

MINUTES
CITY COUNCIL MEETING
August 15, 2023

The Wayne City Council met in regular session at City Hall on August 15, 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, Brittany Weber, Clayton Bratcher, Jason Karsky, Matt Eischeid, and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Kate Jorgensen. Absent: Councilmember Nick Muir and Attorney Amy Miller.

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 Bratcher made a motion, which was seconded by Councilmember Webber, to approve the minutes of the meeting of August 1, 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 Councilmember Muir who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ACE HARDWARE & HOME, SU, 310.59; AMERITAS, SE, 104.70; AMERITAS, SE, 72.00; AMERITAS, SE, 3230.06; AMERITAS, SE, 35.00; AMERITAS, SE, 168.44; APPEARA, SE, 74.63; AXON ENTERPRISE, SU, 467.55; BEIERMANN ELECTRIC, SE, 450.00; BINSWANGER

GLASS, SU, 309.50; BOK FINANCIAL, RE, 684566.25; BORDER STATES INDUSTRIES, SU, 1586.86; CARDENAS, MARIBEL, RE, 200.00; CARHART LUMBER COMPANY, SU, 310.59; CARHART LUMBER COMPANY, SU, -310.59; CARLSON WEST POVONDRA ARCHITECTS, SE, 8280.00; CITY EMPLOYEE, RE, 318.00; CITY EMPLOYEE, RE, 4200.00; CITY EMPLOYEE, RE, 6921.15; CITY EMPLOYEE, RE, 125.20; CITY OF WAYNE, PY, 114055.44; CITY OF WAYNE, RE, 71.37; COLONIAL RESEARCH, SU, 177.61; CONTRERAS, RUTILIO, RE, 200.00; COPY WRITE PUBLISHING, SE, 141.10; COTTONWOOD WIND PROJECT, SE, 8403.19; DEARBORN LIFE INSURANCE COMPANY, SE, 2949.87; ED M. FELD EQUIPMENT, SU, 984.56; ELLIS HOME SERVICES, SE, 99.50; FASTWYRE BROADBAND, SE, 125.52; FLOOR MAINTENANCE, SU, 338.26; FLOW CONTROL, SU, 876.00; GENERAL TRAFFIC CONTROLS, SU, 535.00; GERHOLD CONCRETE, SU, 2392.81; GLOBAL PAYMENTS INTEGRATED, SE, 750.27; GROSSENBURG IMPLEMENT, SU, 32.47; HILAND DAIRY, SE, 155.16; HILAND DAIRY, SE, 168.20; HOMETOWN LEASING, SE, 465.14; ICMA, SE, 36.84; ICMA, SE, 189.32; ICMA, SE, 166.28; ICMA, SE, 142.75; ICMA, SE, 200.00; ICMA, SE, 413.68; ICMA, SE, 70.00; ICMA, SE, 127.36; ICMA, SE, 495.46; ICMA, SE, 8565.67; ICMA, SE, 2127.50; IRS, TX, 12040.33; IRS, TX, 4401.00; IRS, TX, 18818.08; JOHN'S WELDING AND TOOL, SE, 180.25; KEPKO ENGRAVING, SU, 16.90; KOUATIL, ZAYNAB, SE, 400.00; KTCH, SE, 160.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 13008.00; LUTT OIL, SU, 8605.34; LYNN PEAVEY, SU, 232.00; MERCHANT SERVICES, SE, 1271.94; MERCHANT SERVICES, SE, 79.87; MERCHANT SERVICES, SE, 5325.89; MIDWEST ALARM SERVICES, SE, 212.54; MIDWEST ALARM SERVICES, SE, 606.56; MIDWEST LABORATORIES, SE, 216.57; MIDWEST SERVICE & SALES, SU, 20689.20; MUNICIPAL SUPPLY, SU, 4698.65; NE DEPT OF REVENUE, TX, 5686.35; NE NOTARY ASSOC, SU, 157.95; NPPD, SE, 8273.64; NORTHEAST POWER, SE, 7651.00; ONE CALL CONCEPTS, SE, 113.92; O'REILLY AUTOMOTIVE STORES, SU, 126.71; PAC N SAVE, SU, 128.10; PAC N SAVE, SU, 1184.82; PEPSI COLA OF SIOUXLAND, SU, 124.13; PLUMBING & ELECTRIC SERVICE, SE, 1290.78; PLUNKETT'S PEST CONTROL, SE, 109.36; QUADIENT FINANCE USA, SU, 1000.00; REHAB SYSTEMS, SE, 27983.25; SEILER INSTRUMENT & MFG, FE, 970.00; STADIUM SPORTING GOODS, SU, 85.00; STATE NEBRASKA BANK & TRUST, SE, 65.92; SUMMIT CARBON SOLUTIONS, RE, 250.00; US FOODSERVICE, SU, 2908.00; USA BLUE BOOK, SU, 318.31; UTILITIES SECTION, FE, 3786.00; VERIZON, SE, 584.13; VRBA CONSTRUCTION, SE, 83033.56; WASTE CONNECTIONS, SE, 79.73; WAYNE AUTO PARTS, SU, 576.09; WAYNE COMMUNITY HOUSING, RE, 200.00; WAYNE COUNTY SHERIFF, RE, 655.90; WAYNE HERALD, SE, 790.83; WAYNE HERALD, SE, 743.00; WAYNE HERALD, SE, 190.00; WAYNE VETERINARY CLINIC, SE, 238.00; WAPA, SE, 24504.38; WISNER WEST, SU, 65.72; AXON ENTERPRISES, SU, 29837.09; BIG RIVERS ELECTRIC CORPORATION, SE, 273492.02; CITY EMPLOYEE, RE, 118.40; CITY EMPLOYEE, SE, -12.00; CITY OF WAYNE, RE, 150.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 69.73; DITCH WITCH UNDERCON, SU, 266.49; EGAN SUPPLY, SE, 6853.00; ENGINEERED EQUIPMENT SOLUTIONS, SU, 630.24; FAITH REGIONAL PHYSICIAN SERV, SE, 30.00; GERHOLD CONCRETE, SU, 1695.22; GRAINLAND ESTATES, RE, 1888.29; GRAINLAND ESTATES, RE, -1888.29; HYDRO OPTIMIZATION, SE, 4295.12; IRS, TX, 87.66; IRS, TX, 17.43; IRS, TX, 20.50; JEFF'S RPM SERVICE, SE, 1496.41; NE DEPT OF REVENUE, TX, 17.89; OVERDRIVE, SU, 977.24; UTILITY EQUIPMENT, SU, 444.06; WAYNE COUNTY TREASURER, SE, 6724.72

Councilmember Brodersen made a motion, which was seconded by Councilmember Pick, to approve the claims.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Mike Powicki, Director of Athletics at Wayne State College, was present requesting Council consideration to allowing them to have a fireworks display at the College after the “Family Day” football game on Saturday, September 16, 2023, with an alternate date of October 14, 2023.

Councilmember Bratcher made a motion, which was seconded by Councilmember Brodersen, approving the request of Mike Powicki, Director of Athletics at Wayne State College, to have a fireworks display at the College after the “Family Day” football game on Saturday, September 16, 2023, with an alternate date of October 14, 2023, with the approval of the Fire Chief. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Amy White, Director of Student Activities at Wayne State College, submitted a request to close Main Street, between 1st and 11th Streets, on Saturday, October 7, 2023, from 8:00 a.m. to 11:30 a.m. for the WSC Homecoming/Band Day Parade. This is an annual request.

Councilmember Brodersen introduced Resolution No. 2023-58 and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2023-58

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF TRANSPORTATIONS’ REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, approving the Contract for Services between the City of Wayne and the Board of Trustees of the Nebraska State Colleges – Wayne State College for the homecoming parade. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Councilmember Brodersen introduced Ordinance 2023-14, and moved for approval of the third and final reading thereof; Councilmember Buck 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 Councilmember Muir who was absent, the Mayor declared the motion carried.

Councilmember Brodersen introduced Ordinance 2023-15, and moved for approval of the third and final reading thereof; Councilmember Pick 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 Councilmember Muir who was absent, the Mayor declared the motion carried.

Beth Porter, Finance Director, staff initially had \$7.5 million approved for the municipal bonds. Once staff had a better idea of costs coming in, what we needed for the budget to actually balance was \$10 million dollars. The breakdown on that is \$3.5 million for the new City Hall; \$3 million for the Prairie Park Project; \$2 million for possible land acquisition; and \$1.5 million for the new Park and Rec Building.

Andy Forney, the City's bonding agent with D.A. Davidson, advised that this is an amendment to the original Ordinance 2023-6. In this Ordinance, we are repealing the \$7.5 million and inserting \$10 million. In addition, we are changing the final maturity date to December 15, 2027. We also increased the not-to-exceed interest rate from 4.5% to 5%. If we were to issue today, we would be in the 3.9% range, but since we are going to issue these over the next year and one-half as the City needs the funds, Mr. Forney wanted to give the City the flexibility because it feels like rates are going to continue to creep up on us. The best part about this is that it is really acting as notes, so once a project is completed, we can roll it into

long-term financing. That way, we do not have the risk of over issuing. Mr. Forney also requested Council to waive the three readings.

Councilmember Eischeid introduced Ordinance No. 2023-17, and moved for approval thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-17

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA AMENDING ORDINANCE NO. 2023-6 TO AUTHORIZE A STATED PRINCIPAL AMOUNT OF NOT TO EXCEED TEN MILLION DOLLARS (\$10,000,000) TAX SUPPORTED MUNICIPAL IMPROVEMENT BONDS, SERIES 2023, OF THE CITY OF WAYNE, NEBRASKA, AND AMENDING CERTAIN PARAMETERS FOR SUCH BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET OR ELECTRONIC FORM.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was 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 Councilmember Muir who was 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. 2023-17. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Representatives from Carlson, West Povondra, Architects, Bob Soukup and Kelley Rosburg, presented the plans and specifications for the “New Police and City Municipal Building Renovation Project.” They are targeting the bid opening to be mid-September. The estimated cost of this project has been reduced from \$3.7 million to \$3.5 million. The \$3.5 million is construction costs. There are some elements (e.g. furniture, etc.) that are not included in this part of the process. Some portions of this construction could start immediately. Total duration could be between 14-18 months, depending upon delivery of some things. One of the biggest challenges with this project is the site. The site drops off quite

a bit on the north side and to the alley. If anything was being skimped on, it would be the HVAC system. It will still work; there just will not be additional zones.

Councilmember Brodersen introduced Resolution No. 2023-55 and moved for its approval, Councilmember Buck seconded.

RESOLUTION NO. 2023-55

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE “NEW POLICE AND CITY MUNICIPAL BUILDING RENOVATION PROJECT,” AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Matthew Smith, Olsson, the engineer on the “Wayne Prairie Park Development – Phase II Utilities Project” was present to review the bids received on said project. Five bids were received, and after having reviewed the same, his recommendation was to award the project to the low bidder, Penro Construction Co. for \$716,931. The engineer’s estimate for this project was \$1.2 million. He also updated the Council on the project.

Councilmember Karsky introduced Resolution 2023-56, and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-56

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “WAYNE PRAIRIE PARK DEVELOPMENT – PHASE II UTILITIES PROJECT” — PENRO CONSTRUCTION CO. FOR \$716,931.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

The following Municipal Annual Certification of Program Compliance Form 2023 and Resolution replaces the annual filing of the One and Six Year Plan or Program and the former standardized system of annual reporting with the Nebraska Board of Public Roads Classification and Standards. This must be adopted and returned to the Nebraska Department of Transportation (NDOT) by October 31, 2023.

Councilmember Eischeid introduced Resolution No. 2023-57 and moved for its approval, Councilmember Buck seconded.

RESOLUTION NO. 2023-57

A RESOLUTION AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2023.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Beth Porter, Finance Director, advised the Council that she has received the valuations from the County Assessor. She budgeted a 4% increase on valuations. The valuations came in at 13.45%. If the levy remains the same as last year, there would be about \$27,500 to go back in reserves. Consensus was to keep the levy the same as last year and to place the extra monies into reserves.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to enter into executive/closed session to discuss potential negotiations on real property, with the purpose being to protect the financial interest of the City, and to allow City Administrator Blecke and City Clerk McGuire to also be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried, and executive session began at 6:25 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to the discussion on potential negotiations on real property.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried, and open session resumed at 6:48 p.m.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to allow City Staff to discuss the price discussed in closed session with the City Attorney and also with the land owner that was discussed in closed session as well. Mayor Giese stated the motion, and the result of

roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:48 p.m.