

MINUTES
CITY COUNCIL MEETING
February 21, 2023

The Wayne City Council met in regular session at City Hall on February 21, 2023, 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, Clayton Bratcher and Jason Karsky; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Mayor Cale Giese and Councilmember Matt Eischeid.

Notice of the convening meeting was given in advance thereof by publication in the Wayne Herald, Wayne, Nebraska, the designated method of giving notice, as shown by Affidavit of Publication. In addition, notice was given to the Mayor and all members of the City Council, and a copy of their acknowledgement of receipt of notice and agenda is on file with the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the Council convened in open session.

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 Bratcher made a motion, which was seconded by Councilmember Webber, to approve the minutes of the meeting of February 7, 2023, and to waive the reading thereof. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Council President declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ALLO COMMUNICATIONS, RE, 500.00; AMERITAS, SE, 3248.72; AMERITAS, SE, 170.44; AMERITAS, SE, 35.00; AMERITAS, SE, 101.31; AMERITAS, SE, 72.00; APPEARA, SE, 39.16; APPEARA, SE, 135.24; BAKER & TAYLOR BOOKS, SU, 1021.52; BIG RIVERS ELECTRIC CORPORATION, SE, 152389.82; BLACK HILLS ENERGY, SE, 5813.25; BOK FINANCIAL, RE, 4566.25; BORDER STATES INDUSTRIES, SU, 6127.93; CHEMQUEST, SE, 695.00; CITY EMPLOYEE, RE, 205.96; CITY EMPLOYEE, RE, 4189.94; CITY EMPLOYEE, RE, 1004.30; CITY EMPLOYEE, RE, 32.32; CITY EMPLOYEE, RE, 1657.10; CITY EMPLOYEE, RE, 1224.34; CITY OF NORFOLK, RE, 173.97; CITY OF WAYNE, RE, 1000,000.00; CITY OF WAYNE, PY, 99849.59; CITY OF WAYNE, RE, 635.18; COPY WRITE PUBLISHING, SU, 5.50; CORE & MAIN, SU, 5168.80; CROWNE PLAZA-KEARNEY, SE, 114.95; DAS STATE ACCTG-CENTRAL FINANCE, SE, 62.36; DEMCO, SU, 95.20; ELDERFEST-PMC, SE, 40.00; ELLIS HOME SERVICES, SE, 240.00; ENGINEERED CONTROLS, SU, 519.05; FAITH REGIONAL PHYSICIAN SERV, SE, 129.50; FASTWYRE BROADBAND, SE, 1486.26; FLOOR MAINTENANCE, SU, 631.93; FLOOR MAINTENANCE, SU, 82.55; GROSSENBURG IMPLEMENT, SU, 0.66; HAWKINS, SU, 700.86; HILAND DAIRY, SE, 180.84; HILAND DAIRY, SE, 166.83; ICMA, SE, 36.84; ICMA, SE, 181.73; ICMA, SE, 160.32; ICMA, SE, 366.72; ICMA, SE, 226.66; ICMA, SE, 9291.09; ICMA, SE, 1311.78; ICMA, SE, 123.92; ICMA, SE, 70.00; ICMA, SE, 137.38; ICMA, SE, 413.68; INGRAM LIBRARY SERVICES, SU, 871.83; IRS, TX, 16866.46; IRS, TX, 12188.07; IRS, TX, 3944.62; JACK'S UNIFORMS, SU, 96.90; JOHN'S WELDING AND TOOL, SU, 203.22; KELLY SUPPLY COMPANY, SU, 421.27; LAQUINTA INNS & SUITES, SE, 119.00; MAX R, SU, 4848.50; MIDWEST ALARM SERVICES, SE, 816.46; MUNICIPAL SUPPLY, SU, 1321.06; NDEE-FISCAL SERVICES, FE, 40.00; NE DEPT OF REVENUE, TX, 5535.95; NE ECONOMIC DEVELOPERS ASSN, FE, 150.00; NEBRASKA GENERATOR SERVICE, SE, 1419.23; NNEDD, SE, 37.50; NORTHEAST TIRE SERVICE, SE, 45.00; OLSSON, SE, 2300.00; OTTE CONSTRUCTION COMPANY, SE, 45777.00; OVERDRIVE, SU, 549.92; SEBADE HOUSING, RE, 8624.24; SEBADE HOUSING, RE, 4250.71; SKARSHAUG TESTING LAB, SE, 410.12; STAPLES, SU, 194.54; US BANK, SU, 7213.28; US FOODSERVICE, SU, 2375.25; USA BLUE BOOK, SU, 35.37; UTILITIES SECTION, FE, 245.00; WAYNE COMMUNITY SCHOOLS, RE, 4818.00; WAYNE COUNTY CLERK, SE, 292.00; WAYNE RENTALS, RE, 24732.65; WESCO, SU, 406.60; ALL-AMERICAN PUBLISHING, SE, 370.00; AMERICAN PUBLIC POWER ASSOCIATION, FE, 4546.04; ANDERSON, DEREK, SE, 150.00; BATTERY SOLUTIONS, SU, 204.00; BSN SPORTS, SU, 126.57; CITY OF WAYNE, RE, 300.00; CONSOLIDATED MANAGEMENT, SE, 27.00; ED M. FELD EQUIPMENT, SU, 1019.90; ELLIS HOME SERVICES, SE, 154.00; HILAND DAIRY, SE, 46.51; HOLIDAY INN OF KEARNEY, SE, 239.90; ISLAND SPRINKLER SUPPLY, SU, 161.39; JEO CONSULTING GROUP, SE, -12568.49; JEO CONSULTING GROUP, SE, 15408.98; KTCH, SE, 155.00; LIBERAL GASKET, SU, 126.73; MIDWEST SERVICE & SALES, SU, 1565.90; NERC, SE, 1047.74; O'REILLY AUTOMOTIVE STORES, SU, 135.69; PATEFIELD, DAVID, SE, 150.00; ROBERTS, NOAH, SE, 50.00; SPERRY, KYLE, SE, 50.00; STAPLES, SU, 67.27

Councilmember Bratcher made a motion, which was seconded by Councilmember Buck, to approve the claims. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Council President declared the motion carried.

Council President Brodersen proclaimed "March" as Problem Gambling Awareness Month.

Marcy Luth of AMGL presented the FY2021-22 Audit.

Ed Brogie was present requesting Council consideration to reducing his sewer bill/usage as a result of a water line/pipe break inside his property at 200 S. Main Street. After returning home from a trip on January 1st, he discovered a water line/pipe had broken from the extreme cold weather. The water filled the cellar and puddled in the garage area and then had to be pumped out to the street.

Casey Junck, Water/Wastewater Superintendent, advised that he was unable to find a floor drain on the premise, so the water clearly did not enter the sewer system.

Mr. Brogie is asking that the sewer usage be reduced to what it was the previous month – 0 gallons. He would still pay for the water usage, sewer service charge and tax.

Councilmember Bratcher made a motion, which was seconded by Council President Brodersen, approving the request of Ed Brogie to reduce/adjust his sewer bill/usage to zero gallons (-\$487.68 but still paying sewer service charge and tax) as a result of a water line/pipe break inside his property at 200 S. Main Street. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Council President declared the motion carried.

Luke Virgil, Director of Wayne Area Economic Development, was present representing the LB840 Revolving Loan Fund Review Committee. He stated this Committee met on February 15, 2023, to review the revolving loan fund application of Katelyn Broders, owner and operator of “I Wet My Plants” to the Wayne Economic Development Program for \$40,000 in LB840 funds. Ms. Broders intends to use said funds to purchase the property located at 221 Main Street and would reopen a floral and decor shop within the building. The Committee voted unanimously to recommend the following terms for a loan to Katelyn Broders:

1. Approval of the loan request for \$40,000;
2. A loan repayment period of 10 years; and
3. An interest rate to be set at one-half the rate set by the primary lender (Primary Lender Rate - SNB&T: 7.5%; WEDP Rate: 3.75%).

Finance Director Beth Porter advised the Council that there is \$453,000 in the LB840 Fund.

Katelyn Broders was present to answer questions.

Councilmember Karsky made a motion, which was seconded by Councilmember Bratcher, to approve the recommendation of the LB840 Revolving Loan Fund Review Committee for a \$40,000 revolving loan fund loan to Katelyn Broders, owner and operator of “I Wet My Plants” with the following conditions:

- A loan repayment period of 10 years; and
- An interest rate to be set at one-half the rate set by the primary lender (Primary Lender Rate - SNB&T: 7.5%; WEDP Rate: **3.75%**).

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

Council President Brodersen declared the time was at hand for the public hearing to consider the Planning Commission’s recommendation regarding the Final Plat for “Ace Subdivision.” The applicant for the request is Northeast Nebraska Investors, LLC. The area is legally described as being “Part of Block 1, Wright’s Addition, and Lots 1, 2, and part of Lot 3, Block 1, Cecil Wriedt’s Second Addition of the City of Wayne, Wayne County, Nebraska.” The applicant would like to square up the land parcel.

Joel Hansen, Street and Planning Director, stated the Planning Commission held a public hearing on this matter on February 6, 2023, and approved the same, with the “Finding of Fact” being staff’s recommendation.

Chuck Rutenbeck, representing Northeast Nebraska Investors, LLC, was present to answer questions.

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

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

Councilmember Karsky introduced Resolution 2023-12, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-12

A RESOLUTION APPROVING THE FINAL PLAT FOR “ACE SUBDIVISION,” CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

Administrator Blecke stated that after the last meeting, it was discovered that the wrong ordinance/draft was placed into the packet. This is the correct ordinance and the second reading should be approved as presented.

Councilmember Bratcher introduced Ordinance No. 2023-1, and moved for approval of the second reading thereof as presented; Councilmember Buck seconded.

ORDINANCE NO. 2023-1

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE III, ADMINISTRATION, CHAPTER 37 TAXATION, RELATING TO SALES AND USE TAX; EXTENDING THE IMPOSITION OF ONE AND ONE-HALF PERCENT SALES AND USE TAX UPON THE SAME TRANSACTIONS WITHIN THE CITY OF WAYNE UPON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX; PROVIDING EFFECTIVE DATE; PROVIDING TERMINATION DATE; PROVIDING DEPOSIT IN THE GENERAL FUND AND THE ALLOCATION THEREOF.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Council President declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Bratcher introduced Ordinance No. 2023-2, and moved for approval of the second reading thereof; Councilmember Buck seconded.

ORDINANCE NO. 2023-2

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, AMENDING ITS ECONOMIC DEVELOPMENT PROGRAM TO DESCRIBE THE TERMS, CONDITIONS AND GOALS OF SAID ECONOMIC DEVELOPMENT PROGRAM; TO ESTABLISH THE DURATION OF SAID ECONOMIC DEVELOPMENT PROGRAM; TO PROVIDE FOR YEARS FOR COLLECTION OF FUNDS; TO PROVIDE FOR A SOURCE OF FUNDS; TO PROVIDE FOR A TOTAL AMOUNT TO BE COLLECTED; TO REPEAL CONFLICTING ORDINANCES AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Council President declared the motion carried. The third and final reading will take place at the next meeting.

The following Resolution would approve Letter Agreement Amendment #2 with Olsson regarding the “Wayne Prairie Park Development Project.”

Matthew Smith, Engineer with Olsson, was present to explain the reason for Amendment #2. This amendment is adding construction services to their original Letter Agreement. This will include administration/ construction observation and then construction staking on a time-and-expense basis not to exceed \$45,000.

Councilmember Karsky introduced Resolution 2023-13, and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-13

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #2 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL CONSTRUCTION SERVICES ON THE “WAYNE PRAIRIE PARK DEVELOPMENT PROJECT.”

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

The following Resolution would approve Letter Agreement Amendment #3 with Olsson regarding the “Wayne Prairie Park Development Project.” These additional design services would be provided for a lump sum fee of \$64,450.

Matthew Smith, Engineer with Olsson, was present to explain the reason for Amendment #3. This is for design services to put in water and sanitary improvements, as well as an outfall structure which will require permitting, in the Prairie Park Development Project.

Councilmember Karsky introduced Resolution 2023-14, and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-14

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #3 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL SERVICES ON THE “WAYNE PRAIRIE PARK DEVELOPMENT PROJECT” – WATER, SANITARY AND STORM OUTFALL DESIGN.

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

Matthew Smith, Engineer with Olsson, advised the Council that four bids were received on February 16th for the “Wayne Prairie Park Development Project.” The bids appear to be competitive and near their estimate for the project. He has reviewed the same and is recommending that the project be awarded to the low bidder, Cooney Fertilizer, Walthill, NE, for \$1,229,205.20.

Council President Brodersen introduced Resolution 2023-15 and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-15

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “WAYNE PRAIRIE PARK DEVELOPMENT PROJECT” – COONEY FERTILIZER, WALTHILL, NE FOR \$1,229,205.20

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

Administrator Blecke advised the Council that three bids were received on February 16th for the “2023 Wayne Sanitary Sewer Service Improvement Project” – W. 3rd Street. Roger Protzman, representing JEO Consulting Group, Inc., has reviewed the same and is recommending that the project be awarded to the low bidder, Vrba Construction, Inc., of Schuyler, NE, for \$120,642.50.

Councilmember Bratcher introduced Resolution 2023-16, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-16

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “2023 WAYNE SANITARY SEWER SERVICE IMPROVEMENT PROJECT” – VRBA CONSTRUCTION, INC., SCHUYLER, NE - \$120,642.50.

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

City Administrator Blecke solicited proposals from two firms for the “Police and Municipal Building Renovation Project” — Carlson West Povondra Architects and JEO Consulting Group, Inc. A

committee of 5 reviewed the proposals and are recommending that the firm of Carlson West Povondra Architects (fees are percentage based – 8% on renovations and 7% on new construction) be approved as the architect for the “Police and City Municipal Building Renovation Project.” JEO Consulting Group, Inc., had a fee of \$192,000, which did not include oversight or construction services estimated to be an additional \$40-50,000.

Councilmember Karsky introduced Resolution 2023-17, and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-17

A RESOLUTION APPOINTING CARLSON WEST POVONDRA ARCHITECTS AS THE SPECIAL ENGINEER TO BE USED FOR THE “POLICE AND CITY MUNICIPAL BUILDING RENOVATION PROJECT.”

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

The following Resolution would amend the wage and salary schedule to bring the same in line with the comparability study that has just been received from the League of Nebraska Municipalities. It also takes into account the increases in minimum wage that will be taking place over the next several years. The changes will allow employees who have been topped out for several years to receive a step increase instead of just the cost of living increase. The effective date presented is February 20th, which is the start of a payroll period. Some positions have been eliminated to clean up the schedule, and a Power Plant Mechanic/Operator II position has been added to the schedule. In the packet, Street Foreman was removed, but it has been added back in. Staff will likely change or rename that position to a “Street Maintenance Worker III” next year.

Councilmember Bratcher introduced Resolution 2023-18, and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-18

A RESOLUTION AMENDING WAGE AND SALARY SCHEDULE.

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

There being no further business to come before the meeting, Council President Brodersen declared the meeting adjourned at 6:29 p.m.