

**MINUTES
CITY COUNCIL MEETING
December 19, 2023**

The Wayne City Council met in regular session at City Hall on December 19, 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 Administrator Wes Blecke; City Clerk Betty McGuire; and City Attorney Amy Miller.

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 Buck made a motion, which was seconded by Councilmember Webber, to approve the minutes of the meeting of December 5, 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:

CORRECTION TO CLAIMS LIST OF 11/29/23: Penro Construction from \$22,560.16 to \$222,560.16; Otte Construction approved 12/6/23 – 99791.00

VARIOUS FUNDS: ACE HARDWARE & HOME, SU, 292.19; APPEARA, SE, 125.01; ARNIE'S FORD, SE, 654.67; BEIERMANN ELECTRIC, SE, 120.00; BMI, FE, 378.90; BRAUN, TESSA, SE, 20.00; BSN SPORTS, SU, 2433.50; CARGILL, TREVOR, SE, 40.00; CINTAS, SU, 395.43; CIRBA SOLUTIONS SERVICES, SU, 204.00; CITY EMPLOYEE, RE, 117.68; CITY EMPLOYEE, RE, 63.28; CITY EMPLOYEE, RE, 57.02; CITY EMPLOYEE, RE, 106.76; CITY EMPLOYEE, RE, 44.54; CITY EMPLOYEE, RE, 60.00; CITY EMPLOYEE, RE, 465.33; CITY EMPLOYEE, RE, 2669.70; CITY OF WAYNE, RE, 261.57; CJH TECHNOLOGIES, SE, 500.00; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 22500.00; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 5000.00; COPY WRITE PUBLISHING, SE, 370.03; COPY WRITE PUBLISHING, SE, 15.57; DAS STATE ACCTG-CENTRAL FINANCE, SE, 69.73; DEARBORN LIFE INSURANCE COMPANY, SE, 3296.33; EAKES OFFICE PLUS, SE, 220.00; EXHAUST PROS TOTAL CAR CARE, SE, 319.21; FAITH REGIONAL PHYSICIAN SERV, SE, 30.00; FLOOR MAINTENANCE, SU, 344.80; GREENFIELD, BRETT, SE, 40.00; HAWKINS, SU, 792.69; HAWKINS, SU, 154.21; HERITAGE INDUSTRIES, SU, 109.58; HILAND DAIRY, SE, 379.59; HYPERION, SE, 84.24; INTERSTATE ALL BATTERY, SU, 249.50; IRS, TX, 4.07; IRS, TX, 4.39; IRS, TX, 1.98; JACK'S UNIFORMS, SU, 5100.00; KASER, WHITNEY, RE, 200.00; KENNY, JOE, RE, 500.00; KTCH, SE, 160.00; LIBERAL GASKET, SU, 113.98; LUTT OIL, SU, 9180.00; MAIN STREET GARAGE, SE, 100.00; MIDWEST ADVENTURE PARK, SU, 1920.00; MIDWEST LABORATORIES, SE, 206.57; MUNICIPAL SUPPLY, SU, 214.83; NAPIER, KYLE, SE, 80.00; NPPD, SE, 8643.44; NEW PIG CORPORATION, SU, 367.34; NORTHEAST TIRE SERVICE, SE, 230.00; O'REILLY AUTOMOTIVE STORES, SU, 19.37; PCAN, FE, 100.00; POLICE OFFICERS' ASSOCIATION OF NE, FE, 140.00; QUADIENT FINANCE USA, SU, 195.56; QUALITY DRY CLEANERS, SE, 34.00; QUALITY FOOD CENTER, SU, 23.77; ROSE EQUIPMENT, SU, 3971.70; SANFORD STEVEN'S CENTER, FE, 96.00; SAPP BROS., INC –OMAHA, SU, 3551.59; STAPLES, SU, 777.34; STATE NEBRASKA BANK-PETTY CASH, RE, 103.09; THE RADAR SHOP, SE, 448.00; TUCKER, DARYLE, SE, 40.00; ULINE, SU, 396.14; US BANK, SU, 14684.94; US FOODSERVICE, SU, 3310.82; VERIZON, SE, 537.12; WAYNE COUNTRY CLUB, SU, 200.00; WAYNE HERALD, SE, 99.00; WESCO, SU, 179.76; WAPA, SE, 23362.55; WISNER WEST, SU, 190.63; AMERITAS, SE, 168.44; AMERITAS, SE, 35.00; AMERITAS, SE, 128.07; AMERITAS, SE, 72.00; AMERITAS. SE, 3513.74; ARNIE'S FORD, SU, 257.08; BAKER & TAYLOR BOOKS, SU, 721.60; BIG RIVERS ELECTRIC CORPORATION, SE, 96860.63; BLACK HILLS ENERGY, SE, 1584.88; BRODART, SU, 46.63; CARROLL DISTRIBUTING, SU, 39.97; CITY EMPLOYEE, RE, 20.00; CITY EMPLOYEE, RE, 265.85; CITY EMPLOYEE, RE, 625.23; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 175.00; CITY OF WAYNE, PY, 112697.48; CIVICPLUS, FE, 9018.74; COLONIAL RESEARCH, SU, 392.90; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 10000.00; COTTONWOOD WIND PROJECT, SE, 17669.09; DEARBORN LIFE INSURANCE, SE, -3119.10; DEARBORN LIFE INSURANCE, SE, 3119.10; DUTTON-LAINSON, SU, 5022.24; FLOOR MAINTENANCE, SU, 566.07; GALE/CENGAGE LEARNING, SU, 128.65; HILAND DAIRY, SE, 46.51; HORIZON CONSTRUCTION, RE, 500.00; ICMA, SE, 1048.60; ICMA, SE, 205.20; ICMA, SE, 166.28; ICMA, SE, 495.46; ICMA, SE, 127.36; ICMA, SE, 70.00; ICMA, SE, 190.37; ICMA, SE, 144.86; ICMA, SE, 413.68; ICMA, SE, 38.28; ICMA, SE, 8837.79; IRS, TX, 18572.42; IRS, TX, 4343.50; IRS, TX, 11866.36; MURPHY TRACTOR & EQUIPMENT, SU, 1437.11; NATIONAL PEN CO, SU, 847.34; NE DEPT OF REVENUE, TX, 6008.91; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 438.00; O'REILLY AUTOMOTIVE STORES, SU, 53.99; OVERDRIVE, SU, 595.67; PREMIER BIOTECH, SE, 72.18; STAPLES, SU, 298.85; VEL'S BAKERY, SU, 84.00; WAYNE AUTO PARTS, SU, 685.05; WESCO, SU, 858.68; WHITE REALTY & APPRAISAL, SE, 3500.00

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, the Mayor declared the motion carried.

Roger Protzman, JEO Consulting Group, Inc., via zoom, presented Contractor's Application for Payment No. 2 in the amount of \$74,456.46 to Philip Carkoski Construction and Trenching, Inc., for the "2023 Wastewater Treatment Facility Ultraviolet Light Improvements Project." He also updated the Council on the progress of the project.

Councilmember Karsky made a motion, which was seconded by Councilmember Bratcher, approving Contractor's Application for Payment No. 2 in the amount of \$74,456.46 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, the Mayor declared the motion carried.

Matthew Smith of Olsson presented Certificate of Payment No. 3 in the amount of \$117,428.59 to Penro Construction Co., Inc., for the "Wayne Prairie Park Phase II Utilities Project." He also updated the Council on the progress of the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, approving Certificate of Payment No. 3 for \$117,428.59 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, the Mayor declared the motion carried.

Bob Soukup of Carlson West Povondra Architects was present via zoom to go over Change Estimate Proposal No. 1 and Change Estimate Proposal No. 2 regarding the "City Hall and Police Relocation Project."

Estimate Proposal No. 1 will add a window and shade in the office on the south side of the building – additional cost of \$6,333.00 (fire rated window). There are 5 offices on that south side, 4 of which had windows. He noted that this does not include upsizing the HVAC duct serving that room to accommodate the increased heat load from adding that south facing window. Their mechanical engineer estimated that cost could be around \$750 to go from a 6" to 8" duct and diffuser.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, approving Change Estimate Proposal No. 1 for \$6,333.00 to Otte Construction for the "City Hall and Police

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

Mr. Soukup then went over Change Estimate Proposal No. 2 regarding the “City Hall and Police Relocation Project.” No. 2 is a combination of three different components.

1. Leave the carpet in place for most locations in the lower level, sealed concrete in the IT room in lieu of vinyl tile – this would be a DEDUCT of \$6,534.00;
2. Change the Administration Workroom (main City Office) from re-used Carpet Tile to new vinyl tile - ADD \$2,557.00; and
3. New carpet tile in lieu of re-used carpet tile (except the Police Chief’s office) - ADD \$17,760.00

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to approve Change Estimate Proposal 2 (components 1 and 2 only) to Otte Construction for a deduct of -\$3,977.00. 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 second public hearing to obtain public input on the application for Community Development Block Grant No. 21-PW-022 — Freedom Park Trailhead Project.

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 CDBG Public Works funds of \$303,000 of which \$268,000 were used to repurpose the shower house which is used by the community as a four-season recreational facility and will become the trailhead for the City’s trail system; the project also included a pathway that is in compliance with Americans with Disabilities Act (ADA) that connects the facility with the trail. \$25,000 was awarded for grant administration, and \$10,000 was awarded for construction management. The City of Wayne has provided the required match of \$80,400 for the PW project activities. To date, \$268,000 has been used for park improvements, \$120,276 of match has been provided by the City, \$9,737.50 has been used for Construction Management, and \$17,667.37 has been used for General Administration of the grant. No persons, businesses, or farms were displaced as a result of CDBG activities.

There being no one from the public to speak during this public hearing, Mayor Giese closed the public hearing.

No action was needed on the matter.

The Nebraska Department of Transportation has notified Diane Bertrand, Senior Center Coordinator, that the Federal Drug and Alcohol Regulations have recently changed and that their policy is now outdated. The NDOT provided template policies for both Zero Tolerance and Second Chance. The NDOT does not recommend the Second Chance Policy. Therefore, the policy in the packet, as recommended, is for Zero Tolerance, as what was approved back in 2022. The same needs to be approved by the Council and returned to the NDOT no later than January 12, 2024.

Councilmember Karsky introduced Resolution No. 2023-85 and moved for its approval; Councilmember Bratcher seconded.

RESOLUTION NO. 2023-85

A RESOLUTION ADOPTING THE DRUG AND ALCOHOL TESTING POLICY - ZERO TOLERANCE AS RECOMMENDED BY THE NEBRASKA DEPARTMENT OF TRANSPORTATION.

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

The following Resolution would adopt the Rural Economic Development Loan and Grant Revolving Loan Fund Plan. This document is very similar to the LB840 Plan. This is a template from the USDA that staff worked on. Some of the differences are that you have to charge an interest rate. In addition, staff is suggesting a ten year minimum loan. This is not negotiable. The minimum amount will be \$25,000, and the maximum amount will be whatever is available in the fund. You can have a committee of 3-7 people, and staff has named the 3 current LB840 Loan Committee Members. Their terms would run concurrent with LB840.

These funds have been available for quite some time. Staff always thought we had to go through Northeast Power to do this, and they had told us in the past that they did not want any part of it. The risk you run on this is the \$60,000 that we will put into the fund. If no payments are made, we are jeopardizing

that. We have since found out that we, the City, are an eligible applicant now through the Electric Department. We will receive \$300,000 in a revolving loan fund and the City has to put \$60,000 into it.

Councilmember Eischeid introduced Resolution No. 2023-86 and moved for its approval; Councilmember Karsky seconded the motion.

RESOLUTION NO. 2023-86

A RESOLUTION ADOPTING THE RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT REVOLVING LOAN FUND PLAN.

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

The following Resolution would amend the Wage and Salary Schedule by including a 4% cost of living increase that was approved in the budget. This would be effective with the first payroll period in January, 2024. "Library Aide" was put in its own line item and Street Foreman was changed to Street Maintenance Worker III. Minimum wage increases to \$12 per hour. In addition, Economic Development positions were also added to the Resolution.

Councilmember Brodersen introduced Resolution No. 2023-87 and moved for its approval; Councilmember Webber seconded the motion.

RESOLUTION NO. 2023-87

A RESOLUTION AMENDING THE WAGE AND SALARY SCHEDULE.

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

The following Resolution would amend the Personnel Manual, Sec. 13.7 Employees Exempt from Overtime by adding "Economic Development Director" to the list.

Councilmember Brodersen introduced Resolution 2023-88, and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2023-88

A RESOLUTION AMENDING SECTION 13.7 EMPLOYEES EXEMPT FROM OVERTIME OF THE CITY OF WAYNE PERSONNEL MANUAL.

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

The following Resolution would approve Task Order Amendment No. 5 with DGR Engineering for the “Proposed Generation Plant Project.” This is the next step in our power generation substation process. Last week, staff met with Northeast Power because they have an interest in potentially co-locating generation with us. The DGR proposal is for \$13,500. Northeast Power’s share would be \$4,500. Administrator Blecke has contacted Northeast Power to see if they would reimburse us for that portion, and he has not received a response yet. They needed to get approval from their Board.

Travis Zipf, Mechanical Engineer with DGR Engineering, was present via zoom, to answer questions and explain the proposal.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Bratcher, to table action on Resolution 2023-90 until the next meeting, awaiting a response from Northeast Power. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke updated the Council on the Community Activity Center Relocation Project.

Joel Hansen, Zoning Administrator, updated the Council on the flood plain meeting that was held on December 6, 2023, at the Wayne City Auditorium.

City Attorney Miller requested Council consideration to increasing her contract amount to \$75,000. She has not received an increase since she was appointed City Attorney back in 2015. In addition, there will be added work due to the inclusion of Economic Development and the Wayne Community Housing Development Corporation.

Councilmember Brodersen made a motion, which was seconded by Councilmember Webber, to enter into executive/closed session for the financial interest of the City to discuss the retainer agreement of City Attorney Amy Miller and to allow City Administrator Blecke and City Clerk McGuire to be in

attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive/closed session began at 6:32 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to the retainer agreement of City Attorney Amy Miller.

Councilmember Webber made a motion, which was seconded by Councilmember Pick, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 7:04 p.m.

The following Resolution would approve the appointment of Amy K. Miller as City Attorney and also approve the Retainer Agreement for her services. The only change to the agreement was the increase in salary to \$6,250 per month.

Councilmember Brodersen introduced Resolution 2022-89 and moved for its approval; Councilmember Webber seconded.

RESOLUTION NO. 2022-89

A RESOLUTION APPROVING THE APPOINTMENT OF AMY K. MILLER AS CITY ATTORNEY AND RETAINER AGREEMENT FOR 2024 – MONTHLY FEE INCREASED TO \$6,250 (TOTAL - \$75,000.00)

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

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:06 p.m.