

**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; QUADIENT 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.