

**MINUTES  
CITY COUNCIL MEETING  
October 15, 2013**

The Wayne City Council met in regular session at City Hall on Tuesday, October 15, 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, Matt Eischeid, 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 October 3, 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 meetings of October 1, 6, and 10, 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 10/1/13:** DELETE MIKE TOWNE, SE, 1200.00

**VARIOUS FUNDS:**

**FISCAL YEAR 2012-2013:** AMERICAN BROADBAND, SE, 1434.86; AMERICAN PUBLIC POWER, FE, 1075.42; ASA FOOTBALL, SU, 895.05; BOMGAARS, SU, 3238.17; BROWN SUPPLY, SU, 13900.00; CARHART LUMBER CO, SU, 696.51; CHARTWELLS, SE, 6283.68; COPY WRITE, SE, 527.10; ECHO GROUP, SU, 267.88; FREDRICKSON OIL, SE, 12.00; GERHOLD CONCRETE, SU, 320.42; HARDING & SHULTZ, SE, 1248.00; HAWKINS, SU, 339.07; HD SUPPLY WATERWORKS, SU, 2594.64; HEIKES AUTOMOTIVE, SE, 3159.80; HELENA CHEMICAL, SU, 120.00;

HIRERIGHT SOLUTIONS, FE, 20.00; INGRAM BOOK CO, SU, 513.99; JASON CAROLLO, SE, 160.00; JOHN'S WELDING AND TOOL, SE, 40.80; JOHNSON HARDWARE, SU, 31.34; KIRKHAM MICHAEL, SE, 598.00; KTCH, SE, 1474.60; MERCY MEDICAL CLINIC, SE, 30.00; MICHAEL TODD & CO, SU, 1151.63; MIDWEST TAPE, SU, 39.99; N.E. NE AMERICAN RED CROSS, RE, 29.62; NNPPD, SE, 13185.52; NNPPD, SE, 4357.03; NORTHWEST ELECTRIC, SU, 709.39; OVERHEAD DOOR COMPANY, SE, 829.00; PAC N SAVE, SU, 9.59; QUILL, SU, 23.39; RANDOM HOUSE, SU, 615.00; SPARKLING KLEAN, SE, 622.50; STADIUM SPORTING GOODS, SE, 187.00; STATE NATIONAL BANK, SE, 58.80; STATE NATIONAL BANK, RE, 463.14; TOTAL MARKETING, SU, 59.75; UNITED WAY, RE, 6.20, US BANK, SU, 3088.04; VALMONT COATINGS, SU, 1945.49; WAYNE AUTO PARTS, SU, 1191.60; WAYNE BASEBALL ASSOC, SU, 100.00; WAYNE COUNTY CLERK, SE, 112.00; WAYNE GROCERY, SU, 9.15; WAYNE HERALD, SE, 398.00; WAYNE VETERINARY CLINIC, SE, 153.00; WESCO, SU, 670.95; WAPA, SE, 25731.62; ZACH HEATING & COOLING, SE, 588.95; ZACH OIL, SU, 5908.25; ZEE MEDICAL SERVICE, SU, 128.17

**FISCAL YEAR 2013-2014:** AMERITAS, SE, 2338.03; BANK FIRST, FE, 135.00; CITY OF WAYNE, PY, 63153.16; CITY OF WAYNE, RE, 225.00; COMMUNITY HEALTH, RE, 4.00; CITY EMPLOYEE, RE, 61.30; ICMA, SE, 6276.45; IRS, TX, 23675.57; JULIE CULL, RE, 20588.63; N.E. NE AMERICAN RED CROSS, RE, 29.62; NE DEPT OF REVENUE, TX, 3357.98; ROBERT WOEHLER & SONS, SE, 83529.68; STATE NATIONAL BANK, RE, 300.00; CITY EMPLOYEE, RE, 5717.13; UNITED WAY, RE, 6.20; WAED, SE, 6383.33

**FISCAL YEAR 2012-2013:** APEX THERAPY, SE, 180.00; DAVE'S DRY CLEANING, SE, 116.00; ECHO GROUP, SU, 160.00; FREDRICKSON TYRFIL, SY, 43.00; GENO'S STEAKHOUSE, RE, 819.00; NNPPD, SE, 3700.00; PAC N SAVE, SU, 192.97; PIEPER & MILLER, SE, 1157.00; QUALITY 1 GRAPHICS, SU, 80.00; S & S WILLERS, SU, 893.89; SEBADE CONSTRUCTION, SE, 4985.00; SHOPKO, SU, 253.60; WAYNE HERALD, SE, 1512.59; WESCO, SU, 728.46

**FISCAL YEAR 2013-2014:** ADMINISTRATION PROF., SU, 89.00; AHC MEDIA, SU, 536.99; AMERICAN BROADBAND, SE, 990.00; APPEARA, SE, 205.51; CITY OF NORFOLK, SE, 41.34; CITY OF WAYNE, RE, 350.00; CIVICPLUS, FE, 3794.40; CITY EMPLOYEE, RE, 79.15; DE LAGE LANDEN FINANCIAL, SE, 394.00; DEARBORN NATIONAL LIFE, SE, 99.76; DEARBORN NATIONAL LIFE, SE, 1762.28; ELECTRIC FIXTURE, SU, 77.49; ENGINEERED CONTROLS, SE, 1480.00; ENVIRONMENTAL SYSTEM, SE, 266.25; EXHAUST PROS, SE, 170.98; FASTENAL, SU, 36.41; FLOOR MAINTENANCE, SU, 173.45; FREDRICKSON OIL, SU, 4815.25; GERHOLD CONCRETE, SU, 406.34; GILL HAULING, SE, 155.00; CITY EMPLOYEE, RE, 84.37; HOMETOWN LEASING, SE, 73.51; IRS, TX, 13513.94; JOSH JACOBI, RE, 15604.32; MARK EVETOVICH, RE, 500.00; CITY EMPLOYEE, RE, 329.78; MIDWEST LABORATORIES, SE, 741.35; MUNICIPAL SUPPLY, SU, 3875.67; NE DEPT OF REVENUE, TX, 1926.06; NE NEB INS AGENCY, SE, 63553.00; NE SAFETY COUNCIL, SE, 8.38; OLSSON ASSOCIATES, SE, 11701.53; PAC N SAVE, SU, 73.42; PIEPER & MILLER, SE, 3133.00; PLUNKETT'S PEST CONTROL, SE, 97.34; PRESTO X, SE, 106.59; PRONUNCIATOR, SU, 450.00; SHARP CONSTRUCTION, RE, 135.00; SPARKLING

KLEAN, SE, 1258.77; STATE NATIONAL BANK, RE, 940192.50; THE GROUNDWATER FOUNDATION, FE, 85.00; TYLER TECHNOLOGIES, SE, 3270.94; WASTE CONNECTIONS, SE, 62.12; WAYNE KIWANIS, FE, 130.00; WESCO, SU, 46.59

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 had made an application to the LB840 Economic Development Advisory Committee for \$500,000 in LB840 funds to be used for emergency business loans in the tornado disaster recovery efforts. The amount of the loan would be based on 10% of the company's annual payroll. These would be zero percent interest loans with a maximum of \$250,000 per applicant, and paid back over a period of 15 years. The only string attached to the loan is that the companies must use the funds to rebuild.

It was noted that LB840 funds are available to those entities located within the zoning jurisdiction of the City. There is approximately \$1.8 million in LB840 funds available. The Council wanted to review and approve each application.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, approving the recommendation from the LB840 Economic Development

Advisory Committee regarding the request of the City of Wayne for \$500,000 in LB840 funds to be used for emergency business loans in the tornado disaster relief recovery, with said applications coming before Council for approval. 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 waiving the building permit fees and the inspection deposits for those businesses/residences affected in the tornado area. These will be waived for storm damage only. The deposit is \$500, and the permit fee is based on a sliding scale, which could range from a couple of hundred dollars to a couple of thousand dollars, depending upon the project.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen to waive the building permit fees and inspection deposits for a period of 24 months for those affected in the tornado area and related to storm damage only.

This would pertain to both business and residential permits.

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

Councilmember Brodersen introduced Ordinance 2013-48, and moved for approval of the third and final reading thereof; Councilmember Ley seconded.

#### ORDINANCE NO. 2013-48

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF ALL UTILITY EASEMENTS ON PROPERTY LOCATED ON THE VACATED PORTION OF NORTH PEARL STREET, LYING NORTH OF WEST 13<sup>TH</sup> STREET AND ABUTTING ON BLOCKS FIVE (5) AND SIX (6), COLLEGE HILL ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, AND TERMINATING AT THE NORTHERN EDGE OF BLOCKS FIVE (5) AND SIX (6), COLLEGE HILL ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, BEING 80 FEET X 180 FEET.

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

City Clerk McGuire stated the pay application on the 10<sup>th</sup> Street, Main to Windom Street Improvement Project was still not ready for approval this evening, so no action could be taken on the matter.

The City has received the Annual Renewal Maintenance Agreement from the Nebraska Department of Roads. This is a standard form agreement.

Councilmember Giese made a motion, which was seconded by Councilmember Ley, approving the Annual Renewal Maintenance Agreement (2014) with the Nebraska Department of Roads. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution would approve an agreement with Northeast Nebraska Economic Development District to conduct a blight study of the area which would include Pacific Coast Feather, Williams Form, and Robert Woehler & Sons Construction property. If tax increment financing is going to be an option for Pacific Coast Feather, the area needs to be declared blighted and substandard first and then the area needs to be annexed. This is one of the first steps in that process.

A representative from Pacific Coast advised the Council that options are still being gathered by the company. A decision on whether or not they will rebuild or not is probably two to four weeks away.

Councilmember Giese introduced Resolution 2013-108 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2013-108

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SERVICES WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) TO CONDUCT A BLIGHT STUDY IN THE CITY OF WAYNE.

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

The following Resolution would accept the plan to extend city services and set a public hearing on a proposed annexation area (includes Pacific Coast Feather, Williams Form, Robert Woehler & Sons Construction, and the airport) for the November 5<sup>th</sup> Council meeting, at or about 5:30 p.m.

Councilmember Eischeid introduced Resolution 2013-109 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2013-109

A RESOLUTION ACCEPTING A PLAN TO EXTEND CITY SERVICES AND SETTING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AREA TO THE CITY OF WAYNE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. All of the property owners are aware of the annexation proposal.

The next agenda item was suggested to give temporary discretion to the Zoning Administrator to assist local companies damaged or destroyed by the tornado to find a temporary location to conduct business for a limited period of time until they have restored their company operation on the original site.

Attorney Miller reviewed the proposed guidelines and recommended the following changes thereto: "The City of Wayne hereby authorizes the Zoning

Administrator, at his discretion and after consultation with the Mayor, City Administrator, Council President and legal counsel, to temporarily not enforce sections of the City of Wayne Zoning Code on specified properties and to allow administrative and office type uses in residential districts within the City of Wayne that he believes will assist with continuing the normal operations of companies damaged by the October 4, 2013, tornado with limited amounts of disruption to the neighboring property occupants or owners for a period not to exceed one year from October 4, 2013.”

Councilmember Ley made a motion, which was seconded by Councilmember Eischeid authorizing the Zoning Administrator, at his discretion and after consultation with the Mayor, City Administrator, Council President and legal counsel, to temporarily not enforce sections of the City of Wayne Zoning Code on specified properties and to allow administrative and office type uses in residential districts within the City of Wayne that he believes will assist with continuing the normal operations of companies damaged by the October 4, 2013, tornado with limited amounts of disruption to the neighboring property occupants or owners for a period not to exceed one year from October 4, 2013. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution would amend the winter months used for averaging sewer rates from January and February back to December, January, and February. These months were amended last year because of the concern that people were still watering their lawns in November due to the dry fall that took place.

Councilmember Giese introduced Resolution 2013-110, and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2013-110

A RESOLUTION AMENDING SEWER SERVICE AND USE RATES.

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, explained Change Order No. 1 (Final) - \$8,563.00 on the Milo Drive 2013 Paving Improvement Project. The total project cost would then be \$186,723.75.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, approving Change Order No. 1 (Final) for \$8,563.00 on the Milo Drive 2013 Paving Improvement Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, stated the work has been completed on the Milo Drive 2013 Paving Improvement Project. Olsson Associates, the engineer on the project, is recommending acceptance of the project and approving Application for Payment No. 1, which is the final payment, in the amount of \$186,723.75 to Rutjens Construction, Inc.

Councilmember Giese introduced Resolution No. 2013-111 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2013-111

A RESOLUTION ACCEPTING WORK ON THE “MILO DRIVE 2013 PAVING IMPROVEMENT PROJECT” AND AUTHORIZING FINAL PAYMENT TO RUTJENS CONSTRUCTION, INC., IN THE AMOUNT OF \$186,723.75.

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 Matt Wachter to the Board of Appeals.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, approving the reappointment of Matt Wachter to the Board of Appeals. 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 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 5:57 p.m.