

**MINUTES
CITY COUNCIL MEETING
June 3, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, June 3, 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 22, 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 May 20, 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: ADVANCED CONSULTING, SE, 8927.50; AMERITAS, SE, 1997.72; ARNIE'S FORD-MERCURY, SE, 391.21; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 105.00; BINSWANGER GLASS, SE, 125.56; BLACK HILLS ENERGY, SE, 555.65; BRIAN BRUCKNER, RE, 194.88; BRIAN LOBERG, RE, 49.78; CENTURYLINK, SE, 314.19; CHEMQUEST, SE, 3245.00; CHILD SUPPORT, RE, 100.00; CITY OF WAYNE, RE, 225.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 67687.95; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, RE, 473.03; CLAUSSEN & SONS IRRIG., SE, 45.00; COMMUNITY HEALTH, RE, 3.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 99.76; DOUGLAS CO COURT, RE, 74.00; DUTTON-

LAINSON, SU, 314.18; ECHO GROUP, SU, 483.43; ED. M FELD EQUIPMENT, SU, 485.80; ENGINEERING & TECHNICAL, SE, 1000.00; FIRST CONCORD GROUP, SE, 4857.46; GERHOLD CONCRETE, SU, 7726.66; GIS WORKSHOP, SE, 4000.00; GURKAN OZENCI, RE, 125000.00; HELENA CHEMICAL, SU, 120.00; HEWLETT-PACKARD, SU, 883.16; HOMETOWN LEASING, SE, 73.51; HUNTEL, SE, 1656.12; ICMA, SE, 7090.93; IRS, TX, 24074.53; CITY EMPLOYEE, RE, 71.42; JEO CONSULTING GROUP, SE, 6376.25; KRIZ-DAVIS, SU, 59.64; MES-MIDAM, SU, 599.00; MIKE MCINTOSH, FE, 125.00; MISS MOLLY'S COFFEE, SU, 60.00; NANCI WALSH, SE, 300.00; NE DEPT OF ENVIRONMENTAL, FE, 781.00; NE DEPT OF ENVIRONMENTAL, SE, 199878.03; NE DEPT OF REVENUE, TX, 3312.84; NE PUBLIC HEALTH, SE, 781.00; NNPPD, SE, 5237.00; ODEYS, SU, 9520.23; OTTE CONSTRUCTION, SE, 16470.00; OVERHEAD DOOR COMPANY, SE, 854.75; ROBERT WOHLER & SONS, SE, 30079.37; SARPY CO SHERIFFS OFFICE, RE, 148.00; STANLEY MALLETTE, RE, 345.50; VAN DIEST SUPPLY, SU, 468.80; VERIZON, SE, 93.93; VIAERO, SE, 250.85; WAYNE STATE SOCCER, RE, 1200.00; WEST PAYMENT CENTER, SU, 277.08; WIGMAN COMPANY, SE, 1013.23; WISNER WEST, SU, 60.66; AMERICAN BROADBAND, SE, 990.00; APPEARA, SE, 29.73; BRIAN LOBERG, RE, 18.73; CITY EMPLOYEE, RE, 37.30; CITY OF WAYNE, RE, 35.00; CITY OF WAYNE, RE, 4063.91; COOPORTUNITY HEALTH, SE, 30760.75; DEMCO, SU, 143.65; EAKES OFFICE, SE, 271.25; ELECTRIC FIXTURE, SU, 53.36; FLOOR MAINTENANCE, SU, 527.70; GALE GROUP, SU, 181.72; GILL HAULING, SE, 155.00; GROSSENBURG IMPLEMENT, SU, 819.47; HEARTLAND FIRE PROTECTION, SE, 1133.02; HEIKES AUTOMOTIVE, SE, 69.23; HELENA CHEMICAL, SE, 330.00; HOMETOWN LEASING, SE, 259.98; JASON CAROLLO, SE, 175.00; JEO CONSULTING GROUP, SE, 1487.00; JOHN'S WELDING, SU, 24.00; KRIZ-DAVIS, SU, 326.91; LANGEMEIER, WAYNE, SE, 250.00; MARCO, SE, 140.88; MARK MCINTOSH, FE, 100.00; MIDWEST TAPE, SU, 566.05; CITY EMPLOYEE, RE, 101.41; ONE CALL CONCEPTS, SE, 110.15; PIEPER & MILLER, SE, 5088.00; PITNEY BOWES, SU, 263.47; RANDOM HOUSE, SU, 234.00; WASTE CONNECTIONS, SE, 73.36; WAYNE HOUSING AUTHORITY, RE, 146.84; WESCO, SU, 750.83; WIGMAN COMPANY, SE, 360.79; ZACH HEATING & COOLING, SE, 228.50

Councilmember Eischeid 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 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.

Mayor Chamberlain declared the week of June 9-15, 2014 as “Men’s Health Week.”

The agenda item, “Demonstration of the New Police Car Cameras,” was postponed until the next Council meeting.

Mayor Chamberlain stated the time was at hand for the public hearing regarding the application for a Retail Class D Liquor License for Lutt Oil & Service, LLC, d/b/a “Lutt Oil & Service.”

Rod Lutt was present to answer questions.

City Clerk McGuire had not received any comments for or against this public hearing. A Class D Liquor License is for “off sale beer, wine and distilled spirits.”

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

Councilmember Sievers introduced Resolution No. 2014-45 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2014-45

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS D LIQUOR LICENSE — LUTT OIL & SERVICE, LLC, D/B/A “LUTT OIL & SERVICE.”

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

The Mayor stated it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a Resolution approving a redevelopment plan amendment for an area of the City previously declared blighted and

substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”) — Lots 1 and 19 of Benscoter Addition Planned Unit Development Replat 2 to the City of Wayne, Wayne County, Nebraska.

Clerk McGuire published the notice of the public hearing in the Wayne Herald on May 15, 2014, and May 22, 2014, and notice of the public hearing was been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act.

The Mayor opened the public hearing and invited all interested persons to be heard.

Administrator Johnson stated this action amends the plan to add the additional lots built upon this past year in the Benscoter Addition.

No one appeared in person or by agent or attorney.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

City Clerk McGuire had not received any comments for or against this public hearing.

Councilmember Eischeid introduced Resolution No. 2014-46 and moved for its approval; Councilmember Sievers seconded the motion.

RESOLUTION NO. 2014-46

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS.

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

The Mayor stated it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a resolution approving a redevelopment plan amendment for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”) — Lots 2, 8, 9, 10, 12, 13 & 39 Amended Plat of Western Ridge II Addition, & Lot 3, 4, 5 & 6 Neihardt Administrative Replat of Lots 27-33, Amended Plat of Western Ridge II Addition and Lot 1 of the Bressler Court Administrative Replat of Lots 41-46 of the Amended Plat of Western Ridge II Addition to the to the City of Wayne, Wayne County, Nebraska.

Clerk McGuire published the notice of the public hearing in the Wayne Herald on May 15, 2014, and May 22, 2014, and notice of the public hearing was mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act.

The Mayor opened the public hearing and invited all interested persons to be heard.

Administrator Johnson stated this action also amends the plan to add the additional lots built upon this past year in Western Ridge.

No one appeared in person or by agent or attorney.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

Councilmember Eischeid introduced Resolution No. 2014-47 and moved for its approval; Councilmember Ley seconded the motion.

RESOLUTION NO. 2014-47

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS.

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

Jeff Carstens, representing Wayne State College, was present regarding the interlocal agreement to share law enforcement resources. The hours will remain the same (22), as well as the amount for said services (\$30,000). This is an annual renewal. The term of this agreement will be from July 1, 2014, through June 30, 2015.

Attorney Miller explained one change in the agreement was that any crimes against persons shall be referred to the County Attorney's Office for prosecution.

Marlen Chinn, Police Chief, was also present to answer questions.

Councilmember Ley introduced Resolution No. 2014-37 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-37

A RESOLUTION APPROVING INTERLOCAL AGREEMENT TO SHARE LAW ENFORCEMENT RESOURCES BETWEEN THE CITY OF WAYNE AND WAYNE STATE COLLEGE.

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

Administrator Johnson stated three bids were received on the “Windom Street Storm Sewer Improvement Project.” At this time, staff and the engineer are recommending rejecting the bids and re-bidding the project at a later time. This was bid on short notice, and the bids were somewhat high. The low bid could not complete the project within the timeframe stated in the bid specifications.

Councilmember Brodersen introduced Resolution No. 2014-48 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2014-48

A RESOLUTION REJECTING BIDS ON THE “WINDOM STREET STORM SEWER IMPROVEMENT PROJECT.”

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

Administrator Johnson stated one bid was received on the “13th Street Sanitary Sewer Extension Project.” The recommendation of staff and the engineer on the project is to accept the bid and award the project to Robert Woehler & Sons Construction, Inc., in the amount of \$18,444.50 with additional Item A, if required, for the amount of \$2,500.00.

Councilmember Brodersen introduced Resolution No. 2014-49 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2014-49

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “13TH STREET SANITARY SEWER EXTENSION 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 accept the plans, specifications and estimate of cost for the “Hillside Drive and Trail Relocation Project,” and direct the City Clerk to advertise for bids. The cost estimate for this project is \$217,808.00.

Administrator Johnson thought these estimates were high and was going to meet with staff and the engineer to look at why this project is so costly. This will be the developer’s cost through tax increment financing.

Councilmember Eischeid introduced Resolution No. 2014-50 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2014-50

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, AND ESTIMATE OF COST FOR THE “HILLSIDE DRIVE AND TRAIL RELOCATION PROJECT” AS PREPARED BY THE CITY’S ENGINEER, AND DIRECTING ADVERTISEMENT FOR BIDS.

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 third and final reading thereof; Councilmember Eischeid 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.

Councilmember Eischeid introduced Ordinance No. 2014-14, and moved for approval of the second reading thereof; Councilmember Ley 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 third and final reading will take place at the next meeting.

In regard to Ordinance 2014-15, the definition of attached was amended to read 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~~ **passageway less than eight (8) feet wide**, connecting two structures, shall not mean the two structures are attached.

Discussion took place regarding the amendment. Because there was still some confusion or issues regarding the proposed language, Councilmember Giese made a motion to table the second reading on Ordinance No. 2014-15 until the next meeting; Councilmember Sievers seconded. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2014-16, and moved for approval of the second reading 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 third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2014-17, and moved for approval of the second reading 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 third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2014-18, and moved for approval of the second reading thereof; Councilmember Giese 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 third and final reading will take place at the next meeting.

Lou Bencoter of Bencoter Development was present requesting Council consideration to prohibit parking on the streets in the Angel Acres subdivision.

Mr. Bencoter also requested Council consideration to prohibit parking from midnight to 5:00 a.m. on those streets. That request would be brought forward by way of an amendment to Ordinance No. 2014-18.

Councilmember Eischeid introduced Ordinance No. 2014-21, and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2014-21

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE, SECTION 78-126 RELATING TO PARKING; PROHIBITED PARKING; 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 prohibit parking on the south side of Jaxon Street in the Bencoter Addition down by the softball complex.

Councilmember Muir introduced Ordinance No. 2014-22, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-22

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE, SECTION 78-130 RELATING TO PARKING;

PROHIBITED PARKING; SOUTHEAST 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.

Discussion took place regarding the request of the Community Redevelopment Authority to annex the property they purchased from Pacific Coast Feather.

Councilmember Eischeid spoke against the annexation, as did Councilmember Giese.

Councilmember Sievers spoke in favor of the annexation since it was now the property owner making the request to be annexed.

Administrator Johnson stated if Council does not annex this property, his recommendation will be to leave the septic systems in place and also the concrete which gives Council the ability to approve tax increment financing for some future buyer. If we start cleaning up the property, it will not be eligible for tax increment financing.

If the property is annexed, the land can be subdivided into smaller parcels, which might be more attractive to prospective buyers.

Councilmember Sievers introduced Ordinance 2014-23, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2014-23

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 (PACIFIC COAST FEATHER PROPERTY).

Discussion further continued on when this matter would come before the Council again if the ordinance fails. Councilmember Eischeid then called for the vote.

Mayor Chamberlain stated the motion, and the result of roll call being five Nays (Giese, Greve, Ley, Eischeid and Brodersen), and three Yeas (Haase, Sievers, and Muir), the Mayor declared the motion failed.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers to approve the Liquor License Manager Application in Connection with the Shopko Hometown 670 Wayne, NE, Store for James E. Larson. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated that Change Order No. 2 in the amount of \$8,261.00 on the Chief's Way Sanitary Sewer & Water Extension Project represents the additional work needed for the Lion's Club Park.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen, approving Change Order No. 2 in the amount of \$8,261.00 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.

Administrator Johnson brought up for discussion the idea of making an application for a grant to help cover the costs for the Comprehensive Plan. The Council needs to decide if they want to wait a year, which is the estimated time to go through the grant application process, or if they want to begin the process now to redo or update the comprehensive plan. There is no guarantee the City will be awarded the grant, but if they would be, it would be a 75% cost-share. There was some concern about postponing the

updating of the zoning regulations and comprehensive plan because of some past issues that have come up. Administrator Johnson stated staff will prepare an application that will be due in October, which will be the Council's next chance to vote whether or not they want to go forward in the grant process.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, 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 6:42 p.m.