

**MINUTES
CITY COUNCIL MEETING
December 2, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, December 2, 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 20, 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 Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of November 18, 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:

VARIOUS FUNDS: ALMQUIST, MALTZAHN, SE, 500.00; AMERICAN BROADBAND, SE, 990.00; AMERITAS, SE, 2612.30; APPEARA, SE, 130.79; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 15.00; BARNHART CRANE & RIGGING, SE, 600.00; CITY EMPLOYEE, RE, 56.46; BLACK HILLS ENERGY, SE, 801.97; BROWN PLUMBING, SE, 2052.00; CAPSTONE PRESS, SU, 562.21; CENTURYLINK, SE, 314.33; CITY OF WAYNE, PY, 69103.56; CITY OF WAYNE, RE, 694.89; COMMUNITY HEALTH, RE, 4.00; DANKO EMERGENCY EQUIPMENT, SU, 1009.00; DE LAGE LANDEN FINANCIAL, SE, 77.00;

DEARBORN NATIONAL LIFE, SE, 113.52; DUTTON-LAINSON, SU, 314.18; EASYPERMIT POSTAGE, SU, 1754.39; FIRST CONCORD GROUP, SE, 3331.64; FLOOR MAINTENANCE, SU, 419.25; GOVERNMENTAL ACCOUNTING, SU, 225.00; GRAINGER, SU, 120.43; GROSSENBURG IMPLEMENT, SU, 486.15; HACH COMPANY, SU, 75.19; HD SUPPLY WATERWORKS, SU, 1064.17; HOMETOWN LEASING, SE, 333.49; HTM SALES, SE, 3917.23; ICMA, SE, 6835.74; IRS, TX, 25057.21; JEO CONSULTING GROUP, SE, 2250.00; KRIZ-DAVIS, SU, 1164.05; CITY EMPLOYEE, RE, 128.00; MIDWEST STORAGE SOLUTIONS, SU, 7656.00; MOONLIGHT TOWING, SE, 95.85; MUFFIN MORRIS, RE, 500.00; N.E. NEB ECONOMIC DEV DIS, SE, 759.00; NE DEPT OF REVENUE, TX, 3486.56; NE NEB INS AGENCY, SE, 116.00; NE PUBLIC HEALTH, SE, 691.00; N.E. NE AMERICAN RED CROSS, RE, 49.24; ODEYS, SU, 11131.20; OLSSON ASSOCIATES, SE, 323.48; ORIENTAL TRADING, SU, 388.20; PHILIP PFALTAGRAFF, RE, 500.00; QUILL, SU, 180.89; ROBERTSON IMPLEMENT, SU, 23.10; SCHOOL OUTFITTERS, SE, 127.34; SOOLAND BOBCAT, SU, 498.96; STADIUM SPORTING GOODS, SU, 48.00; STATE NEBRASKA BANK, RE, 125.01; STEVE LAMOUREX, SE, 20.00; TOTAL BACKFLOW RESOURCES, FE, 575.00; UNITED WAY, RE, 12.40; VERIZON, SE, 99.09; WAED, SE, 5000.00; WAED, SE, 7216.66; WAYNE HERALD, SE, 96.00; WESCO, SU, 144.84; ALL-AMERICAN PUBLISHING, SE, 274.00; AMERICAN BROADBAND, SE, 1508.08; APPEARA, SE, 118.49; ARNIE'S FORD-MERCURY, SE, 287.85; BIG T ENTERPRISES, SU, 110.95; BOMGAARS, SU, 1726.67; CITY EMPLOYEE, RE, 80.48; BROWN SUPPLY, SU, 443.88; CERTIFIED TESTING SERVICE, SE, 719.00; CITY OF WAYNE, RE, 35.00; CITY OF WAYNE, RE, 100.00; CLEAN TO A T, SE, 1300.00; DUTTON-LAINSON, SU, 2837.16; EAKES OFFICE PLUS, SE, 1070.29; ECHO GROUP, SU, 324.97; HAWKINS, SU, 688.34; HD SUPPLY WATERWORKS, SU, 661.39; HEIKES AUTOMOTIVE, SE, 42.60; HUBER TECHNOLOGY, SE, 4873.75; JOHNSON HARDWARE, SU, 48.28; CITY EMPLOYEE, RE, 101.22; NE DEPT OF LABOR, SE, 72.00; NE MUNICIPAL CLERKS ASSOC, FE, 35.00; NE NOTARY ASSOC, SE, 188.64; NEBRASKA COMMUNITY FND, FE, 100.00; NNPPD, SE, 5109.00; ONE CALL CONCEPTS, SE, 57.60; PIEPER & MILLER, SE, 3270.00; PLUNKETT'S PEST CONTROL, SE, 70.00; QUILL, SU, 152.91; RESCO, SU, 162.57; SKARSHAUG TESTING LAB, SE, 218.83; VIAERO, SE, 315.31; WASTE CONNECTIONS, SE, 73.36; WAED, SE, 7216.66; WAYNE COUNTY CLERK, SE, 170.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE VETERINARY CLINIC, SE, 269.00; CITY EMPLOYEE, RE, 86.00; ZACH HEATING & COOLING, SU, 35.00

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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 Brodersen made a motion and seconded by Councilmember Ley to adjourn the meeting sine die. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

This being the time for the new Mayor and new Council to organize, and Ken Chamberlain having qualified for Mayor, and Rod Greve, Matt Eischeid, Jason Karsky and Jill Brodersen having qualified for Councilmembers of the 1st, 2nd, 3rd and 4th Wards respectively, City Attorney Amy Miller presented the oaths of office to Ken Chamberlain, Rod Greve, Matt Eischeid, Jason Karsky and Jill Brodersen.

Councilmember Muir made a motion, which was seconded by Councilmember Giese, nominating Jill Brodersen as President of Council.

Councilmember Eischeid, with a second by Councilmember Giese, made a motion to cease nominations. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain then called for the vote on the motion to nominate Jill Brodersen as President of Council, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Greve, to reconvene the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain then presented a plaque to outgoing Councilmember Ley in appreciation of her valued contributions made to the City of Wayne as Councilmember from 2004-2014.

Mayor Chamberlain moved agenda item nos. 15 and 16 to the front of the agenda.

Administrator Johnson advised the Council that the City has been awarded a grant from the Nebraska Recycling Association to replace the old cardboard baler at the transfer station with a new baler, which will cost \$14,397. The grant will cover 75% of that cost. Around 60 tons per year are baled and shipped from the transfer station.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, accepting a 75% grant from the Nebraska State Recycling Association to replace the old cardboard baler at the transfer station with a new baler - \$14,397. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Sandy Brown, representing the Wayne Green Team, was present requesting Council consideration to accepting the \$1,000 grant that they have been awarded from the Nebraska State Recycling Association to purchase recycling containers/bins for downtown Wayne.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, accepting a \$1,000 grant from the Nebraska State Recycling Association to purchase recycling containers for downtown Wayne. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2014-36, and moved for approval of the second reading thereof; Councilmember Haase 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.

Tom Jacobsen was present and shared concerns he had with this amendment and how it might affect his tax increment financing agreement and the apartments he is supposed to build on 13th Street.

After some discussion, Attorney Miller advised the Council that they could either move forward with the second reading or table it, either which would give her time to research the matter prior to the next meeting. The ordinance can still be amended on the third reading.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2014-37, and moved for approval of the second reading thereof; Councilmember Sievers 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 third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2014-38, and moved for approval of the second reading thereof; Councilmember Sievers 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 (CITYSIDE PARK).

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2014-39, and moved for approval of the second reading thereof; Councilmember Sievers 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 (CITYSIDE PARK).

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Eischeid stated in regard to Ordinance No. 2014-41, he had a citizen approach him who had concerns about the City paying for the parking signs in front of the Mineshaft Mall, in light of the fact that these parking restrictions are for the

benefit of one business. This person was of the opinion that the business owner who is requesting this parking restriction should pay for those signs if this ordinance passes.

Attorney Miller did not know if this was legal or not, but would not recommend it.

Councilmember Sievers introduced Ordinance No. 2014-41, and moved for approval of the second reading thereof; Councilmember Giese 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.

Administrator Johnson noted that the next agenda item - No. 13, establishes one hour parking time limits in front of City Hall. He advised that this could be made a part of this ordinance if Council so chooses.

Councilmember Sievers and Councilmember Giese both rescinded their original motions.

Councilmember Sievers then introduced Ordinance No. 2014-41, and moved for approval of the second reading thereof as amended (to also include a one hour parking time limit in front of City Hall); Councilmember Giese seconded.

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. The third and final reading will take place at the next meeting.

No action was then needed on agenda item No. 13.

The following Ordinance would annex the Pacific Coast Feather property. This request comes forward again from the Community Redevelopment Authority. Mayor Chamberlain explained that the CRA would be purchasing the additional property by Pacific Coast Feather (S&M Liquid Tire Fill). The CRA would like to replat that area as one lot. To do that, they have to make a request to have the property annexed. One of the issues is that the S&M Liquid Tire Fill property is already inside city limits. It muddies the water to have one piece of property inside city limits and the other piece outside city limits. If the property is replatted into one lot, it can then be administratively replatted without having to go before the Planning Commission, which expedites the process.

Councilmember Giese, who is also a member of the Community Redevelopment Authority explained what took place at the Community Redevelopment Authority meeting and why he voted in the affirmative to make the request to be annexed.

The vote of the Community Redevelopment Authority was unanimous to request the annexation of this property.

Kent Franzen and Randy Larson both spoke in favor of the annexation.

It was noted that if the property is cleaned up, which would make it shovel ready, it would no longer be considered blight and substandard and then would not be eligible for tax increment financing.

A potential buyer is interested in tax increment financing.

Councilmember Sievers introduced Ordinance No. 2014-43, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2014-43

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

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. The second reading will take place at the next meeting.

The following Resolution would approve the agreement between the Nebraska Department of Roads and Kirkham Michael for the construction oversight of the Windom Street project in 2015. This project is operated and funded 80% by the Nebraska Department of Roads. The fees, under this agreement, will be based on actual costs up to a maximum-not-to-exceed amount of \$158,329.31.

Councilmember Giese introduced Resolution No. 2014-100 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-100

A RESOLUTION APPROVING THE SIGNING OF A PROFESSIONAL CONSTRUCTION SERVICES AGREEMENT WITH KIRKHAM MICHAEL AND THE NEBRASKA DEPARTMENT OF ROADS FOR CONSTRUCTION OVERSIGHT OF THE WINDOM STREET PROJECT IN 2015.

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

The following Resolution is needed to update the signatures at First Nebraska Bank.

Councilmember Giese introduced Resolution No. 2014-101 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-101

A RESOLUTION OF THE CITY OF WAYNE APPROVING CORPORATE RESOLUTION FOR SIGNATURES AT FIRST NEBRASKA BANK OF WAYNE,

NEBRASKA.

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

Administrator Johnson stated two bids were received on the “Windom Street Storm Sewer Improvement Project.” The bids have been reviewed by the City’s Engineer on the project, Advanced Consulting Engineering Services, and they are recommending that the same be awarded to the low bidder, Robert Woehler & Sons Construction, Inc., for the sum of \$88,383.00. A start date of May 18, 2015, and completion date of July 17, 2015, will be used as contract dates.

It was noted that there are liquidated damages of \$1,500 per day if the project is not completed by July 17, 2015.

Councilmember Giese introduced Resolution No. 2014-102 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-102

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “WINDOM STREET STORM SEWER 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 amend the Personnel Manual pursuant to Council’s directive at the budget work session. Deductibles, as well as the amounts contributed by the employees, have been increased. In addition, those employees and their spouses that participate in the group health plan will be required to get an annual physical and be a non-tobacco user as an incentive to get their deductibles reduced.

Councilmember Eischeid introduced Resolution No. 2014-103 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2014-103

A RESOLUTION AMENDING SECTION 14.100 EMPLOYEE BENEFITS OF THE CITY OF WAYNE PERSONNEL MANUAL.

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

The City has received the Annual Renewal Maintenance Agreement from the Nebraska Department of Roads. This is a standard form agreement.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the Annual Renewal Maintenance Agreement (2015) with the Nebraska Department of Roads. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A change order was received on the 2014 Hillside Drive Paving and Storm Sewer Improvement Project. The same represents a deduct of \$662.00 for quantity deductions. In addition, it will amend the completion date to 1/6/15.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving Change Order No. 1 for (\$662.00) to Robert Woehler & Sons Construction for the “2014 Hillside Drive Paving and Storm Sewer Improvement Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

An update was given on the Hank Overin Grandstand project. The City has received approval from its insurance carrier on the Otte Construction, demolition and electrical bids. The insurance carrier has set aside \$153,000, plus an additional \$25,000

in case surprises are found during the project (e.g. the foundation). The coverage is in place that the City needs.

Councilmember Brodersen made a motion, which was seconded by Councilmember Greve, authorizing the demolition of the Hank Overin grandstand. 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 appointing Doug Sturm and Steve Lutt to the Recreation-Leisure Services Commission. Mr. Sturm will be filling the void left by Rod Hunke, and Mr. Lutt will be filling the void left by Jodi Pulfer.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the appointment of Doug Sturm and Steve Lutt to the Recreation-Leisure Services Commission. 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 Brodersen, to set the Council Retreat for January 23 and 24, 2015, at the Wayne Senior Center, starting 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.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, 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 6:35 p.m.