

**MINUTES
CITY COUNCIL MEETING
November 7, 2023**

The Wayne City Council met in regular session at City Hall on November 7, 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, Nick Muir, Brittany Webber, Clayton Bratcher, Jason Karsky, Matt Eischeid, and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmember Terri Buck.

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 Brodersen made a motion, which was seconded by Councilmember Karsky, to approve the minutes of the meeting of October 17, 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 Buck 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:

FISCAL YEAR 2022/2023: CLARK EQUIPMENT, SU, 65575.66; CITY EMPLOYEE, RE, 169.06; JOHNSON FITNESS & WELLNESS, SE, 628.40; MOTOROLA SOLUTIONS, SE, 9507.87

FISCAL YEAR 2023/2024: PENRO CONSTRUCTION (APPROVED 10/17/23), SE, 114027.84; ACES, SE, 1093.66; ACES, SE, 1093.66; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 563.97; AMERITAS, SE, 106.57; AMERITAS, SE, 3331.26; AMERITAS, SE, 35.00; AMERITAS, SE, 168.44; AMERITAS, SE, 72.00; APPEARA, SE, 67.27; APPEARA, SE, 27.12; APPEARA, SE, 192.50; ATCO INTERNATIONAL, SU, 155.60; BEIERMANN ELECTRIC, SE, 211.44; BERNAL, GEORGINA, SE, 55.00; BLUE CROSS BLUE SHIELD, SE, 49487.92; BOMGAARS, SU, 373.92; BORDER STATES INDUSTRIES, SU, 273.23; BORDER STATES INDUSTRIES, SU, 374.50; BURNS, CHARLENE, RE, 150.00; CARHART LUMBER COMPANY, SU, 1175.66; CASEY ELECTRIC, SE, 1063.48; CAVE CRUSHING, SU, 3021.00; CHEMQUEST, SU, 2447.50; CINTAS, SU, 340.02; CITY EMPLOYEE, RE, 2964.38; CITY EMPLOYEE, RE, 422.91; CITY EMPLOYEE, RE, 132.92; CITY OF NORFOLK, SE, 149.12; CITY OF WAYNE, PY, 105513.41; CITY OF WAYNE, RE, 1308.50; COLONIAL RESEARCH, SU, 404.18; CORE & MAIN, SU, 336.07; DAS STATE ACCTG-CENTRAL FINANCE, SE, 537.60; DEARBORN LIFE INSURANCE COMPANY, SE, 106.64; ED M. FELD EQUIPMENT, SU, 1820.62; ELECTRONIC ENGINEERING, FE, 125.00; EULER, NATHAN, RE, 500.00; FASTWYRE BROADBAND, SE, 1611.00; FIRST CONCORD GROUP, SE, 4634.64; FLOOR MAINTENANCE, SU, 124.64; FLOOR MAINTENANCE, SU, 546.95; FLORES, BENJAMIN, RE, 500.00; GALE/CENGAGE LEARNING, SU, 128.00; GERHOLD CONCRETE, SU, 460.05; GRAHAM TIRE NORFOLK, SU, 1649.28; GRAPHIC CONTROLS ACQUISITION CORP, SU, 1212.40; GROSSENBURG IMPLEMENT, SU, 95.20; HALLIDAY PRODUCTS, SU, 137.45; HANSEN, ERIC, RE, 500.00; HAWKINS, SU, 8535.16; HILAND DAIRY, SE, 294.55; HILAND DAIRY, SE, 27.02; HILAND DAIRY, SE, 213.17; HOMETOWN LEASING, SE, 465.14; HUBER TECHNOLOGY, SU, 285.00; ICMA, SE, 2048.60; ICMA, SE, 127.36; ICMA, SE, 495.46; ICMA, SE, 200.00; ICMA, SE, 70.00; ICMA, SE, 142.75; ICMA, SE, 413.68; ICMA, SE, 166.28; ICMA, SE, 189.32; ICMA, SE, 38.28; ICMA, SE, 8605.05; IRS, TX, 4102.80; IRS, TX, 11633.78; IRS, TX, 17543.10; JEFF'S RPM SERVICE, SU, 244.58; JEO CONSULTING GROUP, SE, 1029.56; JILL BRODERSEN, RE, 125.55; KELLY SUPPLY, SU, 365.62; L.G. EVERIST, SU, 1788.63; MAIER, CHARLES, RE, 500.00; MAIN STREET GARAGE, SE, 100.00; MARCO, SE, 175.92; MARCO TECHNOLOGIES, SE, 180.50; MIKEY C PRODUCTIONS, SE, 100.00; MILLER LAW, SE, 5519.04; MILLER, GRANT, RE, 500.00; MUNICIPAL SUPPLY, SU, 587.66; MURPHY TRACTOR & EQUIPMENT, SU, 56800.00; NDEE-FISCAL SERVICES, FE, 230.00; NEDD-FISCAL SERVICES, FE, 230.00; NDEE-FISCAL SERVICES, FE, 460.00; NE CODE OFFICIAL ASSOCIATION, FE, 450.00; NE DEPT OF REVENUE, TX, 5583.38; NE HARVESTORE, SU, 722.52; NE LIBRARY COMMISSION, FE, 800.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 142.00; NEBRASKA IRRIGATION, SE, 63.00; NORTHEAST POWER, SE, 4664.00; NSG LOGISTICS, SU, 2208.95; OLSSON, SE, 26311.76; OPTK NETWORKS, SE, 408.54; O'REILLY AUTOMOTIVE STORES, SU, 176.69; O'REILLY AUTOMOTIVE STORES, SU, 172.71; OVERDRIVE, SU, 29.99; OVERHEAD DOOR, SU, 344.00; PAC N SAVE, SU, 1023.92; PER MAR SECURITY SERVICES, SE, 138.93; POSTMASTER, SU, 1099.09; QUANCE, MARILYN, RE, 50.00; RODRIGUEZ, NANCY, SE, 55.00; ROSE EQUIPMENT, SU, 2068.20; SANCHEZ, LINDA, RE, 150.00; SEIFFERT, BRIAN, RE, 50.00; SOOLAND BOBCAT, SU, 420.00; STADIUM SPORTING GOODS, SU, 210.00; STAPLES, SU, 260.60; STAPLES, SU, 78.99; STATE FARM INSURANCE, SE, 563.00; STATE NEBRASKA BANK & TRUST, SE, 61.76; STATE NEBRASKA BANK-PETTY CASH, RE, 109.02; THE MAJESTIC THEATER, FE, 184.00; TOM'S BODY & PAINT SHOP, SE, 122.42; UK STORAGE, RE, 10.00; UL, SE, 2910.00; VIAERO, SE, 70.42; WAYNE COUNTY SHERIFF, SE, 65.00; WAYNE COUNTY TREASURER, SE, 3510.32; WAYNE HERALD, SE, 49.95; WAYNE HIGH SCHOOL, SU, 100.00; WESCO, SU, 1480.35; WISNER WEST, SU, 441.55; ZIEGLER CAT, SU, 15005.00; ZIMCO SUPPLY, SU, 230.00; AMERITAS, SE, 106.97; AMERITAS, SE, 172.45; AMERITAS, SE, 35.00; AMERITAS, SE, 72.00; AMERITAS, SE, 3330.70; BLADES GROUP, SU, 1815.00; CITY EMPLOYEE, RE, 296.25; CITY EMPLOYEE, RE, 100.00; CITY OF WAYNE, PY, 104997.48; CITY OF WAYNE, RE, 296.85; DEARBORN LIFE INSURANCE COMPANY, SE, 3119.10; DISTRICT 11 AA, RE, 250.00; ELKINS PORTABLE RESTROOMS, SE, -260.00; FREDRICKSON OIL, SU, 1282.23; GLOBAL PAYMENTS INTEGRATED, SE, 691.95; GREDER, JANET, RE, 500.00; ICMA, SE, 1048.60; ICMA, SE, 495.46; ICMA, SE, 200.00; ICMA, SE, 127.36; ICMA, SE, 70.00; ICMA, SE,

142.75; ICMA, SE, 413.68; ICMA, SE, 166.28; ICMA, SE, 189.32; ICMA, SE, 38.28; ICMA, SE, 8835.32; IRS, TX, 11195.85; IRS, TX, 4064.16; IRS, TX, 17378.16; KTCH, SE, 160.00; LUTT OIL, SU, 7122.99; MAIN STREET GARAGE, SE, 200.00; MERCHANT SERVICES, SE, 1260.69; MERCHANT SERVICES, SE, 6277.23; MERCHANT SERVICES, SE, 92.38; NE DEPT OF REVENUE, TX, 5569.18; NPPD, SE, 8827.44; NORTHEAST NE INS AGENCY, SE, 4.00; NORTHEAST POWER, SE, 1910.00; ONE CALL CONCEPTS, SE, 140.10; PLUNKETT'S PEST CONTROL, SE, 48.60; QUALITY DRY CLEANERS, SE, 33.93; QUALITY FOOD CENTER, SU, 38.53; RODRIGUEZ, NANCY, SE, 110.00; SKARSHAUG TESTING LAB, SE, 265.56; STADIUM SPORTING GOODS, SU, 1111.00; T & S TRUCKING, SE, 631.62; WASTE CONNECTIONS, SE, 176.50; WAYNE COUNTY CLERK, SE, 130.00; WAYNE HERALD, SE, 584.00; WAYNE SENIOR CENTER, SE, 364.25; WAYNE VETERINARY CLINIC, SE, 252.00; WESCO, SU, 299.60

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

Mayor Giese requested Council consideration to the Mayoral appointment of Jill Walling to the Library Board to finish out the term of Sarah Lentz.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, approving the Mayoral appointment of Jill Walling to the Library Board. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Roger Protzman of JEO Consulting Group, Inc., presented Contractor's Application for Payment No. 1 in the amount of \$195,567.30 to Philip Carkoski Construction and Trenching, Inc., for the "2023 Wastewater Treatment Facility Ultraviolet Light Improvements Project." He also updated Council on the project.

Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving Contractor's Application for Payment No. 1 in the amount of \$195,567.30 to Philip Carkoski Construction and Trenching, Inc., for the "2023 Wastewater Treatment Facility Ultraviolet Light Improvements Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Mayor Giese stated the time was at hand for the public hearing regarding the application for a Retail Class CK (on and off sale and catering) Liquor License for Webber Hospitality, LLC, d/b/a “Geno’s Steakhouse & Lounge,” located at 121 W 1st Street.

Stephen and Brittany Webber, the new owners, were present to answer questions.

City Clerk McGuire had not received any comments for or against this public hearing.

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

Councilmember Brodersen introduced Resolution No. 2023-76 and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-76

A RESOLUTION APPROVING THE APPLICATION FOR A RETAIL CLASS CK LIQUOR LICENSE — WEBBER HOSPITALITY, LLC, D/B/A “GENO’S STEAKHOUSE & LOUNGE.”

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent and Councilmember Webber who abstained, due to a conflict of interest, the Mayor declared the motion carried.

The following agenda item was tabled from last meeting so staff could collect more information on warranty and process (pool painting/sandblasting project). Staff talked with both contractors about their submitted bids and is of the opinion that it would be best to hire Mighty Ducts-Steele Pool Co. (acid wash). Staff spoke with Jeff Steele about the work Mighty Ducts had already completed at the Wayne pool, and he agreed to reduce the bid price by the amount of work (some caulking) that had already been paid. Staff also talked to Bierman about their bid, and they would still not warranty any of the painting. Mighty Ducts Steele Pool Company will guarantee their work for a period of 3 years as long as their company preps and cleans the pool for spring opening at a cost of \$1,000.00 per year. The final cost for Mighty Ducts-Steele Pool (after deducting the work that has been done) will be \$45,923.50 compared to Bierman's of \$44,134.99. Staff also received positive comments from other communities regarding other work done by this Mighty Ducts. Mighty Ducts has worked with Sutton, Falls City, Albion, Gibbon, and Superior. Sutton and Falls City administrators were contacted and both gave positive recommendations.

Councilmember Brodersen introduced Resolution 2023-77, and moved for approval thereof;
Councilmember Karsky seconded.

RESOLUTION NO. 2023-77

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “2023 POOL PAINTING/SANDBLASTING PROJECT” TO MIGHTY DUCTS STEELE POOL COMPANY - \$45,923.50.

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

Administrator Blecke stated there are a couple of properties that the Community Redevelopment Authority owns and is also paying property taxes on, that they are getting no benefit from and will never likely sell to develop these properties. Staff feels it is in the City’s best interest to obtain these 2 parcels (burn pit/tree pile north of former Pacific Coast Property and road/street in the Western Ridge Subdivision).

Councilmember Karsky made a motion, which was seconded by Councilmember Muir, to accept certain properties owned by the Wayne Community Redevelopment Authority (burn pit/tree pile north of former Pacific Coast Property and Road/Street in the Western Ridge Subdivision). Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

The following Resolution pertains to an agreement with Carlson West Povondra Architects to undertake a “Community Activity Center Relocation Planning Study Project.” Their quote of \$15,000 would complete a solid estimate and visual rendering (not construction plans) of what a renovation and expansion of the FNBO building would cost/could look like. CWPA would do the same thing they did for the current CAC expansion and renovation plans from 2022. CWPA believes they could have this information concluded by March, 2024. This would give Council the opportunity to discuss placing another sales tax initiative on the 2024 primary ballot if it chose to.

Bob Soukup, representing CWPA, was present to answer questions.

Councilmember Karsky introduced Resolution 2023-78, and moved for approval thereof;
Councilmember Brodersen seconded.

RESOLUTION NO. 2023-78

A RESOLUTION APPROVING THE AGREEMENT WITH CARLSON WEST POVONDRA ARCHITECTS AS ARCHITECT/SPECIAL ENGINEER FOR THE “COMMUNITY ACTIVITY CENTER RELOCATION PLANNING STUDY PROJECT” - \$15,000.

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

The following Resolution would approve an Interlocal Agreement between the City and the County, and explains the way the County funds would be given to the City to help offset economic development expenses (primarily personnel) over the next 3 years. Since Amy Miller is both the City Attorney and the County Attorney, the Council would also need to acknowledge and waive the conflict of interest regarding this Interlocal Agreement to which she has given advice.

Luke Virgil, Economic Development Director, was present to answer questions. This agreement was modeled off of the City of Norfolk and their relationship with Madison County. The County’s payments to the City will be made on a quarterly basis.

Councilmember Eischeid introduced Resolution 2023-79, and moved for approval thereof; Councilmember Webber seconded.

RESOLUTION NO. 2023-79

A RESOLUTION APPROVING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WAYNE AND WAYNE COUNTY FOR FUNDING WAYNE AREA ECONOMIC DEVELOPMENT, INC., AND WAIVING ANY CONFLICT OF INTEREST FOR THE CITY AND WAYNE COUNTY ATTORNEY, AMY MILLER.

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

Administrator Blecke advised the Council that the Rural Economic Development Loan & Grant (REDLG) Program is open to Rural Utilities Service (RUS). The REDLG program can grant up to \$300,000 to entities who have been deemed to have the “RUS” status (which Wayne’s Electric system has been) and are willing to contribute 20%, or up to \$60,000 from its fund to assist with the financing of an eligible project. The Northeast Nebraska Public Health District (NNPHD) is planning to build a new facility and

has asked if the City would be willing to apply on its behalf. Specifics would include NNPHD receiving a \$360,000 loan from the grant, paying it back to the City over 10 years at 0% interest (a requirement of the grant to the City), and creating a revolving loan fund as the loan is paid back. This could be a supplement to the current LB840 fund, Northeast Nebraska Economic Development RLF, and WAED's internal smaller RLF. This is a competitive process, so there are no guarantees of receiving the funds.

Since its inception, NNPHD has expanded from two employees with a budget of less than \$200,000 to now having 21 employees, 24 grants/contracts, and a budget of over \$2.5 Million. NNPHD has accepted a bid to construct a 5,500-square-foot building. This building will be located north of Hopkins Eye Care off Milo Drive in Wayne. This building will include employee offices, a reception area, a training room, an IT room, a wellness/breakroom, clinic space for oral health and other needed services, supply and PPE storage, bathrooms, and a drive-through garage. It is anticipated that part of the building will be available to be used by the community. The bid also includes the purchase of the lot, approximately 12,000 square feet of parking/exterior concrete, basic landscaping, sod, and sprinklers. The total construction bid cost is estimated at \$1,053,810.00. Additional costs will be furnishing the building, IT installation and upgrade costs, and telephone installation costs for a total of \$1,285,000.00. The project completion date is on or before December 31, 2024.

Colleen Hupke, representing the NNPHD and the new Director in training, was present to answer questions.

Councilmember Webber introduced Resolution No. 2023-80 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2023-80

A RESOLUTION AUTHORIZING APPLICATION FOR RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM.

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

The following retreat items were discussed:

- First National Bank of Omaha Building (additional courts, more storage, offices in front, community committee member recommendations, indoor playground equipment).
- Update from the Community Redevelopment Authority/City Administrator on Housing
- Future blighted areas in and around Wayne — take this to the Planning Commission to review the blighted areas in Wayne and make recommendations on adding/deleting some areas.
- Goals for 2024 and beyond
 - Proceed to do the last step or whatever it takes to find the leak in the pool
 - Continue to work on plans to pave 4th Street, Centennial Road, 21st Street; continue to repair streets/panels (prioritize); bring in assistance for city workers if needed
 - Continue to fix shared sewer line issues
 - Daycare
 - Housing
 - Substation

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:45 p.m.