

MINUTES
CITY COUNCIL MEETING
August 1, 2023

The Wayne City Council met in regular session at City Hall on August 1, 2023, at 5:30 o'clock P.M.

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

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

Mayor Giese advised the public that a copy of the Open Meetings Act was located on the southwest wall of Council Chambers, as well as on the City of Wayne website and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting of July 18, 2023, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACES, SE, 1093.66; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 300.00; ALL-AMERICAN PUBLISHING, SE, 370.00; APPEARA, SE, 260.71; BAKER & TAYLOR BOOKS, SU, 1091.48; BINSWANGER GLASS, SU, 340.60; BLAZER PRODUCTIVE PRODUCTS, RE,

200000.00; BOMGAARS, SU, 2551.84; BRADY, JEFF, SE, 250.50; CARLSON WEST POVONDRA ARCHITECTS, SE, 32040.10; CITY EMPLOYEE, RE, 751.60; CITY EMPLOYEE, RE, 4068.39; CITY EMPLOYEE, RE, 879.57; CITY EMPLOYEE, RE, 250.40; CITY EMPLOYEE, RE, 150.83; CITY EMPLOYEE, RE, 69.23; CITY OF NORFOLK, SE, 149.12; CITY OF WAYNE, RE, 211.46; CIVICPLUS, SE, 320.00; CLAUSSEN & SONS IRRIG, SE, 8178.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE COMPANY, SE, 86.00; DITCH WITCH UNDERCON, SU, 658.64; ED M. FELD EQUIPMENT, SE, 8540.05; ELKINS PORTABLE RESTROOMS, SE, 985.00; FASTWYRE BROADBAND, SE, 1547.54; FLOOR MAINTENANCE, SU, 1177.63; GALE/CENGAGE LEARNING, SU, 103.31; GERHOLD CONCRETE, SU, 2073.76; GERHOLD CONCRETE, SU, 1116.64; GROSSENBURG IMPLEMENT, SU, 45.32; HILAND DAIRY, SE, 182.62; INGRAM LIBRARY SERVICES, SU, 622.04; ISLAND SPRINKLER SUPPLY, SU, 108.66; KAUP FORAGE & TURF, SU, 1425.00; KOUATIL, ZAYNAB, SE, 400.00; LIVING HERE, RE, 28.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MUNSON, TERRY, RE, 50.00; NATL LEAGUE OF CITIES, FE, 1239.00; NE DEPT OF REVENUE-CHARITABLE GAMING DIV, TX, 1829.00; NE FIRE CHIEFS ASSOC, FE, 100.00; NE STATE VOLUNTEER FIREFIGHTERS ASSOC, FE, 603.00; NNEDD, SE, 75.00; NORTHEAST NE INS AGENCY, SE, 466.00; NORTHEAST POWER, SE, 21756.30; NORTHWEST ELECTRIC, SU, 1577.01; O'REILLY AUTOMOTIVE STORES, SU, 135.54; OVERDRIVE, SU, 29.99; QUADIENT LEASING USA, SU, 2691.00; SCHMITZ, CINDY, SE, 90.00; SOOLAND BOBCAT, SE, 142.16; STAPLES, SU, 86.13; TOTAL GRAPHICS, SU, 516.25; US FOODSERVICE, SU, 46.25; VAKOC, SU, 87.04; AMERITAS, SE, 168.44; AMERITAS, SE, 35.00; AMERITAS, SE, 3380.94; AMERITAS, SE, 72.00; AMERITAS, SE, 100.57; BERTOLAS, RANDY, RE, 500.00; BLUE CROSS BLUE SHIELD, SE, 51132.79; BORDER STATES INDUSTRIES, SU, 625.18; CARHART LUMBER COMPANY, SU, 166.72; CHRISTIAN CHINCHILLA, RE, 200.00; CIRBA SOLUTIONS SERVICES, SU, 102.00; CITY EMPLOYEE, RE, 104.20; CITY OF WAYNE, PY, 124117.38; CITY OF WAYNE, RE, 760.63; CONTINENTAL FIRE SPRINKLER, SE, 223.00; DEMCO, SU, 3424.42; ED M. FELD EQUIPMENT, SU, 5805.50; FIRST CONCORD GROUP, SE, 4516.64; HAWKINS, SU, 3568.22; HAWKINS, SU, 2371.72; HILAND DAIRY, SE, 155.64; ICMA, SE, 70.00; ICMA, SE, 36.84; ICMA, SE, 189.32; ICMA, SE, 166.28; ICMA, SE, 200.00; ICMA, SE, 127.36; ICMA, SE, 8585.67; ICMA, SE, 2180.90; ICMA, SE, 495.46; ICMA, SE, 142.75; ICMA, SE, 413.68; IRS, TX, 4754.88; IRS, TX, 20331.14; IRS, TX, 12753.24; JEFF'S RPM SERVICE, SE, 529.75; JEO CONSULTING GROUP, SE, 7193.25; KENNY, KELLY, RE, 1000.00; LONGE, LUCAS, RE, 200.00; MARCO TECHNOLOGIES, SE, 46.81; MIDWEST TAPE, SU, 12.99; MILLER LAW, SE, 5416.67; MITCHELL, HALEY, RE, 300.00; NE DEPT OF REVENUE, TX, 6109.96; NEBRASKA GENERATOR SERVICE, SE, 1410.15; NNEDD, SE, 4646.68; OPTK NETWORKS, SE, 408.54; O'REILLY AUTOMOTIVE STORES, SU, 49.63; POSTMASTER, SU, 1088.28; SOOLAND BOBCAT, RE, 64.47; STANTON CO COURT, RE, 500.00; STATE NEBRASKA BANK-PETTY CASH, RE, 105.38; UNITED STATES THERMOAMP, SU, 8957.62; VIAERO, SE, 68.94; WAED, SE, 8980.41; WAYNE COMMUNITY SCHOOL FOUNDATION, RE, 200.00; WAYNE COUNTY SHERIFF, SE, 65.00; WISNER WEST, SU, 140.60; ZIMCO SUPPLY, SU, 2027.50

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to approve the claims.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Greg Ptacek, representing the Wayne Community Redevelopment Authority (CRA), was present requesting Council consideration to approving the request to allocate 2.6 cents per \$100.00 of the taxable

value of real property within the City of Wayne to the CRA. This would bring in approximately \$80,000 in revenue for the CRA. This levy is made available to the CRA by State Statute.

Councilmember Eischeid introduced Resolution No. 2023-49 and moved for its approval, Councilmember Muir seconded.

RESOLUTION NO. 2023-49

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE COMMUNITY REDEVELOPMENT AUTHORITY – 2.6 CENTS PER \$100.00 OF THE TAXABLE VALUE OF REAL PROPERTY WITHIN THE CITY OF WAYNE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent and Councilmember Pick voting Nay, the Mayor declared the motion carried.

Luke Virgil, Director of Wayne Area Economic Development, gave his semi-annual LB840 Activity Report to Council.

Administrator Blecke presented Application for Payment No. 11 for \$15,784 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.” Administrator Blecke updated the Council on the project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Pick, approving Application for Payment No. 11 for \$15,784 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Administrator Blecke, on behalf of Roger Protzman, Engineer with JEO Consulting Group, Inc., presented Application for Payment No. 1 for \$83,033.56 to Vrba Construction, Inc., for the “2023 Wayne Sanitary Sewer Service Improvement Project.” This contractor has done some extra things on the project that the City will not be paying for (e.g. connections to properties, etc.), and staff is assuming they have talked with those property owners.

Councilmember Webber made a motion, which was seconded by Councilmember Muir, approving Application for Payment No. 1 for \$83,033.56 to Vrba Construction, Inc., for the “2023 Wayne Sanitary Sewer Service Improvement Project.” Mayor Giese stated the motion, and the result of roll call being all

Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2023-14, and moved for approval of the second reading thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-14

AN ORDINANCE AMENDING TITLE VII TRAFFIC CODE, PROHIBITIONS AND ENFORCEMENT, SECTION 78-13 STOP SIGN LOCATIONS; WEST OF MAIN STREET, SOUTH OF SEVENTH STREET; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance 2023-15, and moved for approval of the second reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2023-15

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.111 SFP FLOODPLAIN DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

The following Ordinance would amend Sec. 110.07 of the Wayne Municipal Code to increase the water and sewer utility franchise fees as follows:

- Electric – (remains the same) 10.5%
- Water from 8% to 10.5%
- Sewer from 7% to 10.5%

These franchise fees have not been amended since 2014. This additional revenue has already been built into the budget.

Councilmember Eischeid introduced Ordinance No. 2023-16, and moved for approval thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, TITLE XI BUSINESS REGULATIONS, CHAPTER 110 OCCUPATION TAXES, SECTION 110.07 UTILITY FRANCHISE FEES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to move for final approval of Ordinance No. 2023-16. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

The following Resolution would allocate \$79,044 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. Last year's allocation was \$69,337.

Councilmember Muir introduced Resolution No. 2023-48 and moved for its approval, Councilmember Buck seconded.

RESOLUTION NO. 2023-48

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY (\$79,044).

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Marlen Chinn, Police Chief, advised the Council that the City of Wayne Emergency Operations Plan is a section of the Wayne County Local Emergency Operations Plan (LEOP). The LEOP needs to be updated every five years and was last renewed in 2018. Each Department Head was asked to review the same and bring forward any recommended or needed changes.

This document is in place to outline the responsibilities of the City of Wayne Elected Officials and City Departments in the event of a disaster for response and recovery efforts.

Councilmember Webber introduced Resolution 2023-50, and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-50

A RESOLUTION APPROVING WAYNE COUNTY LOCAL EMERGENCY OPERATIONS PLAN.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Marlen Chinn, Police Chief, stated Wayne Public Schools approached the City inquiring whether an agreement could be reached to add a part-time School Resource Officer (SRO) to work approximately 10 hours per week within the school district buildings this coming school year. The Memorandum of Understanding is a required document by State Statute for the schools to move forward that would need approval by both the School and the City. This is a one-year commitment.

Attorney Miller has reviewed both documents (Memorandum of Understanding and Interlocal Agreement). She did not have any changes at this time to the Memorandum of Understanding.

Councilmember Webber introduced Resolution 2023-51, and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-51

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY SCHOOL DISTRICT #90-0017.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

The following Interlocal Agreement between the School District and the City of Wayne was created describing the work expected, along with details of liability coverage, training expectations and costs associated to the position. Per State Statute, the SRO position and school administration are required to obtain 20 hours of specialized training within six months of the start of the SRO program. The School District has agreed to fund the training in full for their administration involved and the Police Administrator, along with the officer assigned the SRO position. This type of program has never existed within the Wayne School District before, which is why this is for a trial period of one year. The SRO position would not add additional staff to the Police Department, and at this point, would only add some scheduling changes to make it work, as long as the Police Department is able to maintain its current staffing level.

Attorney Miller recommended the following change to 3. b. of the Interlocal Agreement:

“The School District will arrange and pay expenses for the required 20 hours of training within six months of the beginning of the 2023-24 school year. Should a new officer be assigned for future school years, the School District will do the same.”

In addition, Attorney Miller wanted to make sure the School District was going to provide the City with the same liability requirements as stated in Paragraph 12 of the Interlocal Agreement.

Councilmember Bratcher introduced Resolution 2023-52, and moved for its approval, as amended and recommended by Attorney Miller; Councilmember Webber seconded.

RESOLUTION NO. 2023-52

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT TO SHARE LAW ENFORCEMENT RESOURCES BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY SCHOOL DISTRICT #90-0017.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

The following Resolution would approve the specifications and authorize the purchase of a John Deere 320G Skid Steer Loader and related equipment as per the proposal received from Murphy Tractor & Equipment in the amount of \$56,800 through the Sourcewell Cooperative Pricing Program.

Casey Junck, Water/Wastewater Superintendent, and Tim Sutton, Electric Distribution Superintendent, were present to answer questions. The purchase of this equipment will be shared one-third each by the Water, Wastewater and Electric Departments.

It was noted that payment for this vehicle will not be made until after October 1st.

Councilmember Muir introduced Resolution 2023-53, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-53

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A JOHN DEERE 320G SKID STEER LOADER AND RELATED EQUIPMENT AS PER THE BID PROPOSAL RECEIVED FROM MURPHY TRACTOR & EQUIPMENT (\$56,800) THROUGH THE SOURCEWELL COOPERATIVE PRICING PROGRAM.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Administrator Blecke stated the following Resolution would amend the schedule of fees as recommended by City staff.

Discussion took place on the rental fee for the new Freedom Park Trailhead building. After discussion, consensus was to set the rental fee at \$100/day and a damage deposit of \$150.

Councilmember Eischeid introduced Resolution No. 2023-54 and moved for its approval, as amended, but deleting the no rental fee for non-profits for the Freedom Park Trailhead building; Councilmember Buck seconded.

RESOLUTION NO. 2023-54

A RESOLUTION AMENDING SCHEDULE OF FEES.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Mayor Giese requested Council consideration to the appointment of Dwaine Spieker to the Planning Commission.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, approving the appointment of Dwaine Spieker to the Planning Commission. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to set the Mini-Retreat date for Tuesday, August 29th, at 5:30 p.m. at the Freedom Park Trailhead building. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Karsky and Brodersen who were absent, the Mayor declared the motion carried.

There was no update on Agenda Item No. 20 – Budget Update.

There was no update on Agenda Item No. 21 – Discuss/Update on the potential negotiations on real property.

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