

**MINUTES
CITY COUNCIL MEETING
November 18, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, November 18, 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, Kaki Ley, Matt Eischeid, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on November 6, 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 November 4, 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, 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 11/4/14: DELETE CLAUSSEN IRRIGATION, SE, 2635.59

VARIOUS FUNDS: AMERITAS, SE, 2273.67; APPEARA, SE, 40.81; ARNIE'S FORD, SU, 36216.00; BAKER & TAYLOR BOOKS, SU, 852.92; BANK FIRST, SE, 15.00; BARONE SECURITY SYSTEMS, SE, 81.96; CITY EMPLOYEE, RE, 76.39; CHARTWELLS, SE, 6641.60; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, PY, 61881.01; CITY OF WAYNE, RE, 109.77; CLAUSSEN & SONS IRRIG., SE, 250.00; COMMUNITY HEALTH, RE, 4.00; COUNTRY

NURSERY, SE, 15723.00; CITY EMPLOYEE, RE, 414.75; DANKO EMERGENCY EQUIPMENT, SU, 966.19; DAVE'S DRY CLEANING, SE, 90.00; ECHO GROUP, SU, 23.99; FLOOR MAINTENANCE, SU, 65.47; GAMBLE LANDSCAPING, SE, 965.00; HARTINGTON TREE, SE, 3374.00; HHS REGULATION & LICENSURE, FE, 115.00; ICMA, SE, 6835.74; INGRAM BOOK CO, SU, 599.12; IRS, TX, 22746.71; JEO CONSULTING GROUP, SE, 8102.50; JOHN'S WELDING AND TOOL, SE, 19.80; KANSAS MUNICIPAL UTILITIES, FE, 245.00; KELLY SUPPLY, SU, 122.51; KEPSCO, SU, 18.28; KRIZ-DAVIS, SU, 33856.35; LINPEPCO, SU, 138.50; LOREN PARK, RE, 500.00; MARCO, SE, 135.45; MATHESON TRI-GAS, SU, 29.76; CITY EMPLOYEE, RE, 8.83; MIDWEST LABORATORIES, SE, 697.85; MILO MEYER CONSTRUCTION, SE, 539.85; CITY EMPLOYEE, RE, 128.67; NE DEPT OF REVENUE, TX, 3232.07; NE RURAL ELECTRIC ASSOC, SU, 121.25; NPPD, SE, 256407.56; NORFOLK DAILY NEWS, SU, 149.00; NNPPD, SE, 12306.60; NORTHEAST TIRE SERVICE, SE, 90.95; ONE CALL CONCEPTS, SE, 117.25; OVERHEAD DOOR COMPANY, SE, 1503.75; PAC N SAVE, SU, 166.58; RANDOM HOUSE, SU, 472.87; CITY EMPLOYEE, RE, 256.95; SCHWAN'S FOOD CO, RE, 200.00; SIGNS BY TOMORROW, SE, 1628.00; SKARSHAUG TESTING LAB, SE, 125.15; SPARKLING KLEAN, SE, 1659.55; SHOPKO PHARMACY, SE, 99.98; SHOPKO, SU, 84.80; STADIUM SPORTING GOODS, SU, 630.00; STATE OF NE, FE, 140.00; STAYWELL, SU, 122.21; VIAERO, SE, 127.47; W.T. COX SUBSCRIPTIONS, SU, 1922.68; WASTECAP NEBRASKA, FE, 159.00; WAYNE AIRPORT, RE, 70000.00; WAYNE COMMUNITY SCHOOLS, SU, 85.00; WAYNE VETERINARY CLINIC, SE, 448.00; WESCO, SU, 993.65; WAPA, SE, 27551.97; WINGATE INN, SE, 539.70; WISNER WEST, SU, 140.39; AMAZON.COM, SU, 286.65; APPEARA, SE, 124.03; ASA FOOTBALL, SU, 512.95; CITY EMPLOYEE, RE, 45.72; CITY EMPLOYEE, RE, 108.31; BROWN PLUMBING, SE, 115.75; CARMIE MAROTZ, RE, 500.00; CARROT-TOP INDUSTRIES, SU, 42.97; CIVICPLUS, SE, 3984.12; CLAUSSEN & SONS IRRIG., SE, 3274.84; COOPORTUNITY HEALTH, SE, 31343.75; CREATIVE DISPLAYS, SU, 141.20; DEARBORN NATIONAL LIFE, SE, 1854.28; DEMCO, SU, 96.00; CITY EMPLOYEE, SU, 150.00; ECHO GROUP, SU, 1089.43; ELECTRONIC ENGINEERING, SE, 4832.02; ELECTRONIC SYSTEMS, SE, 65.00; FASTENAL, SU, 288.87; FIRST SOURCE TITLE&ESCROW, SE, 100.00; GALE GROUP, SU, 165.68; GEMPLER'S, SU, 93.95; GERHOLD CONCRETE, SU, 197.56; GLEN'S AUTO BODY, SE, 77.32; HAWKINS, SU, 501.31; HEWLETT-PACKARD, SU, 8685.80; KTCH, SE, 625.00; LERNER PUBLISHING GROUP, SU, 355.36; LUTT OIL, SU, 5779.70; MIDWEST MECHANICAL, SU, 430.26; MIDWEST MESSENGER, SU, 35.00; MSC INDUSTRIAL, SU, 306.93; CITY EMPLOYEE, RE, 16.00; NE AIR FILTER, SU, 518.08; NE DEPT OF ENVIRONMENTAL, SE, 199928.82; NE SAFETY COUNCIL, SU, 8.86; NORTHWEST ELECTRIC, SU, 8501.25; NOVELTY MACHINE & SUPPLY, SU, 186.45; OMAHA TRUCK CENTER, SU, 89.96; CITY EMPLOYEE, RE, 64.00; PIEPER & MILLER, SE, 1800.00; PITNEY BOWES, SU, 258.00; POLLARD PUMPING, SE, 300.00; POSTMASTER, SU, 636.31; QUILL, SU, 285.83; STEVE LAMOUREX, SE, 87.00; SUPERCIRCUITS, SU, 9086.48; THE CHILD'S WORLD, SU, 75.80; TYLER TECHNOLOGIES, SE, 200.00; W.T. COX SUBSCRIPTIONS, SU, 22.64; WATERLINE ENVIROTECH, SU, 401.88; WAYNE

AUTO PARTS, SU, 732.60; WAYNE HERALD, SE, 1357.27; WAYNE RENTALS, RE, 3500.00; WESCO, SU, 1054.35; WINDOM RIDGE, RE, 2873.37; ZEE MEDICAL SERVICE, SU, 80.35

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, 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 Tim Reinke to the Wayne Volunteer Fire Department.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, to approve the membership application of Tim Reinke to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

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

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to approve the membership application of Drew Davie to the Wayne Volunteer

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

Mayor Chamberlain declared the time was at hand for the public hearing on the Application for Community Development Block Grant Funds on behalf of Jennifer and Chadric Claussen in the amount of \$52,500 to purchase Swans Apparel located at 205 Main Street.

The total project costs are \$252,530 to purchase the building/real estate, which includes inventory, FFE, Point of Sale, Working Capital and Goodwill/Fees. State Nebraska Bank will provide a loan up to \$75,000. The City of Wayne will provide \$52,500 through its CDBG Revolving Loan funds and \$47,530 from its LB840 funds. Wayne Area Economic Development will provide \$10,000 for working capital. NED, Inc., is also loaning the Claussens \$52,500. The Claussens will provide equity of \$15,000 in cash for the project. The project will create and/or retain 3.5 employees.

Jeff Christensen, Business Loan Specialist with Northeast Nebraska Economic Development District, was present to answer questions. The District has approved this loan, with the terms being for 15 years at 5% interest. The CDBG funds will be sub-granted to NED, Inc., who will in turn loan the funds to the Claussens.

Jennifer and Chadric Claussen were present to answer questions.

Councilmember Giese had concerns about the amount of equity that the Claussens were contributing to the financing of the project.

Councilmember Ley and Sievers spoke in favor of this project, as well as Lukas Rix, adjacent business owner, and Matthew Ley, representing the Downtown Wayne Association.

Melodie Younts, adjacent business owner, spoke against the project.

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

Councilmember Sievers introduced Resolution No. 2014-92 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-92

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

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

Wes Blecke, Director of Wayne Area Economic Development, was present and advised the Council that the LB840 Sales Tax Advisory Committee met to review and make recommendations on two LB840 requests.

On the first application, the Committee reviewed the request of Jennifer and Chadric Claussen for a \$47,530 loan to purchase Swans Apparel (business and building). The requested terms were for a forgivable loan at \$47,530. The recommended or modified terms from the Committee was for one-half of the amount or \$23,765 to be a forgivable loan, and one-half or \$23,765 to be a loan for 15 years at 3% interest. There were no terms on the forgivable loan.

It was noted that the LB840 Sales Tax Advisory Committee has never denied a loan, but they have modified terms. The Council has been more lenient in the past on these loans.

Mayor Chamberlain stated this business would be a significant contributor to sales tax. Many businesses who have received LB840 funds will never contribute to sales tax.

Jennifer and Chadric Claussen were present to answer questions. Ms. Claussen stated for her small business loan guarantee, she would need funds to be forgivable so she would have more equity. Loren Kucera is comfortable with what the Committee is recommending.

Councilmember Haase was in favor of this loan as recommended by the Committee.

Councilmember Eischeid understood the concerns of some of the Councilmembers and the amount of equity being put into this, but he also understood that at their age, they would not have much equity. He trusts the banker's and the committee's recommendation if they feel this is the right or best thing to do, then the City should do the same.

Councilmember Giese had a concern over the forgivable aspect of the loan. He would be more comfortable with a lower interest loan. He did not think the City's judgment could be based off the bank's judgment, because they are the first lien holder. He would be willing to give a 0% loan.

Councilmember Muir advised the Council that he received a call from a constituent that was concerned about the low investment on the Claussen's part.

After further discussion, Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving the recommendation of the LB840 Sales Tax Advisory Committee to approve a \$23,765 loan with the condition that it be based on

1.5 employees and forgivable over five years, and a \$23,765 loan with a term of 15 years at 3% interest to Jennifer and Chadric Claussen. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who voted Nay, the Mayor declared the motion carried.

Ms. Claussen advised Attorney Miller she wanted to make payments on a monthly basis.

On the second application, the Committee reviewed a request by Wayne Area Economic Development for a \$5,000 grant for administration of the Wayne Area Economic Development Program fund. WAED is requesting funds to help cover the costs associated with administering the LB840 fund for the City of Wayne. These costs include staff time to meet with potential applicants, attend committee meetings to review the applications, prepare semi-annual reports, attend City Council meetings representing the Committee, and reporting semi-annually on the program. This request has been reduced to \$5,000 since Wayne County increased its contribution to WAED by \$5,000.

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, approving the recommendation of the LB840 Sales Tax Advisory Committee for a \$5,000 grant for marketing and administration of the Wayne Economic Development Program Fund. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-264 Permitted Conditional

Uses in the R-3 Residential Zoning District. The applicant, City of Wayne, seeks the request to amend the conditions for a multi-family structure.

The Planning Commission reviewed the information at their public hearing on November 3, 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.

The amendment is as follows:

Sec. 90-264. Permitted conditional uses

A building or premises in an R-3 district may be used for the following in conformance with the prescribed conditions:

1. For a bed and breakfast guest home:
 - a. Parking as required in Section 90-710.
 - b. Signs in conformance with Section 90-713.
 - c. A maximum of four rooms or suites of rooms are made available for use as transient lodging.
 - d. The remainder of the dwelling shall be used and occupied full time, year-round as a residence by the host family.
2. For a domestic shelter, the maximum number of occupants shall not exceed one person per 1,000 square feet of lot area.
3. For a multi-family dwelling.
 1. The maximum number of sleeping rooms shall not exceed one per ~~500~~ **700** 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.

It was noted that staff recommended going from 500 square feet of lot area to 800 square feet of lot area, but the Planning Commission reduced that to 700 square feet of lot area.

Councilmember Brodersen thought Council should approve the recommendation of the Building Inspector.

This will not affect any project that has already been started.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against the public hearing.

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

Councilmember Sievers introduced Ordinance No. 2014-36, and moved for approval thereof, with the amendment that the maximum number of sleeping rooms shall not exceed one per **750** square feet of lot area; Councilmember Ley seconded.

ORDINANCE NO. 2014-36

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 4 R-3 RESIDENTIAL DISTRICT, SECTION 90-264 PERMITTED CONDITIONAL USES; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-710 Parking Regulations,

Terrace (4). The applicant, City of Wayne, seeks the request to increase the minimum terrace parking stall size from 8'x20' to 9'x20'.

The Planning Commission reviewed the information at their public hearing on November 3, 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.

The definition is as follows:

Sec. 90-710

Terrace

1. Parking or driveway surface shall only be on concrete or hot mix asphalt.
2. Parking or driveway surface shall be a minimum of five and a half (5½) inches thick and shall include the intersecting sidewalks to the same depth.
3. Parking or driveway surface shall have the curb ground or sawed out the entire parking or driveway width.
Exception: When proposed parking is parallel to the curb and there are two approach or driveway curb inlet and outlet ramps.
4. Parking surfaces located in the terrace shall be large enough and shall be required to have a parking barrier to prevent vehicles from overhanging the curb or sidewalk. The minimum size of a parking stall surface shall be an ~~8'~~ 9' X 20' rectangle.
5. Terrace parking shall not interfere with the intersection site triangle of this code.
6. Driveway surfaces shall include all of the terrace right-of-way from the street back of curb to the property line.
7. Terrace parking and driveway surfaces shall be excavated a minimum of four (4) inches deeper than the surrounding terrain or unpaved surface.
8. Parking or driveway surfaces at the back of curb line shall be excavated to the same depth as the abutting street depth a minimum of twelve (12) inches wide the entire width of the parking surface or driveway.
9. Parking or driveway surfaces shall be placed on a minimum of two (2) inches of compacted sand or gravel material.
10. Proposed parking or driveway surface's property owner shall first obtain a curb grind permit and/or driveway apron construction permit.

This, again, will not affect any project that has already been started.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against the public hearing.

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

Councilmember Eischeid introduced Ordinance No. 2014-37, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-37

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, SECTION 90-710 PARKING REGULATIONS; 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Sievers introduced Ordinance No. 2014-31, and moved for approval of the third and final reading thereof; Councilmember Haase 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, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2014-32, and moved for approval of the third and final reading thereof; Councilmember Ley 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,
the Mayor declared the motion carried.

The following ordinance would prohibit parking in Cityside Park on the east and
south sides of the streets in this subdivision.

Councilmember Sievers introduced Ordinance No. 2014-38, and moved for
approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2014-38

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,
the Mayor declared the motion carried. The second reading will take place at the next
meeting.

The following ordinance would restrict parking midnight to 5:00 a.m. in Cityside
Park on the west and north sides of the streets in this subdivision.

Councilmember Sievers introduced Ordinance No. 2014-39, and moved for
approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-39

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE III OF THE WAYNE
MUNICIPAL CODE, SECTION 78-131 RELATING TO PARKING;
RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following ordinance would impose a sales and use tax in the amount of one-half of one percent onto the already 1% in place.

Councilmember Ley introduced Ordinance No. 2014-40, and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2014-40

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 2, ARTICLE VI RELATING TO SALES AND USE TAX; IMPOSING AN ADDITIONAL ONE-HALF OF ONE PERCENT SALES AND USE TAX UPON THE SAME TRANSACTIONS WITHIN THE CITY OF WAYNE UPON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX; PROVIDING EFFECTIVE DATE; PROVIDING TERMINATION DATE; PROVIDING DEPOSIT IN THE GENERAL FUND AND THE ALLOCATION THEREOF.

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

Councilmember Ley made a motion and Councilmember Brodersen 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, the Mayor declared the motion carried.

Councilmember Ley made a motion and Councilmember Eischeid seconded to move for final approval of Ordinance No. 2014-40. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Doug Sturm was present requesting Council consideration to establishing one-hour time limits on two parking stalls in front of the entrance door at the Mineshaft Mall.

This would provide close up parking for less ambulatory patrons of businesses in the Mineshaft Mall.

It was noted that the closest handicap parking stall was by Dollar Plus.

Council suggested three stalls instead of two.

A concern was that other business owners would come forward for time limits to be placed on parking spaces in front of their businesses.

After discussion, Councilmember Eischeid introduced Ordinance No. 2014-41, and moved for approval thereof amending it to three parking stalls (2, 3, and 4 from the alley going east) for one hour parking – with the exception of the no parking restriction from 3:30 a.m. until 5:30 a.m.; Councilmember Greve seconded.

ORDINANCE NO. 2014-41

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78, ARTICLE III, SECTION 78-134 RELATING TO PARKING TIME LIMITS OF 30 MINUTES AND ONE HOUR; LOCATION; 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following Resolution would approve an agreement with JEO Consulting Group, Inc., for professional services for the “Wayne Storm Shelter/Water Line Improvement Project.” This would be for a sum of not to exceed \$47,340.00. Council previously approved JEO as the consultant that is needed for any projects for this CIS Grant.

Councilmember Sievers introduced Resolution No. 2014-93 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-93

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING AGREEMENT WITH JEO CONSULTING GROUP, INC., FOR PROFESSIONAL SERVICES FOR THE “WAYNE STORM SHELTER/WATER LINE IMPROVEMENT PROJECT.”

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

The following Resolution would direct the City Clerk to file a lien against 615 West Third Street 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 Brodersen introduced Resolution No. 2014-94 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2014-94

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 THE WEST HALF (W1/2) OF LOT TEN (10), TAYLOR & WACHOB’S ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 615 WEST THIRD STREET, WAYNE, NEBRASKA.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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 Ley introduced Resolution No. 2014-95 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-95

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, the Mayor declared the motion carried.

The following Resolution would direct the City Clerk to file a lien against 111 Fairgrounds Avenue 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 Giese introduced Resolution No. 2014-96 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-96

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 TAX LOT 22 (50X100 FT. TRACT) IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 111 FAIRGROUNDS AVENUE, WAYNE, NEBRASKA.

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

Discussion took place on the three bids that were received on the wheel loader. Because the lowest bid (Titan Machinery) did not meet the specifications, staff was recommending that all bids be rejected. Staff will either rebid the same or purchase off the State bid.

Representatives from Titan Machinery were present to answer questions.

\$198,000 was budgeted for the loader and \$19,750 was budgeted for the grapple fork.

Councilmember Giese introduced Resolution No. 2014-97 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2014-97

A RESOLUTION REJECTING BIDS FOR THE PURCHASE OF A WHEEL LOADER.

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 the contract between the City and NDEQ for the Clean Water State Revolving Fund (CWSRF) Project for the Biosolid Treatment and Dewatering Facility Improvements. This will be a \$1,938,650 loan at 2.5% interest for 20 years, with \$100,000 being forgiven over time.

Councilmember Sievers introduced Resolution No. 2014-98 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2014-98

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, TO APPROVE A CONTRACT BETWEEN THE CITY OF WAYNE AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE CLEAN WATER STATE REVOLVING FUND (CWSRF) PROJECT LOAN NO. C31-7032 FOR THE BIOSOLID TREATMENT AND DEWATERING FACILITY IMPROVEMENTS.

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 the selection of Steve Harris Construction as the contractor for the Windom Street, East 3rd Street to East 7th Street

Project for \$965,654.30. This project will replace the water main, storm drain system and paving of Windom Street from 3rd Street to 7th Street in 2015. It was approved for 80% Federal funding in 2008 and is scheduled to be started and completed in 2015. There will be an additional \$265,000 in engineering fees for this project.

Councilmember Sievers introduced Resolution No. 2014-99 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-99

A RESOLUTION APPROVING THE SELECTION OF STEVE HARRIS CONSTRUCTION AS THE CONTRACTOR FOR THE WINDOM STREET, EAST 3RD STREET TO 7TH STREET PROJECT FOR \$965,654.30.

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

Discussion took place in regard to establishing parking time limits in front of City Hall.

Staff would prepare an ordinance to establish a one-hour time limit for 3 parking stalls in front of City Hall. Council can amend the same should they so choose to.

Discussion took place on the purchase of tablets for Council usage. Brian Kesting, Information Technology Specialist, was present to go over a couple of options. After discussion, Mr. Kesting advised the Council that he would try to obtain a couple of tablets to show them at the next Council meeting.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, setting a public hearing date of December 16, 2014, at or about 5:30 p.m. to consider the Planning Commission's recommendation in regard to adding Chapter 10 – Environment Element – Community Sustainability to the Comprehensive Plan. Mayor

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

Administrator Johnson advised the Council that there is a grant the City could apply for to obtain 50% funding to revise and adopt a new Comprehensive Plan, which was a part of the goals established at the 2014 strategic planning retreat. Northeast Nebraska Economic Development District will aid in the application process. The last update was completed in 2006.

Councilmember Eischeid thought it was too soon to update the plan.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, directing staff to make an application for NIFA Grant Funds for updating the Comprehensive Plan and Zoning Regulations. 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 requested Council consideration to the following appointments to the Board of Adjustment: BJ Woehler (replaces Jeff Morlok) term will end 6/30/17; Breck Giese – term will end 6/30/17; and Robert Woehler (Alternate) – term will end 6/30/17.

It was noted that there are six members and one alternate member on the Board of Appeals.

Councilmember Eischeid had concerns about two members of the same family serving on the same board.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, approving the appointment of BJ Woehler, Breck Giese, and Robert Woehler

(alternate) to the Board of Adjustment. 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 requested Council consideration to the following appointments to the Board of Appeal: Kelby Herman (replaces vacancy left by Jeff Ellis) – term will end 10/31/15 and reappointment of Matt Wachter – term will end 8/31/17.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving the appointment of Kelby Herman and the reappointment of Matt Wachter to the Board of Appeal. 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 the following appointments to the Planning Commission: Reappointment of Jeff Carstens – term will end 6/30/17 and appointment of Melanie Loggins – term will end 6/30/17.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the reappointment of Jeff Carstens and appointment of Melanie Loggins to the Planning Commission. 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 8:05 p.m.