

**MINUTES
CITY COUNCIL MEETING
March 18, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, March 18, 2014, 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, Kaki Ley, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; and City Clerk Betty McGuire. Absent: Councilmember Nick Muir and City Administrator Lowell Johnson.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 6, 2014, 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 Eischeid, whereas, the Clerk has prepared copies of the Minutes of the meeting of March 4, 2014, 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 Muir who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTION TO CLAIMS LISTING OF OCTOBER 15, 2013: Delete AHC, Fair Labors Standards - \$536.99

VARIOUS FUNDS: AMERICAN BACKFLOW, FE, 75.00; AMERITAS, SE, 1931.62; APPEARA, SE, 159.88; BAKER & TAYLOR BOOKS, SU, 575.37; BANK FIRST, SE, 120.00; BARONE SECURITY SYSTEMS, SE, 138.00; BERENS-TATE CONSULTING, SE, 3000.00; BRENT L. PICK, RE, 50000.00; BROWN SUPPLY, SU,

490.58; CARHART LUMBER COMPANY, SU, 307.31; CENTURYLINK, SE, 148.71; CHARTWELLS, SE, 6250.52; CHILD SUPPORT, RE, 100.00; CITY OF WAYNE, RE, 1650.00; CITY OF WAYNE, PY, 60574.81; CITY OF WAYNE, RE, 268.02; COMMUNITY HEALTH, RE, 4.00; COOPORTUNITY HEALTH, SE, 29179.02; COPY WRITE, SU, 133.25; CITY EMPLOYEE, RE, 222.39; DE LAGE LANDEN FINANCIAL, SE, 394.00; DECO ENGINEERING PRODUCTS, SU, 8982.65; EAKES OFFICE PLUS, SE, 181.50; ECHO GROUP, SU, 56.19; ELECTRONIC ENGINEERING, SE, 585.00; FREDRICKSON OIL, SE, 36.05; GERHOLD CONCRETE, SU, 28.16; GROSSENBURG IMPLEMENT, SU, 757.81; H.K. SCHOLZ COMPANY, SE, 10092.50; HAWKINS, INC, SU, 899.79; HOCKENBERGS, SU, 129.32; ICC, FE, 125.00; ICMA, SE, 25896.33; INGRAM BOOK COMPANY, SU, 880.74; INTERSTATE ALL BATTERY, SU, 253.65; IRS, TX, 26200.82; JOHNSTONE SUPPLY, SU, 477.63; KEPCO, SU, 26.50; KTCH, SE, 1073.00; LEAGUE OF NEBRASKA, FE, 1932.00; LUNDAHL, EARL, RE, 350.00; LUTT OIL, SU, 4960.70; MAIN STREET AUTO CARE, SE, 90.00; MARRIOTT HOTELS, SE, 595.00; MARY PARK, RE, 500.00; MIDWEST LABORATORIES, SE, 258.35; MIRIAN AGUIRRE, SE, 50.00; CITY EMPLOYEE, RE, 184.90; NE DEPT OF REVENUE, TX, 3415.53; NE RURAL WATER, FE, 375.00; NE SAFETY COUNCIL, SE, 8.89; NPPD, SE, 299625.29; NORFOLK DAILY NEWS, SE, 133.17; N.E.NE AMERICAN RED CROSSJ, RE, 59.24; O'REILLY AUTOMOTIVE STORE, SU, 5.79; OMAHA WORLD-HERALD, SE, 1085.34; PAC N SAVE, SU, 153.68; CITY EMPLOYEE, RE, 26.22; PRESTO X, SE, 48.63; PUSH-PEDAL-PULL, SU, 1945.00; RANDOM HOUSE, SU, 1941.75; ROBERT WOehler & SONS, SE, 6433.55; SIOUX CITY JOURNAL, SE, 837.65; SPARKLING KLEAN, SE, 2254.59; STATE NEBRASKA BANK, RE, 2969.26; STEFFEN INC, SU, 504.62; THE JOURNAL OF LIGHT, SU, 64.95; UNITED STATES PLASTIC, SU, 137.42; UNITED WAY, RE, 12.40; US BANK, SE, 6486.35; WAYNE AUTO PARTS, SU, 322.06; WAYNE BASEBALL ASSOCIATION, RE, 90.00; WAYNE COUNTRY CLUB, RE, 6385.00; WAYNE HERALD, SE, 1542.44; WAYNE STATE COLLEGE, FE, 80.00; WAYNE STATER, SE, 150.00; WAPA, SE, 32973.17; WISNER WEST, SU, 26.35; WSC FOUNDATION, RE, 50.00; CITY EMPLOYEE, RE, 15.00; BACKFLOW APPARATUS, SU, 222.25; CHAPMAN METERING, SE, 5404.50; CUSTOM FILTRATION EQUIP., SU, 309.50; DANKO EMERGENCY EQUIPMENT, SU, 40.00; DAVE'S DRY CLEANING, SE, 78.00; DEARBORN NATIONAL LIFE, SE, 1838.10; DUTTON-LAINSON, SU, 1104.41; ECHO GROUP, SU, 189.79; ENVIROTECH SERVICES, SU, 5289.55; HD SUPPLY WATERWORKS, SU, 2031.86; HEWLETT-PACKARD, SU, 358.00; KRIZ-DAVIS, SU, 16573.53; LAKELAND ENGINEERING, SU, 215.43; LARRY MAGNUSON, RE, 500.00; MIDLAND COMPUTER, SE, 2236.50; NORFOLK TRUCK CENTER, SU, 212.17; NNPPD, SE, 13185.52; OTTE CONSTRUCTION, SU, 540.00; PIEPER & MILLER, SE, 2054.00; PITNEY BOWES, SU, 648.00; PRESTO X, SE, 56.68; SHOPKO, SU, 100.93; THOMPSON INFORMATION, SU, 536.99; VOSS LIGHTING, SU, 289.40; WAED, RE, 13216.66; WPL LANDSCAPE ACCOUNT, RE, 100.00; ZEE MEDICAL SERVICE, SU, 117.58

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, with the exception of Councilmember Muir 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.

Councilmember Sievers introduced Ordinance 2014-6, and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2014-6

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 was four Yeas (Giese, Greve, Haase and Sievers) and three Nays (Ley, Eischeid and Brodersen), with Councilmember Muir being absent.

Attorney Miller advised Mayor Chamberlain that pursuant to Section 2-113 of Wayne Municipal Code, he could vote on this matter since his vote would provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the Council.

Mayor Chamberlain then cast his vote, which was Yea, and declared the motion carried. The third and final reading will take place at the next Council meeting.

Councilmember Sievers introduced Ordinance 2014-7, and moved for approval of the second reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2014-7

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 Councilmember Muir who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Discussion took place in regard to increasing the salaries of the Mayor and City Council. Councilmember Eischeid recommended increasing the Mayor's salary to \$8,000; Councilmembers to \$4,500; and adding \$500 for the Council President.

This amendment would not go into effect until after the next election (December, 2014). The last time the salaries were amended was in 2006.

After discussion, Councilmember Sievers introduced Ordinance 2014-8, and moved for approval thereof, with the amendments being:

- Increasing the Mayor's salary from \$4,500 to \$8,000 per year;
- Increasing the Councilmembers salaries from \$3,000 to \$4,500 per year;
and
- Increasing the Council President's salary from \$3,000 to \$5,000 per year;

with said amendments being in effect after the next election; Councilmember Ley seconded.

ORDINANCE NO. 2014-8

AN ORDINANCE ESTABLISHING ANNUAL SALARY FOR MAYOR AND CITY COUNCILMEMBERS, REPEALING CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE.

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

Todd Hoeman, Public Works Foreman, and Lowell Heggemeyer, Asst. Public Works Foreman, were present requesting Council consideration to allowing them to sell the tree tub grinder. They have not used the tub grinder for approximately 4 years.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, authorizing staff to proceed to sell the Street Department's tree tub grinder. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir 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 an application to rezone property from B-3 Neighborhood Commercial to B-1 Highway Commercial. The applicant is Todd Gehner who wishes to rezone the area to allow for an automotive business.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the rezoning request at their public hearing on March 3, 2014, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Don Nelson who is purchasing the property from Todd Gehner was present to answer questions.

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 2014-9, and moved for its approval; Councilmember Eischeid seconded.

ORDINANCE NO. 2014-9

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOT 15, EXCEPT THE WEST 2', AND ALL OF LOT 16, BLOCK 1, EAST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, A/K/A 530 EAST 6TH STREET, FROM B-3 NEIGHBORHOOD COMMERCIAL TO B-1 HIGHWAY COMMERCIAL.

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

Councilmember Sievers made a motion and Councilmember Ley seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2014-9. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing on the Application for the Community Development Block Grant Comprehensive Investment and Stabilization Funds and the submittal of the Planning Study to the Nebraska Department of Economic Development.

Alyssa Silhacek of Northeast Nebraska Economic Development District was present to review the Planning Study and present the 2014 Comprehensive Investment and Stabilization Needs/Assessment Strategy prepared by NNEDD. She was the grant administrator and planner on this project.

Nancy Braden, Finance Director, shared comments and concerns from the town hall meetings that took place on this matter.

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 Sievers introduced Resolution 2014-25 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-25

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, TO APPROVE THE TARGET AREA 2014 COMPREHENSIVE INVESTMENT & STABILIZATION NEEDS ASSESSMENT/STRATEGY PREPARED BY THE NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT AND FUNDED BY COMMUNITY DEVELOPMENT BLOCK GRANT #13-CIS-006.

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

The following Resolution would approve the Council goals that were established at their annual retreat in February.

Councilmember Sievers introduced Resolution No. 2014-26 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2014-26

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 Muir who was absent, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, and Brian Kesting, Technology Support Specialist, presented a proposal from Beehive Industries for on-line Global Information System (GIS) services. This software would integrate aerial photos and recorded utility and public works GIS information and make it compatible with Wayne County GIS information. The cost would be \$7,200 the first year to set it up and then an annual fee of \$3,600 to keep it going. Grand Island and Kearney are using this product. Beehive Industries will host the product, but City staff will maintain it.

The County is providing the City with property lines and ownership information. The intent is for this to be one joint site.

Council had some concerns about privacy issues and what is available for the public to see.

Once approved, this could be up and running in 60 days.

Councilmember Sievers introduced Resolution 2014-27 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-27

A RESOLUTION APPROVING PROPOSAL OF BEEHIVE INDUSTRIES FOR ON-LINE GLOBAL INFORMATION SYSTEM (GIS) SERVICES.

Staff would bring this back before Council before it goes live on-line.

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

The following Resolution would approve an agreement between the City and Wayne Area Economic Development which provides for funding in the amount of \$76,600 per year. This comes about as a recommendation or request from the City's auditors for the use of public funds.

Councilmember Sievers introduced Resolution No. 2014-28 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2014-28

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF WAYNE AND WAYNE AREA ECONOMIC DEVELOPMENT.

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

The following Resolution would approve the specifications and authorize the purchase of two new police cruisers through the State bid process from Arnie's Ford for the sum of \$26,200 each.

Police Chief Marlen Chinn was present to answer questions. These new vehicles will replace the 1996 and 2006 vehicles. The old vehicles will be auctioned off.

Councilmember Brodersen introduced Resolution 2014-29, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-29

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF TWO POLICE CRUISERS THROUGH THE STATE BID SYSTEM AS PER THE BID PROPOSAL RECEIVED FROM ARNIE'S FORD.

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

Discussion took place in regard to updating the City's Comprehensive Plan. The last update occurred in 2006. This is a result of discussions that took place at retreat, and the concerns about the multi-family dwelling units, and parking and regulations. The plan needs to be updated before the end of the year to add an energy element to it. Because of that fact, staff thought it would be a good time to update the plan in its entirety because of all of the new building, subdivisions and growth that has taken place since 2006. Completion usually takes a year or longer, and the estimated cost could be \$35,000. This will need to be placed in the budget for next year.

Mayor Chamberlain stated when he looks at the current comp plan, it is obvious it is out of date. So much has gone on in the community since 2006.

The Planning Commission, when they make their recommendations, is based on the "current and future land use maps", and those maps are developed as part of the comp plan.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, directing staff to investigate surrounding cities of comparable size to see how often their comp plans are updated and to investigate other courses of action other than a full comprehensive plan. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Discussion took place on a request by the Wayne County Agricultural Society for assistance on two past due bills totaling \$2,263.83 for the fairgrounds. The Fairgrounds has a leak somewhere. Commercial sewer is based off of what is metered through the water meter. The fairgrounds pays double water and sewer rates because they are outside city limits. Administrator Johnson recommended that if Council would decide to waive any portion of the bill, that they waive a portion of the sewer since that is not metered.

Council thought to provide any relief would set precedence, and to be fair is to deny the request.

Mayor Chamberlain understood the concern, but stated that if the City would provide them relief by reducing the bill to the single rate, they would still be paying for all of the water they used and sewer.

Councilmember Brodersen stated she could see giving a break on the sewer (single rate), but not on the water.

There was no one present from the Wayne County Agricultural Society to answer questions.

After discussion, a motion was made by Councilmember Giese, and seconded by Councilmember Sievers, to table action on the request of the Wayne County Agricultural

Society for consideration on their water/sewer utility bill until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Council reviewed the updated job description for the Water/Wastewater Plant Operator 1 position.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, approving the job description for the Water/Wastewater Plant Operator I position. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Discussion took place in regard to making an offer to the Wayne State College Rugby team to clean the tornado debris out of Logan Creek in exchange for giving them credit towards space in the new storage building that will be built at the Summer Sports Complex.

Council had concerns about the safety of the volunteers as well as the liability issue for the City.

After discussion, Council wanted to bring this back before them after staff has looked at alternative avenues, such as hiring a professional crew that would welcome volunteers to come out with them.

The following Resolution and Ordinance pertain to the sale of Lot 1, Giese Second Addition, to Mid Plains Grain, LLC, for the sum of \$47,200. This property is located just south of the Hank Overin Baseball Field.

Breck Giese, representing Mid Plains Grain, LLC, was present to answer questions.

Councilmember Eischeid introduced Resolution 2014-30, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-30

A RESOLUTION AUTHORIZING THE SALE OF LOT 1, GIESE SECOND ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6TH P.M., IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO MID PLAINS GRAIN, LLC, FOR THE SUM OF \$47,200.

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

Councilmember Eischeid introduced Ordinance 2014-10, and moved for its approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-10

AN ORDINANCE DIRECTING THE SALE OF LOT 1, GIESE SECOND ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6TH P.M., IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO MID PLAINS GRAIN, LLC, FOR THE SUM OF \$47,200.

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

Councilmember Sievers made a motion and Councilmember Eischeid seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the

exception of Councilmember Muir who was absent and Councilmember Giese who abstained, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Eischeid seconded to move for final approval of Ordinance No. 2014-10. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent and Councilmember Giese who abstained, 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 Muir who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:04 p.m.