

**MINUTES  
CITY COUNCIL MEETING  
November 4, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, November 4, 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 Amy Miller; 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 October 23, 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 Muir, whereas, the Clerk has prepared copies of the Minutes of the meeting of October 21, 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 OCTOBER 21, 2014:** ADD MID PLAINS GRAIN – TIF - 193000.00

**VARIOUS FUNDS:** ALL-AMERICAN PUBLISHING, SE, 294.00; AMERITAS, SE, 2163.86; APPEARA, SE, 107.54; ARNIE'S FORD-MERCURY, SE, 600.79; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 15.00; BLACK HILLS ENERGY, SE, 311.37; BLUETARP FINANCIAL, SE, 42.59; BOMGAARS, SU,

426.69; CITY EMPLOYEE, RE, 150.00; BROWN PLUMBING, SE, 230.50; CENTURYLINK, SE, 314.33; CHEMQUEST, SU, 1622.50; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 25.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 62577.47; CITY OF WAYNE, RE, 225.00; CLEAN TO A T, SE, 1300.00; COMMUNITY HEALTH, RE, 4.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DITCH WITCH OF OMAHA, SU, 181.59; ECHO GROUP, SU, 49.07; CITY EMPLOYEE, RE, 187.66; ELECTRIC FIXTURE, SU, 174.63; ELECTRONIC RECYCLERS, SE, 3500.00; FASTENAL, SU, 40.61; FIREMAN'S ASSOCIATION, SE, 5000.00; FLOOR MAINTENANCE, SU, 168.80; FREDRICKSON OIL, SU, 28.15; GALE GROUP, SU, 93.56; GEMPLER'S, SU, 204.40; GERHOLD CONCRETE, SU, 89.00; GROSSENBURG IMPLEMENT, SU, 26.94; HACH COMPANY, SU, 125.79; HELENA CHEMICAL, SU, 384.00; HOLIDAY INN-DOWNTOWN, SE, 768.65; ICMA, SE, 6831.62; IRS, TX, 22714.29; CITY EMPLOYEE, RE, 150.00; KAY CONTRACTING, SE, 87.50; KELLY SUPPLY, SU, 656.05; CITY EMPLOYEE, RE, 36.96; CITY EMPLOYEE, SE, 280.98; KRIZ-DAVIS, SU, 126.74; KTCH, SE, 400.40; LIVING HERE, SU, 17.00; CITY EMPLOYEE, RE, 16.00; NE DEPT OF ENVIRONMENTAL, FE, 300.00; NE DEPT OF REVENUE, TX, 3198.74; NE NEB INS AGENCY, SE, 85.00; NNPPD, SE, 3751.00; NOVELTY MACHINE & SUPPLY, SU, 286.15; CITY EMPLOYEE, RE, 5.55; PREMIER HOSPITALITY DEVEL, SE, 210.00; ROBERT WOehler & SONS, SE, 51915.73; SIOUX CITY WINNELSON, SE, 43.26; SIOUXLAND TURF PRODUCTS, SU, 132.00; STATE ELECTRICAL DIVISION, FE, 50.00; STATE NEBRASKA BANK, RE, 249.97; THOMPSON ELECTRIC, SU, 1081.50; TOM'S BODY & PAINT SHOP, SE, 27.50; CITY EMPLOYEE, RE, 150.00; TYLER TECHNOLOGIES, SE, 200.00; UTILITIES SECTION, FE, 1015.00; VIAERO, SE, 218.60; VOSS LIGHTING, SU, 198.60; WAYNE COUNTY COURT, RE, 300.00; WAYNE SENIOR CENTER, RE, 850.00; WAYNE STATER, SE, 144.00; CITY EMPLOYEE, FE, 367.33; ADVANCED CONSULTING, SE, 2000.00; AMERICAN BROADBAND, SE, 2496.68; APPEARA, SE, 182.01; ARDENT LIGHTING GROUP, SE, 13743.86; ARNIE'S FORD-MERCURY, SE, 321.37; BIG T ENTERPRISES, SU, 74.95; CITY EMPLOYEE, RE, 248.78; BROWN SUPPLY, SU, 271.88; CARHART LUMBER CO, SU, 319.51; CITY OF PONCA, RE, 12648.84; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 683.75; CITY OF WEST POINT, RE, 18360.38; CITY OF WISNER, RE, 1911.70; CLAUSSEN & SONS IRRIG., SE, 2635.59; COPY WRITE, SE, 153.24; CUMMINS CENTRAL POWER, SE, 235.25; DITCH WITCH OF OMAHA, SE, 541.53; DUTTON-LAINSON, SU, 1301.44; EMBASSY SUITE, SE, 248.00; FIRST CONCORD GROUP, SE, 4947.46; GALE GROUP, SU, 46.48; GEMPLER'S, SU, 14.40; GERHOLD CONCRETE, SU, 341.12; GILL HAULING, SE, 155.00; GODFATHER PIZZA, SU, 26.00; HAUFF MID-AMERICAN SPORTS, SU, 42.00; HAWKINS, SU, 984.36; HEIKES AUTOMOTIVE, SE, 427.59; HELENA CHEMICAL, SU, 160.00; HILLYARD/SIOUX FALLS, SU, 68.54; HOLIDAY INN OF KEARNEY, SE, 173.90; JASON CAROLLO, SE, 70.00; JEO CONSULTING GROUP, SE, 930.00; KELLY SUPPLY, SU, 91.45; KRIZ-DAVIS, SU, 404.70; LIBRARY IDEAS, SU, 900.00; MICHAEL TODD & CO, SU, 4493.99; CITY EMPLOYEE, RE, 56.67; NCMA, FE, 312.00; N.E. NE AMERICAN RED CROSS, RE, 29.62; NORTHEAST TIRE SERVICE, SU, 80.00; OVERDRIVE, INC., SU, 715.20; PIEPER & MILLER, SE,

2185.00; PONCA RURAL FIRE BOARD, RE, 3026.86; QUALITY FOODS, SU, 31.60; SINCLAIR/DAYLIGHT, SU, 310.85; STADIUM SPORTING GOODS, SU, 205.00; STAPLES ADVANTAGE, SU, 305.96; STATE NEBRASKA BANK, SE, 69.28; TIM KELLER, RE, 500.00; TURFWERKS, RE, 3100.00; UNITED WAY, RE, 6.20; US BANK, SU, 2655.36; VILLAGE OF WINSIDE, RE, 4046.18; WASTE CONNECTIONS, SE, 73.36; WAYNE COUNTY CLERK, SE, 166.00; WAYNE COUNTY COURT, RE, 400.00; WESCO, SU, 145.69

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, to approve the claims.

Administrator Johnson requested Council to hold the claim of Claussen & Sons for the sum of \$2,635.59.

Councilmember Sievers amended her motion to approve the claims with the exception of that to Claussen & Sons for \$2,635.59; Councilmember Giese amended his second to the motion. 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 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.

Marion Arneson was present requesting Council consideration to prohibit and and/or restrict parking in Cityside Park. The streets are narrow in this little subdivision, and he is concerned for safety reasons. Two parking stalls are provided for each

residence, and the residents in the park, per the covenants, are not supposed to park on the street.

After some discussion, consensus was to have staff prepare ordinances for Council consideration at the next meeting.

Councilmember Sievers introduced Ordinance No. 2014-28, and moved for approval of the third and final reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2014-28

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, SECTION 78-128 RELATING TO PARKING; PROHIBITED PARKING; NORTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BJ Woehler was present requesting Council consideration to amending the ordinance to allow parking on the north side of Bressler Court (at the throat of the cul de sac). As the ordinance is written, no parking is allowed in the cul de sacs.

Councilmember Sievers would not amend her motion. Councilmember Greve withdrew his second. There being no second to the motion, Mayor Chamberlain stated the motion died for lack of a second.

Councilmember Muir then introduced Ordinance No. 2014-28, and moved for approval of the third and final reading thereof, as amended, with the proposed changes BJ Woehler brought forward – allowing parking less than 40’ on the north side of Bressler Court; Councilmember Giese seconded.

ORDINANCE NO. 2014-28

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, SECTION 78-128 RELATING TO PARKING; PROHIBITED PARKING; 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 Councilmember Ley who was absent and Councilmember Sievers who voted Nay, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2014-29, and moved for approval of the third and final reading thereof, as amended, by adding in Bressler Court to comply with the rest of the City; Councilmember Greve seconded.

ORDINANCE NO. 2014-29

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 Councilmember Ley who was absent and Councilmember Sievers who voted Nay, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2014-30, and moved for approval of the third and final reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2014-30

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 6 ALCOHOLIC BEVERAGES, SECTION 6-18 HOURS OF SALE; 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 Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2014-31, and moved for approval of the second reading thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2014-31

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 22, ARTICLE II. OCCUPATION TAX BY ADDING SECTION 22-37 UTILITY FRANCHISE FEES; 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 Ley who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2014-32, and moved for approval of the second reading thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2014-32

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, SECTION 22-33 OF THE WAYNE MUNICIPAL CODE REGARDING NATURAL GAS COMPANIES; FRANCHISE FEE; TO REPEAL THE ORIGINAL SECTION; AND PROVIDE 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. The third and final reading will take place at the next meeting.

The following Resolution would authorize the borrowing of \$70,000 from the City of Wayne's Electric Fund for airport improvements. This was tabled at the last meeting.

Nancy Braden, Finance Director, was present to answer questions. There were over \$2,000,000 worth of improvements done at the airport due to the tornado. Of that, approximately \$185,000 was not paid for by insurance. Of that amount, the airport is short about \$70,000. This is a cash-flow issue. It will take them about 12-18 months to

make up that money. They are requesting a loan for that amount at 3% interest to be paid back over a two-year period. The majority of this amount covered the cost of paving the west driveway at the airport.

Carl Rump was also present to answer questions.

Councilmember Muir introduced Resolution No. 2014-87 and moved for its approval (\$70,000 loan, with semi-annual payments, at 3% interest, over a two-year period); Councilmember Sievers seconded.

#### RESOLUTION NO. 2014-87

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE BORROWING OF FUNDS FROM THE CITY OF WAYNE ELECTRIC FUND FOR AIRPORT IMPROVEMENTS.

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

The following Resolution would approve a contract between the City and Northeast Nebraska Economic Development District to do an environmental review of the Wayne Housing Authority's Department of Housing and Urban Development Capital Funds Award. The Wayne Villa a/k/a Wayne Housing Authority continues to operate under HUD guidelines and continues to secure federal grants for capital improvements. HUD has required that all Housing Authorities complete an environmental review of the physical premises. Since the City is the owner, we are ultimately responsible to have the review completed and to comply with HUD standards. Trine McBride is the Wayne Housing Authority Director. Trine has arranged for the work to be done as soon as the

Council takes action to approve the contract. The Villa will reimburse the City for the cost. The Villa has received this funding for approximately 20 years.

Trine McBride, Executive Director of the Wayne Housing Authority, was present to answer questions. They have 35 units. Their occupancy rate for the past 5 years has been 100%, with a waiting list.

Councilmember Sievers introduced Resolution No. 2014-90 and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2014-90

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, TO APPROVE A CONTRACT BETWEEN THE CITY OF WAYNE AND THE NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT FOR THE COMPLETION OF AN ENVIRONMENTAL REVIEW FOR THE WAYNE HOUSING AUTHORITY'S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT CAPITAL FUNDS AWARD.

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 will reaffirm the project engineer, Advanced Consulting Engineering Services, and approves the plans, specifications and estimate of cost, as well as direct the City Clerk to begin advertising for bids on the Windom Street Storm Sewer Project. This project was initially bid out late last spring, and those bids were rejected at that time, with the understanding that the project would be rebid later. The estimated cost of the project is \$100,000.00.

Councilmember Sievers introduced Resolution No. 2014-91 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-91

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN STORM SEWER IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA (WINDOM STREET STORM SEWER 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.

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 Ley who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:12 p.m.