

MINUTES
CITY COUNCIL MEETING
November 21, 2023

The Wayne City Council met in regular session at City Hall on November 21, 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, and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmembers Terri Buck and 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.

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 Webber, to approve the minutes of the meeting of November 7, 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 Buck and Eischeid 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:

ACE HARDWARE & HOME, SU, 523.70; AERZEN USA CORPORATION, SE, 6786.60; APPEARA, SE, 209.98; ARNIE'S FORD, SE, 2695.91; BIG RIVERS ELECTRIC CORPORATION, SE, 147743.88;

BLACK HILLS ENERGY, SE, 671.19; BORDER STATES INDUSTRIES, SU, 5735.63; CHEMQUEST, SE, 695.00; CITY EMPLOYEE, RE, 20.00; CITY EMPLOYEE, RE, 46.28; CITY OF NORFOLK, RE, 1500.00; CITY OF WAYNE, RE, 521.82; COPY WRITE PUBLISHING, SE, 193.77; COTTONWOOD WIND PROJECT, SE, 22582.94; DAS STATE ACCTG-CENTRAL FINANCE, SE, 69.73; DEERE & COMPANY, SU, 19021.28; ED M. FELD EQUIPMENT, SU, 21.00; ELECTRONIC ENGINEERING, SE, 1519.25; FAIRFIELD INN – KEARNEY, SE, 1214.55; FIRE CATT, SE, 5221.20; FIRST SOURCE TITLE & ESCROW, SE, 50000.00; FLOOR MAINTENANCE, SU, 754.24; GEMPLER'S, SU, 170.65; GERHOLD CONCRETE, SU, 3532.06; GROSSENBURG IMPLEMENT, SU, 9.28; HILAND DAIRY, SE, 317.41; INGRAM LIBRARY SERVICES, SU, 702.24; IOWA PUMP WORKS, SE, 38615.96; J. F. AHERN CO, SE, 1373.00; JOHN'S WELDING AND TOOL, SE, 6950.90; KEPKO ENGRAVING, SU, 22.40; MACQUEEN EQUIPMENT, SE, 1217.34; MIDWEST ALARM SERVICES, SE, 784.29; MIDWEST LABORATORIES, SE, 854.07; OCAMPO, KIM, RE, 20.00; OCLC, SU, 368.66; ORIENTAL TRADING CO, SU, 49.80; OVERDRIVE, SU, 1277.46; PADILLA, LUCY, RE, 50.00; PLUMBING & ELECTRIC SERVICE, SE, 2500.00; PLUNKETT'S PEST CONTROL, SE, 37.92; QUADIENT FINANCE, SU, 1000.00; RUNZA RESTAURANT, RE, 500.00; SCHMALE, ALYSSA, RE, 250.00; SEILER INSTRUMENT & MFG, SU, 970.00; STALP GRAVEL, SU, 2136.84; STAPLES, SU, 198.78; STATE NEBRASKA BANK & TRUST, RE, 7837.50; US FOODSERVICE, SU, 2675.40; VERIZON, SE, 534.43; WAYNE AUTO PARTS, SU, 457.31; WAYNE HERALD, SE, 642.00; WAYNE HERALD, SE, 190.00; WAYNE HERALD, SE, 1378.27; WAYNE KORTH, RE, 150.00; WESCO, SU, 957.65; WAPA, SE, 18571.85; ACES, SE, 1093.66; ALCOHOL COUNTERMEASURE SYSTEMS, SU, 129.80; AMERITAS, SE, 168.44; AMERITAS, SE, 35.00; AMERITAS, SE, 112.58; AMERITAS, SE, 72.00; AMERITAS, SE, 3,496.62; APPEARA, SE, 103.38; BAKER & TAYLOR BOOKS, SU, 1129.60; BENSCOTER CONSTRUCTION, RE, 1000.00; BORDER STATES INDUSTRIES, SU, 296.74; BROWN, SANDY, SU, 1059.52; CARLSON WEST POVONDRA ARCHITECTS, SE, 105548.77; CIRBA SOLUTIONS SERVICES, SU, 204.00; CITY EMPLOYEE, RE, 91.25; CITY EMPLOYEE, RE, 382.10; CITY EMPLOYEE, RE, 4.56; CITY EMPLOYEE, RE, 235.06; CITY OF WAYNE, PY, 112961.51; CITY OF WAYNE, RE, 1375.30; CLEAR ENERGY BROKERAGE & CONSULTING, SE, 405.90; DEARBORN LIFE INSURANCE COMPANY, SE, 99.76; ED M. FELD EQUIPMENT, SU, 331.08; ENVIRONMENTAL SERVICES, SE, 2212.50; FIRST CONCORD GROUP, SE, 4634.64; GALE/CENGAGE LEARNING, SU, 153.99; GERHOLD CONCRETE, SU, 6907.12; HILAND DAIRY, SE, 27.02; ICMA, SE, 190.37; ICMA, SE, 8837.79; ICMA, SE, 1048.60; ICMA, SE, 166.28; ICMA, SE, 413.68; ICMA, SE, 495.46; ICMA, SE, 38.28; ICMA, SE, 127.36; ICMA, SE, 205.20; ICMA, SE, 70.00; ICMA, SE, 144.86; IRS, SE, 4333.24; IRS, TX, 11817.17; IRS, TX, 18528.76; KATHOL TURF, SU, 1077.50; KEN'S TRAILER SALES & REPAIR, SU, 12200.00; LUBBERSTEDT, BRENDA, RE, 216.21; MATT PARROTT, SU, 459.65; NE DEPT OF REVENUE, TX, 5987.10; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 63.00; NERC, SE, 1176.67; NORTHEAST POWER, SE, 23826.18; ONE OFFICE SOLUTION, SU, 69.99; ORIENTAL TRADING, SU, 51.63; OVERDRIVE, SU, 29.99; PHILIP CARKOSKI CONSTRUCTION, SE, 195567.30; QUALITY 1 GRAPHIC, SU, 210.00; SEALS & SERVICE, SU, 526.00; SIRSI CORPORATION, SE, 7555.19; STADIUM SPORTING GOODS, SU, 296.00; STAPLES, SU, 63.56; SUN RIDGE SYSTEMS, SE, 3424.00; ULINE, SU, 477.68; US BANK, SU, 6835.26; UTILITY EQUIPMENT, SU, 111.18; WESCO, SU, 620.60; WISNER WEST, SU, 203.18

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

Nick Van Horn, 2nd Assistant Fire Chief, introduced Joshua Doring and requested Council consideration to approving his cadet membership application to the Wayne Volunteer Fire Department.

Councilmember Brodersen made a motion, which was seconded by Councilmember Karsky, approving the cadet membership application of Joshua Doring to the Wayne Volunteer Fire Department. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Endia Casey-Agoumba, representing the “That Ain’t Right, a Community Non-Profit Group” (TAR), was present requesting Council consideration to waiving the rental fee for the Freedom Park Shelter House on December 17, 2023, to celebrate Kwanzaa, a Cultural Education Event.

After discussion, Councilmember Karsky made a motion, which was seconded by Councilmember Webber, to approve the request of Endia Casey-Agoumba, representing the “That Ain’t Right, a Community Non-Profit Group” (TAR) to waive the rental fee for the Freedom Park Shelter House on December 17, 2023, to celebrate Kwanzaa, a Cultural Education Event. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Roger Protzman, representing JEO Consulting Group, Inc., who was not in attendance, presented Change Order No. 1 in the amount of \$5,883.50 to Philip Carkoski Construction and Trenching, Inc., for the “2023 Wastewater Treatment Facility Ultraviolet Light Improvements Project.”

City staff updated Council on the project and the reason for the change order. This is replacing concrete with stainless steel and would allow for more flexibility in the future if there was an expansion.

Councilmember Brodersen made a motion, which was seconded by Councilmember Bratcher, approving Change Order No. 1 in the amount of \$5,883.50 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 Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Matthew Smith, representing Olsson, presented Change Order No. 001 to increase the substantial and final completion dates from 10/15/23 and 11/1/23 respectively to 10/15/24 and 11/1/24 for the “Wayne Prairie Park Phase I Grading Project” – Cooney Fertilizer, Inc. He updated the Council on the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Karsky, approving Change Order No. 001 to increase the substantial and final completion dates from 10/15/23 and 11/1/23 respectively to 10/15/24 and 11/1/24 for the “Wayne Prairie Park Phase I Grading Project” – Cooney Fertilizer, Inc. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Matthew Smith, representing Olsson, presented Certificate of Payment No. 1 in the amount of \$423,675.27 to Cooney Fertilizer, Inc. for the “Wayne Prairie Park Phase I Grading Project.”

Councilmember Brodersen made a motion, which was seconded by Councilmember Pick, approving Certificate of Payment No. 1 in the amount of \$423,675.27 to Cooney Fertilizer, Inc., for the “Wayne Prairie Park Phase I Grading Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Matthew Smith, representing Olsson, presented Certificate of Payment No. 2 in the amount of \$222,560.16 to Penro Construction Co., Inc., for the “Wayne Prairie Park Phase II Utilities Project.”

Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving Certificate of Payment No. 2 in the amount of \$222,560.16 to Penro Construction Co., Inc., for the “Wayne Prairie Park Phase II Utilities Project.” Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Matthew Smith, Engineer with Olsson, was present to explain the reason for Letter Agreement Amendment #5. This Agreement Amendment will add \$80,000 of additional Construction Services. The fees associated with this amendment are broken down as follows:

- \$10,000 Roundabout Redesign;
- \$50,000 Utility Construction Services; and
- \$20,000 Lake Amenity Construction Services

Councilmember Brodersen introduced Resolution 2023-81, and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-81

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #5 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL SERVICES ON THE “WAYNE PRAIRIE PARK DEVELOPMENT PROJECT” – \$80,000.

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

Mayor Giese declared the time was at hand for the second public hearing to obtain public input on Community Development Block Grant No. 21-HO-35041 — Owner Occupied Rehabilitation Funds.

A second public hearing is required for each CDBG funded project to obtain citizen input, comments, or opinions with regard to the program performance.

The City of Wayne was awarded \$315,000 of CDBG funds to provide housing rehabilitation to low-to-moderate income households at or below 80% of the area median income, of which \$250,000 was to be utilized for the rehabilitation of ten units; \$30,000 for housing administration; \$15,000 for lead testing; and \$20,000 for general administration of the grant. No local matching funds were required by the City. No owner/occupied housing rehabilitation projects have been completed expending no project costs due to the lack of income-qualified applicants. Approximately \$250,000 of project costs, \$19,720 in housing administration, \$8,859 in general administration, and \$15,000 in lead hazard testing will be de-obligated at the end of the grant due to the lack of projects. No persons were displaced as a result of the housing activities.

Twenty-five applications went out; ten were returned. Of those ten, two withdrew, and one had a balloon financing, which was not allowed, and six were over income. The last application that was mailed out was in January. Staff recommendation is to de-obligate the funds back to the State and clear out the grant.

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 made a motion, which was seconded by Councilmember Karsky, approving the de-obligation of funds at the end of CDBG 21-HO-35041 – “Owner Occupied Rehabilitation” due to the lack of projects. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

The City has received the Annual Renewal Maintenance Agreement from the State of Nebraska Department of Transportation (NDOT). This is their standard form of renewal agreement, and is the same as last year. The City will pay the NDOT \$2,100.00 per lane mile or \$4,935.00 in 2024 for the surface maintenance on 2.35 lane miles of highway through Wayne.

Councilmember Karsky made a motion, which was seconded by Councilmember Bratcher, approving the Annual Renewal Maintenance Agreement (2024) with the State of Nebraska Department of Transportation. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

Ken Jorgensen was present to request Council consideration to vacating an easement so he can add onto his existing building (The Jug). To do so, he would need to encroach on the easement the City has.

After some discussion, staff was concerned about how close the building would be to the sewer line. Staff was directed to go to the site to determine whether or not they are comfortable with the area in question for the easement. If they are not, another survey would have to be undertaken for a legal description. Recommendation was to approve the ordinance on first reading.

Councilmember Brodersen introduced Ordinance No. 2023-31, and moved for approval thereof; Councilmember Karsky seconded.

ORDINANCE NO. 2023-31

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF A 1681.90 SQUARE FOOT EASEMENT LOCATED IN LOT 1, JORGENSEN SUBDIVISION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

Mayor Giese requested Council consideration to the appointment of Dallas Dorey, George Burcham, Mike Powicki, Brandon Hall, Mike Varley, Chele Meisenbach, Rusty Parker, Amber Schwarte, and Lanie Severson to the Community Activity Center Relocation Project Committee.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, approving the appointment of Dallas Dorey, George Burcham, Mike Powicki, Brandon Hall, Mike Varley, Chele Meisenbach, Rusty Parker, Amber Schwarte, and Lanie Severson to the Community Activity Center Relocation Project Committee. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Eischeid who were absent, the Mayor declared the motion carried.

City Administrator Blecke gave an update on the Community Activity Center Relocation Project Committee process.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:34 p.m.