

**MINUTES
CITY COUNCIL MEETING
October 3, 2023**

The Wayne City Council met in regular session at City Hall on October 3, 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 Webber, Clayton Bratcher, Jason Karsky, Matt Eischeid, and Jill Brodersen; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: City Administrator Wes Blecke.

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.

Mayor Giese announced that the "Stool to Cool" groundbreaking ceremony will be held on Friday, October 6, 2023, at 3:00 p.m. at the Summer Sports Complex west field entrance.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting of September 19, 2023, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ALLEN YOUTH REC, RE, 170.00; AMERITAS, SE, 117.78; AMERITAS, SE, 72.00; AMERITAS, SE, 3551.10; AMERITAS, SE, 210.55; AMERITAS, SE, 35.00; APPEARA, SE, 63.28; APPEARA, SE, 27.12; BINSWANGER GLASS, SE, 4231.28; BOMGAARS, SU, 76.98; BORDER STATES INDUSTRIES, SU, 295.50; BOYER, ELLIE, SE, 33.75; BROKAW, JORDYN, RE, 138.00; CADET BOOSTER, SE, 180.00; CARLSON WEST POVONDRA ARCHITECTS, SE, 47207.38; CARROLL DISTRIBUTING, SU, 612.39; CITY EMPLOYEE, RE, 575.00; CITY EMPLOYEE, RE, 799.94; CITY EMPLOYEE, RE, 232.26; CITY EMPLOYEE, RE, 154.62; CITY EMPLOYEE, RE, 105.20; CITY EMPLOYEE, RE, 34.09; CITY EMPLOYEE, RE, 1588.36; CITY OF NORFOLK, SE, 149.12; CITY OF WAYNE, PY, 104314.63; CITY OF WAYNE, RE, 457.64; CLAUSSEN, HEATHER, SE, 590.00; CORNHUSKER STATE INDUSTRIES, SU, 1524.00; COUNTRY NURSERY, SU, 225.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DGR & ASSOCIATES, SE, 234.00; DUHSMANN, JAZMINE, RE, 46.00; DUNNING, CAROL, RE, 42.80; EAKES OFFICE PLUS, SE, 2825.07; ELLIS HOME SERVICES, SE, 6016.36; ENDICOTT, ADAM, RE, 68.50; ENGINEERED CONTROLS, SE, 2470.00; FASTWYRE BROADBAND, SE, 1689.43; FIRST CONCORD GROUP, SE, 4634.64; FRANCIS, JEFF, RE, 65.50; FREDRICKSON, ANGIE, RE, 208.00; GALE/CENGAGE LEARNING, SU, 179.33; GERHOLD CONCRETE, SU, 1293.34; GREVE, RODNEY, RE, 97.50; GROSSENBURG IMPLEMENT, SU, 75.12; GROUNDWORKS, RE, 500.00; GUBBEL, JANA, RE, 92.00; HANK, RYAN, RE, 69.00; HEARTLAND FIRE PROTECTION, SU, 277.00; HEITHOLD, MANDY, RE, 114.50; HILAND DAIRY, SE, 98.66; HOLZ, TRAVIS, RE, 19.50; ICMA, SE, 2228.86; ICMA, SE, 495.46; ICMA, SE, 200.00; ICMA, SE, 127.36; ICMA, SE, 8585.67; ICMA, SE, 70.00; ICMA, SE, 189.32; ICMA, SE, 166.28; ICMA, SE, 413.68; ICMA, SE, 38.28; ICMA, SE, 142.75; INGRAM LIBRARY SERVICES, SU, 531.16; IOWA PUMP WORKS, SE, 106.00; IRS, TX, 4126.80; IRS, TX, 12656.75; IRS, TX, 17645.70; JACK'S UNIFORMS, SU, 357.65; JECH, ADAM, RE, 392.50; JEFF'S RPM SERVICE, SU, 26.85; JEO CONSULTING GROUP, SE, 1749.18; KAI, ALLISON, RE, 23.00; KAI, STACEY, RE, 46.00; L.G. EVERIST, SU, 1772.44; LARSON, SARAH, RE, 207.00; LINCOLN WINWATER WORKS, SU, 254.78; MAIN STREET GARAGE, SE, 101.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MERCHANT JOB TRAINING, SU, 650.00; MOORMEIER, KARI, RE, 46.00; MUNICIPAL SUPPLY, SU, 2255.06; NE DEPT OF REVENUE, TX, 5766.14; NE LAW ENFORCEMENT, SE, 500.00; NORTHEAST POWER, SE, 23826.18; ODEYS, SU, 1489.65; OFFNER, ELIZABETH, RE, 230.00; OLSSON, SE, 22800.95; O'REILLY AUTOMOTIVE STORES, SU, 527.47; OVERDRIVE, SU, 1435.30; PEERLESS WIPING CLOTH, SU, 581.24; PROCHASKA, MADELYN, SE, 33.75; QUALITY 1 GRAPHIC, SU, 320.00; ROEBER, AMBER, RE, 46.00; SCHULZ, ASHLEIGH, RE, 92.00; SHARP CONSTRUCTION, RE, 1000.00; STADIUM SPORTING GOODS, SU, 504.00; STAPLES, SU, 122.57; STEELE POOL, SE, 3889.50; TOTAL GRAPHICS, SU, 121.00; TRAUTMAN, ANDREA, RE, 470.50; USA BLUE BOOK, SU, 222.27; UTILITY EQUIPMENT, SU, 535.96; VAN LIERE, SETH, SE, 48.00; VIAERO, SE, 68.94; WAED, SE, 199.00; WAED, SE, 6000.00; WAYNE COMMUNITY SCHOOLS, SU, 90.00; WAYNE KIWANIS, FE, 160.00; WESCO, SU, 141.24; WILLIAMSON, CARRIE, RE, 52.00; WISNER WEST, SU, 269.16; WITTNER, MARIA, RE, 45.50; ZAVADA, MARIA, RE, 52.00; APPEARA, SE, 75.72; BOMGAARS, SU, 4167.81; CARHART LUMBER COMPANY, SU, 1315.33; CARPENTER PAPER COMPANY, SU, 924.02; CITY EMPLOYEE, RE, 232.33; CITY OF WAYNE, RE, 170.78; CITY OF WAYNE, UTILITY VOID-74.46; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 42654.30; DEMCO, SU, 382.44; DUNKLAU, KIM, RE, 200.00; FLOOR MAINTENANCE, SU, 782.45; GERHOLD CONCRETE, SU, 1440.18; HELENA AGRI-ENTERPRISES, SU, 1525.00; HILAND DAIRY, SE, 177.64; KELLY SUPPLY COMPANY, SU, 142.81; NE STATE FIRE MARSHAL, SE, 144.00; NORTHEAST POWER, SE, 7850.00; ODEYS, SU, 6500.00; POSTMASTER, SU, 1096.87; QUALITY FOOD CENTER, SU, 15.98; SECURITY SHREDDING SERVICES, SE, 35.00; SID DILLON CHEVROLET, SU, 49933.00; STAPLES, SU, 368.99; STATE NEBRASKA BANK-PETTY CASH, RE, 116.48; STATE NEBRASKA BANK-PETTY CASH, RE, 319.10; STATE TREASURER OF NE, FE, 742.98; T & S TRUCKING, SE, 625.90; THE RETROFIT COMPANIES, SE, 5713.75; UNITED RENTALS, SE, 3400.00; VAN DIEST SUPPLY, SU, 846.00; WAYNE COMMUNITY SCHOOLS, RE, 3037.50; WESCO, SU, 179.76

FISCAL YEAR 2023/2024: BLUE CROSS BLUE SHIELD, SE, 52210.46; CIRBA SOLUTIONS SERVICES, SU, 102.00; CITY OF WAYNE, RE, 575000.00; CITY EMPLOYEE, RE, 118.00; CITY OF

WAYNE, RE, 37.67; DEARBORN LIFE INSURANCE COMPANY, SE, 86.00; HOMETOWN LEASING, SE, 465.14; MILLER LAW, SE, 5416.67; NORTHEAST NE INS AGENCY, SE, 109189.00; PROVIDENCE MEDICAL CENTER, RE, 76037.00

Councilmember Brodersen 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, the Mayor declared the motion carried.

Administrator Blecke, on behalf of Roger Protzman, Engineer with JEO Consulting Group, Inc., presented Application for Payment No. 3 (Final) for \$6,450.31 to Vrba Construction, Inc., for the “2023 Wayne Sanitary Sewer Service Improvement Project.” Administrator Blecke explained that we will be holding this check until the contractor has reimbursed a property owner (Toni Hytrek) for a water service line that was hit by this contractor and fixed by Ellis Home Services. Toni Hytrek paid Ellis Home Services for this damage.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Application for Payment No. 3 (Final) for \$6,450.31 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, the Mayor declared the motion carried.

Administrator Blecke presented Application for Payment No. 12 (Final) for \$40,485 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.” Councilmember Brodersen updated the Council on the project.

Councilmember Karsky made a motion, which was seconded by Councilmember Buck, approving Application for Payment No. 12 (Final) for \$40,485 to OCC Builders, LLC, for the “Freedom Park Trailhead Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2023-18 and moved for approval of the third and final reading thereof; Councilmember Webber seconded.

ORDINANCE NO. 2023-18

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.046 — A-1 AGRICULTURAL DISTRICT, SUBSECTION (K) PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Giese declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding a "Use by Exception Permit" request to construct a townhouse in an R-1 Residential District. The applicant, Homestead Homes, wishes to construct a townhouse at 422 Donner Pass.

The Planning Commission reviewed this matter at their public hearing on October 2, 2023, and recommended approval thereof, with the condition that trees be planted on the lot, with the "Findings of Fact" being:

1. Consistency with the current and future land use maps; and
2. Staff's recommendation.

Chad Hoeppner, representing Homestead Homes, was present to answer questions.

Councilmember Brodersen noted she would be abstaining from the vote as well as any conversation due to a conflict of interest in the matter.

It was also noted that Councilmember Bratcher did not have a conflict of interest in this matter.

City Attorney Miller, who was at the Planning Commission meeting, explained what had taken place.

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

There being no further comments, Mayor Giese closed the public hearing.

After some discussion Councilmember Eischeid introduced Resolution 2023-67, and moved for approval thereof, with the exception that the condition to add trees to the lot be deleted; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-67

A RESOLUTION APPROVING THE APPLICATION OF HOMESTEAD HOMES FOR A ZONING USE BY EXCEPTION PERMIT TO CONSTRUCT A TOWNHOME AT 422 DONNER PASS.

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

Kelley Rosburg, Architect with Carlson West Povondra Architects was present to go over the bids received on Thursday, September 28th, on the “Wayne City Hall and Police Relocation Project.”

Bob Soukup, also with Carlson West Povondra Architects, was present via zoom to answer questions.

Keith Moje with Otte Construction Co. was present to answer questions.

Three bids were received. The low bid was from Otte Construction for \$4,156,000 (base bid) and \$48,500 for 3 bid alternates. The other two bids were from Huff Construction for \$4,223,000 (base bid) and L & L Contracting for \$4,398,000 (base bid). The engineer’s estimate was about \$3,700,000.

The architects, as well as the contractor, reviewed the items that were bringing in the numbers higher than the engineer’s estimate. It was noted the bids were valid for 45 days.

A suggestion was to have staff contact Wayne County to see if there are any ARPA funds remaining and/or FEMA funds to apply for.

After much discussion, Councilmember Eischeid made a motion to table action on Resolution 2023-68 accepting bid and awarding a contract on the “Wayne City Hall and Police Relocation Project” until the next meeting, which will give the public an opportunity to meet with Councilmembers, if necessary, so they can make a decision at the next meeting; Councilmember Pick seconded. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place on the purchase of the First National Bank of Omaha building. The rec programs, after school program, as well as the pool, were discussed. Attorney Miller went through the timeline of things that needed to take place in purchasing the property.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:55 p.m.