

**MINUTES
CITY COUNCIL MEETING
January 16, 2024**

The Wayne City Council met in regular session at City Hall on January 16, 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 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 Brodersen made a motion, which was seconded by Councilmember Webber, to approve the minutes of the meeting of January 2, 2024, 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:

VARIOUS FUNDS: ABDO PUBLISHING COMPANY, SU, 59.67; ALCANTARA, YAIR, RE, 304.35; APPEARA, SE, 341.65; APPEARA, SE, 119.79; ASCAP, FE, 500.00; AUTO ANATOMY ALTERNATIVES, SE, 35.00; BEIERMANN ELECTRIC, SU, 2555.32; BORDER STATES INDUSTRIES,

SU, 1622.73; CARROLL DISTRIBUTING, SU, 74.88; CITY EMPLOYEE, RE, 434.05; CITY EMPLOYEE, RE, 4.56; CITY EMPLOYEE, RE, 535.89; CITY EMPLOYEE, RE, 310.61; CITY EMPLOYEE, RE, 4.56; CITY EMPLOYEE, RE, 281.75; CITY EMPLOYEE, RE, 24.86; CITY EMPLOYEE, RE, 492.48; CITY EMPLOYEE, RE, 177.56; CITY EMPLOYEE, RE, 930.68; CITY OF WAYNE, RE, 284.27; CITY OF WAYNE, RE, 600.40; COPY WRITE PUBLISHING, SU, 379.02; COPY WRITE PUBLISHING, SE, 17.37; COPY WRITE PUBLISHING, SE, 283.44; DEARBORN LIFE, SE, 3164.63; EMPLOYERS MUTUAL CASUALTY, RE, 302.83; FIRST CONCORD GROUP, SE, 400.00; FIRST CONCORD GROUP, SE, 6886.96; FLOOR MAINTENANCE, SU, 120.20; GERHOLD CONCRETE, SU, 3410.40; GRANBERG, KAREN, RE, 150.00; GROSSENBURG IMPLEMENT, SU, 6635.37; HASEMANN FUNERAL HOME, RE, 200.00; HILAND DAIRY, SE, 320.69; HOMETOWN LEASING, SE, 465.14; JACK'S UNIFORMS, SU, 221.85; JEO CONSULTING GROUP, SE, 6056.44; LUTT OIL, SU, 6833.07; MAIN STREET GARAGE, SE, 110.00; MIDWEST LABORATORIES, SE, 315.57; MILLER LAW, SE, 307.37; MUTUAL OF OMAHA, SE, 369.00; NPPD, SE, 8827.44; NEW PIG CORPORATION, SU, 275.50; NORFOLK DAILY NEWS, SE, 494.38; NNEDD, SE, 170.00; OLSSON, SE, 15432.78; ONE CALL CONCEPTS, SE, 51.50; OPTK NETWORKS, SE, 408.54; OVERDRIVE, SU, 1037.49; PAC N SAVE, SE, 813.96; QUALITY DRY CLEANERS, SE, 62.66; RED DOOR MANAGEMENT, RE, 3000.00; RETAIL RECLAIMERS, RE, 1000.00; ROBERT WOEHLE & SONS, RE, 2000.00; STATE NEBRASKA BANK-PETTY CASH, RE, 44.15; TUCKER, DARYLE, RE -40.00; TUCKER, DARYLE, SE, 40.00; US BANK, SU, 8617.42; US FOODSERVICE, SE, 2129.93; VERIZON, SE, 605.42; WARD ELECTRIC, RE, 50.00; WASTE CONNECTIONS, SE, 51.50; WAYNE VETERINARY CLINIC, SE, 280.00; WESCO, SU, 105609.00; WAPA, SE, 26257.54; WISNER WEST, SU, 73.40; Y & Y LAWN SERVICE, SE, 921.50; ZACH HEATING & COOLING, SU, 79.00; ACE HARDWARE & HOME, SU, 433.69; AMERITAS, SE, 212.73; AMERITAS, SE, 35.00; AMERITAS, E, 111.78; AMERITAS, SE, 72.00; AMERITAS, SE, 3911.38; BIG RIVERS ELECTRIC CORPORATION, SE, 117817.25; BOMGAARS, SU, 2484.73; CALLIE HURLEY, SU, 2000.00; CAMPOS, ANNA, SE, 55.00; CARHART LUMBER COMPANY, SU, 762.68; CITIZENS STATE BANK, RE, 5180.16; CITY EMPLOYEE, RE, 77.20; CITY OF WAYNE, PY, 118780.59; CITY OF WAYNE, RE, 164.63; DAS STATE ACCTG-CENTRAL FINANCE, SE, 69.73; DELTA LIGHTING PRODUCTS, SU, 210.55; EXHAUST PROS TOTAL CAR CARE, SE, 80.25; GRAINLAND ESTATES, RE, 2667.83; ICMA, SE, 592.03; ICMA, SE, 150.67; ICMA, SE, 39.80; ICMA, SE, 197.98; ICMA, SE, 72.03; ICMA, SE, 130.76; ICMA, SE, 523.20; ICMA, SE, 9571.90; ICMA, SE, 1083.40; ICMA, SE, 132.44; ICMA, SE, 75.00; ICMA, SE, 72.03; IRS, TX, 4624.36; IRS, TX, 13258.65; IRS, TX, 19773.18; KTCH, SE, 1368.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 455.00; MACQUEEN EQUIPMENT, SU, 960.59; MAIN STREET GARAGE, SE, 750.00; MIDWEST TURF & IRRIGATION, SU, 7665.00; NE DEPT OF REVENUE, TX, 6244.00; NE DEPT OF REVENUE-CHARITABLE GAMING DIV, TX, 2013.28; PEPSI COLA OF SIOUXLAND, SU, 90.60; QUADIENT LEASING USA, SE, 2691.00; QUALITY FOOD CENTER, SU, 71.28; REGENCY PORTRAITS, SE, 2000.00; TYLER TECHNOLOGIES, SE, 3661.25; WAYNE AUTO PARTS, SU, 987.79; WAYNE HERALD, SE, 896.00; WAYNE HERALD, SE, 190.00; WAYNE RENTALS, RE, 23283.81

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, the Mayor declared the motion carried.

Staff has met with the owner, Ken Jorgensen, and he now has a concept drawing after working with Jill Brodersen. Staff is acceptable to the easement abandonment in the area and building layout, as long as there is no overhang into/over the 10 ft. easement.

Ms. Brodersen noted that there will be no overhang on the building – it will be 10 feet exactly.

Ken Jorgensen was present to answer questions.

Councilmember Eischeid introduced Ordinance No. 2023-31, and moved for approval of the second reading thereof; Councilmember Webber 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, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Blecke presented Application and Certificate of Payment No. 2 from Otte Construction Company, LLC, in the amount of \$44,853.00 for the “Wayne City Hall and Police Relocation Project.” He also updated the Council on the progress of the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving Application and Certificate of Payment No. 2 in the amount of \$44,853.00 to Otte Construction Company, LLC, for the “Wayne 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.

The following Resolution would appoint Carlson West Povondra Architects as the special engineer to be used for the “Park and Recreation Building Project.” Lowell Heggemeyer, Park and Recreation Director, is planning to do much of the general contractor work on a new Park building in Prairie Park. The City still needs an engineer/architect to oversee the project, help with some specifications (electrical and mechanical) and the bidding process. Bob Soukup with CWPA has proposed a lump sum fee of \$28,300 to do the work that Lowell cannot. Staff recommendation is to approve said contract.

Councilmember Brodersen introduced Resolution 2024-1, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2024-1

A RESOLUTION APPOINTING CARLSON WEST POVONDRA ARCHITECTS AS THE SPECIAL ENGINEER TO BE USED FOR THE “PARK AND RECREATION BUILDING PROJECT” - \$28,300.

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

Matthew Smith, representing Olsson, presented Certificate of Payment No. 2 in the amount of \$323,189.71 to Cooney Fertilizer, Inc. for the “Wayne Prairie Park Phase I Grading Project.” In addition, he updated the Council on the project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving Certificate of Payment No. 2 in the amount of \$323,189.71 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, the Mayor declared the motion carried.

Matthew Smith, representing Olsson, stated the following Change Order No. 1 in the amount of \$13,907.10 to Penro Construction Co., Inc., is for quantity adjustments for the “Wayne Prairie Park Phase II Utilities Project” (additional sanitary service, yard hydrant, live tap, etc.).

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving Change Order No. 1 in the amount of \$13,907.10 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.

Matthew Smith, representing Olsson, presented Certificate of Payment No. 4 in the amount of \$155,562.81 to Penro Construction Co., Inc., for the “Wayne Prairie Park Phase II Utilities Project.” In addition, he updated the Council on the project.

Councilmember Karsky made a motion, which was seconded by Councilmember Brodersen, approving Certificate of Payment No. 4 in the amount of \$155,562.81 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.

Administrator Blecke stated Council needs to have some discussion on the lake amenities part of the Prairie Park Project, and if they would want to reappropriate funds to complete this phase while

committing sales tax funds in FY 24-25 to the new Park and Rec Building. To put sidewalk all the way around the lake would add an additional \$220,000 – total of \$661,550. That would be known as Plan 3A.

After some discussion, Council consensus was to make the trail 8’ in width instead of 10’ to lower the cost.

If approved, the intent is to have the plans and specifications approved at the next meeting and go out for bids, with the project being awarded in March.

Councilmember Brodersen made a motion, which was seconded by Councilmember Karsky, to move forward with Plan 3A of the project (with the paving around the entire lake). Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Matthew Smith, Engineer with Olsson, reviewed Letter Agreement Amendment #6. This Agreement Amendment will add \$21,850 of additional design and construction services to the project for the walking/biking trail around the lake.

Councilmember Brodersen introduced Resolution 2024-2, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2024-2

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #6 TO THE ORIGINAL LETTER AGREEMENT WITH OLSSON FOR ADDITIONAL SERVICES ON THE “WAYNE PRAIRIE PARK DEVELOPMENT PROJECT” – \$21,850.

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

Lowell Heggemeyer, Park and Recreation Director, obtained three proposals to refinish/repair the terrazzo floors at the Auditorium:

- Patch Terrazzo at Doors - Main Lobby - \$7,402;
- Refinish Terrazzo Flooring and Base - Arena Hall Lobby - \$14,450; and
- Refinish Terrazzo Floor and Base – Main Lobby - \$11,776

The total to do all of the above is \$33,628. \$50,000 has been placed in the budget for this project.

These proposals do not include doing anything with the terrazzo floors in the north and south meeting rooms of the auditorium.

Discussion took place on whether these proposals included repairing some of the areas.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to table action on Resolution 2024-3 accepting proposals and awarding contracts on the “Wayne City Auditorium Terrazzo Floor Refinishing Project” and to direct City Staff to contact DeMarco Bros. Company to clarify their bid to insure that everything is included that needs to be done. 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.

Brendon Pick was present to request Council consideration to giving Lot 19 (300 S. Douglas Street) to the City in lieu of his monetary commitment (\$35,000) to satisfy the Southview II Addition Subdivision Agreement that was signed by him on November 14, 2017. This is an outstanding subdivision requirement by the developer in the Chicago Street area.

Administrator Blecke and Joel Hansen, Street and Planning Director, provided some background history on the matter.

Councilmember Eischeid made a motion, which was seconded by Councilmember Webber, to enter into executive/closed session for the purpose of protecting the financial interest of the City to discuss the amount of \$35,000 that is due to the City by Brendon Pick as per the Subdivision Agreement signed on November 8, 2017, and filed with the Wayne County Clerk’s Office #171535 on November 16, 2017, and to allow Administrator Blecke, Attorney Miller, 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 6:58 p.m.

Mayor Giese again stated the matter to be discussed in executive/closed session relates to the amount of \$35,000 that is due to the City by Brendon Pick as per the Subdivision Agreement signed on November 8, 2017, and filed with the Wayne County Clerk’s Office #171535 on November 16, 2017.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, 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 7:18 p.m.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to accept Lot 19 in lieu of the \$35,000 that is due to the City by Brendon Pick as per the Subdivision Agreement signed on November 8, 2017, and filed with the Wayne County Clerk's Office #171535 on November 16, 2017. 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 7:20 p.m.