

**MINUTES
CITY COUNCIL MEETING
July 15, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, July 15, 2014, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Kaki Ley, and Matt Eischeid; City Attorney Eric Knutson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese and Jill Brodersen; and City Administrator Lowell Johnson.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 3, 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 Haase made a motion, which was seconded by Councilmember Sievers, whereas, the Clerk has prepared copies of the Minutes of the meeting of July 1, 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 Giese and Brodersen who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTIONS TO CLAIMS LIST OF 6/17/14: DELETE US BANK, SU, 5869.42 (CHECK WAS LOST IN THE MAIL)

VARIOUS FUNDS: ALL-AMERICAN PUBLISHING, SE, 294.00; AMERITAS LIFE, SE, 2093.43; APPEARA, SE, 160.39; ARCADIAN MARKSMANSHIP, FE, 100.00; BANK FIRST, FE, 120.00; BARONE SECURITY SYSTEMS, SE, 1080.00; BATTERIES PLUS, SU, 8.64; BOMGAARS, SU, 1107.34; CITY EMPLOYEE, RE,

72.00; BROWN SUPPLY, SU, 904.22; BSN SPORTS, SU, 533.95; CHARTWELLS, SE, 6325.44; CHILD SUPPORT, RE, 100.00; CITY OF NORFOLK, SE, 136.06; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 850.00; CITY OF WAYNE, RE, 18.02; CITY OF WAYNE, PY, 69453.10; CLEAN TO A T, SE, 1300.00; COMMUNITY HEALTH, RE, 4.00; DIVISION 15 SALES, SU, 419.63; DOUGLAS CO COURT, RE, 74.00; DUTTON-LAINSON, SU, 2227.56; EAKES OFFICE, SE, 81.95; ECHO GROUP, SU, 155.65; ED. M FELD EQUIPMENT, SE, 26.58; ELECTRICAL ENGINEERING, SU, 187.52; FIREGUARD, SU, 266.68; FREDRICKSON OIL, SU, 38.67; GERHOLD CONCRETE, SU, 66.75; GODFATHER PIZZA, SU, 98.00; GROSSENBURG IMPLEMENT, SU, 12.37; H.K. SCHOLZ, SU, 4349.43; CITY EMPLOYEE, RE, 44.87; HARDING & SHULTZ, SE, 265.00; HUBER TECHNOLOGY, SU, 255.00; ICMA, SE, 6817.17; INDUSTRIAL CHEM LABS, SU, 1132.11; IRS, TX, 25425.35; ISLAND SPRINKLER SUPPLY, SU, 77.22; JASON CAROLLO, SE, 140.00; KLEIN ELECTRIC, SE, 6722.00; KTCH, SE, 1637.40; LANGEMEIER, WAYNE, SE, 150.00; MAXIMUM SOLUTIONS, SU, 376.50; MCCORMICK DRAIN SERVICE, SE, 70.00; MIDWEST LABORATORIES, SE, 261.40; MODRELL, CECILIA, SE, 140.00; NE CODE OFFICIAL ASSOC., FE, 130.00; NE DEPT OF REVENUE, TX, 3561.65; NE STATE TREASURER, RE, 1331.31; N.E.NE AMERICAN RED CROSS, RE, 59.24; OAKSTONE PUBLICATIONS, SU, 138.60; ODEYS, SU, 137.65; ONE CALL CONCEPTS, SE, 100.15; PITNEY BOWES, SU, 80.74; CITY EMPLOYEE, RE, 1161.76; SPARKLING KLEAN, SE, 2666.76; STADIUM SPORTING GOODS, SU, 89.00; STALP GRAVEL, SU, 1186.12; STANDARD & POOR'S, SE, 100.00; STATE NEBRASKA BANK, SE, 63.44; STATE NEBRASKA BANK-PETTY, RE, 488.92; TAK, SE, 84.00; TATE NELSON, RE, 500.00; UNITED WAY, RE, 12.40; VAKOC BUILDER'S RESOURCE, SU, 53.76; WASTE CONNECTIONS, SE, 73.36; WAED, RE, 1000.00; WAYNE COUNTY CLERK, SE, 180.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE FIREWORKS COMMITTEE, RE, 2000.00; WAYNE GROCERY, SU, 9.15; WAYNE HERALD, SE, 1664.06; WAYNE ROTARY, FE, 160.00; WAYNE VETERINARY CLINIC, SE, 112.00; WAPA, SE, 32959.57; WHITE DOG LAWN SERVICE, SE, 95.00; ZACH HEATING & COOLING, SE, 754.41; AMAZON.COM, SU, 664.04; BAKER & TAYLOR BOOKS, SU, 837.04; CARHART LUMBER, SU, 700.92; CITY OF NORFOLK, SU, 1500.00; CITY OF WAYNE, RE, 250.00; COLFAX CO COURT, RE, 48.00; COOPORTUNITY HEALTH, SE, 27809.49; DALE PAULSON, RE, 7439.43; DEARBORN NATIONAL LIFE, SE, 1765.24; DEMCO, SU, 120.00; DUTTON-LAINSON, SU, 820.05; ECHO GROUP, SU, 304.12; ELECTRIC INNOVATIONS, SE, 300.00; ELKHORN RURAL PPD, SE, 399.00; FLOOR MAINTENANCE, SU, 54.04; GALE GROUP, SU, 165.83; GERHOLD CONCRETE, SU, 89.00; HAWKINS, INC, SU, 2110.26; HOMETOWN LEASING, SE, 73.51; INGRAM BOOK, SU, 55.04; J.P. COOKE CO, SU, 57.50; KRIZ-DAVIS, SU, 907.38; LANGEMEIER, WAYNE, SE, 375.00; LUTT OIL, SU, 7453.33; MAIN STREET AUTO CARE, SE, 90.00; MES-MIDAM, SU, 107.44; MIDWEST FIELDTURF, SU, 1200.00; MIDWEST SERVICE & SALES, SU, 1477.50; MIDWEST TAPE, SU, 54.98; CITY EMPLOYEE, RE, 7.94; NE LIBRARY COMMISSION, SE, 500.00; NORTHEAST COMM COLLEGE, FE, 388.00; NNPPD, SE, 13285.54; OVERDRIVE, SU, 137.87; PAC N SAVE, SU, 116.35; PIEPER & MILLER, SE, 2301.00; RAMADA INN – KEARNEY, SE, 316.00; RANDOM

HOUSE, SU, 87.75; SIOUXLAND CRANE SERVICE, SE, 525.00; SIRSIDYNIX, SE, 3714.16; SKARSHAUG TESTING LAB, SE, 328.94; SHOPKO, SU, 254.76; STADIUM SPORTING GOODS, SU, 437.00; STATE NEBRASKA BANK, RE, 98.95; THE RADAR SHOP, SE, 234.00; ULTRAMAX AMMUNITION, SU, 168.00; VIAERO, SE, 127.54; WAYNE AUTO PARTS, SU, 331.18; WAYNE COUNTY COURT, RE, 150.00; CITY EMPLOYEE, RE, 172.31; WESCO, SU, 3340.91; WISNER WEST, SU, 629.60; ZEE MEDICAL SERVICE, SU, 106.51; HYPERION, SE, 79.88; STATE NATIONAL BANK, SU, 46.50; US BANK, SU, 5869.42; US BANK, SU, 10791.41.

Councilmember Eischeid 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 Giese and Brodersen 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 Giese arrived at 5:32 p.m.

Marlen Chinn, Police Chief, gave a demonstration/presentation on the newly installed police car cameras.

Irene Fletcher, Assistant Director of Wayne Area Economic Development, provided the Council with the six-month LB 840 activity update.

Duane Schroeder was present requesting that a representative of the City, along with a representative of both the County and radio station meet to see if there isn't a mutually and satisfactory means whereby a generator could be obtained to keep the radio station on the air during emergency situations. After some discussion on the matter,

Mayor Chamberlain noted he would probably be the city representative that would meet with the other entities to further discuss the matter.

Verdel Lutt was present requesting the Council to consider amending the City Code regarding the times for discharging fireworks. He requested they be changed from 8:00 a.m. - 11:00 p.m. June 25th – July 3rd to 8:00 a.m. - 8:00 p.m. June 25th – July 3rd. He would also like to see fireworks sold five days instead of ten days.

Councilmember Sievers suggested 8:00 a.m. – 8:00 p.m. June 25th - July 1st and 8:00 a.m. to 11:00 p.m. July 2nd through July 3rd.

Councilmember Eischeid had concerns of the number of calls that might be taken by the Police Department if these times are amended as recommended.

City Clerk McGuire would research and provide some history on the matter.

Staff was directed to prepare an ordinance for Council to consider at the next meeting.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, to amend Wayne Municipal Code Section 22-113 Fireworks; Discharge. 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.

Mayor Chamberlain stated because of being short staffed in the Police Department, there has been an increase in the accrued holiday, vacation and overtime hours. He recommended buying down some of this accrued time. It will help reset the clock, and it will not violate the FOP Agreement in place. The Council extended the amount they were allowed to accrue because they were short staffed. The department

was staffed to a point where some of this could be paid out and the clock reset on the hours, but now they are short staffed again. They have accrued to such a point that to pay everything out (all holidays, but two, all comp time, and all vacation, but 200 hours) would be approximately \$108,755. To pay out all of the holidays, but two, and all comp time would be approximately \$68,056.

Councilmember Giese stated a scheduling plan needs to be established to keep them from getting in this same situation while they are looking to get back to full staff.

Councilmember Eischeid opined that these numbers compared to himself and others that he works with, are not out of line. At the end of the year, if they have over the number of vacation hours allowed, they lose them. Council needs to determine what that maximum number is and allow them to stay at that level.

Finance Director Braden noted that the police department has a comp max of 168 hours, while all other city employees have a comp max of 40 hours.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, to pay out the holiday hours to zero, and then cap the holiday hours at 24. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

In an effort to be ready when the time comes to begin the projects in connection with the Conservation & Stabilization grant, Administrator Johnson is recommending that the Council approve the “Request for Qualifications for Engineering Consulting Services.” This will start the process of selecting a firm in accordance with the requirements of the grant. The projects need to be completed by July, 2015.

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, approving the “Request for Qualifications for Engineering Consulting Services” in connection with the CIS Phase II Grant Funding for the City of Wayne. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

The following Resolution will approve a Service/Consultant Agreement between the City and Northeast Nebraska Economic Development District for the general administration of the 13-CIS-106 Grant. The work will be done on a per hour basis not to exceed \$19,500.

Councilmember Sievers introduced Resolution No. 2014-58 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-58

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) FOR THE GENERAL ADMINISTRATION OF THE COMPREHENSIVE INVESTMENT AND STABILIZATION GRANT (13-CIS-106).

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

Three bids were received on the “Hillside Drive Paving and Storm Sewer Improvement Project.” The engineer on the project, Troy Johnston with JEO Consulting Group, reviewed the bids and is recommending that the Council award the project to the

low bidder, Robert Woehler & Sons Construction, Inc., for the bid price of \$194,468.08. The engineer's estimate on the project was \$227,000. The starting date is July 15, 2014.

Councilmember Sievers introduced Resolution No. 2014-59 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-59

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "2014 HILLSIDE DRIVE PAVING & STORM SEWER IMPROVEMENT PROJECT."

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

Nancy Braden, Finance Director, advised the Council that the auditors have required that if the City borrows money from itself (e.g. from the Electric Fund) to fund other projects, the same must be authorized or approved by Council. This is a cash flow action to fund the LB840 loans already approved. The City will pay 3% interest back to the Electric Fund.

Councilmember Sievers introduced Resolution No. 2014-60 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-60

A RESOLUTION OF THE LB840 ECONOMIC DEVELOPMENT PLAN OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE BORROWING OF FUNDS FROM THE CITY OF WAYNE ELECTRIC FUND, WAYNE, NEBRASKA.

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

The following Resolution would require the property owners at 505 Tomar Drive to install sidewalk. City Code requires sidewalks to be constructed and maintained in residential and commercial areas. The sidewalk at this location should have been completed last year.

Councilmember Giese introduced Resolution No. 2014-61, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-61

A RESOLUTION ORDERING THE CONSTRUCTION OF A SIDEWALK ON LOT 1, BENSCOTER ADDITION PLANNED UNIT DEVELOPMENT REPLAT 1, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 505 TOMAR DRIVE, WAYNE, NEBRASKA

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

The following Ordinance would amend Section 90-432 Permitted Conditional Uses in the B-3 Neighborhood District by adding the following:

“A building or premises in a B-3 district may be used for the following in conformance with the prescribed conditions:

1. For a multi-family dwelling.
 1. The maximum number of sleeping rooms shall not exceed one per 500 square feet of lot area.
 2. The front of the building facing the street shall include one of the following:
 - a. A door and eight (8) percent of the surface area covered with windows.
 - b. Ten (10) percent of the surface area covered with windows.
 3. The primary means of egress for any dwelling unit shall not exit into a side yard unless the door is at least 30 feet from the property line it is facing.
 4. The primary means of egress must exit onto a covered stoop or deck.
 5. Twenty (20) percent of the lot must be maintained as landscaping which is not paved or used for parking.”

A contractor, Tom Jacobsen, has come forward who would like to demolish an older apartment complex on 10th Street and replace it with a new apartment building/complex. This cannot be done, however, unless the code is amended.

The Planning Commission held a public hearing on this matter and made a recommendation to not amend the code until such time as the Comprehensive Plan has been reviewed and updated.

Councilmember Eischeid introduced Ordinance No. 2014-24, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2014-24

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 3 B-3 NEIGHBORHOOD COMMERCIAL DISTRICTS, BY ADDING SECTION 90-432 PERMITTED CONDITIONAL USES; TO REPEAL CONFLICTING ORDINANCES AND 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 Councilmember Brodersen who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Mayor Chamberlain requested Council consideration to allowing him to bring forward names to appoint to a committee to make a recommendation on whether to repair or replace the Hank Overin Field grandstand that was damaged as a result of a tree falling onto it during a storm.

Councilmember Eischeid thought the City should just repair the grandstand, in its current place, with the insurance money. He was not in favor of appointing a committee.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, approving the appointment of a "Community Citizen Committee" to make a

recommendation on the repair or replacement of the Hank Overin Field grandstand. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent and Councilmember Eischeid who voted Nay, the Mayor declared the motion carried.

The position of Superintendent of Public Works & Utilities is referenced in numerous places in the City Code. This position is specifically referenced in some of the code enforcement procedures. Administrator Johnson is currently serving in this capacity. In order to have a complete chain of enforcement notices and actions, this action would clarify his enforcement actions and follow the wording and intent of the code in the event of a court challenge.

Councilmember Giese made a motion, which was seconded by Councilmember Ley, appointing the City Administrator as acting Superintendent of Public Works & Utilities. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, setting the budget work session dates for August 5th and, if needed, August 12th. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of

roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:45 p.m.