

**MINUTES
CITY COUNCIL MEETING
June 18, 2013**

The Wayne City Council met in regular session at City Hall on Tuesday, June 18, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Jennifer Sievers, Nick Muir, Kaki Ley, and Jill Brodersen, City Attorney Amy Miller, City Administrator Lowell Johnson, and City Clerk Betty McGuire. Absent: Councilmembers Rod Greve and Jon Haase.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 6, 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 Ley, whereas, the Clerk has prepared copies of the Minutes of the meeting of June 4, 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, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTIONS TO CLAIMS LISTING OF JUNE 4, 2013: Delete Guarantee Oil, Roof Repair, 457.50 and City of Wayne, Fire Hall Deposit Refund, 150.00

VARIOUS FUNDS: AMBRE RUZICKA, SU, 20.12; AMERITAS, SE, 1983.18; APPEARA, SE, 223.45; BAKER & TAYLOR BOOKS, SU, 1537.21; BANK FIRST, SE, 135.00; BARONE SECURITY SYSTEMS, SE, 138.00; BILL NIELSEN LANDSCAPING, SU, 510.00; CITY EMPLOYEE, RE, 287.58; CARHART LUMBER COMPANY, SU, 3282.26; CHARTWELLS, SE, 5837.50; CITY EMPLOYEE, RE, 143.00; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 600.00; CITY OF

WAYNE, RE, 99.94; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 69307.90; CITY OF WAYNE, RE, 1859.20; CLAUSSEN & SONS IRRIG., SE, 118.19; CLAUSSEN, HEATHER, SE, 655.00; COMMUNITY HEALTH, RE, 4.00; COPY WRITE PUBLISHING, SE, 406.76; CITY EMPLOYEE, RE, 228.75; CURT JEFFRIES, RE, 50.00; CURTIS REESE, SE, 335.00; DALE PAULSON, SE, 270.00; DAVE'S UNIFORMS, SE, 87.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; DEARBORN NATIONAL LIFE, SE, 1746.83; CITY EMPLOYEE, RE, 53.88; CITY EMPLOYEE, RE, 58.42; ED. M FELD EQUIPMENT, SU, 247.00; ELECTRIC FIXTURE, SU, 11.94; FREDRICKSON OIL, SE, 16.00; GERHOLD CONCRETE, SU, 1025.63; GIS WORKSHOP, FE, 590.00; GROSSENBURG IMPLEMENT, SE, 4559.24; GUARANTEE ROOFING, SE, 457.50; HAWKINS, INC, SU, 1262.22; CITY EMPLOYEE, RE, 29.21; HOLIDAY INN-DOWNTOWN, SE, 77.00; ICMA, SE, 6522.88; INGRAM BOOK COMPANY, SU, 496.45; IRS, TX, 25102.76; JOHN'S WELDING AND TOOL, SE, 102.25; JOURNEY CHRISTIAN CHURCH, RE, 50.00; KTCH, SE, 1491.32; LEAGUE OF NEBRASKA, FE, 95.00; CITY EMPLOYEE, RE, 74.47; MIDWEST LABORATORIES, SE, 325.30; NANCI WALSH, RE, 300.00; NE DEPT OF ENVIRONMENTAL, FE, 679.25; NE DEPT OF REVENUE, TX, 3431.30; NE SAFETY COUNCIL, SE, 5.19; NNPPD, SE, 13024.70; NeFSMA, FE, 125.00; PAC N SAVE, SU, 339.19; CITY EMPLOYEE, RE, 288.31; PRESTO X, SE, 106.00; PROVIDENCE MEDICAL CENTER, SE, 140.00; PUSH-PEDAL-PULL, SU, 156.96; QUALITY FOODS, SU, 16.59; RANDOM HOUSE, SU, 119.25; CITY EMPLOYEE, RE, 2732.07; SHOPKO, SU, 114.81; SKARSHAUG TESTING LAB, SE, 178.87; SPARKLING KLEAN, SU, 2115.57; STADIUM SPORTING GOODS, SU, 378.00; STATE NATIONAL BANK, SE, 69.20; STATE NATIONAL BANK, RE, 288052.50; STATE NATIONAL BANK, RE, 97.06; STEVE HARRIS CONSTRUCTION, SE, 63243.89; TOM HANSEN, RE, 500.00; TRI-STATE ELECTRONIC SERV, SU, 188.50; CITY EMPLOYEE, RE, 536.64; TYLER TECHNOLOGIES, SE, 2057.10; US BANK, SU, 3879.64; UTILITIES SECTION, FE, 1854.00; WAED, RE, 1000.00; WAYNE AUTO PARTS, SU, 374.54; WAYNE COUNTY CLERK, SE, 460.00; WAYNE HERALD, SE, 1809.42; WAYNE VETERINARY CLINIC, SE, 287.00; WESCO, SU, 50.48; WAPA, SE, 27180.79; ZACH OIL COMPANY, SU, 7033.91; ALLIED SYSTEMS, SU, 116.44; AMAZON.COM, SU, 740.93; APPEARA, SE, 67.12; ARNIE'S FORD-MERCURY, SE, 879.19; BROWN SUPPLY, SU, 352.80; CITY EMPLOYEE, RE, 81.72; CITY OF WAYNE, PY, 142.22; CITY OF WAYNE, RE, 519.56; COUNTRY NURSERY, SE, 101.97; DAKOTA BUSINESS SYSTEMS, SE, 104.50; DEARBORN NATIONAL LIFE, SE, 1723.48; DEMCO, SU, 138.34; DGR & ASSOCIATES, SE, 655.50; FASTENAL, SU, 17.17; FLOOR MAINTENANCE, SU, 175.64; FREDRICKSON OIL, SE, 63.00; GAYLORD BROS, SU, 36.30; GERHOLD CONCRETE, SU, 692.75; GRAHAM TIRE, SU, 198.06; GROSSENBURG IMPLEMENT, SU, 177.10; HOMETOWN LEASING, SE, 73.51; IPMA, SE, 165.00; IRS, TX, 23.56; CITY EMPLOYEE, RE, 31.37; KLEIN ELECTRIC, SE, 7786.75; KTCH, SE, 80.00; CITY OF WAYNE, RE, 4.93; MERCY MEDICAL CLINIC, SE, 29.00; CITY EMPLOYEE, RE, 75.42; NE PUBLIC HEALTH, SU, 257.00; NE SAFETY COUNCIL, SE, 8.73; NE STATE HISTORICAL, SU, 29.00; NPPD, SE, 231546.87; PIEPER & MILLER, SE, 2184.00; PITNEY BOWES, SU, 648.00; QUILL, SU, 46.56; REHAB SYSTEMS, SE, 18851.30; CITY EMPLOYEE, RE, 51.20;

STADIUM SPORTING GOODS, SU, 133.00; USA BLUE BOOK, SU, 298.27; WESCO, SU, 8253.39;

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, 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.

Phil Monahan, Fire Chief, introduced Tyler Johnson 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 Sievers, to approve the membership application of Tyler Johnson to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Phil Monahan, Fire Chief, introduced Logan Richards 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 Sievers, to approve the membership application of Logan Richards to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Bill Melena, owner of White Dog Pub, was present requesting Council consideration to allowing him to close the south portion of the alley behind the White Dog Pub and also First Street from Main Street to the alley for the “Cookout Competition” to be held on Saturday, August 17th, from 10:00 a.m. until 1:00 a.m. the following morning. Customers will still be able to enter and exit the parking lot at Godfather’s Pizza. This is similar to the request approved a couple of years ago, with the exception of the request to close the street. It’s anticipated that there will be more teams entering the competition.

Councilmember Giese suggested partially closing the street down until 9:00 p.m. and then completely closing the street down once the band sets up.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving the request of Bill Melena to partially close the alley (south portion) behind the White Dog Pub and to partially close First Street from Main Street to the alley for the “Cookout Competition” to be held on Saturday, August 17th, from 10:00 a.m. until 1:00 a.m. the following morning. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Don Buryanek gave a report on the latest Habitat for Humanity home being built on South Lincoln Street, and requested Council consideration to allowing them to close South Lincoln Street for the “Raising of the Walls” ceremony to be held on Saturday, June 29th.

Councilmember Brodersen made a motion, which was seconded by Councilmember Ley approving the request of Don Buryanek, representing Habitat for Humanity, to close a portion of South Lincoln Street for the “Raising of the Walls” ceremony to be held on Saturday, June 29th, from 8:30 a.m. until 2:00 p.m. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2013-29, and moved for approval of the third and final reading thereof; Councilmember Ley 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, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2013-31 and moved for approval of the third and final reading thereof; Councilmember Giese 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, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2013-32, and moved for approval of the third and final reading thereof; Councilmember Muir 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, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Discussion took place in regard to establishing closing hours for the summer sports complex, the rugby fields and the swimming pool shelter. The City Attorney's office prepared a draft ordinance for Council to review.

It was noted that the ordinance can be amended at any time to include or add additional parks.

Councilmember Sievers introduced Ordinance 2013-33, and moved for approval thereof, and changing the wording "swimming pool shelter" to "swimming pool park"; Councilmember Ley seconded.

ORDINANCE NO. 2013-33

AN ORDINANCE SETTING CLOSING HOURS FOR THE SUMMER SPORTS COMPLEX, RUGBY PARK AND SWIMMING POOL PARK.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Jeremy Walker of Olsson Associates stated five bids were received on the “Chief’s Way Sanitary Sewer & Water Extension Project.” They have reviewed the bids and recommend that the project be awarded to the lowest bidder, Robert Woehler & Sons Construction, Inc., of Wayne, NE, in the amount of \$284,476.00. The high bid was \$446,961.45. The engineer’s estimate was \$343,413.00.

Councilmember Ley introduced Resolution No. 2013-57 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2013-57

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “CHIEF’S WAY SANITARY SEWER AND WATER EXTENSION PROJECT.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Ley, to enter into executive session for the annual review of the City Administrator, to protect the reputation of the Administrator, and to allow Attorney Miller to be in attendance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried, and executive session began at 6:08 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session relates to the annual review of the City Administrator.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve Haase who were absent, the Mayor declared the motion carried, and open session resumed at 6:35 p.m.

Councilmember Brodersen introduced Resolution No. 2013-58 and moved for its approval, which includes a 2% cost of living adjustment to the City Administrator's salary; Councilmember Sievers seconded.

RESOLUTION NO. 2013-58

A RESOLUTION TO ADOPT EMPLOYMENT AGREEMENT.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

The following Resolution will approve and/or renew the arrangement with the Red Cross to use the City Auditorium and the Community Activity Center as emergency shelters.

Councilmember Brodersen introduced Resolution 2013-59, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2013-59

A RESOLUTION APPROVING FACILITY AGREEMENTS BETWEEN THE CITY OF WAYNE AND THE CENTRAL PLAINS - NORTHEAST NEBRASKA CHAPTER OF THE AMERICAN RED CROSS.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

The following Resolutions will accept the work on the “Benscoter Addition Phase I Paving Project” and the “Benscoter Addition Phase I Utilities Project.”

Councilmember Ley introduced Resolution 2013-60, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-60

A RESOLUTION ACCEPTING WORK ON THE “BENSCOTER ADDITION PHASE 1 PAVING PROJECT”.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Councilmember Ley introduced Resolution 2013-61, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-61

A RESOLUTION ACCEPTING WORK ON THE “BENSCOTER ADDITION PHASE 1 UTILITIES PROJECT”.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, stated the Planning Commission, back in 2001, made a recommendation to the Council to retain Olsson Associates to complete a hydraulic and hydrologic study of the South Logan Creek watershed from the confluence

of the South Logan and Dog Creek upstream. The purpose was to challenge the 100 and 500 frequency year floodplain areas delineated on FEMA's Flood Insurance Rate Map (FIRM). Those areas for Wayne County were calculated in the 1950's and had not been reviewed since. The 100-year frequency designation means the land is in an area of the valley that is likely to be flooded an average of once in 100 years. The owners of property that are in the 100-year frequency flood areas of the FIRM are prohibited from building in this area without an engineering study and mitigation of 100-year flood water flow restrictions, if necessary. Property owners in this area also have higher property insurance premiums for flood coverage.

A summary of the Olsson study showed that the "Q" in FEMA's mathematical formula ("Q" is the total volume of water coming past Wayne during a 100-year frequency flood) is actually less than was calculated by FEMA in the 1950's. This was the hydrologic portion of the study. The Olsson study also determined that the floodwater capacity of South Logan, as it goes past Wayne, has grown substantially larger by: 1) stream bank erosion making it much wider, and 2) stream bed degradation of the flow line level, which has made Logan Creek much deeper. The result of this study was a modification by FEMA of the FIRM that substantially reduced the size of the 100-year flood plain south and east of Wayne. The change in the FIRM freed up more land for development by taking it out of the 100-year floodplain classification.

What does this have to do with Dog Creek? In the Planning Commission's long-range planning, they have to look to the north of Wayne for potential areas for future development. Part of the information needed to plan in this area is the "actual" 100-year

frequency flood areas of Dog Creek and the consistency of these areas with the latest FIRM for Dog Creek. Is the Dog Creek FIRM accurate?

To help cover the costs of such a study, the City could request the Lower Elkhorn NRD to cost-share the same at 50%.

The Planning Commission discussed this matter at their last meeting, and their recommendation to Council is to solicit proposals from Olsson and other engineering firms for the review of the actual FEMA mathematical assumptions used in their most recent model to establish the 100-year flood elevation for the FIRM of the Dog Creek valley north of Wayne, and to study alternatives for removing this area from the 100-year floodplain.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, approving the recommendation of the Planning Commission to authorize staff to seek “Requests for Proposals” to undertake a study of the Dog Creek Water Shed to remove the area north of Wayne from the floodplain. Mayor Chamberlain stated the motion and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Councilmember Ley suggested requiring an architectural review of future projects when the builders are using the City’s housing incentive loans. She wanted to see if other Councilmembers thought it would be important to have a committee review the plans when city incentives are given for such projects.

Mayor Chamberlain thought this would render the incentives useless.

Councilmember Sievers thought the Council needs to see the plans for these homes/apartment buildings before any applications are approved.

Mayor Chamberlain stated Council has authorized staff to approve the construction building incentives. The Council could take that power back and have the applicants come before Council for approval.

Mayor Chamberlain suggested appointing a committee to review future applications. He will place this on the next agenda.

Mayor Chamberlain asked Council to tentatively set a date for the next Council Retreat. After discussion, consensus was to meet as a committee-of-the-whole after the next Council meeting.

Mayor Chamberlain requested Council consideration to approving the reappointment of Gary Boehle to the LB840 Sales Tax Advisory Committee. This is a four-year term.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the reappointment of Gary Boehle to the LB840 Sales Tax Advisory Committee. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the reappointment of Jessi Pieper and Mark Sorensen to the Planning Commission. These are three-year terms.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of Jessi Piper and Mark Sorensen to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call

being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Discussion took place in regard to selling city street bricks to the public.

Councilmember Giese made a motion to move to authorize the City to sell 20,000 bricks at \$1.00 a brick, limiting it to non-commercial, Wayne County residents, with a limit of 1,000 bricks per customer.

More discussion took place, and then Councilmember Giese rescinded his motion.

Councilmember Ley then made a motion to sell 20,000 city bricks to the residents in the zoning jurisdiction of Wayne, at \$1.00 a brick, with no more than 1,000 per customer, non-commercial; Councilmember Sievers seconded the motion. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve and Haase who were absent, the Mayor declared the motion carried and the meeting adjourned at 7:28 p.m.