

MINUTES
CITY COUNCIL MEETING
July 16, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, July 16, 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, Matt Eischeid and Jill Brodersen, City Attorney Amy Miller, City Administrator Lowell Johnson, and City Clerk Betty McGuire. Absent: Councilmember Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 5, 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 Haase made a motion, which was seconded by Councilmember Sievers, whereas, the Clerk has prepared copies of the Minutes of the meeting of July 2, 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 Ley who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ADAM SEVERSON, RE, 1200.00; AMERITAS, SE, 1988.82; APPEARA, SE, 86.79; ASSOC. FOR SMALL LIBRARIES, FE, 235.00; BANK FIRST, FE, 120.00; BARONE SECURITY SYSTEMS, SE, 1080.00; BATTERYZONE, SU, 689.64; CITY EMPLOYEE, RE, 31.02; BLUETARP FINANCIAL, SU, 44.08; CITY EMPLOYEE, RE, 153.01; BROWN SUPPLY, SU, 460.50; BSN SPORTS, SU, 298.95; CARHART LUMBER COMPANY, SU, 666.13; CITY EMPLOYEE, RE, 190.70;

CERTIFIED TESTING SERVICE, SE, 1066.00; CITY OF WAYNE, RE, 400.00; CITY OF WAYNE, RE, 40.00; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, PY, 68852.04; CITY OF WAYNE, RE, 20.06; COMMUNITY HEALTH, RE, 4.00; COPY WRITE PUBLISHING, SU, 462.93; DE LAGE LANDEN FINANCIAL, SE, 394.00; DEARBORN NATIONAL LIFE, SE, 1723.81; CITY OF WAYNE, RE, 61.30; DONNA JACOBSEN, RE, 50.00; DOUGLAS CO COURT, RE, 348.00; ECHO GROUP, SU, 171.02; CITY EMPLOYEE, RE, 1173.40; FLOOR MAINTENANCE, SU, 324.31; FLOW CONTROL, SU, 1128.44; FREDRICKSON OIL, SE, 24.00; GEMPLER'S, SU, 128.05; GERHOLD CONCRETE, SU, 1892.25; GROSSENBURG IMPLEMENT, SU, 9.10; HANSEN, GENE, RE, 63.85; CITY EMPLOYEE, RE, 63.20; HAWKINS, SU, 884.65; HD SUPPLY WATERWORKS, SU, 5300.00; HIRERIGHT SOLUTIONS, SE, 53.15; HOBBY LOBBY, SU, 147.42; HTM SALES, SE, 225.00; ICMA, SE, 6272.87; INGRAM BOOK CO, SU, 145.17; IRS, TX, 24507.20; JASON CAROLLO, SE, 140.00; JEO CONSULTING GROUP, SE, 1225.00; JIM SPETHMAN, SU, 59.48; KEPCO, SU, 16.05; KRIZ-DAVIS, SU, 56.80; LIED LODGE, SE, 93.00; MIDWEST LABORATORIES, SE, 241.40; MIDWEST TAPE, SU, 163.95; MITCH DEBOER, RE, 50.00; MOORE WALLACE, SU, 320.31; NAPA OF WAYNE, SE, 10.81; NE DEPT OF REVENUE, TX, 3308.71; NE SAFETY COUNCIL, SE, 138.72; NORFOLK DAILY NEWS, SE, 369.00; NNPPD, SE, 13024.70; OVERHEAD DOOR CO, SE, 756.05; PHILOMATHEAN PRESIDENT, SU, 50.00; PITNEY BOWES, SU, 19.00; PLUNKETT'S PEST CONTROL, SE, 97.34; QUILL, SU, 225.00; RANDOM HOUSE, SU, 127.50; ROBERTSON IMPLEMENT, SU, 78.46; SAYRE ANDERSEN, RE, 50.00; SCHMITZ, TOM, RE, 500.00; SPARKLING KLEANJ, SE, 1801.72; STEVE HARRIS CONSTRUCTION, SE, 42215.49; STEVE LUTT, RE, 40.38; DAVE'S UNIFORMS, SE, 57.00; US BANK, SU, 6065.27; VAN DIEST SUPPLY, SU, 104.00; VIC'S ENGINE SERVICE, SE, 123.65; WAYNE AUTO PARTS, SU, 343.90; WAYNE COUNTY CLERK, SE, 22.00; WAYNE HERALD, SE, 1582.98; WAYNE ROTARY, FE, 120.00; WAYNE VETERINARY CLINIC, SE, 105.00; WESCO, SU, 3562.43; WAPA, SE, 31979.60; ZACH HEATING & COOLING, SE, 78.50; ZACH OIL, SU, 6291.23; APPEARA, SE, 67.69; CITY EMPLOYEE, RE, 170.40; BROWN SUPPLY, SU, 274.50; CENTURION TECHNOLOGIES, FE, 192.00; CITY EMPLOYEE, RE, 640.48; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 278.50; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 1080.03; DUTTON-LAINSON, SU, 817.60; EAKES OFFICE PLUS, SE, 25.67; ELECTRIC FIXTURE & SUPPLY, SU, 4.99; GOV'T FINANCE OFFICERS, FE, 170.00; HACH COMPANY, SU, 53.05; HAWKINS, INC, SU, 743.25; HD SUPPLY WATERWORKS, SU, 71.39; CITY EMPLOYEE, RE, 76.50; HEWLETT-PACKARD, SU, 5464.85; INTERSTATE INDUSTRIAL, SE, 152.74; ITRON, SE, 2579.52; CITY EMPLOYEE, RE, 107.50; CITY EMPLOYEE, RE, 119.61; KRIZ-DAVIS, SU, 1291.74; KTCH, SE, 1266.60; CITY EMPLOYEE, RE, 86.33; NE AIR FILTER, SU, 94.39; NE CODE OFFICIAL, FE, 130.00; NPPD, SE, 349535.92; NEBRASKA U.C. FUND, RE, 294.00; NORFOLK IMPLEMENT, SU, 144.98; NORTHERN SAFETY CO, SU, 73.63; PAC N SAVE, SU, 94.59; PAGING & WIRELESS, SU, 23027.00; CITY EMPLOYEE, RE, 269.34; PIEPER & MILLER, SE, 4992.00; PITNEY BOWES, SU, 648.00; POSTMASTER, SU, 549.64; PRESTO X, SE, 106.59; QUALITY FOODS, SU, 297.60; REHAB SYSTEMS, SU, 4750.00; SHOPKO, SU, 245.55; STATE NATIONAL BANK, RE, 97.23; STEVE

LAMOUREX, SE, 171.00; VOSS LIGHTING, SU, 105.72; WESCO, SU, 266.26; ZEE MEDICAL SERVICE, SU, 431.51

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

Andrew Ross, Energy Services Engineer, of the Municipal Energy Association of Nebraska (MEAN) gave a presentation on MEAN, their resources and customers, and the history of the association, etc. Mark Shults, General Manager of Northeast Nebraska Public Power District, along with Paul Bodlak, a Board member thereof, were present. In addition, Tom Goulette, City Administrator of West Point, whose City is a long-time member of MEAN, was also present.

Wes Blecke, Executive Director of Wayne Area Economic Development, provided the Council with the six-month LB 840 activity update. Mayor Chamberlain requested the LB840 Committee have the applicants exhaust their options with the local lenders before submitting an application to the City of Wayne.

Nancy Braden, Finance Director, gave a report on the airport operations and also on the potential Tradewinds Turbine Project northeast of Wayne.

The following Resolution would allocate \$64,000 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. This amount represents about \$.035 of the \$.45 property tax allocation that the City could receive. Last year's allocation was \$64,000.

Councilmember Brodersen introduced Resolution No. 2013-67 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-67

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY.

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding a rezoning request to rezone property from A-2 Agricultural Residential to R-1 Residential. The property is legally described as The Southeast Quarter of the Southeast Quarter of Section 6, Township 26 North, Range 4, East of the 6th P.M., Wayne County, Nebraska, also described as Tax Lot 7. The applicant is Windom Ridge, Inc.

Mayor Chamberlain advised the Council that Lou Bencoter, representing Windom Ridge, Inc., has asked that this matter be pulled from the agenda.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Brodersen introduced Ordinance 2013-33, and moved for approval of the third and final reading thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2013-33

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

Councilmember Giese requested an automatic timer be placed on the lights at the basketball court by the pool.

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

The following Resolution would approve the Council goals that were established at their retreats in January and July.

Councilmember Brodersen introduced Resolution No. 2013-68 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-68

A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.

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

Joel Hansen, Zoning Administrator, stated that he received 3 proposals for the study of the City of Wayne's Floodplain on the Dog Creek Watershed. Staff has reviewed those proposals, and recommends the firm of Kirkham Michael with an estimated cost of \$30,000. A request will be made to NRD to consider cost-sharing in this project.

Councilmember Muir introduced Resolution No. 2013-69 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2013-69

A RESOLUTION ACCEPTING PROPOSAL OF KIRKHAM MICHAEL AND APPROVING AGREEMENT FOR THE STUDY OF THE CITY OF WAYNE'S FLOODPLAIN ON THE DOG CREEK WATERSHED.

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

The following Resolution would direct the City Clerk to file a lien against 615 West Third 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 Giese introduced Resolution No. 2013-70 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-70

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 HALF (W1/2) OF LOT TEN (10), TAYLOR & WACHOB'S ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 615 WEST THIRD STREET, WAYNE, NEBRASKA.

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

Garry Poutre, Supt. of Public Works & Utilities, stated a change order is being brought forward for fly ash to be used on the 10th Street, Main to Windom Improvement

Project. This was required because of the unsatisfactory sub-grade soil in an area of the project. The change order is approximately \$6,600.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving Change Order No. 1 on the 10th Street Main to Windom Improvement Project for \$6,600 for fly ash. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

The NPPD Board has proposed a new transmission line rate that will generally favor shifting more of the NPPD transmission line costs away from low load factor power users to high load factor electric customers. Examples of low load factor users are air conditioners, electric irrigation, hospital scanners and carwash air blowers that require large size power lines and transformers to meet high demand peaks, but over a year's time, buys very little power to bill for to recover the cost of the power lines.

There are 17 municipal NPPD customers that have organized the Municipal Energy Interests Group (MEIG) to negotiate rates and contract issues with NPPD. We oppose this change in the structure of NPPD's transmission line rate.

City Administrator Johnson requested formal Council action on this matter.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to oppose Nebraska Public Power District's position on transmission rate proposal for 12 cp. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

A request has been received to purchase 1,000 bricks or pavers for \$.75 per brick rather than \$1.00 per brick, which was the selling price Council agreed upon at their meeting on June 18, 2013.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving the offer to purchase 1,000 pavers or bricks for \$.75 each. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the appointment of Rachelle Rogers to the Planning Commission. This is a three-year term. She will be replacing Derek Hill.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving the appointment of Rachelle Rogers to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Giese 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 Councilmember Ley who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:59 p.m.