

**MINUTES
CITY COUNCIL MEETING
July 3, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, July 3, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Dale Alexander, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: City Attorney Amy Miller.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 21, 2012, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Haase made a motion, which was seconded by Councilmember Van Delden, whereas the Clerk has prepared copies of the Minutes of the meeting of June 19, 2012, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved.

Mayor Chamberlain 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 JUNE 19, 2012: DELETE ED M FELD, SU, 360.00

VARIOUS FUNDS: AMBRE RUZICKA, SU, 24.11; AMERITAS, SE, 1698.90; APPEARA, SE, 151.58; ARNIE'S FORD-MERCURY, SE, 1494.14; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 120.00; BLACK HILLS ENERGY, SE, 1151.19; BOMGAARS, SU, 29.14; CARROT-TOP INDUSTRIES, SU, 730.07; CITY OF WAYNE, RE, 600.00; CITY OF WAYNE, PY, 65786.81; CITY OF WAYNE, RE, 229.48; CLAUSSEN & SONS IRRIG., SE, 113.77; COMMUNITY HEALTH, RE, 3.00;

CONNECTING POINT, SE, 1533.75; DANKO EMERGENCY EQUIPMENT, SU, 5175.00; DCL AMERICA, SU, 123290.70; DE LAGE LANDEN FINANCIAL, SE, 77.00; ECHO GROUP INC, SU, 99.88; CITY EMPLOYEE, RE, 42.34; ELECTRIC FIXTURE & SUPPLY, SU, 121.79; ELLIS PLUMBING & HEATING, SE, 300.00; FIRST CONCORD GROUP, SE, 4503.27; FITZGERALD, VETTER, SE, 61685.00; FLOOR MAINTENANCE, SU, 197.04; FORT DEARBORN LIFE, SE, 103.20; GEMPLER'S INC, SU, 317.30; GERHOLD CONCRETE, SU, 959.05; GIS WORKSHOP, SE, 4000.00; GUARANTEE OIL, SU, 59.56; H.K. SCHOLZ, SE, 107590.00; CITY EMPLOYEE, RE, 131.92; HAWKINS, SU, 1315.63; HD SUPPLY WATERWORKS, SU, 923.17; CITY EMPLOYEE, RE, 47.66; HELENA CHEMICAL, SU, 335.00; ICMA, SE, 5292.71; IRS, TX, 20751.10; JAMES PAIGE, RE, 30.00; KRIZ-DAVIS COMPANY, SU, 11620.94; L.G. EVERIST, SU, 2016.20; LANGEMEIER, WAYNE, SE, 175.00; LEAGUE OF NEBRASKA, SE, 1107.00; MCGUIRE & NORBY, SE, 2226.60; MIDLAND EQUIPMENT, SU, 590.22; MONGAN PAINTING CO, SU, 3596.51; NE DEPT OF REVENUE, TX, 3210.30; NE LIBRARY COMMISSION, SE, 1250.00; NE NEB INS AGENCY, SE, 58224.50; NORFOLK IMPLEMENT, SU, 38.97; NNPPD, SE, 3067.00; PITNEY BOWES, SU, 101.99; QUILL, SU, 74.65; SIOUXLAND TURF PRODUCTS, SU, 1880.00; T & S TRUCKING, SE, 1484.01; TERRACON CONSULTANTS, SE, 356.50; UNITED RENTALS, SU, 990.00; USA BLUE BOOK, SU, 49.09; VIAERO, SE, 169.95; WATER ENVIRONMENT, FE, 60.00; WESCO, SU, 108.63; WINNING FINISH, SE, 314.18; AMERICAN BROADBAND, SE, 2237.64; APPEARA, SE, 299.55; CITY EMPLOYEE, RE, 84.57; BSN SPORTS, INC, SU, 323.98; CHARTWELLS, SE, 5330.75; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 57.45; CITY OF WAYNE, RE, 794.31; COPY WRITE PUBLISHING, SE, 656.93; D.R. HASKIN, SU, 10.00; DIAMOND SALES, SU, 175.20; DUTTON-LAINSON, SU, 315.94; EAKES OFFICE PLUS, SE, 39.92; EASYPERMIT POSTAGE, SU, 1689.47; ENGINEERED CONTROLS, SE, 652.27; FLOOR MAINTENANCE, SU, 59.18; FORT DEARBORN LIFE, SE, 1480.35; GERHOLD CONCRETE, SU, 695.40; GILL HAULING, SE, 155.00; GRAINGER, INC., SU, 167.46; GROSSENBURG IMPLEMENT, SU, 298.18; CITY EMPLOYEE, RE, 381.46; CITY EMPLOYEE, RE, 147.54; HAWKINS, INC, SU, 1790.13; HEIKES AUTOMOTIVE, SE, 69.23; HR SPECIALIST, SU, 199.00; JEO CONSULTING GROUP, SE, 2325.00; JOHN'S WELDING AND TOOL, SE, 125.00; JORGENSEN CONCRETE, SE, 1500.00; NANCI WALSH, SE, 300.00; NE CODE OFFICIAL, FE, 130.00; NE SAFETY COUNCIL, SE, 11.53; OLSSON ASSOCIATES, SE, 5667.21; PIEPER & MILLER, SE, 5521.00; PLUNKETT'S PEST CONTROL, SE, 97.34; CITY EMPLOYEE, RE, 71.20; RAMADA INN – KEARNEY, SE, 438.00; STATE NATIONAL BANK, SE, 57.36; STATE NATIONAL BANK, RE, 450.54; US BANK, SU, 2136.61; VERIZON, SE, 69672.50; WAED, RE, 6383.33; WAYNE COUNTY CLERK, SE, 37.00; WAYNE COUNTY JAYCEES, SE, 2000.00; WAYNE HERALD, SE, 1510.33; WESCO, SU, 153.36; ZACH OIL, SU, 5865.30

Councilmember Sturm made a motion and Councilmember Ley seconded to approve all of the claims, with the exception of the claim to Fitzgerald, Vetter in the

amount of \$61,685. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers 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.

An Application for a Special Designated Liquor License Permit was received from The Max Again for a beer garden which will be located on the premises of the City of Wayne (Softball Complex) on Saturday, July 14, 2012, and Sunday, July 15, 2012, which is in conjunction with the Chicken Show Activities. Ken Jorgensen, representing The Max Again, was present to answer questions, along with Alex Koch, Recreation Services Director. The hours of the beer garden will be from 11:00 a.m. until 9:00 p.m. each day. A double snow fence will be placed around the perimeter of the beer garden.

Alex Koch, Recreation Services Director, stated he was approached to take over the men's slow pitch tournament next year. When he was hired for the position, one of the things he was charged with was to find activities which generated more revenue for the department. One of the biggest revenues in men's slow pitch tournaments is alcohol sales. All of the proceeds from the sale of alcohol at this tournament will go to the Recreation Department. No minors will be allowed in the beer garden.

Councilmember Alexander had concerns about the City making money for youth programs through the sale of alcohol, and the fact that people would probably still bring

their own alcohol into the facility. Mr. Koch responded that this year that will probably happen, because that's how it's been done in the past.

Mayor Chamberlain stated that if this passes, a notice should be sent out with the schedules advising them that we don't want alcohol brought into the facility this year because we're providing a beer garden.

Marlen Chinn, Interim Police Chief, requested that Mr. Jorgensen correct some of the boxes marked on his application (Check "Retail License Holder"; correct subparagraphs b., and c. on page 1; and under Sec. 7, move the dimensions of the area to be covered to "outdoor area" instead of "indoor area") before the Council approves the same.

Councilmember Haase made a motion, which was seconded by Councilmember Sturm approving the request of The Max Again for a Special Designated Liquor License Permit for a beer garden which will be located on the premises of the City of Wayne (Softball Complex) on Saturday, July 14, 2012, and Sunday, July 15, 2012, (11:00 a.m. until 9:00 p.m.), which is in conjunction with the Chicken Show Activities, and to make those changes, as recommended, on the special designated liquor permit. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would approve a memorandum to the agreement between the City and Verizon that was passed on June 5th. This document will be recorded at the County Clerk's Office.

Councilmember Sturm introduced Resolution 2012-50, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-50

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE (“CITY”) AND ALLTEL COMMUNICATIONS OF NEBRASKA, INC., D/B/A VERIZON WIRELESS (“ALLTEL”).

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

Administrator Johnson stated the following Resolution would direct the City Clerk to file a lien against 509 West First Street for the cost of work hired by the City to abate a violation of City Code after proper notice was given to the property owner.

Councilmember Ley introduced Resolution No. 2012-51 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2012-51

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 75’ OF THE NORTH 150’ OF LOT 30, TAYLOR & WACHOB’S ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 509 WEST FIRST STREET, WAYNE, NEBRASKA.

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

Administrator Johnson stated the following Resolution would direct the City Clerk to file a lien against 908 Circle Drive for the cost of work hired by the City to abate a violation of City Code after proper notice was given to the property owner.

Councilmember Sturm introduced Resolution No. 2012-52 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-52

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 LOT 9, MCPHERRAN'S ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 908 CIRCLE DRIVE, WAYNE, NEBRASKA.

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

Administrator Johnson stated staff had a request to consider a "code of conduct". What is being proposed is mirrored after what the City of Seward passed in 2003. However, we currently do not operate under, nor have we adopted, Robert's Rules of Order, which should be deleted out of the proposed ordinance. This is for discussion purposes this evening.

Mayor Chamberlain advised the Council he just wanted to bring this forward as some food for thought. He thought city employees needed a little bit of protection from the Council. There have been times when elected officials have tried to be the boss instead of letting the department head or the city administrator run their departments. There have also been cases where we haven't exactly been respectful to some of our employees. We have a very good group of employees, and it gets to a point where enough is enough or we'll start losing some people. He asked that the Council go through it and let him know of their concerns or changes they would like.

Councilmember Frevert looked at it as more rules and regulations and something that is not needed. There are a couple of things in there that he did not care for.

Councilmember Sturm stated if we aren't doing anything wrong, then we don't have anything to worry about. This allows recourse.

BJ Woehler spoke regarding concerns he had with certain sections of the current municipal code and the proposed code of decorum.

Councilmember Ley left the meeting at 6:10 p.m.

Councilmember Frevert made a motion to table action on Ordinance 2012-28, and Councilmember Brodersen seconded. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who voted Nay, the Mayor declared the motion carried.

Councilmember Frevert made a motion, which was seconded by Councilmember Alexander, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:11 p.m.