Methodist Church of Wayne. The Church is going to hold a congregational vote the first week of December on whether or not to sell the property to the City.

Discussion took place on the purchase of property from the Ameritas Life Insurance Corporation.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to enter into executive/closed session for the purpose of protecting the financial interest of the City to discuss the acquisition of real estate from the Ameritas Life Insurance Corporation and to allow Administrator Blecke, City Clerk McGuire and Attorney Miller to be in attendance. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried, and executive/closed session began at 6:11 p.m.

Council President Brodersen again stated the matter to be discussed in executive/closed session relates to the acquisition of real estate from the Ameritas Life Insurance Corporation.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, to resume open session. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried, and open session resumed at 6:47 p.m.

There being no further business to come before the meeting, Council President Brodersen declared the meeting adjourned at 6:47 p.m.

**MINUTES  
CITY COUNCIL MEETING  
November 29, 2022**

The Wayne City Council met in special session at the Wayne Fire Hall on Tuesday, November 29, 2022, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order with the following in attendance: Councilmembers Brent Pick, Terri Buck, Nick Muir, Brittany Webber, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; and City Administrator Wes Blecke. Absent: City Clerk Betty McGuire.

Notice of the convening meeting was given in advance thereof by posting in three places on November 23, 2022. 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. 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 northwest wall of the Wayne Fire Hall, 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.

Luke Virgil, Director of Wayne Area Economic Development (WAED), reviewed "Housing Development - Next Steps" (Housing Summit). He presented an action plan that was put together by WAED. WAED came up with four viable options related to the development of single-family homes:

Option #1 – Interest Buy-Downs/Participation Loans  
*\$1M-\$5M to establish the program. The City would use cash reserves to provide interest buy-downs on financing via a local bank, which would reduce the risk for potential lot developers and offer a better rate of return on investment for their investment.*

Option #2 – Another Western Ridge Project  
*\$3-\$5M to purchase/develop property (offset by up to \$1M in TIFCDBG). Two lots are now available out of 60 when the Western Ridge Subdivision was started in the late 2000's. TIF*

*eligible land that is adjacent to Western Ridge would be a local location for a second development.*

Option #3 -Buy-back Guarantees for Single-Family Homes

*\$2.5M-\$5M (10 houses at \$250K-500K per house). Due to a massive manufacturing expansion, the City of Holdrege and their economic development organization have been working with Heritage Homes in Wayne to acquire single-family homes for new residential lots in Holdrege. Holdrege has an agreement with Heritage Homes which allows Heritage Homes to serve as the spec builder for the homes, but Holdrege guarantees the purchase of the homes 30 days after the house is finished. Heritage Homes will experience a return of investment via new housing stock to support a major employer's expansion.*

Option #4 -Wayne Sales Tax Revenue Loaned to Wayne Community Housing Development Corporation (WCHDC) for a Subdivision Development

*\$3M-\$5M to purchase/develop property (offset by up to \$2M via RWHF/TIF/CDBG). The City of Wisner and the Wisner Development Corporation are working to develop 30 residential lots and some hybrid commercial/residential lots. The City funded the Wisner Development Corporation so they could purchase around 80 acres and install infrastructure. As Wisner Development Corporation sells the 30 lots across 3 phases, they will reimburse the City on a per lot basis. Logically, Wayne Community Housing Development Corporation would be the partner to work with under this option. A new round of Rural Workforce Housing funds specific to land development for housing has become available and could offset \$1M for site acquisition and infrastructure. Since WCHDC has received Rural Workforce Housing Funds in the past, they would be the organization that could apply for the funds under the new program. December 15<sup>th</sup> is the deadline for filing a letter of intent to apply for the Rural Workforce Housing Grant. The full application needs to be submitted by January 15<sup>th</sup>.*

The Business and Industry Committee that Mr. Virgil visited with preferred Option #4, as they felt it was the most equitable approach for new or existing contractors.

Consensus seemed to be to move forward with the necessary paperwork to apply for Rural Workforce Housing Development Grant Funds for up to \$1 million, knowing that the City would be responsible for providing matching funds and knowing that the same could be denied if awarded.

Mayor Giese then updated the Council on the following topics, which are items that could be brought forward for Council action in the upcoming year:

- Investment Policy – interest rate changes are prompting more discussion on the policy
- Park Equipment – East Park
- New Well – beginning stages for putting up a new well

- Electricity – generation needs will be presented by the newly hired consultant

Discussion took place on the Ameritas Property. Council previously reviewed the numbers put together by Otte Construction. Mayor Giese stated those numbers were based on square footage renovation. They are not looking at the inside of the building, etc. Mayor Giese suggested getting an actual cost/estimate for renovation from an outside source/contractor. It was estimated the fee for something like that could cost approximately \$5,000, but it could help determine whether or not the City would move forward with the purchase of the property. Administrator Blecke would visit with Roger Protzman, JEO Consulting Group, Inc., the City's engineer, regarding their past projects/remodels, etc. A proposal on this may be brought forward for Council action at the December 6<sup>th</sup> meeting.

Discussion then took place on parking on city streets. Mayor Giese noted this was sparked by the CRA's trip to Hastings. Hastings does not have a policy on their parking downtown. They said as they were creating more legislation, they created more problems. When they freed up the legislation, the traffic flowed more naturally. Do we want to experiment with that, or do we want to leave things as they are?

Councilmember Eischeid likes what is in place. The streets are free flowing with not a lot of congestion.

Joel Hansen, Street and Planning Director, noted that staff is not necessarily not going to like the change, but it will be a change in the service you get and in the community appearance. It is not just snow removal, but also street sweeping, spray painting lines on the streets, etc.

Mayor Giese questioned do we loosen our parking restrictions, or do we invest in a piece of property to create a public parking spot downtown?

Councilmember Webber stated she would not be opposed to this if there was a public parking lot downtown.

Administrator Blecke noted Hastings has three large parking lots downtown; they are not on a highway; and they do have regulations, but they do not get enforced.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:49 p.m.

**Council Approved 11/15/22**

Robert Woehler & Sons	Chicago Street	42,515.21
Robert Woehler & Sons	Lincoln Street	141,587.66

<b>Vendor</b>	<b>Payable Description</b>	<b>Payment Total</b>
ABDO PUBLISHING COMPANY	BOOKS	347.25
ACES	ACES WIND ENERGY SERVICE AGREEMENT	1,021.15
ALL-AMERICAN PUBLISHING	CAC ADVERTISEMENT	319.00
AMAZON.COM, LLC	BOOKS/DVD'S/SHELVING/PHOTO BOOTH/OFFICE SUPPLIES	1,103.70
AMERITAS LIFE INSURANCE	AMERITAS ROTH	196.64
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	3,254.50
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	126.56
AMERITAS LIFE INSURANCE	AMERITAS ROTH	35.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	3,339.04
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	94.18
AMERITAS LIFE INSURANCE	AMERITAS ROTH	35.00
AMERITAS LIFE INSURANCE	AMERITAS ROTH	161.94
ANDERSON, DEREK	REC BASKETBALL REF	30.00
APPEARA	LINEN & MAT SERVICE	184.09
ARNIE'S FORD INC	ENGINE LIGHT REPAIRS	271.75
BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY	BALLFIELD LIME	1,506.05
BLUE CROSS BLUE SHIELD	HEALTH PREMIUMS	50,183.88
BOK FINANCIAL	2019 HWY ALLOCATION REFUNDING BOND	12,542.50
BOK FINANCIAL	2020 ELECTRIC REVENUE REFUNDING BOND	6,668.75
BOMGAARS	OIL/BOLTS/VALVES/TOOLS	1,666.03
BOMGAARS	WINDSHIELD DE-ICER	23.94
BORDER STATES INDUSTRIES, INC	BULBS	189.77
BSN SPORTS, INC	SHOULDER PADS/PANTS/HELMETS/BALL RACK	3,762.29
CARHART LUMBER COMPANY	BOLTS/OUTLET BOX/FURRING STRIP	127.39
CARROLL DISTRIBUTING	WOOD EDGER	18.06
CDW GOVERNMENT LLC	LIBRARY CONFERENCE ROOM COMPUTER	863.38
CDW GOVERNMENT LLC	LIBRARY CONFERENCE ROOM TV/VIDEO BAR	5,503.84
CENTURYLINK	TELEPHONE CHARGES	397.58
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	44.65
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	713.07
CITY EMPLOYEE	VISION REIMBURSEMENT	131.95
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	4.56
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	9.30
CITY EMPLOYEE	VISION REIMBURSEMENT	176.25
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	-131.95
CITY EMPLOYEE	REC BASKETBALL REF	12.00
CITY EMPLOYEE	VISION REIMBURSEMENT	105.20
CITY OF WAYNE	PAYROLL	104,903.99
CITY OF WAYNE	PAYROLL	92,945.34

CITY OF WAYNE	UTILITY REFUNDS	389.82
CIVICPLUS	DOMAIN HOSTING	7,273.17
CLAUSSEN, HEIDI	REFURBISH VICTOR PARK SIGN	415.00
COMMUNITY REDEVELOPMENT AUTHORITY	LINE OF CREDIT DRAW	29,000.00
COMMUNITY REDEVELOPMENT AUTHORITY	LINE OF CREDIT DRAW	15,000.00
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DEARBORN LIFE INSURANCE COMPANY	VFD INSURANCE	96.32
DGR & ASSOCIATES CO	NORTHEAST SUBSTATION	4,368.50
DISPLAY SALES INC	CHRISTMAS LIGHT BULBS	933.00
DUTTON-LAINSON COMPANY	WATER METERS	7,507.84
DUTTON-LAINSON COMPANY	ELECTRIC METERS	21,365.76
ECHO GROUP INC JESCO	LED STRIP LIGHT FIXTURES/SWITCH	498.08
ED M. FELD EQUIPMENT CO INC	GASKETS	278.70
ELLIS, JEFF	BUILDING PERMIT DEPOSIT REFUND	500.00
FAIRFIELD INN - KEARNEY	LODGING-JUNCK/LISTON	749.70
FASTWYRE BROADBAND	TELEPHONE CHARGES	1,486.28
FIRST CONCORD GROUP LLC	FLEX FEES	3,947.74
FLOOR MAINTENANCE	BOWLS/LIDS/GLOVES/DISH SOAP/JANITORIAL SUPPLIES	976.03
FREDRICKSON OIL CO	GENERATOR OIL	1,673.43
GALE/CENGAGE LEARNING	BOOKS	150.09
GLOVER PAINTING LLC	SUNNYVIEW PARK BATHROOM PAINTING	2,092.70
GROSSENBURG IMPLEMENT INC	CAP SCREWS/LOCK WASHERS	32.72
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	131.01
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	210.53
HOMETOWN LEASING	COPIER LEASES	436.02
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	154.18
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	339.92
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	387.46
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	105.79
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	8,982.60
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	1,607.86
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	119.12
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	174.75
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	65.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA - ICMA	65.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	387.46
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH IRA -ICMA	119.12
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	1,417.86
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	105.79
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	174.75
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	132.14
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	8,866.24
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	154.18
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ROTH ICMA	132.14
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	339.92
IRS	FEDERAL WITHHOLDING	12,226.60
IRS	FICA WITHHOLDING	15,868.24
IRS	MEDICARE WITHHOLDING	4,094.72
IRS	FEDERAL WITHHOLDING	12,220.68
IRS	MEDICARE WITHHOLDING	3,711.10
IRS	FICA WITHHOLDING	17,507.82
JACK'S UNIFORMS	HOLSTER	125.95

JEO CONSULTING GROUP	2023 SANITARY SEWER IMPROVEMENTS	6,580.00
JEO CONSULTING GROUP	UV SYSTEM REPLACEMENT/MASTER AGREEMENT	4,733.07
KEATING, TRACY	AUDITORIUM DEPOSIT REFUND	-250.00
KEATING, TRACY	AUDITORIUM DEPOSIT REFUND	250.00
KEPCO ENGRAVING	COUNCIL NAMEPLATES	22.10
L.G. EVERIST	CRUSHED QUARTZITE	1,615.10
LESEBERG MASONRY & CONST	RAZING BOND REFUND	900.00
MARCO INC	COPIER LEASE	175.92
MARCO TECHNOLOGIES LLC	COPIER LEASE	180.50
MATT PARROTT	TAX FORMS	265.22
MILLER LAW	ATTORNEY FEE	5,416.67
NDEE-FISCAL SERVICES	DRINKING WATER SRF	87,401.87
NDEE-FISCAL SERVICES	CLEAN WATER SRF	200,695.92
NE DEPT OF REVENUE	STATE WITHHOLDING	5,380.41
NE DEPT OF REVENUE	STATE WITHHOLDING	5,254.32
NE PUBLIC HEALTH ENVIRONMENTAL LAB	FLUORIDE/COLIFORM TESTING	75.00
NEBRASKA GENERATOR SERVICE LLC	GENERATOR REPAIRS	1,262.72
NELSEN, COLSON	REC BASKETBALL REF	36.00
NORBLADE, TATE	REC BASKETBALL REF	25.00
NORTHEAST NE ECONOMIC DEV DIST	21-HO-35041 SEPT-OCT 22 SERVICES	1,818.75
NORTHEAST NE INS AGENCY INC	PROPERTY INSURANCE	457.00
NORTHEAST POWER	WHEELING CHARGES	18,978.90
NORTHEAST TIRE SERVICE	TIRE REPAIR/MOUNT TIRES	120.00
OCC BUILDERS LLC	BUILDING PERMIT DEPOSIT REFUND	1,000.00
O'REILLY AUTOMOTIVE STORES, INC.	WATER PUMP/OIL PAN GASKET/WIPER BLADES	232.15
O'REILLY AUTOMOTIVE STORES, INC.	FLOOR MAT/STABILIZER	57.46
OVERDRIVE, INC.	AUDIO/E BOOK	521.99
PATEFIELD, DAVID	REC BASKETBALL REF	15.00
PATEFIELD, PARKER	REC BASKETBALL REF	15.00
PCAN	MEMBERSHIP DUES	100.00
PLUMBING & HEATING WHOLESALE INC.	SUNNYVIEW TOILETS	1,401.73
PLUMBING & HEATING WHOLESALE INC.	BOTTLE FILTER REPLACEMENTS/URINAL SPUDS	666.63
POSTMASTER	POSTAGE ON UTILITY BILLS	998.58
PRONUNCIATOR	LIBRARY SUBSCRIPTION RENEWAL	450.00
PSYCHOLOGICAL RESOURCES	PRE EMPLOYMENT PSYCHOLOGICAL EVALUATION	135.00
QUALITY 1 GRAPHIC	OVERHEAD DOOR DECALS	60.00
RESCO	FIBERGLASS DEADENDS	385.20
STAPLES	OFFICE SUPPLIES	84.66
STAPLES, INC	OFFICE SUPPLIES	304.14
STATE NEBRASKA BANK & TRUST	GENERAL OBLIGATION REFUNDING BONDS	5,443.75
THE RADAR SHOP	RECERTIFY 7 RADAR UNITS	448.00
TOTAL GRAPHICS	CHEER CLUB SHIRTS	624.00
TUCKER, DARYLE	REC BASKETBALL REF	48.00
US BANK	BATTING NETS/FLOOR STAND/TABLES/MEALS/LODGING	5,570.33
VIAERO WIRELESS	CELL PHONE	67.90
WAYNE AREA ECONOMIC DEVELOPMENT	CONTRIBUTION	8,980.41
WAYNE RURAL FIRE	COMP LOSS TO 2004 Freightliner EMC reimbursement	7,960.46
WISNER WEST	FD GASOLINE	216.47
YORK, KASEN	REC BASKETBALL REF	20.00
	<b>Grand Total:</b>	<b>1,044,729.55</b>



## AGREEMENT RENEWAL

Maintenance Agreement No. 72  
Maintenance Agreement between the Nebraska Department of Transportation and the  
Municipality of Wayne  
Municipal Extensions in Wayne

We hereby agree that Maintenance Agreement No. 72 described above be renewed for the period January 1, 2023 to December 31, 2023.

All figures, terms and exhibits to remain in effect as per the original agreement dated January 1, 2022 with Attachments A, B and C attached hereto.

In witness whereof, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates indicated below.

Executed by the City this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST: City of Wayne

\_\_\_\_\_  
*City Clerk/Witness*

\_\_\_\_\_  
*Mayor/Designee*

Executed by the State this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST: State of Nebraska

\_\_\_\_\_  
*District Engineer, Department of Transportation*

# NEBRASKA

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## DEPARTMENT OF TRANSPORTATION

Attachment "A"

### MAINTENANCE OPERATION AND RESPONSIBILITY Municipal extensions and connecting links (Streets Designated Part of the State Highway System excluding Freeways)

<u>Maintenance Operation</u> Neb. Rev. Stat. § 39-1339	<u>Maintenance Responsibility</u> Neb. Rev. Stat. § 39-2105			
	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 <sup>st</sup> Class Cities	2 <sup>nd</sup> Class Cities & Villages
Surface maintenance of the traveled way equivalent to the design of the rural highway leading into municipality.	Department	Department	Department	Department
Surface maintenance of the roadway exceeding the design of the rural highway leading into the municipality including shoulders and auxiliary lanes.	City	City	City	City & Village
Surface maintenance on parking lanes.	City	City	City	Department
Maintenance of roadway appurtenances (including, but not limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, driveways, fire plugs, or retaining walls)	City	City	City	City & Village
Mowing of the right-of-way, right-of-way maintenance and snow removal.	City	City	City	City & Village
Bridges from abutment to abutment, except appurtenances.	Department	Department	Department	Department

<u>Maintenance Operation</u> Neb. Rev. Stat. § 39-1339	<u>Maintenance Responsibility</u> Neb. Rev. Stat. § 60-6, 120 & § 60-6, 121				
	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 <sup>st</sup> Class Cities > 40,000	1 <sup>st</sup> Class Cities < 40,000	2 <sup>nd</sup> Class Cities
Pavement markings limited to lane lines, centerline, No passing lines, and edge lines on all connecting links except state maintained freeways	City	City	City	Department	Department
Miscellaneous pavement marking, including angle and parallel parking lanes, pedestrian crosswalks, school crossings, etc.	City	City	City	City	City & Village
Maintenance and associated power costs of traffic signals and roadway lighting as referred to in original project agreement.					
Procurement, installation and maintenance of guide and route marker signs	City	City	City	Department	Department
Procurement, installation and maintenance of regulatory and warning signs.	City	City	City	Department	Department



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DEPARTMENT OF TRANSPORTATION

### City Maintenance Agreement

#### Attachment B

City of: Wayne

Date: 1/1/23

Surface Maintenance

From Attachment "C", it is determined that the City's responsibility for surface maintenance within the City limits is 2.35 lane miles. Pursuant to Sections 1a, 8a, 8d of the Agreement and to Attachment "C" made part of this Agreement through reference, the City agrees to pay to the State the sum of \$2,100.00 per lane mile for performing the surface maintenance on those lanes listed on Attachment "C".

Amount due the State for surface maintenance:  
 2.35 lane miles x \$2,100.00 per lane mile = \$4,935.00.

Snow Removal

From Attachment "A", it is determined that snow removal within City limits is the responsibility of the City. Pursuant to Section 8d of the Agreement and to Attachment "C" made a part of this Agreement through reference, the City agrees to pay to the State the sum of \$ \_\_\_\_\_ per lane mile for performing snow removal on those lanes listed on Attachment "C".

Amount due the State for snow removal:  
 \_\_\_\_\_ lane miles x \$ \_\_\_\_\_ per lane mile = \$ \_\_\_\_\_

Other (*Explain*)

STATE OF NEBRASKA  
 DEPARTMENT OF TRANSPORTATION

RESPONSIBILITY FOR SURFACE MAINTENANCE  
 OF MUNICIPAL EXTENSIONS

NEB. REV. STAT. 39-1339  
 and NEB. REV. STAT. 39-2101

DESCRIPTION	HWY. NO.	REF. POST		LENGTH IN MILES	NUMBER DRIVING LANES	LANE MILES TOTAL	RESPONSIBILITY	
		FROM	TO				STATE	CITY
S. City Limits to N. City Limits	15	163.84	166.07	2.23	2	4.46	4.46	0.00
W. City Limits to City Limits E of Centennial Rd.	35	28.68	30.77	2.09	3	6.27	4.18	2.09
City Limits at Industrial Drive to E. City Limits	35	31.04	31.30	0.26	3	0.78	0.52	0.26
	35	31.30	31.68	0.38	2	0.76	0.76	0.00
<b>Total Lane Miles</b>				4.96		12.27	9.92	2.35

NEBRASKA

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DEPARTMENT OF TRANSPORTATION

# CERTIFICATE OF COMPLIANCE

Maintenance Agreement No. 72 QE 1623 Supp 1  
Maintenance Agreement between the Nebraska Department of Transportation and the  
Municipality of Wayne  
Municipal Extensions in Wayne

We hereby certify that all roadway snow removal and/or surface maintenance has been accomplished as per terms of the Maintenance Agreement specified above.

As per Section 8d of the Agreement, we are submitting this certificate to District Engineer Kevin G. Domogalla, Department of Transportation, Norfolk, Nebraska.

ATTEST: \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
*City Clerk*

\_\_\_\_\_  
*Mayor/Designee*

I hereby certify that all roadway snow removal and/or surface maintenance was performed as per the above listed agreement and payment for the same should be made.

\_\_\_\_\_  
*District Engineer, Department of Transportation*

## For Office Use Only

Agreement No.: \_\_\_\_\_

Pay/Bill Code: \_\_\_\_\_

Contractor No.: \_\_\_\_\_

Amount: \$ \_\_\_\_\_

Do not recreate or revise this document. Revisions and recreations will not be accepted. Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2022. Documents include the original Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT by December 31, 2022.

**RESOLUTION**  
**SIGNING OF THE**  
**YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT**  
**2022**

Resolution No. 2022-74

**Whereas:** State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

**Whereas:** The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment(s) of the City Street Superintendent(s) to the NDOT using the Year-End Certification of City Street Superintendent form; and

**Whereas:** The NDOT requires that each certification shall also include a copy of the documentation of the city street superintendent's appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

**Whereas:** The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

**Be it resolved** that the Mayor  Village Board Chairperson  of \_\_\_\_\_  
(Check one box) (Print Name of Municipality)  
is hereby authorized to sign the attached Year-End Certification of City Street Superintendent completed form(s).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, Nebraska.  
(Date) (Month)

City Council/Village Board Members

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City Council/Village Board Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Abstained \_\_\_\_ Absent  
Resolution adopted, signed, and billed as adopted.

Attest:

\_\_\_\_\_  
(Signature of Clerk)

Do not recreate or revise this document. Revisions and recreations will not be accepted. Copying this form is acceptable; see (3) below. Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2022. Documents include the original Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT by December 31, 2022.

### Year-End Certification of City Street Superintendent For Determining Incentive Payment in Calendar Year 2022

Separate forms may be needed to account for the entire year, see (3) below

This Form Covers the Following Period: \_\_\_\_\_, 2022 to \_\_\_\_\_, 2022  
(Month) (Day) (Month) (Day)

\*(1)(a) The municipality of \_\_\_\_\_ certifies that: \_\_\_\_\_  
(Print name of City or Village) (Print name of Superintendent as it appears on license card if applicable)  
was the appointed City Street Superintendent during the above period. **IF A NAME IS NOT ENTERED ABOVE (NO APPOINTED CITY STREET SUPERINTENDENT FOR THIS PERIOD), SKIP TO (2) BELOW.**

(b) the superintending services of the above listed individual were provided by: (Check one box)

- Employment with this Municipality
- Contract (consultant) with this Municipality
- Contract (interlocal agreement) between this Municipality and the following listed Municipality(ies) and/or County(ies) \_\_\_\_\_

(c) and the above listed individual **assisted** in the following: Reference Neb. Rev. Stat. §39-2512

1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units,
2. Developing an annual program for design, construction, and maintenance,
3. Developing an annual budget based on programmed projects and activities,
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets,

(d) the above listed individual also served as (Check all boxes that apply) city engineer  village engineer   
public works director  city manager  city administrator  street commissioner

(e) If the above listed individual is a Licensed City Street Superintendent, enter their Superintendent's License Number S- \_\_\_\_\_ and Class of License \_\_\_\_\_, and/or

(A or B)

(f) If the above listed individual is a Licensed Engineer in Nebraska, enter their Engineer's License Number E- \_\_\_\_\_

(2) \_\_\_\_\_  
Signature of Mayor  Village Board Chairperson

\* (3) If during the calendar year your municipality (a) did not have a city street superintendent for any portion(s) of the year; or (b) had an appointed city street superintendent that was not licensed for any portion(s) of the year; or (c) had one or more appointed licensed city street superintendents for any portion(s) of the year; or (d) had two or more successive licensed superintendents for any portion of the year, please complete a separate Year-End Certification form for each period. Copy this form as needed to account for these separate periods.

(4) The payment amount will be computed based on (a) your most recent Federal Census as certified by the Tax Commissioner; (b) the number of full calendar months served by the appointed superintendent who is licensed or exempted from licensure under the Superintendents Act; (c) class of license, A or B if applicable; and (d) if the appointed City Street Superintendent assisted with the required duties in (1)(c) above. Reference Neb. Rev. Stat. §§39-2302 and 39-2511 through 39-2515.

(5) Failure to return by December 31, 2022, the Year-End Certification(s), Signing Resolution, and a copy of documentation of the appointment(s) of the superintendent(s) per the instructions will result in your municipality not receiving an Incentive Payment.



Return the completed original resolution and certification(s), and a copy of the documentation of appointment(s) by December 31, 2022 to:

Highway Local Liaison Coordinator  
Boards-Liaison Services Section  
Local Assistance Division  
Nebraska Department of Transportation  
PO Box 94759  
Lincoln NE 68509-4759

**Attach Documentation of the City Street Superintendent(s) Appointment(s) for 2022 here:**

For most municipalities this information may be found in the November or December 2021 or the January 2022 meetings minutes. Some may involve mayoral appointments, or interlocal agreement (relinquishment of funds).  
Call 402-479-4436 if you have any questions about what to submit for documentation.

**RESOLUTION NO. 2022-75**

**A RESOLUTION APPOINTING JEO CONSULTING GROUP, INC., AS THE SPECIAL ENGINEER TO BE USED ON VARIOUS CITY OF WAYNE PROJECTS IN 2023.**

WHEREAS, the City will be undertaking various projects in 2023; and

WHEREAS, the City Administrator deems it necessary and advisable to have the City Council authorize the use of a special city engineer for said projects in 2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that JEO Consulting Group, Inc., be designated as the Special Engineer and that the City Administrator is hereby authorized to engage and use the firm of JEO Consulting Group, Inc., as the special engineer on various City of Wayne projects in 2023.

PASSED AND APPROVED this 6<sup>th</sup> day of December, 2022.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2022-76**

**A RESOLUTION APPROVING THE APPOINTMENT OF AMY K. MILLER AS CITY ATTORNEY FOR 2023 AND APPROVING RETAINER AGREEMENT.**

WHEREAS, the City of Wayne, Nebraska, is desirous of appointing Amy K. Miller, Attorney, as the City Attorney for 2023; and

WHEREAS, the City of Wayne and Amy K. Miller have agreed to the terms on the proposed Retainer Agreement, a copy of which is attached hereto and incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, as follows:

1. Amy K. Miller, Attorney, is appointed City Attorney for 2023;
2. The attached Retainer Agreement is hereby approved and adopted; and
3. The parties thereto are directed to execute said Retainer Agreement.

PASSED AND APPROVED this 6<sup>th</sup> day of December, 2022.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## RETAINER AGREEMENT

This agreement is made this 6<sup>th</sup> day of December, 2022, by and between **The City of Wayne** (hereinafter referred to as the client), and **Amy K. Miller**, (hereinafter referred to as the attorney). In exchange of the mutual covenants contained herein, the parties hereto agree to the following:

1. **Legal representation:** The client hereby agrees to engage the attorney to represent the client in all matters in which the client may desire or require legal representation or in such other matters as the client may desire or require assistance from the attorneys. The attorneys agree to accept this representation subject to this retainer agreement and to perform all of the duties required hereunder. This agreement shall run for one year and may be renewable each year thereafter, subject to the terms and provisions of the Nebraska Code of Professional Responsibility.

2. **Services to be rendered:** Under the terms of this agreement, the attorneys shall perform all of the functions within the services described in paragraph one above in consideration of a monthly retainer payment in the amount of \$\_\_\_\_\_ ~~5,416.67~~. ~~Of this amount, \$800.00 per month shall be attributable to the Community Redevelopment Authority (CRA), and \$4,616.67 shall be attributable to the City of Wayne.~~ In exchange for the monthly retainer payment, the attorney shall provide the following services at no additional charge:

- A. Write and issue letters;
- B. Answer any and all telephone or E-mail questions of the mayor, administrator, council, various boards and committees, and/or city employees;
- C. Research of Nebraska state law and applicable regulations that relate to the operation of the client;
- D. Attend city council meetings, CRA meetings, Planning Commission meetings, Problem Resolution Team meetings, and any other special meeting to which attorney's presence is requested;
- E. Review policies, codes, resolutions, and ordinances to be considered by the council;
- F. Prepare contracts and purchase agreements, and handle closings for the CRA as necessary;
- G. Prosecute city ordinance violations, including preparing Complaints and Petitions, reviewing reports, and appearing in court.

3. **Other legal services:** In addition to the matters covered by the retainer above, the client and attorney acknowledge that certain litigation or discovery matters may arise that require attorney to charge an hourly fee in addition to the monthly retainer agreement. In that event, attorney and client will meet in an attempt to reach an agreement for compensation on those

matters. Attorney will not bill client for any services outside the retainer agreement without first consulting with client.

4. **Expense reimbursement:** The client shall reimburse the attorneys for most expenses including, but not limited to:

- A. Photocopy or postage expenses;
- B. Mileage at the maximum IRS rate at the time of travel;
- C. Court costs;
- D. Litigation expenses (ie: court reporters, experts, and witness fees);
- E. Service fees;
- F. Seminar travel, lodging, meals and registration costs.

5. **Conflicts:** The attorneys agree that they will not represent or provide legal services for any clients on any matters known to be in direct conflict with the interests of the client. If a conflict of interest arises between the client and any other party, the attorney may be required to withdraw as attorney for client pursuant to the Nebraska Code of Professional Responsibility and the client may seek legal counsel from any other attorney or law firm, at client's cost.

6. **Availability of Attorney:** Client and Attorney acknowledge there may be times when attorney is unable to attend a meeting due to illness, vacation, or other reason beyond attorney's control. In this instance, attorney will arrange for alternate counsel to be present in her absence, at attorney's cost.

7. **Termination:** The client may terminate this agreement for any reason it deems appropriate, subject to full payment of all fees and expenses hereunder. The client agrees and acknowledges that in the event of termination, the attorney shall not be responsible for or required to provide any services as of the date of termination. The attorney may terminate this agreement for any reason they deem appropriate without waiving rights to full payment of all fees and expenses due hereunder. Termination by either party shall not be effective until a letter stating that the agreement has been terminated is delivered to the other party.

8. **Modification:** Parties hereto agree that any of the terms and conditions hereunder may be modified at any time pursuant to negotiations between the parties and that in the event that an oral modification is reached, a memorandum, letter or other documentation of such modification, including authorized signatures from each party is attached to this agreement.

DATED this 6<sup>th</sup> day of December, 2022.

CITY OF WAYNE, A Municipal Corporation,

By \_\_\_\_\_  
Cale Giese, Mayor

\_\_\_\_\_  
Amy K. Miller, Attorney at Law

[\(Back to Top\)](#)

**RESOLUTION NO. 2022-77**

**A RESOLUTION APPROVING THE ACQUISITION OF REAL ESTATE  
LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM  
FIRST METHODIST CHURCH OF WAYNE.**

WHEREAS, City staff has concluded negotiations for the acquisition of land located in the City of Wayne, Wayne County, Nebraska, legally described as follows:

Part of Lots 1, 2, and 3, Block 5, North Addition to the City of Wayne, Wayne County, Nebraska,

from the First Methodist Church of Wayne for the sum of \$50,000.00 and other valuable consideration, and that the Mayor is hereby authorized to execute the necessary documents to carry out the acquisition thereof.

PASSED AND APPROVED this 6<sup>th</sup> day of December, 2022.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk