

MINUTES
CITY COUNCIL MEETING
July 2, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, July 2, 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 June 20, 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.

Mayor Chamberlain requested Council consideration to the following mayoral appointment: Matt Eischeid to fill the vacancy in Second Ward.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, approving the mayoral appointment of Matt Eischeid as Second Ward Councilmember. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Attorney Miller presented the oath of office to Matt Eischeid.

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 18, 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:

CORRECTIONS TO CLAIMS LIST OF JUNE 18, 2013: DELETE LEAGUE OF NE – REGISTRATON- 95.00

VARIOUS FUNDS: ADVANCED CONSULTING, SE, 9854.50; AMERICAN BROADBAND, SE, 990.00; AMERITAS, SE, 1819.94; APPEARA, SE, 86.79; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 120.00; CITY EMPLOYEE, RE, 64.72; BLACK HILLS ENERGY, SE, 1932.70; BLUE CROSS BLUE SHIELD, SE, 24234.52; BOMGAARS, SU, 1050.85; BRIAN LOBERG, RE, 42.47; BROWN SUPPLY, SU, 71.94; CARROLL DISTRIBUTING, SU, 208.21; CENTURYLINK, SE, 310.93; CITY EMPLOYEE, RE, 316.17; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, SU, 71.97; CITY OF WAYNE, PY, 69212.67; CITY OF WAYNE, RE, 519.97; COMMUNITY HEALTH, RE, 4.00; D.V. FYRE-TEC, RE, 2220.00; DENNIS MITCHELL, RE, 500.00; DIGITAL ALLY, SU, 320.00; DWAIN SPIEKER, RE, 134.37; EAKES OFFICE PLUS, SU, 749.75; ED. M FELD EQUIPMENT, SU, 855.00; FIRST CONCORD GROUP, SE, 3701.94; FLOOR MAINTENANCE, SU, 79.88; GAYLE MCQUISTAN, RE, 37.26; GERHOLD CONCRETE, SU, 181.40; GLEN'S AUTO BODY, SE, 476.97; GROSSENBURG IMPLEMENT, SU, 12.54; CITY EMPLOYEE, RE, 23.97; CITY EMPLOYEE, RE, 264.45; HAUFF MID-AMERICAN SPORTS, SU, 30.00; HAWKINS, SU, 914.68; CITY EMPLOYEE, RE, 286.08; CITY EMPLOYEE, SU, 150.00; HOMETOWN LEASING, SE, 73.51; ICMA, SE, 6272.87; IRS, TX, 24447.76; JACK IMDIEKE, RE, 500.00; CITY EMPLOYEE, RE, 696.75; KELLY SUPPLY, SU, 325.34; KRIZ-DAVIS, SU, 25626.16; LANGEMEIER, WAYNE, SE, 975.00; LIBERAL GASKET, SU, 77.70; MES-MIDAM, SU, 2250.51; MUNICIPAL SUPPLY, SU, 327.19; NNEDD, FE, 25.00; NE DEPT OF REVENUE, TX, 3291.02; NE DEPT OF ROADS, FE, 500.00; NE NEB INS AGENCY, SE, 60961.00; NE PUBLIC HEALTH, SE, 98.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 3985.00; OLSSON ASSOCIATES, SE, 27436.23; OTTE CONSTRUCTION, SE, 200.00; OVERHEAD DOOR, SU, 68.00; CITY EMPLOYEE, RE, 85.52; PROVIDENCE MEDICAL CENTER, SE, 177.00; QUILL, SU, 327.75; RAMADA INN – KEARNEY, SE, 300.00; ROBERTSON IMPLEMENT, SU, 110.93; STADIUM SPORTING GOODS, SU, 332.00; STATE NATIONAL BANK, RE, 80000.00; UNITED WAY, RE, 12.40; VAN DIEST SUPPLY, SU, 156.00; VERIZON, SE, 330.66; VIAERO, SE, 245.47; WAYNE COMMUNITY HOUSING, SE, 1495.00; WAYNE STATE COLLEGE, SE, 75.00; WESCO, SU, 58579.26; WINNING FINISH, SE, 330.15; AMERICAN BROADBAND, SE, 1468.71; APPEARA, SE, 70.55; ARNIE'S FORD-MERCURY, SU, 15.21; CITY EMPLOYEE, RE, 88.68; CHARTWELLS, SE, 4913.50; CITY OF NORFOLK, FE, 111.20; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 5.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; EASYPERMIT POSTAGE, SU, 1710.98; GERHOLD CONCRETE, SU, 1185.25; GILL HAULING, SE, 155.00; GROSSENBURG IMPLEMENT, SU, 10741.73; HEIKES AUTOMOTIVE, SU, 302.87; HELENA CHEMICAL, SU, 265.75;

GODFATHER'S, SU, 42.00; JACK'S UNIFORMS, SU, 23.94; CITY EMPLOYEE, RE, 164.07; CITY EMPLOYEE, RE, 1356.10; KTCH, SE, 176.00; LEAGUE OF NEBRASKA, FE, 1107.00; LIGHT UP THE SKY, RE, 2000.00; LIQUID ENGINEERING, SE, 2891.00; MIDWEST TAPE, SU, 219.94; MILO MEYER CONSTRUCTION, SE, 9588.00; ONE CALL CONCEPTS, SE, 95.75; OTTE CONSTRUCTION, SE, 250.00; PIEPER & MILLER, SE, 2600.00; ROBERT WOehler & SONS, SU, 4281.90; SKARSHAUG TESTING LAB, SE, 839.34; STADIUM SPORTING GOODS, SU, 73.50; STATE NATIONAL BANK, SE, 60.72; STATE NATIONAL BANK, RE, 118.74; THE RADAR SHOP, FE, 234.00; UNITED COMMUNICATIONS, SU, 89.04; WASTE CONNECTIONS, SE, 59.60; WAED, RE, 7383.33; WAYNE HERALD, SE, 176.00; WESCO, SU, 5093.35

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, 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.

Wes Blecke, Executive Director of WAED, was present and advised the Council that the LB840 Sales Tax Advisory Committee met and reviewed an application to Wayne's Economic Development Program Fund. The applicants, John and Molly Temme, requested a \$65,000.00 low-interest loan. These funds would be used to personally purchase the lots on which the coffee drive-thru business is located. The recommendation of the LB840 Committee is to approve the \$65,000 low-interest loan, with the terms being a ten-year note at 3% interest or whatever the City is charging interest to the Wayne Economic Development Program Fund, including the condition that

all fiduciary responsibilities to Wayne State College by Miss Molly's Drive Thru are fulfilled.

John and Molly Temme were present to answer questions.

Joel Hansen, Zoning Administrator, stated that Diane Pick currently owns a parcel on the west side that contains 3 platted lots and Jon Pick owns the parcel on the east side that was the vacated portion of Dearborn Street. When the City sold that parcel to Randy Pick, he was supposed to combine it to create one parcel, but due to an error in the purchase agreement, this did not happen. This creates potential setback issues along Dearborn Street, as someone could build right up against the old property line between the two parcels in the future, creating a hazard as anyone tried to exit the alley onto Dearborn Street. The County Assessor's office would also like to see these lots combined so they have a legal description on the property, rather than a metes and bound description. This could be done at any time, but could be made a condition of the loan wherein they have a definitive timeframe in which to complete the process.

In addition, Mr. Hansen has also had problems with the current tenant and owners placing items out onto the State right-of-way illegally as they dispute with the State the actual property line. This has put the City in a difficult position, as we are required to maintain the right-of-way free from encroachments per our Maintenance Agreement with NDOR.

Mr. Hansen noted that he has received notice from NDOR via e-mail that the two entrance signs on this property need to be removed. Ms. Temme requested a copy of this document.

Because of the above, Joel Hansen, Zoning Administrator, requested Council to consider putting the following stipulations on the loan:

- That any financial assistance require that the new owners pay for and sign an Administrative Replat for this property that combines all platted lots and the vacated Dearborn Street into one lot. These 4 lots can never be divided separately or in a different configuration anyway as they would create non-conforming lots based upon size by our zoning code; and
- That should the new owners or their tenant place or allow un-permitted encroachments on the area determined by NDOR to be on State property that this would result in immediate repayment of the funds.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers approving the recommendation of the LB840 Sales Tax Advisory Committee to approve the \$65,000 low-interest loan to be used to purchase the property owned by Diane Pick, with the terms being a ten-year note at 3% interest including the following conditions:

- That all fiduciary responsibilities to Wayne State College by Miss Molly's Drive Thru are fulfilled;
- That they will pay for a replat of this property that combines all of the lots into one and do so within one year from the date of the loan; and
- That they will comply with the State right-of-way.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid voting Nay, the Mayor declared the motion carried.

Jonah Brodersen requested Council consideration to approving his "Animal Permit Application" to keep two ducks at his home for a 4-H project. Jonah contacted all of his neighbors and no one objected to him having the ducks.

Council was advised that anyone can bring forward an animal permit application for consideration; however they needed to be consistent on approving them. Council can

approve or deny any animal not specifically listed in the Municipal Code on a case-by-case basis.

John Temme suggested making the condition of the permit being that it has to be a 4-H project.

Councilmember Giese made a motion, which was seconded by Councilmember Ley approving the “Animal Permit Application” of Jonah Brodersen allowing him to keep two Peking ducks within the City limits of Wayne (418 Donner Pass). Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Eischeid who voted Nay and Councilmember Brodersen abstaining, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance 2013-33, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-33

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

Councilmember Sievers wanted to consider adding additional parks to the ordinance.

Discussion took place regarding the park hours when tournaments are being held at some of the locations. Administrator Johnson stated wording can be added to the ordinance such as “Park hours are set and the park is closed unless you have permission from the Recreation Director.”

Council as advised that any changes or amendments to the ordinance can be made prior to the third and final reading.

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.

Joel Hansen, Building Inspector, stated four bids were received on the “Alley between Main Street and Pearl Street, South of 1st Street Project.” Staff has reviewed the bids and recommends that the project be awarded to the lowest bidder, Sebade Construction of Wayne, NE, in the amount of \$4,985.00.

Councilmember Brodersen introduced Resolution No. 2013-62 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2013-62

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “ALLEY BETWEEN MAIN STREET AND PEARL STREET, SOUTH OF 1ST STREET PROJECT.”

Administrator Johnson stated that our assumption is the City will pay one-half of this project and the property owners will pay one-half. However, we still need to get a commitment from the other two property owners that they will pay for one-half of the project.

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, stated two bids were received on the purchase of a ¾ ton, four wheel drive pickup truck. The low bidder was Arnie’s Ford for \$24,421. There was \$25,000 budgeted between the Water and Sewer Departments to replace the 1995 GMC pickup. A snow blade could be placed on this pickup, if need be, in the future.

Councilmember Eischeid had a concern about vehicles being purchased according to the bid specifications, and gave an example of the last pickup truck being purchased that was not fully operational from inside the cab. Mr. Poutre responded that if this pickup truck does not come as specified, they will not accept it.

Councilmember Brodersen introduced Resolution No. 2013-63 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2013-63

A RESOLUTION ACCEPTING BID AND AUTHORIZING THE PURCHASE OF A FOUR-WHEEL DRIVE, ¾ TON PICKUP.

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, stated two bids were received on the purchase of a one ton, four-wheel drive pickup truck. The apparent low bidder was Husker Auto for \$25,499. The bid from Arnie's Ford was \$25,640. However, because there would be a cost to go get the vehicle in Lincoln, and because there would also be a cost to retrofit the service body into the Chevy vehicle, the bid from Arnie's Ford would ultimately be lower. There was \$26,000 budgeted in the Electric Distribution Department to replace the 1999 Chevy pickup. Because of those differences or adjustments, the recommendation was to accept the bid from Arnie's Ford.

Councilmember Brodersen introduced Resolution No. 2013-64 and moved for its approval, with the change that Council will take the responsible low bid from Arnie's Ford; Councilmember Greve seconded.

RESOLUTION NO. 2013-64

A RESOLUTION ACCEPTING BID AND AUTHORIZING THE PURCHASE OF A ONE TON, FOUR-WHEEL DRIVE PICKUP.

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

In regard to the committee that will be appointed to review requirements for architectural reviews of future projects using the City's housing incentive loans, Mayor Chamberlain wanted to see this expanded to not just the City's housing incentive loans, but to review any City projects that use any sort of assistance from the City, whether it be TIF, LB840 and whether it's a commercial building on Main Street or whether it's on the outskirts of town.

Wendy Vawser had concerns regarding the apartment buildings being built in some of the neighborhoods, which do not fit in with the architecture of the other homes.

Lou Benscoter also spoke in regard to getting rid of some of the older houses in Wayne, but keeping or retaining the historic value of the homes in the neighborhood. He is designing his new homes/apartments to look like the other houses in the neighborhood.

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, appointing Councilmembers Brodersen, Ley and Haase to the Committee which will review the requirements for architectural reviews for future projects using any City building incentive monies. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Because there was not enough time for the publication of Ordinance No. 2013-35 which would have allowed fireworks to be discharged on July 5th, there was no action on the same.

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, Matt Eischeid, 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 Brodersen made a motion, which was seconded by Member Chamberlain, to approve the minutes of the June 4, 2013, meeting. 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. 2013-9 amending the Redevelopment Contract for Angel Acres and authorizing additional bonds of \$150,000 for the Angel Acres project. The first bond was for \$210,000.

Lou Bencoter was present to answer questions. He stated when he began this project last year, his intent was to only do half of it or the first phase at that time. He is moving forward with the second phase, and this action would amend the Redevelopment Contract amount to finish the remainder of the project.

Member Brodersen introduced CDA Resolution 2013-9 and moved for its approval; Member Giese seconded.

CDA RESOLUTION NO. 2013-9

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE ACTING AS THE GOVERNING BODY OF THE COMMUNITY DEVELOPMENT AGENCY OF SAID CITY; AUTHORIZING THE ISSUANCE OF A TAX INCREMENT REVENUE BOND; PROVIDING FOR THE TERMS AND PROVISIONS OF SAID BOND; PLEDGING REVENUES OF THE AGENCY PURSUANT TO THE COMMUNITY DEVELOPMENT LAW; AUTHORIZING THE SALE OF SAID BOND; PROVIDING FOR A GRANT; PROVIDING FOR AN AMENDED REDEVELOPMENT CONTRACT AND PROVIDING FOR THIS RESOLUTION TO TAKE EFFECT.

Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Giese 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.

Mayor Chamberlain advised the Council that Attorney Mike Bacon advised staff that Council did not need to act on Resolution 2013-66 – Amending the Redevelopment Contract and Authorizing Additional Bonds of \$150,000 for the Angel Acres Project.

A pay request has been received from Steve Harris Construction, Inc., for the 10th Street, Main to Windom Improvement Project in the amount of \$42,215.49. The engineer on the project has approved the same.

Garry Poutre, Supt. of Public Works & Utilities updated the Council on the project. In addition, he advised them that because of some unstable soil on a portion of the street, a change order will be forthcoming for fly ash to add to the soil to stabilize it.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, approving Pay Application No. 2 in the amount of \$42,215.49 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 requested Council consideration to approving the reappointment of Jill Sweetland to the Planning Commission. This is a three-year term.

Councilmember Brodersen made a motion, which was seconded by Councilmember Ley, approving the reappointment of Jill Sweetland to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The Council then recessed and met as a committee-of-the-whole to discuss future goals.

Wes Blecke, Executive Director of Wayne Area Economic Development, reviewed the purpose of the LB840 Committee and reviewed the matrix with the Council.

Additional topics discussed were:

- Future use of lagoon area
 - Industry
 - Recreation
 - Soccer fields/rugby fields
 - Campgrounds
 - Small ball fields
 - Green space
 - Pool
 - Relocation of Hank Overin Field

- Tax Increment Financing Education – Set up a meeting with Councilmembers and Attorney Mike Bacon
- Signage (New street signs, as well as “Welcome to Wayne” signs)
- Architectural Review Committee – Review of downtown construction
- Synchronization of stop lights on Main Street
- Speed limit east of Wayne – change to 35 mph
- Problem Resolution Team complaint process

Councilmember Sievers made a motion, which was seconded by Councilmember Eischeid, 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 9:18 p.m.