

**MINUTES  
CITY COUNCIL MEETING  
June 17, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, June 17, 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, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Nick Muir and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 5, 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 Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of June 3, 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 Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** CITY EMPLOYEE, RE, 2246.73; AMERITAS, SE, 2090.94; APPEARA, SE, 158.27; BAKER & TAYLOR BOOKS, SU, 1342.66; BANK FIRST, FE, 120.00; BARONE SECURITY SYSTEMS, SE, 138.00; BEEHIVE INDUSTRIES, SE, 7200.00; BIG STONE TRANSPORTATION, SU, 6435.00; BOARDERS INN & SUITES, SE, 1068.00; BOMGAARS, SU, 3092.69; BROWN SUPPLY, SU, 800.68; BSN SPORTS, SU, 407.83; CHARTWELLS, SE, 6353.36; CHILD SUPPORT, RE,

350.00; CITY OF NORFOLK, SE, 254.45; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 869.60; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 65333.58; CITY OF WAYNE, RE, 1225.85; CLASSEN FABRICATION, SE, 140.00; CLEAN TO A T, SE, 1300.00; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SU, 529.88; DAVE'S DRY CLEANING, SE, 69.00; DUTTON-LAINSON, SU, 1219.22; EASYPERMIT POSTAGE, SU, 1712.77; ECHO GROUP, SU, 385.31; ELECTRIC PUMP, SU, 373.59; FLOOR MAINTENANCE, SU, 115.18; FOAMCO, SU, 12975.00; GALE GROUP, SU, 17.99; GEMPLER'S, SU, 340.90; GERHOLD CONCRETE, SU, 975.58; GILL HAULING, SE, 494.52; GROSSENBURG IMPLEMENT, SU, 578.62; GUARANTEE ROOFING, SE, 207.00; CITY EMPLOYEE, RE, 59.77; HAWKINS, SU, 534.50; HD SUPPLY WATERWORKS, SU, 106.91; HEARTLAND STAINLESS, SE, 807.30; HILLYARD/SIOUX FALLS, SU, 1045.80; HIRERIGHT SOLUTIONS, SE, 40.00; HOBBY LOBBY, SU, 207.68; HOEMAN, TODD, RE, 179.72; ICMA, SE, 6817.17; INGRAM BOOK, SU, 248.21; IRS, TX, 24102.97; ISLAND SPRINKLER SUPPLY, SU, 10314.78; JOHN'S WELDING AND TOOL, SU, 600.00; KELLY SUPPLY, SU, 160.12; KLEIN ELECTRIC, SE, 412.50; KRIZ-DAVIS, SU, 1156.33; KTCH, SE, 675.55; LARRY SOKOL, RE, 279.00; LESLIE SCHULZ, RE, 3100.00; LUTT OIL, SU, 6557.62; MAIN STREET AUTO CARE, SE, 90.00; MATT PARROTT AND SONS, SU, 834.00; MIDWEST LABORATORIES, SE, 498.35; N.E. NEB ECONOMIC DEV DIS, SE, 210.00; CITY EMPLOYEE, RE, 32.00; NE AIR FILTER, SU, 329.88; NE DEPT OF ENVIRONMENTAL, SE, 1758.75; NE DEPT OF REVENUE, TX, 3396.92; NE NEB INS AGENCY, SE, 2746.00; NE SAFETY COUNCIL, SE, 8.93; NE STATE HISTORICAL, FE, 29.00; NEW PIG CORPORATION, SU, 56.61; NORTHEAST NE AMERICAN RED, RE, 59.24; NNPPD, SE, 13185.52; O'REILLY AUTOMOTIVE STORE, SU, 14.99; OTTE CONSTRUCTION, SE, 32610.00; PAC N SAVE, SU, 275.29; PARTS ENGINEERING, SU, 306.61; PATTY SCHINSTOCK, SU, 260.00; PLUNKETT'S PEST CONTROL, SE, 218.44; PROVIDENCE MEDICAL CENTER, SE, 180.00; QUALITY 1 GRAPHICS, SU, 560.00; QUILL, SU, 1595.46; S & S WILLERS, SU, 289.81; SHOPKO, SU, 1153.89; STATE NEBRASKA BANK, SE, 289747.50; STATE NEBRASKA BANK, RE, 13985.00; STATE NEBRASKA BANK, SE, 18220.00; STATE NEBRASKA BANK, RE, 98.62; THE PENWORTHY COMPANY, SU, 527.60; UNITED WAYNE, RE, 11.20; US BANK, SU, 5869.42; VAN DIEST SUPPLY, SU, 386.81; VERIZON, SE, 13.12; VOSS LIGHTING, SU, 175.00; WAYNE AIRPORT, RE, 51243.50; WAYNE AUTO PARTS, SU, 830.45; WAYNE COUNTY CLERK, SE, 404.00; WAYNE COUNTY COURT, RE, 1000.00; WAYNE VETERINARY CLINIC, SE, 98.00; CITY EMPLOYEE, RE, 18.02; WESCO, SU, 34936.48; WAPA, SE, 28160.76; WI SCTF, SE, 65.00; WINNING FINISH, SE, 26.63; WISNER WEST, SU, 43.17; WRIEDT, RONALD, SU, 5.31; APPEARA, SE, 133.67; CARHART LUMBER, SU, 928.70; DUTTON-LAINSON, SU, 293.68; ELECTRIC FIXTURE, SU, 2397.41; HARDING & SHULTZ, SE, 318.00; HAWKINS, SU, 788.50; HD SUPPLY, SU, 2700.14; HEARTLAND FIRE PROTECTION, SU, 104.10; JEO CONSULTING GROUP, SE, 1332.00; MIKE TOWNE, SE, 250.00; CNA SURETY DIRECT BILL, SE, 40.00; NE COLORADO CELLULAR, SE, 598.77; NE DEPT OF ENVIRONMENTAL, FE, 150.00; NE PUBLIC HEALTH ENVIRONM, SE, 153.00; ODEYS, SU, 166.60; PITNEY BOWES, SU, 648.00; QUILL, SU, 5.82; SAND CREEK POST & BEAM, SE,

9730.00; SPARKLING KLEAN, SE, 1739.54; STADIUM SPORTING GOODS, SE, 806.00; STATE NEBRASKA BANK & TRUST, SE, 62.80; WAYNE HERALD, SE, 2095.57; WINNING FINISH, SE, 355.00; PAYROLL, PY, 629.13; UTILITY CUSTOMERS, RE, 455.60

Councilmember Haase 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, with the exception of Councilmembers Muir and Ley who were 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 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.

Councilmember Sievers introduced Ordinance No. 2014-14, and moved for approval of the third and final reading thereof; Councilmember Brodersen 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, with the exception of Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried.

In regard to Ordinance 2014-15, the definition of “Attached” was further 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. **A passageway equal to or greater than eight (8) feet wide used to connect two structures shall not exceed a distance between the two structures that is twice the width of the passageway.**

Councilmember Sievers introduced Ordinance No. 2014-15, and moved for approval of the second reading thereof, as amended; Councilmember Greve 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, with the exception of Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Sievers introduced Ordinance No. 2014-16, and moved for approval of the third and final reading thereof; Councilmember Haase 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, with the exception of Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2014-17, and moved for approval of the third and final reading thereof; Councilmember Eischeid 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, with the exception of Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2014-18, and moved for approval of the third and final reading thereof; Councilmember Haase 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, with the exception of Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2014-21, and moved for approval of the second reading thereof; Councilmember Haase 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, with the exception of Councilmembers Muir and Ley who were absent, 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 Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Greve seconded to move for final approval of Ordinance No. 2014-21. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2014-22, and moved for approval of the second reading thereof; Councilmember Eischeid 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, with the exception of Councilmembers Muir and Ley who were absent, 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 Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Brodersen seconded to move for final approval of Ordinance No. 2014-22. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried.

The following Resolution would direct the City Clerk to file a lien against 908 Circle Drive for the cost of work hired by the City to abate a violation of City Code after proper notice was given to the property owner.

Councilmember Sievers introduced Resolution No. 2014-51 and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2014-51

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON LOT 9, MCPHERRAN'S ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 908 CIRCLE DRIVE, WAYNE, NEBRASKA.

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

Administrator Johnson stated the following Resolution would approve the Nebraska Community Energy Alliance Interlocal Cooperation Agreement with six other

communities to make a joint application for \$420,000 in Environmental Trust Funds to transition city fleet vehicles to alternative fuel and to analyze the inconvenience vs. the savings.

Councilmember Sievers introduced Resolution No. 2014-52 and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2014-52

A RESOLUTION APPROVING THE NEBRASKA COMMUNITY ENERGY ALLIANCE INTERLOCAL COOPERATION AGREEMENT AND APPOINTING THE CITY ADMINISTRATOR TO REPRESENT THE CITY OF WAYNE IN SAID ALLIANCE.

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

The following Resolution would approve the Project Program Agreement with the Nebraska Department of Roads for the Wayne Trail Phase II Project. This is a new requirement for any trail project that crosses highway right-of-way. This agreement is required for the City to build the underpass. It is a standard agreement that NDOR uses with all projects.

Councilmember Sievers introduced Resolution No. 2014-53 and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2014-53

A RESOLUTION APPROVING THE SIGNING OF THE PROJECT PROGRAM AGREEMENT BETWEEN THE CITY OF WAYNE AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) FOR THE WAYNE TRAIL PHASE II PROJECT.

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

The following Resolution would approve the specifications and authorize the purchase of a half-ton pickup through the State bid system as per the bid proposal received from Arnie's Ford. The price of the pickup delivered to Wayne with the dual fuel option is \$36,216. With the \$15,000 energy grant, the net cost will be \$21,216.

Ken Kwapnioski, representing Arnie's Ford, was present to answer questions. He estimated an annual savings of approximately \$1,200 with this vehicle.

Councilmember Giese introduced Resolution No. 2014-54 and moved for its approval; Councilmember Sievers seconded.

#### RESOLUTION NO. 2014-54

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A NEW LIGHT DUTY PICKUP 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 Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese to approve the Liquor License Manager Application of Toninessa Prochaska for Go Mirage, LLC, d/b/a "G's Quick Stop." Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Ley who were absent and Councilmember Haase who voted Nay, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the appointment of Chad Maas to the Civil Service Commission.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, approving the appointment of Chad Maas to the Civil Service Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the appointment of Joe Baldwin to the Civil Service Commission.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving the appointment of Joe Baldwin to the Civil Service Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Ley who were absent, 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 Councilmembers Muir and Ley who were absent, the Mayor declared the motion carried and the meeting adjourned at 5:52 p.m.