

**MINUTES
CITY COUNCIL MEETING
November 19, 2013**

The Wayne City Council met in regular session at City Hall on Tuesday, November 19, 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 November 7, 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 Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of November 5, 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: AMERITAS, SE, 2011.61; APPEARA, SE, 86.79; BANK FIRST, FE, 120.00; CITY EMPLOYEE, RE, 30.61; BSN SPORTS, SU, 995.87; BUCK'S, SE, 502.68; CITY EMPLOYEE, RE, 84.37; CHEMQUEST, SE, 1622.50; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, SE, 61.25; CITY OF WAYNE, PY, 60265.87; CITY OF WAYNE, SE, 80.00; CITY OF WAYNE, RE, 225.00; CLAUSSEN & SONS IRRIG., SE, 185.00; COMMUNITY HEALTH, RE, 4.00; DAVE'S DRY CLEANING, SE, 87.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; ED. M FELD EQUIPMENT, SU, 2477.50; ELECTRIC FIXTURE & SUPPLY, SU, 8.87;

FASTENAL, SU, 31.32; FLOOR MAINTENANCE, SU, 358.02; GODFATHERS, SU, 98.00; GUARANTEE ROOFING, SE, 363.00; CITY EMPLOYEE, RE, 274.69; HAWKINS, INC, SU, 416.96; HOMETOWN LEASING, SE, 73.51; ICMA, SE, 6372.35; INNOVATIVE PROTECTIVES, RE, 10000.00; IRS, TX, 22396.20; JOHNNY P LEMPKE, SE, 73.00; FIREMAN, RE, 414.70; KRIZ-DAVIS, SU, 139.79; KTCH, SE, 1565.14; LEAGUE OF NEBRASKA, FE, 990.00; MAXIMUM SOLUTIONS, SU, 16400.00; MIDWEST LABORATORIES, SE, 72.45; MISS MOLLY'S COFFEE, SU, 74.00; MSC INDUSTRIAL, SU, 66.95; NE DEPT OF REVENUE, TX, 3169.83; NE HARVESTORE, SU, 3500.00; NE SAFETY COUNCIL, SE, 8.38; NNPPD, SE, 13185.52; OCC BUILDERS, RE, 37000.00; OTTE CONSTRUCTION, SE, 3400.00; PAC N SAVE, SU, 241.64; CITY EMPLOYEE, RE, 36.50; PUSH-PEDAL-PULL, SE, 183.80; ROBERT WOehler & SONS, SE, 100944.73; S & S WILLERS, SU, 257.91; SPARKLING KLEAN, SU, 1878.58; STADIUM SPORTING GOODS, SU, 260.00; STATE NATIONAL BANK, RE, 24722.50; STEVE HARRIS CONSTRUCTION, SE, 187081.79; TRITECH SOFTWARE SYSTEMS, SE, 4555.75; WAYNE COUNTY COURT, RE, 170.06; WAYNE HERALD, SE, 2660.46; CITY EMPLOYEE, RE, 823.93; WESCO, SU, 1837.13; WAPA, SE, 26572.00; WINGATE INN, SE, 269.85; AMAZON.COM, SU, 436.21; BAKER & TAYLOR BOOKS, SU, 19.73; CITY EMPLOYEE, RE, 60.34; BOMGAARS, SU, 1181.56; BROWN SUPPLY, SU, 125.35; CARHART LUMBER COMPANY, SU, 2101.04; DAKOTA BUSINESS SYSTEMS, SE, 104.50; DGR & ASSOCIATES, SE, 1414.56; DUNRITE, SU, 69.62; DUTTON-LAINSON, SU, 375.73; GERHOLD CONCRETE, SU, 668.35; HACH COMPANY, SU, 24.40; HUXFORL POLE & TIMBER, SU, 12656.54; CITY EMPLOYEE, RE, 5994.50; KIRKHAM MICHAEL, SE, 8073.00; CITY EMPLOYEE, RE, 313.85; CITY EMPLOYEE, RE, 1261.60; NE AIR FILTER, SU, 49.37; NE PUBLIC HEALTH, SE, 338.00; NPPD, SE, 252988.97; OLSSON ASSOCIATES, SE, 1450.14; OVERHEAD DOOR COMPANY, SE, 183.60; PIEPER & MILLER, SE, 3963.00; PITNEY BOWES, SU, 648.00; PRESTO X, SE, 145.80; QUILL, SU, 308.69; SHOPKO, SU, 76.85; STEVE LAMOUREX, SE, 110.00; ULINE, SU, 145.40; VOSS LIGHTING, SU, 50.80; WAYNE AUTO PARTS, SU, 909.28; WAYNE GROCERY, SU, 17.93; WAYNE HERALD, SE, 92.00; WESCO, SU, 537.83; ZEE MEDICAL SERVICE, SU, 181.61

Councilmember Muir 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, 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 presented a framed photograph of an unidentified firefighter going through the tornado damage at Grossenburg Implement to the Wayne Volunteer Fire Department.

Duane Schroeder then presented two framed photographs taken by Jennifer Parker at the Wayne Fire Hall to both the City and the Wayne Volunteer Fire Department. The photograph is of the American Flag, which came off the flagpole during the tornado, and then draped itself over the Dalmation dog statue at the Fire Hall, with the caption “Together we will carry the load.”

City Administrator Johnson presented Mayor Chamberlain with a propeller from one of the airplanes that were damaged at the airport with the inscription “To Mayor Chamberlain from Wayne City Staff for your leadership in the October 4, 2013, F4 tornado response.”

Jason Karsky, along with a couple of Wayne State College Students, was present to describe a project they would like to do in conjunction with the City of Wayne to establish a historical marker along Highway 35 commemorating the October 4, 2013, tornado event. They may need some assistance from the City, such as equipment, to transport the boulder from the College to wherever it will be placed.

Todd Hegwer, the City’s rate consultant/analyst and contract negotiator, updated the Council on the proposals he has received regarding competitive priced wholesale power suppliers for Wayne. The finalist was Big Rivers Electric Corporation of Kentucky who offered power at 90% of the rate charged by Nebraska Public Power

District (NPPD). Lindsay Barron of Big Rivers Electric Corporation gave a presentation on her company and answered questions from the Council.

Mark Shults, representing Northeast Nebraska Public Power District (NNPPD), spoke in favor of Big Rivers' Electric Corporation's proposal. He said he has no hesitation to recommending to his board that this is the right thing to do. If all of the towns that participated with them in the request for proposals would go this way, the savings would be \$37,000,000 over the ten year contract, which is money that stays in all of those towns.

Attorney Miller noted that NNPPD does not have a lease capacity agreement with NPPD, so they do not have to worry about losing \$600,000 per year, like the City of Wayne does.

A decision on giving NPPD notice on the City's intent to reduce its contract power purchase will be made at one of the Council meetings in December. Therefore, no action was taken on agenda item nos. 5 and 6.

Gary Boehle of First National Insurance Agency reviewed the proposal he received and the one he is recommending from CoOpportunity for the 2014 plan year. While the premium increases, the plan reduces the exposure to the City for self-insurance. The current carrier, Blue Cross Blue Shield, came back with a renewal proposal of 19.5%, and when you include the additional fees because of the Affordable Health Care Act, the net increase ends up being 22.3%. The CoOpportunity plan being offered is the "Gold" plan, which has a \$1600 single/\$3200 family deductible. It also has an office visit co-pay, as well as a drug card option.

CoOpportunity is the company that the Federal government set up between Iowa and Nebraska to allow for more competition for the companies that do health insurance in Nebraska. Several companies have pulled out of Nebraska, and at this time, Coventry, Blue Cross, CoOpportunity and Alegent are the only companies left.

Staff is recommending that the City still self-insure the deductibles, but that they be increased internally from \$250 single to \$500 single and \$500 family to \$1000 family if the employee and spouse get a physical and the employee does not smoke or use tobacco products. Said deductibles would be \$1000 single/\$2000 family if the employee and/or spouse do not get their physicals or the employee is a smoker or uses tobacco products.

In 2015, staff is recommending the following changes:

Going to a higher deductible plan - (e.g. \$3200 single/\$6400 family and still self-insuring).

Employee:

- Wellness Incentive - must be non-smoker/non-tobacco user and get annual physical - the deductible would increase from \$500 to \$1000.
- If employee is a smoker/tobacco user and/or does not get an annual physical - the deductible would increase from \$1000 to \$2000.

Spouse:

- If a spouse's employer offers group health insurance coverage, the spouse would be required to go on their own employer's health insurance plan.
- Wellness Incentive for spouses who are on the City's health insurance plan - must be a non-smoker/non-tobacco user and get annual physical - the deductible would increase from \$500 to \$1000.
- If spouse is a smoker/tobacco user and/or does not get an annual physical - the deductible would increase from \$1000 to \$2000.

The only action to be taken tonight is approving the health insurance plan or design with CoOpportunity. The staff recommendations will be brought forward by way of Resolution to amend the Personnel Manual at the next Council meeting.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving the proposal received from CoOpportunity for the 2014 group health insurance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

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 applicant, Brent L. Pick, requested a \$50,000 loan. These funds will be used to purchase property and rebuild a building destroyed by the October 4, 2013, tornado. The property is better known as the Estes/Digital Blue/NAPA building at 1614 Chief's Way. The Committee met, and their recommendation was to approve the \$50,000 loan, with the terms being 15 years at 0% interest. The reason Mr. Pick did not ask for the tornado relief funds was because he did not meet the payroll requirements.

Brent Pick was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving the recommendation of the LB840 Sales Tax Advisory Committee for a \$50,000 loan to Brent L. Pick, with the terms being 0% interest and a payback period of 15 years.

Mr. Blecke explained the matrix that the Committee uses on these loans.

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

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 applicant, the City of Wayne, requested a grant for up to \$30,000, to be used to replace the four Welcome to Wayne signs.

The Committee met and recommended a more concrete number of \$7,000 per sign (including lighting) or \$28,000. This would be a grant.

Lukas Rix and Melissa Urbanec, representing the Marketing Committee, gave a presentation on the proposed Welcome to Wayne sign project.

Wayne State College will be committing \$1,000 cash, as well as in-kind work, to this project. They will do the drawings for the landscaping of these signs, as well as the labor for the landscaping for the four signs.

It was noted that staff was awaiting confirmation from the insurance company on whether or not the sign by the airport that was destroyed by the tornado is covered under the City's insurance policy, and if so, the amount that would be reimbursed to the City to replace the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving a grant in the amount of up to \$30,000 to be used to replace the four Welcome to Wayne signs.

Councilmember Giese had concerns using LB840 funds for this project. He thought this money could come out of either this year's budget or next year's budget for

the project. He did not think this was economic development, nor the best use of the tools that the City has for such a project.

Mr. Blecke stated the LB840 plan that the voters approved is all encompassing. This definitely meets the criteria, but it is not hard core economic development.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who voted Nay, 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 in regard to amending Chapter 90 Zoning, Division 4 PUD Planned Unit Development, Section 90-641 Intent (a) to more clearly define where a PUD may be placed.

The proposed amendment to that section of the Code is as follows;

- (a) The owner of any tract of land comprising an area of not less than two acres for residential development, two acres for a commercial development, or ten acres for an industrial development located in any zoning district **within city limits** may submit a plan for the total development of the area in accordance with the following standards and requirements as a planned unit development.

The Planning Commission reviewed this amendment at their public hearing on November 4, 2013, and forwarded a recommendation to approve the same subject to the following "Findings of Fact": Consistency with the Comprehensive Plan and the current and future land use maps.

Joel Hansen, Zoning Administrator, was present to answer questions. He stated that he had someone pose the question as to whether or not a PUD would be allowed inside the zoning district, but outside the city limits. The City Attorney's office concurred with Mr. Hansen in the fact that the language is not clear. This issue was then taken to the Planning Commission, and their recommendation is noted above.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

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

Councilmember Giese introduced Ordinance 2013-51, and moved for approval thereof to have PUD's only within city limits; Councilmember Ley seconded.

ORDINANCE NO. 2013-51

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VII, DIVISION 4 PUD PLANNED UNIT DEVELOPMENT, SECTION 90-641 INTENT; 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 second reading will take place at the next meeting.

Mayor Chamberlain declared the time was at hand for the public hearing on the "Blight and Substandard Area Determination" known as the "North Central Redevelopment Area."

Northeast Nebraska Economic Development District prepared the blight study.

It was noted that the legal description in the blight study needed to be amended to extend to the farthest boundaries of the streets and alleys, and not the centerlines thereof.

Council had concerns about declaring this entire area blighted and substandard.

No written or oral comments had been received by the City Clerk's Office concerning the public hearing.

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

Because the legal description should be amended to include the farthest right-of-way lines, and because the Council had concerns regarding whether or not the entire area needed to be declared blighted and substandard, Councilmember Sievers made a motion, which was seconded by Councilmember Ley, to table Resolution 2013-123 declaring portions of the City to be blighted and substandard pursuant to the Nebraska Community Development Act – North Central Redevelopment Area until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Muir 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 Chamberlain made a motion, which was seconded by Member Sievers, to approve the minutes of November 5, 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 approve the following CDA Claims:

Pieper & Miller – Legal Services - \$453.00
Midwest Land – Lot Sale - \$1,050.00

Member Giese made a motion, which was seconded by Member Brodersen, to approve the CDA claims. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The following Resolutions are needed to issue the tax increment financing bonds that have already been approved for the Progressive Property Inspections, LLC, and Sebade Housing, LLC, projects.

Member Chamberlain introduced CDA Resolution 2013-15 and moved for its approval; Member Muir seconded.

CDA RESOLUTION NO. 2013-15

A RESOLUTION AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS — PROGRESSIVE PROPERTY INSPECTIONS, LLC.

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

Member Chamberlain introduced CDA Resolution 2013-16 and moved for its approval; Member Brodersen seconded.

CDA RESOLUTION NO. 2013-16

A RESOLUTION AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS — SEBADE HOUSING, LLC.

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

Member Brodersen made a motion and Member Ley seconded 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.

The following Resolution would establish the hook-up fees for the Chief's Way Sewer Main Extension Project. The hook-up fees will be used to recover the construction and engineering costs from those properties to be served, since no sewer extension district was created to assess the costs to those properties. The hookup fees were calculated by the project engineer, Olsson Associates, and costs are allocated to the properties on the basis of front footage, similar to the calculation of what the assessments would have been.

Councilmember Giese introduced Resolution 2013-118 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2013-118

A RESOLUTION OF THE CITY OF WAYNE ESTABLISHING SEWER HOOK-UP FEES FOR THE "CHIEF'S WAY SANITARY SEWER EXTENSION PROJECT."

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

In regard to the annexation of Pacific Coast, etc., Mayor Chamberlain stated he had not heard anything from them as to whether or not they are going to rebuild in Wayne. Mayor Chamberlain noted if he has not heard anything from Pacific Coast, he will not place the ordinance on the agenda for final reading.

BJ Woehler stated that since his property is involved in this annexation, he wanted the Council to proceed with it even if Pacific Coast does not want to rebuild in Wayne. He intends to do a Planned United Development on that piece of property and then apply for tax increment financing after the same is annexed.

Councilmember Muir introduced Ordinance 2013-50, and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-50

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Sievers who voted Nay, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

No action was taken on setting a date for the Council Retreat.

Councilmember Haase made a motion, which was seconded by Councilmember Muir, 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 8:15 p.m.