

**MINUTES
CITY COUNCIL MEETING
June 4, 2013**

The Wayne City Council met in regular session at City Hall on Tuesday, June 4, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Kaki Ley, and Jill Brodersen, City Attorney Amy Miller, City Administrator Lowell Johnson, and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 23, 2013, 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 Sievers made a motion, which was seconded by Councilmember Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of May 21, 2013, 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:

VARIOUS FUNDS: ABCREATIVE, SU, 5159.00; ADVANCED CONSULTING, SE, 7497.95; CITY EMPLOYEE, RE, 50.00; AMERICAN BROADBAND, SE, 2499.63; AMERITAS, SE, 1885.04; APPEARA, SE, 105.46; ARNIE'S FORD-MERCURY, SU, 65.00; AS CENTRAL SERVICES, SE, 448.00; B & D DIAMOND PRO, SU, 1700.00; BANK FIRST, SE, 135.00; BLACK HILLS ENERGY, SE, 580.23; BLUE CROSS BLUE SHIELD, SE, 24234.52; CITY EMPLOYEE, RE, 106.70; CENTRAL SAND AND GRAVEL, SU, 781.57; CITY OF NORFOLK, SE, 162.87; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 69985.59; CITY OF WAYNE, RE, 1502.78; COMMUNITY HEALTH, RE, 4.00; DAKTRONICS, SU, 825.00; DCL AMERICA, SU, 1550.00; DE LAGE LANDEN FINANCIAL, SE, 77.00;

DEARBORN NATIONAL LIFE, SE, 123.84; DGR & ASSOCIATES, SE, 589.50; DITCH WITCH OF OMAHA, SU, 56.79; DUTTON-LAINSON, SU,.60; EAKES OFFICE PLUS, SE, 187.02; ECHO GROUP, SU, 943.42; ELECTRIC FIXTURE, SU, 37.31; ENGINE SYSTEMS, SE, 13155.35; FLOOR MAINTENANCE, SU, 170.68; GERHOLD CONCRETE, SU, 590.88; GUARANTEE OIL, SE, 457.50; CITY EMPLOYEE, RE, 4670.09; HAWKINS, SU, 1548.94; CITY EMPLOYEE, RE, 3255.74; ICMA, SE, 6385.64; IRS, TX, 24352.27; JWC ENVIRONMENTAL, SU, 603.62; KELLY SUPPLY, SU, 128.49; KEPCO, SU, 16.55; KLEIN ELECTRIC, SE, 2285.00; CITY EMPLOYEE, RE, 27.49; MIKE TOWNE, SE, 1100.00; CITY EMPLOYEE, RE, 50.00; MITIKU MAMO, RE, 50.00; NE AIR FILTER, SU, 122.58; NE COLORADO CELLULAR, SE, 56.32; NE DEPT OF REVENUE, TX, 3240.90; NE HARVESTORE, SU, 175.46; NE NEB INS AGENCY, SE, 1567.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 3769.00; NORTHEAST WISCONSIN, FE, 175.00; OLSSON ASSOCIATES, SE, 2709.35; QUALITY 1 GRAPHICS, SU, 100.00; RDJ SPECIALTIES, SU, 263.36; SAYRE ANDERSEN, RE, 209.78; STATE NATIONAL BANK, RE, 100.00; CITY EMPLOYEE, RE, 2559.81; ULINE, SU, 127.13; UNITED WAY, RE, 12.40; UTILITIES SECTION, FE, 570.00; WAYNE COUNTY COURT, RE, 150.00; WESCO, SU, 25.241; APPEARA, SE, 58.93; ARNIE'S FORD-MERCURY, SU, 981.17; CITY EMPLOYEE, RE, 181.43; FIREMAN, RE, 298.00; BSN SPORTS, SU, 258.24; CERTIFIED TESTING SERVICE, SE, 1023.00; FIREMAN, RE, 298.00; FIREMAN, RE, 298.00; CITY OF WAYNE, RE, 136.25; CLAUSSEN & SONS IRRIG., SE, 250.64; CITY EMPLOYEE, RE, 103.17; EAKES OFFICE PLUS, SE, 35.72; EASYPERMIT POSTAGE, SU, 722.07; ELECTRIC FIXTURE, SU, 12.27; ELKHORN FENCE, SU, 1458.00; FIRST CONCORD GROUP, SE, 5497.91; FLOOR MAINTENANCE, SU, 112.41; GERHOLD CONCRETE, SU, 181.40; GILL HAULING, SE, 155.00; GIS WORKSHOP, SE, 4000.00; GROSSENBURG IMPLEMENT, SU, 223.20; CITY EMPLOYEE, RE, 1811.13; HAWKINS, SU, 798.42; HEIKES AUTOMOTIVE, SU, 213.33; HELENA CHEMICAL, SU, 140.00; HOWARD JOHNSON RIVERSIDE, SE, 1068.00; HTM SALES, SE, 1020.00; JASON CAROLLO, SE, 140.00; JEO CONSULTING GROUP, SE, 7350.00; CITY EMPLOYEE, RE, 152.64; KELLY SUPPLY, SU, 380.97; MARCO, SE, 122.18; CITY EMPLOYEE, RE, 81.72; MICHAEL TODD, SU, 1738.50; FIREMAN, RE, 298.00; N.E. NEB ECONOMIC DEV DIS, FE, 7018.40; NE SAFETY COUNCIL, SU, 58.04; ONE CALL CONCEPTS, SE, 98.00; PIEPER & MILLER, SE, 3961.00; PLUNKETT'S PEST CONTROL, SE, 188.86; QUILL, SU, 210.36; CITY EMPLOYEE, RE, 1016.73; STADIUM SPORTING GOODS, SU, 40.50; STATE NATIONAL BANK, RE, 86.94; CITY EMPLOYEE, RE, 103.70; FIREMAN, RE, 298.00; VERIZON, SE, 101.80; WASTE CONNECTIONS, SE,. 117.27; WAED, RE, 7383.33; WAYNE BASEBALL ASSOC, FE, 125.00; WAYNE COUNTY COURT, RE, 53.50; WESCO, SU, 183.71; FIREMAN, RE, 298.00

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, to approve the claims. 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.

Mayor Chamberlain advised the Council that he received Dale Alexander's resignation as Councilmember for Ward 2.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to accept the resignation of Dale Alexander as 2nd Ward Councilmember. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, declaring a notice of vacancy in Ward Two and authorizing the City Clerk to publish notice regarding the same. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The City has been approached by Ken Jorgensen, potential buyer of the property east of McDonald's, who wishes to utilize the old railroad right-of-way through a lease agreement. He would like to develop this property and construct a driveway off of Highway 35 across from Hillside Drive where the current trail crossing is located. However, to do so, the current trail would need to be relocated. Administrator Johnson requested Council consideration to allowing staff to contact McDonalds to see if they

would be interested in selling the east 40' of their property for the purpose of relocating the trail crossing.

In addition, staff would request the Nebraska Department of Roads to conduct a traffic study to determine the appropriate speed limit for that area. At this time it is 45 mph at the trail crossing.

Ken Jorgensen was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, authorizing staff to negotiate the purchase of the East 40' of McDonald's property for the purpose of relocating the trail crossing and to request the Nebraska Department of Roads to conduct a traffic study to determine the appropriate speed limit for that area. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

David Synnott, Assistant Coach of the Wayne State College Rugby Team, gave a report on the Rugby Club Program/Activities and the issues they are having at their fields. In addition, he was requesting help or assistance in maintaining the fields. Mayor Chamberlain suggested donating the old mower that we are replacing to the Rugby Club.

Don Larsen and Tom Gustafson, Directors of Northeast Nebraska Public Power District, were present to invite the City of Wayne to join a regional "Request for Proposal" to solicit alternative power sources as part of the City's due diligence in considering the new 25-year Nebraska Public Power District contract.

Councilmember Muir made a motion, which was seconded by Councilmember Giese, accepting Northeast Nebraska Public Power District's invitation to join a regional "Request for Proposal" to solicit alternative power sources as part of the City of Wayne's

due diligence in considering the new 25-year Nebraska Public Power District contract. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen, to recess as Council and convene as the Community Development Agency. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Chair Haase called the meeting of the Community Development Agency to order. Those in attendance were: Members Cale Giese, Rod Greve, Jennifer Sievers, Ken Chamberlain, Nick Muir, Kaki Ley, and Jill Brodersen, City Attorney Amy Miller, City Administrator Lowell Johnson, and City Clerk Betty McGuire.

Chair Haase 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.

Member Chamberlain made a motion, which was seconded by Member Giese, to approve the minutes of the May 21, 2013, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase stated the next item on the agenda is a motion to reconsider the adoption of CDA Resolution 2013-8 recommending approval of a redevelopment contract (Western Ridge, a Partnership).

Member Muir made a motion to reconsider the adoption of CDA Resolution 2013-8 recommending approval of a redevelopment contract (Western Ridge, a Partnership); Member Brodersen seconded. Chair Haase stated the motion, and the result of roll call being all yeas, the chair declared the motion carried.

The next item on the agenda was to take action on CDA Res. 2013-8 recommending approval of a Redevelopment Contract (Western Ridge, a Partnership).

Steve Meyer and Brent Pick, members/partners of Western Ridge, were present to answer questions and requested Council's passage of the Resolution.

Matt Ley, representing the Downtown Wayne/Revitalize Wayne group, spoke against the passage of the Resolution.

BJ Woehler spoke in favor of this tax increment financing project, as did Louis Benscoter.

Member Sievers introduced CDA Resolution 2013-8 and moved for its approval; Member Muir seconded.

CDA RESOLUTION NO. 2013-8

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT AND PLAN FOR WESTERN RIDGE, A PARTNERSHIP, IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Ley who abstained, the Chair declared the motion carried.

Member Muir made a motion, which was seconded by Member Brodersen, to adjourn as the Community Development Agency and reconvene as Council. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Councilmember Sievers introduced Resolution 2013-47 and moved for its approval; Member Muir seconded.

RESOLUTION NO. 2013-47

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN (WESTERN RIDGE, A PARTNERSHIP); AND RELATED MATTERS

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who abstained, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2013-29, and moved for approval of the second reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2013-29

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, SECTION 90-710 PARKING REGULATIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain 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.

Councilmember Giese introduced Ordinance No. 2013-31 and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-31

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE I, SECTION 78-13 STOP SIGN LOCATIONS; WEST OF MAIN STREET, NORTH OF SEVENTH STREET; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain 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 Council meeting.

Councilmember Sievers introduced Ordinance 2013-32, and moved for approval of the second reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2013-32

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 1, SECTION 1-2 DEFINITIONS AND RULES OF CONSTRUCTION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain 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.

Jeremy Walker with Olsson Associates presented the plans and specifications for the “Chief’s Way Sanitary Sewer and Water Extension Project.”

Garry Poutre, Superintendent of Public Works & Utilities, gave an overview of the project.

Councilmember Brodersen introduced Resolution No. 2013-50 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-50

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN SANITARY SEWER AND WATER IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA (“CHIEF’S WAY SANITARY SEWER AND WATER EXTENSION PROJECT”).

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

Jeremy Walker of Olsson Associates stated three bids were received today on the “Milo Drive Paving Improvement Project.” They have reviewed the bids and

recommend that the project be awarded to the lowest bidder, Rutjens Construction, Inc., of Tilden, NE, in the amount of \$178,160.75. The high bid was \$194,761.25. The engineer's estimate was \$190,930.50.

Councilmember Muir introduced Resolution No. 2013-51 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-51

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE "MILO DRIVE PAVING IMPROVEMENT PROJECT" TO RUTJENS CONSTRUCTION, INC., OF TILDEN, NEBRASKA, IN THE AMOUNT OF \$178,160.75.

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

Administrator Johnson advised the Council that no bids were received on the "Alley between Main Street and Pearl Street, South of First Street Project." The project will either be rebid or done with city crews.

Jeff Carstens, representing Wayne State College, was present regarding the interlocal agreement to share law enforcement resources. The Agreement is the same as last year. The hours will remain the same (22), as well as the amount for said services (\$30,000).

Marlen Chinn, Police Chief, was also present to answer questions.

Councilmember Giese requested two changes to the agreement:

Paragraph 5e: The Campus Police Officer will meet **once a semester** ~~regularly~~ with the Residence Life Staff in each housing unit.

Paragraph 4 of Sec. 9: Three (3) Wayne State College student representatives selected by Student ~~Services~~ **Senate** will meet jointly with the Police Chief, the Campus

Police Officer and any Campus Security official two (2) times per year to review the student perspective of this Agreement.

Councilmember Giese introduced Resolution No. 2013-53 and moved for its approval, subject to the following changes:

Section 5(e): The Campus Police Officer will meet **once a semester** ~~regularly~~ with the Residence Life Staff in each housing unit.

Section 9 – Paragraph 4: Three (3) Wayne State College student representatives selected by Student ~~Services~~ **Senate** will meet jointly with the Police Chief, the Campus Police Officer and any Campus Security official two (2) times per year to review the student perspective of this Agreement.

Councilmember Ley seconded.

RESOLUTION NO. 2013-53

A RESOLUTION APPROVING INTERLOCAL AGREEMENT TO SHARE LAW ENFORCEMENT RESOURCES BETWEEN THE CITY OF WAYNE AND WAYNE STATE COLLEGE.

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

Joel Hansen, Building Inspector, stated that Section 504 of the Rehabilitation Act of 1973 made it illegal for the Federal Government, federal contractors, and any entity receiving federal financial assistance to discriminate on the basis of disability. Section 504 obligates local governments to ensure that persons with disabilities have equal access to any programs, services, or activities receiving Federal financial assistance. This Resolution has been provided by NDOR and stipulates that the City understands their

obligation to not discriminate, and designates the Building Inspector as being responsible for managing the process on behalf of the City.

Councilmember Ley introduced Resolution No. 2013-54 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-54

TITLE VI- CIVIL RIGHTS
Americans with Disabilities/Section 504 of Rehabilitation Act

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

Mr. Hansen then stated that the following Resolution is required by NDOR and must be submitted by the end of 2013. At this time, we are also updating our Transition Plan for ADA compliance as requested by NDOR as justification for removing the sidewalks from the Windom Street project. The Procedures Manual is the process through which the City will ensure persons with disabilities are not discriminated against. It was mirrored after the City of Blair and has been approved in content by NDOR as meeting their requirements. It will pertain to all City programs and facilities, including our transportation programs.

Councilmember Ley introduced Resolution No. 2013-55 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-55

A RESOLUTION GIVING ASSURANCE THAT THE CITY OF WAYNE WILL COMPLY WITH SECTION 504 OF THE REHABILITATION ACT BY APPROVING THE ADA TRANSITION PLAN UPDATE AND THE PROCEDURES MANUAL FOR TITLE II.

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

Garry Poutre, Supt. of Public Works & Utilities, presented the proposed “Rain Sensor Rebate Program.” The sole purpose for this is to avoid over watering of lawns by operating automatic sprinkler systems when it is raining or following a significant rain. This was one of the steps that we wanted to pursue as part of the Wellhead Protection Plan for long-range protection of the groundwater aquifer and being good stewards of the water.

The proposal is to initiate a trial demonstration project to encourage property owners with automatic lawn watering systems to install a rain sensor to override the watering cycle to delay watering after a pre-set amount of rainfall. This proposal or program is already used by the City of Hastings, and the recommendation is to approve a trial period for private installation of up to 20 sensors with a \$75 rebate per property from City water utility funds (cap of \$1,500 per year).

Councilmember Brodersen suggested that the Resolution be amended to state that there is a maximum incentive or rebate of up to \$75, with the cap per year being \$1,500 for said program.

Councilmember Giese introduced Resolution No. 2013-56 and moved for its approval subject to adding the language therein that the incentive or rebate be a maximum of up to \$75, with a cap of \$1,500 per year for the program; Councilmember Greve seconded.

RESOLUTION NO. 2013-56

A RESOLUTION ADOPTING RAIN SENSOR REBATE PROGRAM.

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Ley, approving Pay Application No. 1 in the amount of \$63,243.89 for the 10th Street, Main to Windom Improvement Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain stated because it's been several years since we have obtained quotes on a new sound system, it might be time to have staff obtain new quotes again if this is something that Council would want to budget for next year.

Brian Kesting, Technology Support Specialist, was present to answer questions.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, authorizing staff to bring forward proposals for a new sound system for the Council Chambers. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Council then discussed options for video recording council meetings which could be broadcast live or played at a later time on the Community Access Channel. Proposals for this will also be brought forward for consideration.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, 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 7:26 p.m.