

**MINUTES
CITY COUNCIL MEETING
May 20, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, May 20, 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, 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 May 8, 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 Ley, whereas, the Clerk has prepared copies of the Minutes of the meeting of May 6, 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMAZON.COM, SU, 703.20; AMERITAS, SE, 1971.61; APPEARA, SE, 100.23; BANK FIRST, FE, 105.00; BOMGAARS, SU, 883.49; CARHART LUMBER, SU, 1121.92; CENTRAL STATES GROUP, SU, 529.07; CENTURYLINK, SE, 313.51; CHILD SUPPORT, RE, 100.00; CITY OF NORFOLK, SE, 211.40; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 72213.14; CITY OF WAYNE, RE, 508.12; COMMERCIAL TURF SERVICES, SE, 3970.00; COMMUNITY HEALTH, RE, 4.00; CREDIT BUREAU SERVICES, RE, 45.64; DEARBORN NATIONAL LIFE, SE, 1839.21; DIAMOND VOGEL PAINTS, SU, 247.64; EAKES OFFICE PLUS, SE, 559.96; CITY EMPLOYEE, RE, 63.38; ED. M FELD EQUIPMENT, SU, 302.00;

EMPLOYERS MUTUAL CASUALTY, RE, 1177.64; FIVE STAR ENTERPRISES, SU, 13.00; FLOOR MAINTENANCE, SU, 269.14; GEOCOMM, SE, 1985.00; GERHOLD CONCRETE, SU, 262.50; GROSSENBURG IMPLEMENT, SU, 16184.06; CITY EMPLOYEE, RE, 47.17; HARDING & SHULTZ, SE, 3630.80; HD SUPPLY WATERWORKS, SU, 1156.58; HEWLETT-PACKARD, SU, 451.87; ICMA, SE, 7090.93; IMLA, FE, 480.00; IRS, TX, 26875.67; JACK'S UNIFORMS, SU, 405.60; JACOB STENKA, RE, 550.00; JOHN'S WELDING AND TOOL, SE, 189.00; CITY EMPLOYEE, RE, 199.42; KRIZ-DAVIS, SU, 5058.74; KTCH, SE, 625.00; LUTT OIL, SU, 5928.38; MIDSTATES ERECTORS, SU, 12723.00; MIDWEST LABORATORIES, SE, 526.35; N.E. NEB ECONOMIC DEV DIS, FE, 7022.12; NE DEPT OF REVENUE, TX, 3662.33; NE SAFETY COUNCIL, SE, 8.93; NE STATEWIDE ARBORETUM, FE, 100.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; OVERDRIVE, INC., SU, 186.96; PEPSI, SU, 201.60; SALT CREEK SOFTWARE, SU, 2450.60; SANTA FE SYSTEMS, SU, 247.63; SIOUXLAND TURF PRODUCTS, SU, 2149.50; SPARKLING KLEAN, SU, 2538.99; STADIUM SPORTING GOODS, SE, 36.00; TIEDTKE CONSTRUCTION, SE, 5347.00; UNITED WAY, RE, 12.40; USA BLUE BOOK, SU, 155.51; WAED, RE, 14433.32; WAYNE AUTO PARTS, SU, 342.16; WAYNE HERALD, SE, 1948.32; WESCO, SU, 523.98; ZEE MEDICAL SERVICE, SU, 95.57; APPEARA, SE, 194.60; BARONE SECURITY SYSTEMS, SE, 125.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 390.99; CITY OF WAYNE, RE, 2879.38; CLASSEN FABRICATION, SU, 1461.00; CLAUSSEN & SONS IRRIG., SE, 113.65; COOPORTUNITY HEALTH, SE, 30203.83; DAKTRONICS, SU, 29498.00; DAVE'S UNIFORM CLEANING, SE, 63.00; DIAMOND VOGEL PAINTS, SU, 161.97; DUTTON-LAINSON, SU, 4845.75; ECHO GROUP, SU, 1256.14; FASTENAL, SU, 342.52; GERHOLD CONCRETE, SU, 3745.58; GRAPHIC CONTROLS, SU, 488.74; HAWKINS, INC, SU, 1068.87; HEWLETT-PACKARD, SU, 1043.00; IRS, TX, 115.09; JEO CONSULTING GROUP, SE, 5183.00; KELLY SUPPLY, SU, 546.51; KRIZ-DAVIS, SU, 679.48; NE DEPT OF REVENUE, TX, 10.91; NPPD, SE, 246585.27; OLSSON ASSOCIATES, SE, 2319.20; PIEPER & MILLER, SE, 5117.80; PITNEY BOWES, SU, 648.00; QUILL, SU, 891.61; RON'S RADIO, SU, 204.20; SKARSHAUG TESTING LAB, SE, 143.15; STADIUM SPORTING GOODS, SU, 583.50; TYLER TECHNOLOGIES, SE, 2359.96; VAN DIEST SUPPLY, SU, 416.00; VERIZON, SE, 146.48; WATCHGUARD VIDEO, SU, 315.00; WAYNE RUGBY CLUB, RE, 1000.00; WAPA, SE, 31954.81; WISNER WEST, SU, 121.82

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, 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 City Auditorium 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.

Cap Peterson of Northeast Nebraska Insurance Agency, the city's property and casualty insurance carrier, presented the City with a dividend check in the amount of \$1,377.61. This is the 16th dividend paid by the Company out of the past 20 years

Phil Monahan advised the Council that he was again appointed as the Fire Chief by the Wayne Volunteer Fire Department for the upcoming year. Todd Hoeman and Brandon Ziska will be the First and Second Assistants respectively.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving the appointment of Phil Monahan as Fire Chief. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Friday, July 11th, the Committee is requesting the closure of the following streets from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to 4th Street (not including the end intersections); 2nd Street from Pearl Street to Logan Street; and 3rd Street from Pearl Street to Logan Street, not including the Pearl and Logan Street intersections.

Councilmember Muir made a motion, which was seconded by Councilmember Ley, approving the request of the Chicken Show Committee to close the following streets on Friday, July 11th from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to 4th Street (not including the end intersections); 2nd Street

from Pearl Street to Logan Street; and 3rd Street from Pearl Street to Logan Street, not including the Pearl and Logan Street intersections. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 12th, the Committee is requesting the closure of the following streets from 6:00 a.m. until 5:00 p.m., for the Annual Chicken Show Celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and Douglas Street from 8th Street to 10th Street. The intersections at 10th and Douglas and 10th and Lincoln Streets are also requested to be closed.

Councilmember Muir made a motion, which was seconded by Councilmember Ley approving the request of the Chicken Show Committee to close the following streets on Saturday, July 12th from 6:00 a.m. until 5:00 p.m. for the annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; Douglas Street from 8th Street to 10th Street; and the intersections at 10th and Douglas and 10th and Lincoln Streets. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 12th for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade.

Councilmember Ley made a motion, which was seconded by Councilmember Eischeid approving the request of the Chicken Show Committee to close the following streets on Saturday, July 12th for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese introduced Resolution No. 2014-36 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-36

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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

Councilmember Sievers introduced Ordinance No. 2014-12 and moved for approval of the second reading thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-12

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IX. NONCONFORMING USES BY AMENDING SECTION 90-753 NONCONFORMING STRUCTURES; 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 third and final reading will take place at the next Council meeting.

Administrator Johnson stated in his memo that on April 22nd, a five year old boy was bitten by a dog on a leash. Because of the seriousness of the injury from the dog bite and prior history of the dog actions at the Wayne Vet Clinic, the Police Department impounded the dog and declared it to be “vicious” under the descriptions in the City Code.

Marlen Chinn, Police Chief, stated that on April 22nd, they were notified by Providence Medical Center hospital staff about a dog bite victim that came into the hospital. He then reviewed the information that was gathered by the investigating officer. The injury required both internal and external stitches. Police Chief Chinn, upon review of the City Code, deemed the dog to be “vicious” pursuant to the following definitions:

Vicious dog means:

1. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals;
2. Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this article;
3. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal;

The dog was then impounded, and the owners were given a copy of the ordinance so that they knew the steps and procedures they could take regarding their dog.

It was noted that the Council can uphold the findings of the Wayne Police Department and declare this dog as “vicious,” and then follow what is required by the City Code, or Council can amend the code to change the definition of a vicious dog and/or change what happens to a dog that is declared vicious. If the Council does not

agree with the Wayne Police Department's findings and they don't believe this is a "vicious" dog, they can overrule the same. The appeal today is just whether or not this is a "vicious" dog by definition of the City Code. It was noted that the City Code differs from State Statutes.

Attorney Miller stated she talked to the parents of the boy, and they just want to make sure that this doesn't happen again.

Josh Calkin, the owner of the dog, has made a written request to the Council to repeal the decision of the Wayne Police Department to declare their dog as a vicious animal. They have never had an incident where the dog has lashed out at anyone, including family, friends and children thereof. They believe the dog was startled. The muzzling at the vet clinic began when they brought him on a visit for an injury to his rear leg. They are planning on fencing their property, and the dog will always be leashed and muzzled when off their premises.

There was some indecision as to whether the injury was the result of a dog bite or clawing because of the scratch marks underneath and around the incision.

Mayor Chamberlain did not agree with overturning the Police Department's decision.

Wayne Veterinarian Lauri Zink spoke and stated a fence and basket muzzle would be a good resolution in this situation.

Councilmember Eischeid did not think this dog was vicious. He felt the decision should be overturned and the dog should be released to the owners. The owners are taking measures to insure this will not happen again.

Councilmember Sievers stated there are two sides to this story – you have to make sure your children are educated about running up to a dog and you have to make sure you have your dog under control.

Mayor Chamberlain opined that as a dog owner, you have to be responsible, and if you're going to take your dog out into the public, and it's going to be startled and provoked to the point of attack when you have it out in the public when somebody walks up next to it, then don't take it out in public. He also noted that there are responsibilities that have to fall on the parents as well.

Cap Peterson stated from an insurance standpoint, the Council has some decisions to make and not just for this one situation. The police are following the code that the Council has adopted. In regard to the City's insurance, the Code is what they go by if they have to defend anything that the City Council did with the Code they have.

Councilmember Giese stated the Council's job, as he sees it, is to determine if this dog fits these definitions of a "vicious" dog. He did not feel the dog fell under any of the provisions of Sections 1, 2, or 3, of the Wayne City Code.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid to grant the appeal put forth to the City Council of the dog impoundment by the Wayne Police Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Muir who voted Nay, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, stated the following ordinance would vacate East 4th Street lying within Cityside Addition. Following this agenda item is a public hearing on the preliminary and final plat for Pace Addition (Cityside Addition). There is

an existing dedicated 4th Street through that addition that does not line up with 4th Street as it goes through the subdivision to the west, which is the Benscoter Addition. When we dedicate the new plat, the new dedication will align those streets.

Councilmember Eischeid introduced Ordinance No. 2014-20, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-20

AN ORDINANCE APPROVING VACATION OF A PORTION OF EAST 4TH STREET LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, DESCRIBED AS E. 4TH STREET LYING BETWEEN THE WEST LINE OF CITYSIDE ADDITION AND THE EAST LINE OF CITYSIDE ADDITION.

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 Ley, 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, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, to move for final approval of Ordinance No. 2014-20. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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 the Preliminary and Final Plat for Pace Addition, more particularly described as a replat of Tract E of the Cityside Addition and the land south of Cityside Addition to Logan Creek. The applicant

is Wayne County who is purchasing some of this property from the owners of Cityside Addition.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the Preliminary and Final Plat for Pace Addition 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, and staff’s recommendation.

The Subdivision Agreement will be brought forward at the next Council meeting for Council consideration.

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 Eischeid introduced Resolution No. 2014-38, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2014-38

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT FOR “PACE ADDITION.”

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to rezoning the area referenced as Lot 1, Pace Addition, from R-4 Residential District to I-1 Light Industrial and Manufacturing District. The Applicant is Wayne County.

The Planning Commission reviewed the rezoning request at their public hearing on May 5, 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.

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 Eischeid introduced Ordinance No. 2014-13, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2014-13

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOT 1, PACE ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM R-4 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL.

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 Sievers, 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, the Mayor declared the motion carried.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, to move for final approval of Ordinance No. 2014-13. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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 Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-10 Definitions, by amending the definition of "Townhouse." The applicant is the City of Wayne.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 5, 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.

The amended definition is as follows:

Townhouse means one of a group or row of not less than two, nor more than 12, attached single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. **Each dwelling unit shall be on its own lot and shall have its own front and rear access to the outside.** For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

Wendy Vawser spoke in favor of the amendment.

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

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

Councilmember Sievers introduced Ordinance No. 2014-14, and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2014-14

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I, IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; 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 to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-10 Definitions, by adding the definition of "Attached." The applicant is the City of Wayne.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 5, 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.

The definition is as follows:

Attached (for the purpose of determining when new construction constitutes enlarging a primary structure on a lot) means sharing a common wall which has an opening providing access between interior spaces. An enclosed breezeway connecting two structures shall not mean the two structures are attached.

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

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

Councilmember Ley introduced Ordinance No. 2014-15, and moved for approval thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2014-15

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I, IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; 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 to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-10 Definitions, by adding the definition of "Breezeway." The applicant is the City of Wayne.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 5, 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.

The definition is as follows:

Breezeway means a narrow structure with a roof and no walls that connects two buildings. An accessory structure connected to a primary structure by a breezeway shall not be considered attached.

Attorney Miller suggested amending the definition to insert the following language: A breezeway that has been enclosed or other passageway between the out building and primary structure must be less than 8 feet in width.

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

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

Councilmember Giese introduced Ordinance No. 2014-16, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2014-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I, IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; 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.

Joel Hansen, Street Superintendent, stated the following two ordinances would amend City Code to match the existing signage on the streets in the northwest and northeast quadrants of the City.

Councilmember Eischeid introduced Ordinance No. 2014-17, and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2014-17

AN ORDINANCE TO AMEND SECTION 78-129 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST QUADRANT OF THE CITY; 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.

Councilmember Giese introduced Ordinance No. 2014-18, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2014-18

AN ORDINANCE TO AMEND SECTION 78-127 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHEAST QUADRANT OF THE CITY; 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.

The following ordinance would amend the Wayne Municipal Code, Section 26-82 Appointment of Members to the Civil Service Commission to balance the members of political parties serving on the Commission. This is a result of adding two additional members to the Commission.

Councilmember Muir introduced Ordinance No. 2014-19, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-19

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 26 CIVIL SERVICE, ARTICLE III CIVIL SERVICE COMMISSION, SECTION 26-82 APPOINTMENT OF MEMBERS; 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.

Councilmember Muir 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, the Mayor declared the motion carried.

Councilmember Muir made a motion and Councilmember Sievers seconded to move for final approval of Ordinance No. 2014-19. 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 the Letter Agreement for professional services with Olsson Associates for the Wayne Airport Wastewater Pump Station Project for a sum of not to exceed \$23,985.00. Administrator Johnson was comfortable with hiring Olsson Associates as long as Rod Hanson was the engineer on the project.

Councilmember Eischeid introduced Resolution No. 2014-39, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-39

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE “WAYNE AIRPORT WASTEWATER PUMP STATION PROJECT.”

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 amendment to the “Market Based Rate Partial and Full Requirements Agreement” between the City of Wayne and Big Rivers Electric Corporation.

This would amend the December 2013 contract for wholesale electric power with Big Rivers Electric Corporation in Kentucky. Big Rivers and other private utilities are subject to review and rate approvals by the Kentucky Public Service Commission. This amendment is already approved by Big Rivers and allows our contract to be assigned to

the Kentucky Public Service Commission in the event of a default. This amendment is to the City's advantage.

Councilmember Eischeid introduced Resolution No. 2014-41, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-41

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE MARKET BASED RATE PARTIAL AND FULL REQUIREMENTS AGREEMENT PREVIOUSLY ENTERED INTO WITH BIG RIVERS ELECTRIC CORPORATION.

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 the 2014 Grant Contract between the Nebraska City-County Management Association and the Nebraska Environmental Trust to commit to the use of the funds for alternative fuel city vehicles. We, along with other communities, submitted an application in 2013 for a grant of \$30,000 in Nebraska Environmental Trust Funds to purchase two natural gas or electric powered city fleet vehicles. The only match for these grant funds is the remaining cost of the vehicles.

Councilmember Giese introduced Resolution No. 2014-42, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2014-42

A RESOLUTION APPROVING THE 2014 GRANT CONTRACT BETWEEN THE NEBRASKA CITY-COUNTY MANAGEMENT ASSOCIATION AND THE NEBRASKA ENVIRONMENTAL TRUST.

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

The following Resolution would require the property owners at 111 Fairgrounds Avenue to reinstall the sidewalk that was previously removed. The City has received a complaint from NorthStar Services about the lack of a safe sidewalk for their clients to access on a daily basis.

Councilmember Muir introduced Resolution No. 2014-43, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2014-43

A RESOLUTION ORDERING THE CONSTRUCTION OF A SIDEWALK ON TAX LOT 22 (50X100 FT. TRACT) IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 111 FAIRGROUNDS AVENUE, WAYNE, NEBRASKA.

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

The following Resolution would require the property owners at 113 Fairgrounds Avenue to reinstall the sidewalk that was previously removed. The City has received a complaint from NorthStar Services about the lack of a safe sidewalk for their clients to access on a daily basis.

Councilmember Giese introduced Resolution No. 2014-44, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-44

A RESOLUTION ORDERING THE CONSTRUCTION OF A SIDEWALK ON TAX LOT 79 PT OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 113 FAIRGROUNDS AVENUE, WAYNE, NEBRASKA.

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

A pay request has been received from Robert Woehler & Sons Construction for the Chief's Way Sanitary Sewer & Water Extension Project in the amount of \$30,079.37. The engineer on the project has approved the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving Pay Application No. 5 in the amount of \$30,079.37 to Robert Woehler & Sons Construction for the Chief's Way Sanitary Sewer & Water Extension Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to enter into executive session for the annual review of the City Administrator, to protect the reputation of the Administrator, and to allow Attorney Miller to be in attendance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 7:50 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session relates to the annual review of the City Administrator.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 8:15 p.m.

Councilmember Brodersen introduced Resolution No. 2014-40 and moved for its approval, with the agreement being for 12 months and with a 2% cost of living adjustment to the City Administrator's salary; Councilmember Muir seconded.

RESOLUTION NO. 2014-40

A RESOLUTION TO ADOPT EMPLOYMENT AGREEMENT.

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

Councilmember Giese made a motion, which was seconded by Councilmember Ley, 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 8:20 p.m.