

**MINUTES
CITY COUNCIL MEETING
August 20, 2024**

The Wayne City Council met in regular session at City Hall on August 20, 2024, 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 Austyn Houser, Terri Buck, Nick Muir, Brittany Webber, Clayton Bratcher, Jason Karsky, and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and City Attorney Amy Miller. Absent: Councilmember 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 August 6, 2024, 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 Eischeid who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

APPROVED 8/6/24: OTTE CONSTRUCTION, SE, 206919.00; PHILIP CARKOSKI CONSTRUCTION, SE, 23826.57; TR HARRIS CONSTRUCTION, SE, 163305.00

VARIOUS FUNDS: AMERITAS, SE, 126.18; AMERITAS, SE, 72.00; AMERITAS, SE, 35.00; AMERITAS, SE, 184.72; APPEARA, SE, 52.80; BACKSTROM, VIRGINIA, RE, 155.00; BERNAL, GEORGINA, SE, 55.00; CAMPOS, ANNAM, SE, 55.00; CASEY ELECTRIC, SE, 1662.57; CITY OF NORFOLK, SE, 149.12; CITY OF WAYNE, PY, 139902.92; CITY OF WAYNE, RE, 234.75; COTTONWOOD WIND PROJECT, SE, 9696.00; FAITH REGIONAL PHYSICIAN SERV, SE, 120.00; FLOOR MAINTENANCE, SU, 519.36; FRAUENDORFER UNLIMITED, RE, 1000.00; HAWKINS, SU, 3477.92; HEATHER HEADLEY, RE, 50.00; HILAND DAIRY, SE, 190.41; HOEMAN, PAM, SE, 45.00; ICMA, SE, 1229.22; ICMA, SE, 803.82; ICMA, SE, 75.00; ICMA, SE, 138.72; ICMA, SE, 152.88; ICMA, SE, 10524.00; ICMA, SE, 130.76; ICMA, SE, 72.03; ICMA SE, 202.78; ICMA, SE, 39.80; ICMA, SE, 533.56; ICMA, SE, 72.03; IRS, TX, 5341.42; IRS, TX, 22839.10; IRS, TX, 14051.93; KTCH, SE, 168.00; MIDWEST ALARM SERVICES, SE, 420.30; NE DEPT OF REVENUE, TX, 6737.71; NE DEPT OF REVENUE-COMPLIANCE DIV, TX, 347.09; NORFOLK DAILY NEWS, SE, 47.00; PAC N SAVE, SU, 64.85; R PERRY CONSTRUCTION, RE, 1000.00; US FOODSERVICE, SU, 2870.87; WAYNE COMMUNITY THEATRE, RE, 150.00; WAYNE COUNTY COURT, RE, 477.50; WAYNE HERALD, SE, 1708.00; WAYNE HERALD, SE, 190.00; WAYNE VETERINARY CLINIC, SE, 336.00; WESCO, SU, 1521.54; WESCO, SU, 684.80; WILFORD, AMY, SE, -400.00; WILFORD, EMILY, SE, 400.00; WISNER WEST, SU, 57.37; AMERITAS, SE, 3603.24; BAKER & TAYLOR BOOKS, SU, 687.66; BIG RIVERS ELECTRIC CORPORATION, SE, 274989.44; BLACK HILLS ENERGY, SE, 481.51; CITY EMPLOYEE, RE, 1278.54; CITY EMPLOYEE, RE, 500.00; CITY EMPLOYEE, RE, 626.03; CITY EMPLOYEE, RE, 205.93; CITY OF WAYNE, RE, 134.25; DEMCO, SU, 2285.08; DGR & ASSOCIATES, SE, 50500.50; DODGE COUNTY COURT, RE, 382.00; DUNNING, CAROL, RE, 500.00; ELKINS PORTABLE RESTROOMS, SE, 500.00; FASTWYRE BROADBAND, SE, 1493.38; FRIENDS OF THE LIBRARY, RE, 150.00; GALE/CENGAGE LEARNING, SU, 106.56; HASEMANN FUNERAL HOME, RE, 150.00; HILAND DAIRY, SE, 125.20; INGRAM LIBRARY SERVICES, SU, 1404.16; KENNY, JOE, RE, 500.00; KURTZHAI, MICHAEL, RE, 200.00; LUTT, RANDY, RE, 75.00; MCDONALD, REGINA, RE, 500.00; MICHAEL TODD INDUSTRIAL SUPPLY, SU, 1330.81; MIDWEST TURF & IRRIGATION, SU, 42857.00; NE STATE VOLUNTEER FIREFIGHTERS ASSOC, SU, 4.00; NEBRASKA JOURNAL LEADER, SE, 102.48; NMPP ENERGY, SE, 1000.00; OLSSON, SE, 3750.00; O'REILLY AUTOMOTIVE STORES, SU, 268.33; OVERDRIVE, SU, 3565.98; PENRO CONSTRUCTION, SU, 2535.00; PEPSI COLA OF SIOUXLAND, SU, 67.60; R PERRY CONSTRUCTION, RE, 500.00; RANDOLPH PUBLIC SCHOOLS, RE, 400.00; TOM'S BODY & PAINT SHOP, SE, 241.75; US BANK, SU, 18602.77; WAYNE COUNTRY CLUB, SU, 4606.00; WAYNE COUNTY CLERK, SE, -36.00; WAYNE COUNTY COURT, RE, 382.00; WAYNE COUNTY COURT, RE, -382.00; WAYNE HERALD, SE, 589.33

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, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Luke Virgil, Economic Development Director, on behalf of Sandy Brown, Wayne Green Team, was present requesting Council consideration to allowing the Green Team to close the westbound traffic on 3rd Street between Pearl and Lincoln Streets and change it to two lanes of eastbound traffic, only, for the Electronic Recycling Event to be held on Saturday, September 14, 2024, from 7:00 a.m. to noon. In addition, Ms. Brown was requesting that parking be prohibited on 3rd Street between Pearl and Lincoln Streets beginning on Friday, September 13, 2024. This is the 11th year for this event.

Councilmember Karsky made a motion, which was seconded by Councilmember Buck, approving the request of the Wayne Green Team to close the westbound traffic on 3rd Street between Pearl and Lincoln Streets and change it to two lanes of eastbound traffic, only, for the Electronic Recycling Event to be held on Saturday, September 14, 2024, from 7:00 a.m. to noon and that parking be prohibited on 3rd Street between Pearl and Lincoln Streets beginning on Friday, September 13, 2024. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid 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 14, 2024, with alternate dates of October 5 and 26, 2024.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, 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 14, 2024, with alternate dates of October 5 and 26, 2024, 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 Eischeid 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 5, 2024, 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. 2024-42 and moved for its approval; Councilmember Houser seconded.

RESOLUTION NO. 2024-42

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 Eischeid who was absent, the Mayor declared the motion carried.

Councilmember Brodersen 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 Eischeid who was absent, the Mayor declared the motion carried.

Luke Virgil, Economic Development Director, on behalf of the Cruise Main in Wayne Committee, made a request to allow 5th Street, from Main Street to the alley, to be closed on Friday, September 20, 2024, from 4:00 p.m. until Midnight, for the final Cruise Main in Wayne event. Because it is the final cruise main event of the season, they would like to have a band playing that night. This date will be included in their special events policy. The band will play from 8:00 p.m. until 10:00 p.m.

Councilmember Brodersen made a motion, which was seconded by Councilmember Bratcher, approving the request of the Cruise Main in Wayne Committee to allow 5th Street, from Main Street to the alley, to be closed on Friday, September 20, 2024, from 4:00 p.m. until midnight, which is the final Cruise Main in Wayne event. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

In regard to the following Resolution which will approve the contract/company for the restroom/shower building at Prairie Park, Administrator Blecke stated this company, CXT, provides prices at Sourcewell contract prices. The size and scope of this building has changed from the beginning discussions. Staff feels this is an appropriate size and design to satisfy the public on “normal” days at Prairie Park and reduces the price by over \$100k. Funding for this project will come from sales tax, as well as LENRD commitments.

Lowell Heggemeyer, Parks and Recreation Director, reviewed the different options for this precast concrete restroom/shower building. Staff was recommending the Navajo model for \$297,962. This model has 4 different bathrooms and 4 different shower stalls. Everything is in one unit. To add stone around the building would add an additional \$7,000 to the cost. The building will come painted. There is a drinking fountain on the outside of the unit. The building will be heated and insulated.

After some discussion and looking at different options, Council consensus was to add the stone wall texture to the building, with the total price not to exceed \$315,000.

Councilmember Brodersen introduced Resolution No. 2024-44 and moved for its approval, Councilmember Karsky seconded.

RESOLUTION NO. 2024-44

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A PRECAST CONCRETE RESTROOM/SHOWER BUILDING (NAVAJO MODEL) FOR \$297,962 FROM CXT PRECAST CONCRETE PRODUCTS, AS PER THE BID PROPOSAL RECEIVED THROUGH THE SOURCEWELL COOPERATIVE PRICING PROGRAM, WITH THE TOTAL PRICE NOT TO EXCEED \$315,000.

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

Matthew Smith, Engineer with Olsson, reviewed Letter Agreement Amendment #7. This Agreement Amendment will add additional design and construction services to the project for an amount not to exceed \$34,000. Some of this work has already been completed. The additional services consist of the following:

Construction Design Services

- Design of Storm Sewer System North of Existing Ball Fields
- Parks & Rec Building Layout and Coordination
- Transformer and Lighting Layout and Coordination
- Lake to Dog Park Bike Trail Connection
- Lighting Plan Review & Layout

Construction Administration/Observation

- Additional Staking for Parks & Rec Building, Electrical, Bike Trail, & Curb/Gutter Tapers.
- Construction Services for Additional Items
- Lake to Existing Bike Trail Staking & Observation

Mr. Smith also updated Council on the project.

Councilmember Karsky introduced Resolution 2024-45, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2024-45

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #7 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL SERVICES ON THE “WAYNE PRAIRIE PARK DEVELOPMENT PROJECT” – NOT TO EXCEED \$34,000.

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

Paul Davis, Engineer with DGR Engineering, was present (via zoom) to review the three bids that were received for the electric power transformer for the “Northeast Substation Project.” He has reviewed the bids and is recommending the award go to Niagara Power Transformer Corporation for \$1,383,845.00. When evaluating transformer bids, the “Total Evaluation Price” is used to determine the best bid since it takes into account the losses the transformer will see over its entire lifespan. This is used to determine the most efficient and cost-effective transformer. The purchase price is what the Owner will pay for the transformer (plus or minus escalators). Staff anticipates there will be a positive escalation of some type from now until 2027 when the transformer is shipped.

Niagara’s delivery is the second quarter of 2027. He noted that all three transformers base their bids on price indexing, so the final price of Niagara will be determined eight weeks prior to shipment.

Councilmember Houser introduced Resolution No. 2024-43 and moved for its approval, Councilmember Webber seconded.

RESOLUTION NO. 2024-43

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE FURNISHING OF AN “ELECTRIC POWER TRANSFORMER — NORTHEAST SUBSTATION PROJECT” – NIAGARA POWER TRANSFORMER CORPORATION - \$1,383,845 PLUS ANY ESCALATORS.

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

The Wayne Art Committee has been meeting and are ready to present a proposal to re-create the “Carlos Frey Mural” located at 313 Main Street. The proposal is from Reeder Airworks out of Erie CO for \$28,180. There was \$55,000 put into the 2023/2024 budget for art expenses.

Councilmember Bratcher stated he had serious concerns about spending this much money for a private building. He was not opposed to the idea, just putting the mural on a privately owned building.

Luke Virgil, Economic Development Director, suggested entering into an agreement with the property owner and to make this action contingent upon the approval of the private business owner. City Attorney Miller agreed.

After discussion, Councilmember Brodersen introduced Resolution No. 2024-46 and moved for its approval, contingent upon getting the approval of the owner and an agreement with the owner that the City of Wayne will own the panels, will have the right to remove the panels and is not responsible for the structural integrity of the installed panels on the building; Councilmember Muir seconded.

RESOLUTION NO. 2024-46

A RESOLUTION APPROVING THE PROPOSAL OF REEDER CREATIVES, LLC, D/B/A REEDER AIRWORKS, FOR THE RE-CREATION OF THE "CARLOS FREY MURAL" LOCATED AT 313 MAIN STREET - \$28,180.

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

Beth Porter, Finance Director, updated the Council on the valuations that were received. Valuations came in at 10.5% higher than last year. Staff had estimated a 6% increase. Therefore, staff put together three scenarios for Council to consider. They were:

- **Scenario 1** - The budgeted tax ask stays the same as presented at the budget workshop. This would decrease the overall levy to **0.399532**. *The City would need to participate in the joint hearing, aka the "pink postcard" meeting. An elected official has to present this to the public. Staff attended this meeting last year as the County had to participate.
- **Scenario 2** - The tax ask would go up while keeping the levy the same as what is in the draft proposed budget. The levy would be **.0415465**. This would add or increase \$53,028 to the proposed budget. This is still a decrease from last year's levy. *The City would need to participate in the joint hearing, aka the "pink postcard" meeting.
- **Scenario 3** - The tax ask would be lower than the draft budget request from the workshop amount by \$20,336. This lowers the levy to **.393959**. *The City would not need to participate in the joint hearing. Finance Director Porter has indicated the \$20,336 "shortfall" would be taken from budgeted reserves.

For reference purposes, the difference between Scenario 1 and Scenario 2, on a \$200,000 home, would be a difference of \$12.00 that the City would be receiving. The recommended amount to be in the General Fund reserve is \$1,000,000. We are projected next year to have \$683,000.

After discussion, Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to amend the levy to .393959 (Scenario 3). Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid 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 7:09 p.m.