

**MINUTES
CITY COUNCIL MEETING
October 17, 2023**

The Wayne City Council met in regular session at City Hall on October 17, 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, Clayton Bratcher, Jason Karsky, Matt Eischeid, and Jill Brodersen; City Administrator Wes Blecke; City Clerk Betty McGuire; and Attorney Amy Miller. Absent: Councilmember Brittany Webber.

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 3, 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 Webber 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: ACE HARDWARE & HOME, SU, 1642.46; BC VOLLEYBALL, FE, 300.00; BC VOLLEYBALL, RE, -300.00; BEIERMANN ELECTRIC, SE, 115.00; BOMGAARS, SU, 1057.89;

BSN SPORTS, SU, 327.98; CDW GOVERNMENT, SU, 4656.01; CITY EMPLOYEE, RE, 275.81; COPY WRITE PUBLISHING, SE, 491.35; COTTONWOOD, SE, 14674.97; DAS STATE ACCTG-CENTRAL FINANCE, SE, 69.73; DUTTON-LAINSON, SU, 267.07; ELKINS PORTABLE RESTROOMS, SE, 260.00; EMPLOYERS MUTUAL CASUALTY, SE, 871.76; ENVIRONMENTAL SERVICES, SE, 416.00; ENVIRONMENTAL SERVICES, SE, 562.50; FLOOR MAINTENANCE, SU, 174.04; GEOCOMM, SU, 5645.00; GLOBAL PAYMENTS, SE, 481.37; HILAND DAIRY, SE, 22.45; INGRAM LIBRARY SERVICES, SU, 348.19; JACK'S UNIFORMS, SU, 223.79; JOHN'S WELDING AND TOOL, SE, 529.83; JOHN'S WELDING AND TOOL, SE, 259.50; KTCH, SE, 810.00; LUTT OIL, SU, 6899.90; MARTINEZ, JASMINE, RE, 200.00; MERCHANT SERVICES, SE, 135.98; MERCHANT SERVICES, SE, 1503.16; MERCHANT SERVICES, SE, 6561.00; MIDWEST LABORATORIES, SE, 233.57; MUNICIPAL SUPPLY, SU, 309.72; NE STATE VOLUNTEER FIREFIGHTERS ASSOC, FE, 20.00; NEBRASKA IRRIGATION, SU, 7500.00; NPPD, SE, 8827.44; NNEDD, SE, 170.00; NORTHEAST POWER, SE, 23826.18; ONE CALL CONCEPTS, SE, 118.96; OTTE CONSTRUCTION COMPANY, SE, -40485.00; OTTE CONSTRUCTION COMPANY, SE, 40485.00; OTTE CONSTRUCTION COMPANY, SE, 40485.00; PAC N SAVE, SU, 1462.25; PAC N SAVE, SU, 812.85; PLUNKETTS, SE, 109.36; QUADIENT LEASING, SE, 655.38; QUALITY DRY CLEANERS, SE, 33.93; ROBERT WOehler & SONS, SE, 2491.25; ROBERT WOehler & SONS, SE, 646.77; SD MYERS, SE, 547.00; STATE NEBRASKA BANK, SE, 60.88; TYLER TECHNOLOGIES, SE, 3512.50; US BANK, SU, 16004.03; US BANK, SU, 6787.32; VRBA CONSTRUCTION, SE, 6450.31; WAYNE AUTO PARTS, SU, 293.72; WAYNE COUNTY CLERK, SE, 32.00; WAYNE HERALD, SE, 646.00; WAYNE HERALD, SE, 775.00; WAYNE HERALD, SE, 285.00; WAYNE HERALD, SE, 2798.05; WAYNE RURAL FIRE, RE, 464.31; WAYNE STATER, SE, 300.00; WAYNE VETERINARY CLINIC, SE, 303.00; WAPA, SE, 17832.34; WISNER WEST, SU, 49.00; WYNIA, KATIE, SE, 300.00; BAKER & TAYLOR BOOKS, SU, 561.56; BIG RIVERS ELECTRIC CORPORATION, SE, 282738.01; BLACK HILLS ENERGY, SE, 467.57; BOMGAARS, SU, 304.82; BROWN, SANDY, RE, 293.01; CITY EMPLOYEE, RE, 173.49; FAITH REGIONAL PHYSICIAN SERV, SE, 30.00; JEO CONSULTING GROUP, SE, 18169.32; JOHNSON SERVICE, SE, 732.05; NE DEPT OF REVENUE-CHARITABLE GAMING DIV, TX, 1481.17; NNEDD, SE, 1105.00; STADIUM SPORTING GOODS, SE, 36.00; VERIZON, SE, 574.71

FISCAL YEAR 2023/2024: AMERITAS, SE, 3286.80; AMERITAS, SE, 105.94; AMERITAS, SE, 35.00; AMERITAS, SE, 169.44; AMERITAS, SE, 72.00; APPEARA, SE, 27.12; APPEARA, SE, 56.51; APPEARA, SE, 60.76; BLACKBURN MANUFACTURING, SU, 529.05; CASEY ELECTRIC, SE, 258.71; CHAVEZ, EDGAR, RE, 500.00; CIRBA SOLUTIONS SERVICES, SU, 102.00; CIRBA SOLUTIONS SERVICES, SU, 102.00; CITY EMPLOYEE, RE, 112.00; CITY EMPLOYEE, RE, 105.20; CITY EMPLOYEE, RE, 159.00; CITY EMPLOYEE, RE, 807.66; CITY OF WAYNE, PY, 102162.03; CITY OF WAYNE, RE, 3307.02; CONTINENTAL FIRE SPRINKLER, SE, 432.90; DEARBORN LIFE INSURANCE COMPANY, SE, 2985.08; DUTTON-LAINSON, SU, 1224.08; ED M. FELD EQUIPMENT, SU, 158.70; GROSSENBURG IMPLEMENT, SU, 162.50; HAWKINS, SU, 2137.09; HILAND DAIRY, SE, 104.79; HILAND DAIRY, SE, 145.73; HIX, RYAN, SE, 50.00; ICMA, SE, 38.28; ICMA, SE, 189.32; ICMA, SE, 2149.96; ICMA, SE, 413.68; ICMA, SE, 142.75; ICMA, SE, 70.00; ICMA, SE, 127.36; ICMA, SE, 166.28; ICMA, SE, 200.00; ICMA, SE, 8605.05; ICMA, SE, 495.46; IRS, TX, 11828.39; IRS, TX, 4023.44; IRS, TX, 17203.70; KELLY SUPPLY COMPANY, SU, 241.05; LUBBERSTEDT, BRENDA, RE, 200.00; MILLER, DREW, SE, 40.00; MILLER, DREW, SE, 45.00; NDEE-FISCAL SERVICES, FE, 300.00; NE DEPT OF REVENUE, TX, 5513.70; NE ECONOMIC DEVELOPERS ASSN, FE, 150.00; NMPP ENERGY, FE, 50.00; NORTHEAST COMMUNITY COLLEGE, FE, 1000.00; OPTK NETWORKS, SE, 408.54; REDDEN, GARY, SE, 40.00; REDDEN, GARY, SE, -40.00; REDDEN, GAVIN, SE, 80.00; REINHARDT, DREW, SE, 40.00; REINHARDT, DREW, SE, 70.00; SKARSHAUG TESTING LAB, SE, 266.11; STAPLES, SU, 76.24; STATE NEBRASKA BANK & TRUST, SE, 3833.75; STATE NEBRASKA BANK-PETTY CASH, RE, 200.00; US FOODSERVICE, SU, 3078.07; WESCO, SU, 583.15; BRANIFF, MOLLY, FE, 90.00; CITIZENS STATE BANK, RE, 5063.45; CITY EMPLOYEE, RE, 71.25; CITY OF WAYNE, RE, 509.08; COLONIAL RESEARCH, SU, 350.78; FIREMAN'S ASSOCIATION, RE, 5000.00; FLOOR MAINTENANCE, SU, 398.46; FOURTH GENERATION FAMILY, RE, 12906.48; GATHJE, RICK, RE, 500.00; GERHOLD CONCRETE, SU, 953.34; GRAINLAND ESTATES, RE, 4503.01;

GROSSENBURG IMPLEMENT, SU, 564.68; JEO CONSULTING GROUP, SE, 6056.44; JOHN'S WELDING AND TOOL, SU, 111.45; JOHNSON SERVICE, SE, 732.05; JOHNSON SERVICE, SE, - 732.05; KELLY SUPPLY COMPANY, SU, 255.05; LIFE LINE SCREENING, RE, 200.00; MIDWEST ALARM SERVICES, SU, 427.86; MZRB, RE, 3300.33; NEBRASKA IRRIGATION, SE, 22418.45; NOLTE, SHANDI, RE, 5.00; O'REILLY AUTOMOTIVE STORES, SU, 68.12; OVERHEAD DOOR, SE, 406.00; PLUNKETT'S PEST CONTROL, SE, 107.64; QUADIENT LEASING USA, SE, 2691.00; SPIEKER, DWAIN, RE, 10.00; VOLKMAN PLUMBING & HEAT, SE, 7525.00

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

Mayor Giese requested Council consideration to the appointment of Nick Hawthorne to the Wayne Airport Authority Board to finish out the term of Travis Meyer (December 2028) who has resigned.

Nick Hawthorne was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Bratcher, approving the appointment of Nick Hawthorne to the Wayne Airport Authority Board. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent, the Mayor declared the motion carried.

Austin Frideres, President of the Wayne Volunteer Fire Department, introduced Mario Hernandez and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Brodersen made a motion, which was seconded by Councilmember Karsky, approving the membership application of Mario Hernandez to the Wayne Volunteer Fire Department. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent, the Mayor declared the motion carried.

Austin Frideres, President of the Wayne Volunteer Fire Department, introduced Dalton Hansen and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Karsky made a motion, which was seconded by Councilmember Bratcher, approving the membership application of Dalton Hansen to the Wayne Volunteer Fire Department. Mayor

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

Irene Mock, representing the Wayne Rotary Club, was present requesting Council consideration to waiving the rental fee for the Freedom Park Shelter House on Friday, October 20, 2023, to host a Chamber Coffee from 10:00 a.m. to 11:00 a.m. The Wayne Rotary Club used district grant funds to purchase the cement ping pong table at Freedom Park. They have also been approved and have ordered a ladder ball game and a corn hole board game that will be installed shortly at the park. These are permanent outdoor games.

Councilmember Brodersen made a motion, which was seconded by Councilmember Bratcher, waiving the rental fee for the Freedom Park Shelter House on Friday, October 20, 2023, to host a Chamber Coffee from 10:00 a.m. to 11:00 a.m. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent, the Mayor declared the motion carried.

Katie Gannon, Outreach Coordinator with Haven House, was present requesting Council consideration to waiving the fee to use/rent the Community Activity Center basketball courts (2) for their “1st Annual Volleyball Tournament” on Tuesday, October 24th, starting at 5:00 p.m. They will be partnering with Wayne State College.

Councilmember Brodersen made a motion, which was seconded by Councilmember Pick, waiving the fee to use/rent the Community Activity Center basketball courts for their “1st Annual Volleyball Tournament” on Tuesday, October 24th, starting at 5:00 p.m. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent, the Mayor declared the motion carried.

Lowell Heggemeyer, Park and Recreation Director, reviewed the three proposals he received for sandblasting, painting, and recaulking the pool.

- Mighty Duck (Steele Pool Company) - \$49,815
- Bierman Sandblasting & Painting - \$44,134.99
- Miller Painting & Decorating - \$66,336.00

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. This company will acid wash the pool twice. The other two companies will sandblast the pool. This is considered regular maintenance.

Mr. Heggemeyer advised the Council of the steps they have taken to find where the pool might be leaking:

- They put a camera in the line;
- Sent a diver in with dye. He dove around in the deep end to see if some of the joints were sucking in the colored dye; and
- They air bagged the main line going from the deep end back to the building, and it held for an hour without dropping any air.

After discussion, Mr. Heggemeyer was directed to contact these companies and obtain more information so their proposals can be compared equally (warranty, experience, recommendations, sandblasting compared to the acid wash, etc.) and bring the same forward at the next Council meeting for consideration.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to table action on the proposals to sandblast, paint and re-caulk the pool until staff can get more information. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Webber who was absent, the Mayor declared the motion carried.

Bob Soukup of Carlson West Povondra Architects was present via zoom to answer any questions Council may have on awarding the contract on the “Wayne City Hall and Police Relocation Project” to Otte Construction for \$4,156,00.20 (base bid) with \$45,500.00 (Alternates).

After much discussion Councilmember Brodersen introduced Resolution 2023-68, and moved for approval thereof; Councilmember Karsky seconded.

RESOLUTION NO. 2023-66

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “WAYNE CITY HALL AND POLICE RELOCATION PROJECT” TO OTTE CONSTRUCTION, WAYNE, NEBRASKA, FOR \$4,156,000.20 (BASE BID) AND \$45,500.00 (ALTERNATE).

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

The following Resolution pertains to an amendment to the Professional Services Agreement with Carlson West Povondra Architects for additional services to include the design of audio/video systems in the City Council Chambers. This will include a new voting system. Additional services will also be provided for the specifications of a new Genetec access control system for the facility. Compensation for the additional services will be a lump sum fee of \$2,400.00.

Councilmember Karsky introduced Resolution 2023-74, and moved for approval thereof; Councilmember Buck seconded.

RESOLUTION NO. 2023-74

A RESOLUTION APPROVING AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CARLSON WEST POVONDRA ARCHITECTS FOR ADDITIONAL SERVICES IN THE AMOUNT OF \$2,400.00 ON THE “WAYNE CITY HALL AND POLICE RELOCATION PROJECT.”

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

Administrator Blecke stated two bids/proposals were received to raze the structures at 330 S. Main Street. Staff has reviewed the same and recommends the project be awarded to Kay Contracting, Inc., for \$12,345. The other bid was from Rudebusch Excavations for \$18,410.

Councilmember Eischeid introduced Resolution 2023-69, and moved for approval thereof; Councilmember Pick seconded.

RESOLUTION NO. 2023-69

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE RAZING OF THE STRUCTURES LOCATED AT 330 S. MAIN STREET TO KAY CONTRACTING, INC., FOR \$12,345.

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

The following two Resolutions pertain to unpaid mowing and snow removal costs for 121 W 11th Street owned by Zachary Mildenstein and would direct the City Clerk to file liens against the property for the cost of work hired by the City to abate violations of City Code after proper notices were given to the property owner(s).

Councilmember Eischeid introduced Resolution No. 2023-70 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2023-70

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 50' OF LOTS 1, 2, 3, AND 4, BLOCK 23, COLLEGE HILL FIRST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 121 W. 11TH STREET, WAYNE, NEBRASKA (ZACHARY MILDENSTEIN - \$1,800).

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

Councilmember Karsky introduced Resolution No. 2023-71 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2023-71

A RESOLUTION DIRECTING CITY CLERK TO CERTIFY UNPAID SNOW REMOVAL COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 50' OF LOTS 1, 2, 3, AND 4, BLOCK 23, COLLEGE HILL FIRST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 121 W. 11TH STREET, WAYNE, NEBRASKA (ZACHARY MILDENSTEIN - \$75).

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

Administrator Blecke stated the next three items on the agenda are related. The School Board approved the presented Memorandum of Understanding (MOU) on first reading. The final reading will be considered on November 13th. The MOU lays out the general framework for the sale of the Community Activity Center from the City to the School, with a formal purchase agreement in place no later than the

end of 2024. The pool would be sold, as well, but would be leased back to the City operating the same way as it currently does.

City Attorney Amy Miller recommended acting on Agenda Item No. 16 first.

This Resolution would approve the acquisition of the First National Bank of Omaha property from Vakoc Construction Co. which is legally described as Lot 1, Centennial Valley Addition to the City of Wayne. This location, if everything goes as planned, would be the location of a new activity center. This building is 24,500 sq. ft. The existing activity center (non-gym space) is about 17,000 sq. ft. There is space to the east to add onto the building.

Mayor Giese reviewed how this project would be funded (sale of CAC to the School, leasing the building to Ameritas, and bonding out the remainder of the capital projects). This would get us to a budget of \$8.9 million. The numbers we received from Mr. Soukup with CWP was \$10-15 million to remodel and add on at the FNBO site. We fall short for that and would need to go out for another half-cent sales tax, which would get us another \$5 million dollars. So, now we are at \$13.9 million without touching the levy. What this does though, is it handcuffs us for 15 years as to what other improvements we can do. This is cutting back considerably at Prairie Park (\$1.5 million). This is just the reality that we cannot do all of these projects at once without touching the levy. The three choices we have are:

- We can stay at the CAC, renovate and expand (\$7 million); or
- We can renovate/remodel the FNBO building (\$10-15 million); or
- We can build a new activity center (\$15 million).

Councilmember Bratcher had concerns about the location of the FNBO property and the ability to expand in the future.

If the half cent sales tax does not pass, the Council would have to raise the debt levy.

Doug Carroll spoke against selling the Community Activity Center to the school.

Jodi Pulfer spoke and did not know if the timing was right on this matter.

George Burcham wanted to know the purchase price of the FNBO property - \$2.75 million.

Mark Lenihan, Wayne Community School Superintendent, advised the Council that whatever decision they make this evening will not impact the partnership between the City and the School.

Karen Granburg wanted to know what the discomfort was for Mayor Giese to get into the real estate business. He responded he was concerned about selling it again if it is not turned into the community activity center.

Councilmembers Brodersen, Eischeid, Karsky, Pick were in support of moving forward with the acquisition.

After discussion, Councilmember Eischeid introduced Resolution No. 2023-73 and moved for its approval; Councilmember Pick seconded.

RESOLUTION NO. 2023-73

A RESOLUTION APPROVING THE ACQUISITION OF LOT 1, CENTENNIAL VALLEY ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM VAKOC CONSTRUCTION CO., A NEBRASKA CORPORATION, FOR \$2.75 MILLION.

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

Administrator Blecke stated in regard to the Memorandum of Understanding with the School, the School has asked that we get an assessment of the roof and the HVAC system. The roof has been assessed by Guarantee Roofing. The number to fix the roof is \$175,000. Resolution 2023-75 pertains to the proposal by Morrissey Engineering to assess the HVAC system for \$2,800.

Councilmember Brodersen introduced Resolution No. 2023-72 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2023-72

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY SCHOOL DISTRICT #90-0017.

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

Councilmember Eischeid introduced Resolution No. 2023-75 and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2023-75

A RESOLUTION APPROVING PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES WITH MORRISSEY ENGINEERING, INC., FOR THE “WAYNE MEP ASSESSMENT – AREA ACTIVITY CENTER PROJECT” FOR A LUMP SUM FEE OF \$2,800.

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

Matthew Smith of Olsson was present to present Certificate of Payment No. 1 in the amount of \$114,027.84 to Penro Construction Co., Inc., for the “Wayne Prairie Park Phase II Utilities Project.” He updated Council on the project.

Councilmember Karsky made a motion, which was seconded by Councilmember Buck, approving Certificate of Payment No. 1 for \$114,027.84 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 Councilmember Webber who was absent, the Mayor declared the motion carried.

Discussion took place on the next retreat date. Consensus was to have the retreat after the next Council meeting on November 7th.

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