

MINUTES
CITY COUNCIL MEETING
August 19, 2014

The Wayne City Council met in regular session at City Hall on Tuesday, August 19, 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, Matt Eischeid, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Cale Giese.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 7, 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 Brodersen made a motion, which was seconded by Councilmember Muir, whereas, the Clerk has prepared copies of the Minutes of the meeting of August 5, 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 Giese who was 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: DELETE 8/5/14 CLAUSSEN & SON IRRIGATION, SE, 210.90; 7/23/13 AUDITORIUM DEPOSIT REFUND, 150.00 (TO BE REISSUED); 9/10/13 CADET BOOSTER & ERWIN TRUCKING, FE, 310.00
VARIOUS FUNDS: 4IMPRINT, SU, 761.33; AMERITAS, SE, 1943.26; APPEARA, SE, 223.29; ARNIE'S FORD-MERCURY, SU, 52400.00; BAKER & TAYLOR BOOKS, SU, 379.80; BANK FIRST, FE, 120.00; BROOKE D STURM, RE, 3000.00;

BROWN SUPPLY, SU, 4075.36; CHILD SUPPORT, RE, 100.00; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, PY, 67159.32; CITY OF WAYNE, RE, 325.15; COMMUNITY HEALTH, RE, 4.00; COOPORTUNITY HEALTH, SE, 28687.59; COUNTRY NURSERY, SE, 1477.50; DEARBORN NATIONAL LIFE, SE, 1765.84; DITCH WITCH OF OMAHA, SE, 41287.50; DUTTON-LAINSON, SU, 1104.41; EAKES OFFICE PLUS, SU, 9.12; EASYPERMIT POSTAGE, SU, 2259.46; ECHO GROUP, SU, 255.60; CITY EMPLOYEE, RE, 277.98; EGAN SUPPLY, SE, 1735.25; FIRST SOURCE TITLE & ESCROW, SE, 175.00; GAYLORD BROS, SU, 262.95; GERHOLD CONCRETE, SU, 492.82; GOV'T FINANCE OFFICERS, FE, 170.00; GUMDROP BOOKS, SU, 534.86; HARDING & SHULTZ, SE, 1115.29; HAWKINS, INC, SU, 420.50; HD SUPPLY WATERWORKS, SU, 1277.74; HEARTLAND PAPER, SU, 49.55; HIRERIGHT SOLUTIONS, SE, 40.00; HOBBY LOBBY, SU, 55.24; ICMA, SE, 6777.09; INGRAM BOOK CO, SU, 292.64; IRS, TX, 24351.83; ITRON, SE, 3352.46; KRIZ-DAVIS, SU, 582.85; KTCH, SE, 825.00; LITE-FORM TECHNOLOGIES, SU, 1182.68; LUTT OIL, SU, 8502.47; MARCO, SE, 179.35; MATHESON TRI-GAS, SU, 109.05; MES-MIDAM, SU, 476.00; MIDLANDS CONTRACTING, SE, 2800.00; MIDSTATES ERECTORS, SE, 13108.93; MIDWEST LABORATORIES, SE, 441.35; MIDWEST TAPE, SU, 14.99; MSC INDUSTRIAL, SU, 63.37; MUNICIPAL SUPPLY, SU, 161.24; CITY EMPLOYEE, RE, 105.72; NE CRIME COMMISSION, SU, 15.00; NE DEPT OF REVENUE, TX, 3323.00; NLA/NSLA, FE, 390.00; NNPPD, SE, 13185.52; OCLC, SU, 57.50; OLSSON ASSOCIATES, SE, 5886.07; OVERDRIVE, SU, 554.83; PEERLESS WIPING CLOTH, SU, 240.00; POLLARD PUMPING, SE, 390.00; PUSH-PEDAL-PULL, SU, 2192.11; QUILL, SU, 626.97; RANDOM HOUSE, SU, 97.25; ROBERT WOEHLE & SONS, SE, 23671.00; ROBERTSON IMPLEMENT, SU, 337.95; RONALD GENTRUP, RE, 500.00; SD MEYERS, SE, 2508.00; SOCIETY FOR HUMAN, FE, 185.00; SOOLAND BOBCAT, SU, 17.92; SPARKLING KLEAN, SE, 1983.23; STADIUM SPORTING GOODS, SU, 986.00; STATE NEBRASKA BANK, RE, 139.51; STEVE LAMOUREX, SE, 196.00; THE MAX AGAIN, SU, 50.00; TOM ADAMSON, SU, 8.00; UTILITY EQUIPMENT, SU, 77.17; VAKOC CONSTRUCTION, SU, 126.46; VIAERO, SE, 127.47; WAYNE HERALD, SE, 2213.69; CITY EMPLOYEE, RE, 41.75; WESCO, CU, 1007.89; AMERITAS, SE, 1960.95; BANK FIRST, FE, 120.00; BENSCOTER INC, SE, 180.00; BIG T ENTERPRISES, SU, 108.95; CITY EMPLOYEE, RE, 35.88; CHILD SUPPORT, RE, 100.00; CITY EMPLOYEE, RE, 215.63; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 70539.21; CITY OF WAYNE, RE, 102.25; COMMUNITY HEALTH, SE, 4.00; CREDIT BUREAU SERVICES, RE, 568.21; DAKOTA RIGGERS & TOOL, SU, 101.62; DAVE'S DRY CLEANING, SE, 81.00; DUTTON-LAINSON, SU, 225.48; EMPLOYERS MUTUAL CASUALTY, RE, 3000.00; FIRE CATT, SE, 1305.00; GERHOLD CONCRETE, SU, 480.50; GROSSENBURG IMPLEMENT, SU, 211.35; GUARANTEE ROOFING, SE, 125.00; HD SUPPLY WATERWORKS, SU, 2500.00; HOMETOWN LEASING, SE, 333.49; HUBER TECHNOLOGY, SE, 2200.00; ICMA, SE, 6599.29; INDUSTRIAL TOOL, SU, 8.74; IRS, TX, 24748.07; JACK'S UNIFORMS, SU, 725.60; JEO CONSULTING GROUP, SE, 620.00; CITY EMPLOYEE, RE, 231.29; KRIZ-DAVIS, SE, 1336.58; LINCOLN CLUTCH & BRAKE, SU, 124.50; MID CONTINENT TESTING, SE, 306.00; MELYSSA DECK, SU, 60.00; NE DEPT OF ENVIRONMENTAL, FE, 125.00;

NE DEPT OF REVENUE, TX, 3301.09; NE PUBLIC HEALTH, SE, 1009.00; NE SAFETY COUNCIL, FE, 295.00; NPPD, SE, 364491.29; NMPP ENERGY, FE, 220.00; NWEA, FE, 250.00; PIEPER & MILLER, SE, 4558.00; PITNEY BOWES, SE, 648.00; REHAB SYSTEMS, SE, 21475.45; S & S WILLERS, SU, 589.86; STATE NEBRASKA BANK, RE, 300.00; TYLER TECHNOLOGIES, SE, 200.00; UNITED RENTALS, SE, 950.00; UTILITY EQUIPMENT, SU, 135.48; VERIZON, SE, 99.08; WAYNE AUTO PARTS, SU, 1236.39; WESCO, SU, 994.98

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese 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 Giese arrived at 5:35 p.m.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to rezoning an area approximately 45 acres in size and more particularly described as part of the West Half of the Southwest Quarter of Section 1, Township 26 North, Range 3, East of the 6th P.M., Wayne County, Nebraska, described as Tax Lots 32, 34 and 35, from A-1 Agricultural to A-2 Agricultural Residential. The applicants, Todd and Cheryl Luedeke, wish to develop lots that are less than 10 acres in size.

The Planning Commission reviewed the rezoning request at their public hearing on August 4, 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.

Todd Luedeke was present to answer questions.

Amy Miller and Shannon Reed were present and had no objection to the rezoning request.

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. 2014-26, and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2014-26

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF AN AREA APPROXIMATELY 45 ACRES IN SIZE AND MORE PARTICULARLY DESCRIBED AS THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION ONE, TOWNSHIP TWENTY-SIX NORTH, RANGE THREE, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, DESCRIBED AS TAX LOTS 32, 34, AND 35, FROM A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL.

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 Mayor stated it was necessary for the Council to consider the calling of a bond election to provide funds to construct and equip a swimming pool facility and related improvements connected to the Wayne Community Activity Center; and to provide for approval of the levy of a one-half of one percent (0.50%) sales and use tax upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax for the purpose of paying the principal and interest of said bonds as the same fall due; and that the question of issuing such bonds and providing for the levy of such sales tax should be submitted to the electors of the City at a special election to be held in conjunction with the statewide General Election on November 4, 2014.

Phil Lorenzen of D.A. Davidson & Co., was present regarding the Resolution submitting a sales tax issue to the voters of the City of Wayne. He anticipates, in today's market, that the average interest rate on this bond issue would be somewhere between 3.5 to 4%. His calculations indicate that Council would be well advised to structure the issuance of a 20-year amortization, and he anticipates that the same would be paid off in approximately 14-15 years if there were no growth in the sales tax. If there is growth in the sales tax, it should be paid off much earlier. The tax will sunset upon the payment of the bonds.

Councilmember Eischeid had concerns about making it clear that this is for an outdoor swimming pool only.

Councilmember Eischeid introduced Resolution No. 2014-65 and moved for its approval, as amended, by stating that it is specifically for an outdoor swimming pool; Councilmember Sievers seconded.

Mr. Lorenzen then read the ballot question:

"Shall the City of Wayne, Nebraska issue bonds of said City in the principal amount of not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) to provide funds to construct and equip an **Outdoor** Swimming Pool and related improvements connected to the Wayne Community Activity Center; said bonds to bear interest at rate or rates to be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and Council, and

"Shall the City of Wayne, Nebraska, impose an additional sales and use tax of one-half of one percent (0.50%), upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, for the purpose of paying the principal and interest of said bonds as the same fall due, with said sales and use tax to remain in effect only so long as any of the indebtedness evidenced by said bonds (including refunding bonds issued to refund such indebtedness) shall remain outstanding and unpaid?"

- FOR said bonds and said sales and use tax
- AGAINST said bonds and said sales and use tax

If a majority of the votes cast upon such question shall be in favor, then the governing body of the City of Wayne shall be authorized to issue said bonds and shall be empowered as provided by Section 77-27,142 to levy said sales and use tax and shall forthwith proceed to impose a tax pursuant to the Local Option Revenue Act. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the City of Wayne shall not issue said bonds and shall not impose such tax.

RESOLUTION NO. 2014-65

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, CALLING A SPECIAL ELECTION ON THE PROPOSITION OF THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED TWO MILLION NINE HUNDRED THOUSAND DOLLARS (\$2,900,000) TO PROVIDE FUNDS TO CONSTRUCT AND EQUIP AN **OUTDOOR** SWIMMING POOL FACILITY AND RELATED IMPROVEMENTS CONNECTED TO THE WAYNE COMMUNITY ACTIVITY CENTER; AND IMPOSING AN ADDITIONAL SALES AND USE TAX OF ONE-HALF OF ONE PERCENT (0.50%), UPON THE SAME TRANSACTIONS WITHIN THE CITY OF WAYNE ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX, FOR THE PURPOSE OF PAYING THE PRINCIPAL AND INTEREST OF SAID BONDS AS THE SAME FALL DUE, WITH SAID SALES AND USE TAX TO REMAIN IN EFFECT ONLY SO LONG AS ANY OF THE INDEBTEDNESS EVIDENCED BY SAID BONDS (INCLUDING REFUNDING BONDS ISSUED TO

REFUND SUCH INDEBTEDNESS) SHALL REMAIN OUTSTANDING AND UNPAID.

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

Pastor Mike Feldman, on behalf of Grace Lutheran Church, was present requesting Council consideration to allowing them to close a one-block section of 10th Street from Main Street to Logan Street on Sunday, September 7, 2014, from 9:00 a.m. to 1:00 p.m. for “Rally Day Sunday School Church Service.” They have provided the necessary Certificate of Insurance with \$1,000,000 liability coverage and naming the City as an additional insured.

Councilmember Muir made a motion, which was seconded by Councilmember Ley, approving the request of Pastor Mike Feldman, on behalf of Grace Lutheran Church, to close a one-block section of 10th Street from Main Street to Logan Street on Sunday, September 7, 2014, from 9:00 a.m. to 1:00 p.m. for “Rally Day Sunday School Church Service.” 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. 2014-24, and moved for approval of the third and final reading thereof; Councilmember Eischeid 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, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would establish the sewer hook-up fees for the Kardell Sanitary Sewer Extension and the Chief's Way Sanitary Sewer Extension projects. This Resolution will be filed at the Courthouse against all of the properties in these two projects.

Councilmember Muir recommended the following changes to subparagraphs 4 and 5 of said Resolution:

Section 4. If any lot included in the calculations of Attachment A merges with another lot also included in the calculations of Attachment A, the hook-up fee for the new combined lot shall become the total calculated for the original ~~two~~ merged lots.

Section 5. If a lot that is included in the calculations of Attachment A is or becomes connected to the sanitary sewer through another lot being served by the Chief's Way sanitary sewer, including a connection through a building, the hook-up fee for the ~~second~~ additional lot that is connected through the first lot will become due as calculated in Attachment A."

Councilmember Muir introduced Resolution No. 2014-62 and moved for its approval, as above amended; Councilmember Brodersen seconded.

RESOLUTION NO. 2014-62

A RESOLUTION OF THE CITY OF WAYNE ESTABLISHING SEWER HOOK-UP FEES FOR THE "KARDELL SANITARY SEWER EXTENSION," WHICH IS THAT SECTION OF THE CITY OF WAYNE SANITARY SEWER LINE EXTENDING FROM MANHOLE 9, SECTION 40 OF THE CITY SANITARY SEWER SYSTEM AND EXTENDING EAST AND SOUTH THROUGH KARDELL INDUSTRIAL PARK, TO AND ACROSS NEBRASKA HIGHWAY 35, AND ALL PRESENT AND FUTURE KARDELL SANITARY SEWER LINE EXTENSIONS AND INDIVIDUAL SEWER HOOK-UPS TO AREAS EAST OF THE CORPORATE LIMITS OF THE CITY AND ON BOTH THE NORTH AND SOUTH SIDES OF NEBRASKA HIGHWAY 35; AND THE "CHIEF'S WAY SANITARY SEWER EXTENSION."

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 a lease purchase agreement with Ditch Witch Financial Services for a 2012 Ditch Witch FX30 and a 2012 Ditch Witch Trailer T95 for the sum of \$40,983.04. This is a jet/vac truck that will be shared by the Water, Sewer and Electric Departments. This will be a three-year lease. The City is responsible for maintenance and insurance during that time. \$150,000.00 had been budgeted for this piece of equipment.

Tim Sutton, Electric Distribution Foreman, was present to answer questions.

Councilmember Eischeid introduced Resolution No. 2014-66 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2014-66

A RESOLUTION ACCEPTING AND AUTHORIZING LEASE PURCHASE AGREEMENT WITH DITCH WITCH FINANCIAL SERVICES FOR A 2012 DITCH WITCH FX30 AND 2012 DITCH WITCH TRAILER T95.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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. The amount needing to be borrowed is \$125,000.00. The only other outstanding loan at this time is that of Tim Fertig's.

Councilmember Sievers introduced Resolution No. 2014-67 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2014-67

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, the Mayor declared the motion carried.

The Community Redevelopment Authority made a request for Council to consider forgiving the balance of their loan on the Kardell Industrial Park site in the amount of \$126,943.65. The saleable land has been developed and sold. This represents the remaining parcels that are not saleable (e.g. county right-of-way, Logan Creek, land dedicated in the plat for roads, and the old city landfill).

Councilmember Muir made a motion, which was seconded by Councilmember Brodersen, approving the request of the Community Redevelopment Authority to forgive the balance of their loan on the Kardell Industrial Park site for \$126,943.65. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated he had received two proposals from engineering firms to be used for consulting services on various projects in connection with the CDBG Comprehensive Investment and Stabilization Grant. His recommendation is to appoint the firm of JEO Consulting Group for the engineering consulting services.

Councilmember Giese introduced Resolution No. 2014-68 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-68

A RESOLUTION APPOINTING JEO CONSULTING GROUP AS THE SPECIAL ENGINEER TO BE USED FOR CONSULTING SERVICES ON VARIOUS PROJECTS IN CONNECTION WITH THE CDBG COMPREHENSIVE INVESTMENT AND STABILIZATION GRANT AWARDED IN 2014.

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

Administrator Johnson stated the following Resolution would approve the Interlocal Agreement with Wayne County for dispatch services. The same has been increased to \$72,000 for fiscal year 2015.

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

Consensus was to renegotiate this contract annually, and to amend subparagraph 4 to state that "...dispatch service provided **January 1, 2015, to December 31, 2015.**"

Councilmember Eischeid introduced Resolution No. 2014-69 and moved for its approval, as amended (Subparagraph 4 to state that "...dispatch service provided January 1, 2015, to December 31, 2015."); Councilmember Giese seconded.

RESOLUTION NO. 2014-69

A RESOLUTION TO JOINTLY PROVIDE DISPATCH SERVICE FOR PUBLIC SAFETY IN WAYNE COUNTY.

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

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Wayne State College Homecoming Parade on Saturday, October 4, 2014.

Councilmember Sievers introduced Resolution No. 2014-70 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-70

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 made a motion, which was seconded by Councilmember Giese, setting the public hearing for the 2014-2015 budget for September 16, 2014, at 5:30 p.m. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the reappointment of Joel Ankeny to the Library Board.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the reappointment of Joel Ankeny to the Library Board. 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 Sievers, 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 6:24 p.m.