

**MINUTES  
CITY COUNCIL MEETING  
September 16, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, September 16, 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, Matt Eischeid, and Jill Brodersen; City Attorney Eric Knutson; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 4, 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 Eischeid, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 2, 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 Ley 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 OF 9/2/14:** DELETE ARDENT LIGHTING – SB COMPLEX LIGHTING \$284,877.25; THE GLASS EDGE- WINDOW REPLACEMENT \$1,558.00

**VARIOUS FUNDS:** AMERICAN LIBRARY ASSOC, FE, 198.00; AMERICAN PUBLIC POWER, FE, 1156.40; AMERITAS, SE, 2105.56; APPEARA, SE, 226.59; ARDENT LIGHTING GROUP, SE, 270633.39; BAKER & TAYLOR, SU, 1588.35;

BANK FIRST, SE, 120.00; BARONE SECURITY SYSTEMS, SE, 138.00; BLACK HILLS ENERGY, SE, 6.73; CITY EMPLOYEE, RE, 165.78; BROWN SUPPLY, SU, 1550.11; CARHART LUMBER, SU, 621.73; CHARTWELLS, SE, 6997.04; CHILD SUPPORT, RE, 100.00; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 60270.49; CITY OF WAYNE, RE, 1197.78; CLEAN TO A T, SE, 1300.00; COMMUNITY HEALTH, RE, 4.00; DANKO EMERGENCY EQUIPMENT, SU, 1680.00; DAVE'S DRY CLEANING, SE, 60.00; DEARBORN NATIONAL LIFE, SE, 1765.84; DUTTON-LAINSON, SU, 936.91; EAKES OFFICE PLUS, SE, 1132.23; EASYPERMIT POSTAGE, SU, 271.91; ECHO GROUP, SU, 1197.14; ELECTRONIC SYSTEMS, SU, 65.00; FAITH REGIONAL, SE, 90.00; FASTENAL, SU, 139.44; FIVE STAR ENTERPRISES, SU, 15.32; FREDRICKSON OIL, SE, 2780.01; FREDRICKSON TYRFIL, SU, 88.00; GERHOLD CONCRETE, SU, 132.75; GILL HAULING, SE, 155.00; GROSSENBURG IMPLEMENT, SU, 150.15; HARDING & SHULTZ, SE, 106.00; HAUFF MID-AMERICAN SPORTS, SU, 86.00; HAWKINS, SU, 36.00; HILLYARD/SIOUX FALLS, SU, 9.14; HOCKENBERGS, SU, 53.31; HOMETOWN LEASING, SE, 259.98; HTM SALES, SU, 5975.00; ICMA, SE, 6562.13; INDUSTRIAL TOOL, SU, 66.29; INGRAM BOOK COMPANY, SU, 40.26; INTERSTATE ALL BATTERY, SU, 131.85; IRS, TX, 22797.49; JASON CAROLLO, SE, 140.00; JENSEN CONSTRUCTION, SE, 3200.00; JOHNSON HARDWARE, SU, 47.51; CITY EMPLOYEE, RE, 627.66; KRIZ-DAVIS, SU, 951.48; KTCH, SE, 625.00; LANGEMEIER, WAYNE, SE, 525.00; LITE-FORM TECHNOLOGIES, SU, 333.36; MARCO, SE, 126.36; MATHESON TRI-GAS, SU, 502.64; MIDWEST LABORATORIES, SE, 258.35; MIDWEST STORAGE SOLUTIONS, SE, 1318.00; NNEDD, SE, 90.00; CITY EMPLOYEE, RE, 125.07; NE DEPT OF REVENUE, TX, 3273.97; NE LIBRARY COMMISSION, SE, 1284.00; NE NEB INS AGENCY, SE, 591.00; NE SAFETY COUNCIL, SE, 8.89; NPPD, SE, 343059.65; NNPPD, SE, 16694.12; NORTHEAST TIRE SERVICE, SE, 126.48; ONE CALL CONCEPTS, SE, 78.35; PAC N SAVE, SU, 105.20; CITY EMPLOYEE, RE, 58.14; PHP SALES, SU, 288.00; PUSH-PEDAL-PULL, SU, 14.40; QUILL, SU, 521.93; RANDOM HOUSE, SU, 73.75; REHAB SYSTEMS, SE, 4855.00; ROBERT WOehler & SONS, SE, 36241.92; S & S WILLERS, SU, 780.97; SPARKLING KLEAN, SE, 1706.68; STADIUM SPORTING GOODS, SE, 100.00; STANTON COMMUNITY CLUB, RE, 80.00; STATE NEBRASKA BANK, SE, 82996.18; STATE NEBRASKA BANK, RE, 418.12; STEFFEN, SE, 518.21; THE GLASS EDGE, SE, 1558.00; TODD VALLEY FARMS, SU, 568.50; UNITED COMMUNICATIONS, SE, 640.00; UPSTART, SU, 20.95; VIAERO, SE, 127.47; WASTE CONNECTIONS, SE, 73.36; WASTECAP NEBRASKA, FE, 250.00; WAYNE COUNTY CLERK, SE, 1327.00; WAYNE VETERINARY CLINIC, SE, 271.46; WESCO, SU, 266.25; WAPA, SE, 33387.89; YOUNG, BILL, SU, 200.00

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, 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.

Phil Monahan, Fire Chief, requested Council consideration to approving the membership application of Alison Fleer to the Wayne Volunteer Fire Department.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to approve the membership application of Alison Fleer to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Phil Monahan, Fire Chief, requested Council consideration to approving the membership application of Rylee Bessmer to the Wayne Volunteer Fire Department Cadet Program.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, to approve the membership application of Rylee Bessmer to the Wayne Volunteer Fire Department Cadet Program. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would approve a Mutual Aid Agreement between the City of Wayne Fire Department and the Elkhorn Valley Mutual Aid Association.

Phil Monahan and Sean Pearcy of the Wayne Volunteer Fire Department reviewed the agreement and were in favor of approving the same.

Councilmember Sievers introduced Resolution No. 2014-76 and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2014-76

A RESOLUTION APPROVING A MUTUAL AID AGREEMENT BETWEEN THE CITY OF WAYNE AND THE ELKHORN VALLEY MUTUAL AID ASSOCIATION.

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

Discussion took place concerning parking restrictions in the Western Ridge Subdivision. Phil Monahan, Fire Chief, was present and shared his concerns regarding safety and the ability to maneuver fire trucks in that subdivision in an emergency. He recommended parking on one side only. An ordinance would be brought forward at the next meeting for Council consideration. Administrator Johnson stated a letter would also be sent to the residents in Western Ridge to inform them of this upcoming change.

A request was made by Anthony Cantrell to close off the east end of 10<sup>th</sup> Street from Providence Road to Hillside Drive for an electric vehicle car rally on Saturday, September 27, 2014, from 11:00 a.m. until 5:00 p.m.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the request of Anthony Cantrell to close off the east end of 10<sup>th</sup> Street from Providence Road to Hillside Drive for an electric vehicle car rally on Saturday, September 27, 2014, from 11:00 a.m. until 5:00 p.m. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2014-26, and moved for approval of the third and final reading thereof; Councilmember Eischeid 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 PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION ONE, TOWNSHIP TWENTY-SIX NORTH, RANGE THREE, EAST OF THE 6<sup>TH</sup> P.M., WAYNE COUNTY, NEBRASKA, DESCRIBED AS TAX LOTS 32, 34, AND 35, FROM A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL.

Councilmember Muir advised the Council that he had a concern with this area being in the wellhead protection area for Well No. 6. The water from the aquifer draws from that area. As it sits in A-1, there can currently be four wells placed on 10 acre plots if they were to replat it. Changing it to A-2, there could be a potential, if replatted down to 2.5 acre plots, for up to 16 wells drilled in this area. He wanted to make sure the City was not losing all control in that area. However, he has confirmed that if the property owners want this area replatted, it would have to come before Council for approval.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, 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 Annual Christmas on Main Street – Parade of Lights to be held on December 4, 2014.

Councilmember Sievers introduced Resolution No. 2014-77 and moved for its approval; Councilmember Giese seconded.

#### RESOLUTION NO. 2014-77

#### 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, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., was requesting Council consideration to prohibit parking on Main Street from 1<sup>st</sup> Street to 4<sup>th</sup> Street and to allow 3<sup>rd</sup> Street from Main Street west to the alley, not including the intersections, to be blocked off from 5:30 p.m. until 7:30 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, December 4<sup>th</sup>.

Councilmember Muir made a motion, which was seconded by Councilmember Giese, approving the request of Wayne Area Economic Development to prohibit parking on Main Street from 1<sup>st</sup> Street to 4<sup>th</sup> Street and to allow 3<sup>rd</sup> Street from Main Street west to the alley, not including the intersections, to be blocked off from 5:30 p.m. until 7:30 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, December 4<sup>th</sup>. Mayor Chamberlain stated the motion, and the result of roll

call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Roger Protzman of JEO Consulting Group was present to review their proposal on the Biosolids Handling Improvement Project Agreement. In addition, he went over the study or report on the biosolids project.

This engineering agreement will perform three tasks:

- Design and construct a belt press treatment plant and two holding reservoirs for sludge;
- Prepare a preliminary design for a gray water re-use system to return some of the treated water going to Logan Creek; and
- Prepare a preliminary design concept for sunscreens over the final clarifiers to reduce the amount of algae growing.

The estimated cost of the sludge handling tanks and belt press is \$1.8 million.

The other option to a belt press is a downsized lagoon that will still have odor and will need to be pumped out every other year. This is also evaluated in the biosolids report.

Jeff Brady, Water/Wastewater Foreman, stated he preferred to keep the lagoon, but cut it down to 6 acres. The remaining 15 acres could be used to apply the sludge, which would eliminate the need to find ground upon which to apply the sludge. In addition, snow could be dumped or piled on that ground. However, this would not eliminate the odor. There is also a concern that to run the belt press would mean the employees would have to get a higher certification.

Doug Echtenkamp, Water/Wastewater employee, stated his opinion depended upon what the Council wanted to do with the land. If they wanted to sell the land and develop it, then the belt press was the way to go.

Mayor Chamberlain stated Council's decision is do you want the extra six acres of property and the odor to go away, or do you want to keep the lagoon which ties up the six acres.

Administrator Johnson had a concern about the compensation amount being referred to as "estimated." He would like to see this as a "not to exceed" number or to be able to go back through the accounting that the Lincoln office used to arrive at their total number. He wants to see the hours worked at those rates to make sure that they have burned through everything they said they were going to do.

Mr. Protzman stated the Council can amend the contract which he will take back to Lincoln for approval.

Councilmember Eischeid introduced Resolution 2014-78, and moved for its approval with the amendment that the contract amount be a sum not to exceed \$227,610; Councilmember Sievers seconded.

#### RESOLUTION NO. 2014-78

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING AGREEMENT WITH JEO CONSULTING GROUP, INC., FOR PROFESSIONAL SERVICES FOR THE WAYNE BIOSOLIDS HANDLING IMPROVEMENT PROJECT.

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

Mayor Chamberlain declared the time was at hand for the public hearing on the proposed FY 2014-2015 budget.

The total of the FY 2014-2015 budget is \$31,777,128. The property tax proposal for the General Fund operation is \$680,600, which compares to the 2013 tax asking of

\$664,200. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$762,600 or \$.398342 per \$100 of property valuation. The valuation in the community, as reported by the County Assessor for 2014 is \$191,443,581, which is up \$5,939,286 from last year.

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

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

Councilmember Sievers introduced Ordinance 2014-27, and moved for its approval; Councilmember Giese seconded.

#### ORDINANCE NO. 2014-27

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; 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 Ley who was absent, the Mayor declared the motion carried.

Councilmember Giese made a motion and Councilmember Sievers 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 Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Giese made a motion and Councilmember Sievers seconded to move for final approval of Ordinance No. 2014-27. Mayor Chamberlain stated the

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

The base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not spent and are not expected to be spent for capital improvements. Cities are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase. This increases our base number we can use for our restricted fund revenues.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, approving the allowable 1% increase in base limitation of the restricted funds budget. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Resolution 2014-79, and moved for its approval; Councilmember Sievers seconded.

#### RESOLUTION NO. 2014-79

A RESOLUTION TO ADOPT THE 2014-2015 BUDGET FOR THE CITY OF WAYNE.

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

Mayor Chamberlain declared the time was at hand for the public hearing regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.450816 per hundred dollars of property value is included. The levy equates to a tax request of \$863,070. Last year's tax levy was \$.402255 per hundred dollars of valuation; this year it is \$.398342, excluding the airport.

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

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

The following Resolution would approve the final property tax request of \$762,600. This Resolution does not include the airport levy.

Councilmember Muir introduced Resolution 2014-80, and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2014-80

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY 2014-2015.

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

Finance Director, Nancy Braden, reviewed the sales tax projects and potential projects funded by the city sales tax discussed at the budget work session. The sidewalk project connecting Overin Field with the Summer Sports Complex needed to be deleted from the worksheet.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the capital project's city sales tax budget. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

The following Resolution would direct the City Clerk to file a lien against 810 Brooke 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. 2014-81 and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2014-81

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 10 AND LOT B ADMINISTRATIVE SUBDIVISION OF LOT 11, BLOCK 3, VINTAGE HILL 2<sup>ND</sup> ADDITION, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 810 BROOKE DRIVE, WAYNE, NEBRASKA.

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

Councilmember Giese introduced Resolution No. 2014-63 and moved for its approval; Councilmember Sievers seconded.

#### RESOLUTION NO. 2014-63

A RESOLUTION OF THE CITY OF WAYNE ESTABLISHING WATER HOOK-UP FEES FOR THE "CHIEF'S WAY WATER MAIN EXTENSION PROJECT."

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

Council reviewed the fee schedule. The following changes were made:

**Pool**

Family Ticket	\$	95.00	105.00
Pre-Season Discount	\$	85.00	95.00
Individual Ticket	\$	55.00	60.00
Pre-Season Discount	\$	50.00	55.00
Daily Admissions - Over 12	\$	4.50	5.00
Ages 6-12	\$	3.50	4.00
Age 5 and below	\$	3.00	3.00
Swimming Lessons	\$	30.00	35.00
Swimming Parties	\$	75.00	85.00

**Activity Center**

Family	\$	268.49	300.00
Adult Married Couple	\$	207.46	230.00
Single Adult	\$	152.55	170.00
Senior Married Couple	\$	99.72	110.00
Single Senior	\$	74.77	85.00
College			
Year	\$	104.69	120.00
9-months	\$	86.66	100.00
Semester	\$	61.50	70.00
College Married Couple	\$	166.15	185.00
High School (Grades 9-12)	\$	88.39	100.00
Middle School (Grades 5-8)	\$	71.27	80.00
Elementary School (Grades K-4)	\$	55.00	65.00
Punch Card (10 visits)	\$	31.95	36.00
Punch Card (5 visits)	\$	21.30	24.00

**CORPORATE RATES**

Family			
6 - 25 Members	\$	246.46	275.00
26+	\$	235.28	260.00
Adult Couple			
6 - 25 Members	\$	192.22	215.00
26+	\$	186.63	210.00
Adult Single			
6 - 25 Members	\$	141.18	160.00
26+	\$	132.79	150.00



Council wanted to review all rec fees once a full-time Recreation Director has been hired.

Councilmember Eischeid introduced Resolution No. 2014-73 and moved for its approval as amended; Councilmember Sievers seconded.

RESOLUTION NO. 2014-73

A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was 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 Councilmember Ley who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:14 p.m.