

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

The Wayne City Council met in regular session at City Hall on Tuesday, December 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, Nick Muir, Jason Karsky, Matt Eischeid, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Jennifer Sievers.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on December 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 Eischeid made a motion, which was seconded by Councilmember Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of December 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 Councilmembers Haase and Sievers who were 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 5/20/14 City of Wayne – Auditorium Deposit Refund \$150.00 (reissued) and 8/5/14 City of Wayne- Building Permit Deposit Refund \$ 100.00 (reissued)

VARIOUS FUNDS: AMERITAS LIFE INSURANCE, SE, 2529.27; APPEARA, SE, 109.32; ARC-HEALTH & SAFETY, SE, 760.00; BAKER & TAYLOR BOOKS, SU, 747.47; BANK FIRST, FE, 15.00; BARONE SECURITY SYSTEMS, SE, 138.00; ITY

EMPLOYEE, RE, 66.23; BMI, FE, 297.00; CITY EMPLOYEE, RE, 32.00; BROWN SUPPLY, SU, 1315.00; BSN SPORTS, SU, 31.96; CDW GOVERNMENT, SU, 1286.44; CHARTWELLS, SE, 5710.72; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 400.00; CITY OF WAYNE, PY, 61191.07; CITY OF WAYNE, RE, 313.66; COLONIAL RESEARCH, SU, 158.86; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SU, 506.85; DANKO EMERGENCY EQUIPMENT, SU, 336.00; DOESCHER APPLIANCE, SU, 998.00; EASYPERMIT POSTAGE, SU, 768.61; ECHO GROUP, SU, 12.53; FLOOR MAINTENANCE, SU, 266.38; FREDRICKSON OIL, SU, 1323.23; GALE GROUP, SU, 117.95; GEMPLER'S, SU, 14.40; GILL HAULING, SE, 155.00; GREG KALLHOFF, RE, 500.00; CITY EMPLOYEE, RE, 313.27; HD SUPPLY WATERWORKS, SU, 1265.73; CITY EMPLOYEE, RE, 2168.66; HEIKES AUTOMOTIVE, SE, 1001.08; ICMA, SE, 6824.02; INTERSTATE BATTERY, SU, 826.67; IRS, TX, 23300.25; KRIZ-DAVIS, SU, 11664.99; KTCH, SE, 825.00; LUTT OIL, SU, 5351.10; MARCO, SE, 126.36; MATHESON TRI-GAS, SU, 28.80; MATTHEW BENDER & CO, SU, 338.41; MES-MIDAM, SU, 343.48; MIDWEST LABORATORIES, SE, 716.00; MIDWEST SERVICE & SALES, SU, 490.00; MIKE TOWNE, SE, 600.00; CITY EMPLOYEE, RE, 10.00; NE AIR FILTER, SU, 276.65; NE DEPT OF REVENUE, TX, 3365.28; NE ECONOMIC DEVELOP ASSN, FE, 200.00; NPPD, SE, 277586.90; NED, INC., RE, 300000.00; NNPPD, SE, 12306.60; OLSSON ASSOCIATES, SE, 3713.60; LINPEPCO, SE, 83.10; CITY EMPLOYEE, RE, 16.00; PROVIDENCE MEDICAL CENTER, SE, 60.00; QUILL, SU, 55.96; RANDOM HOUSE, SU, 36.25; RON'S RADIO, SU, 340.00; S & S WILLERS, SU, 285.67; SIGNS BY TOMORROW, SU, 16.00; SIOUX CONTRACTORS, SE, 17882.00; SPARKLING KLEAN, SE, 3436.70; SHOPKO, SU, 349.17; STADIUM SPORTING GOODS, SU, 122.00; STATE NEBRASKA BANK, SE, 61.60; STATE NEBRASKA BANK, RE, 21145.00; STATE NEBRASKA BANK, RE, 13671.25; STATE NEBRASKA BANK, RE, 5912.50; STATE NEBRASKA BANK, RE, 6110.00; THOM OSNES/PINMONKEY ENT., SE, 200.00; TIM FERTIG, RE, 9114.86; CITY EMPLOYEE, RE, 2214.00; US BANK, SU, 3359.05; VIAERO, SE, 127.47; WAYNE COUNTY COURT, RE, 300.00; WAYNE HERALD, SE, 1332.56; WESCO, SU, 451.56; WAPA, SE, 33031.24; WISNER WEST, SU, 276.74; AMAZON.COM, SU, 415.16; APPEARA, SE, 125.36; ARNIE'S FORD-MERCURY, SU, 55809.00; BATTERIES PLUS, SU, 261.50; CITY EMPLOYEE, RE, 74.21; BOARD OF EXAMINERS, FE, 10.00; BROWN SUPPLY, SU, 64.07; BUSINESS & LEGAL RESOURCE, SU, 437.00; CALIFORNIA CONTRACTORS, SU, 92.39; CARHART LUMBER COMPANY, SU, 653.23; CEDAR CO COURT, RE, 600.00; CITY OF WAYNE, RE, 750.00; CITY OF WAYNE, RE, 103.79; DAVE'S DRY CLEANING, SE, 78.00; DUNRITE, SU, 61.00; CITY EMPLOYEE, RE, 152.78; FAIR MANUFACTURING, SU, 468.20; FAITH REGIONAL, SE, 60.00; GODFATHER PIZZA, SU, 203.00; GROSSENBURG IMPLEMENT, SU, 517.20; HARTINGTON TREE, SE, 4275.00; HOMETOWN LEASING, SE, 333.49; INDUSTRIAL TOOL, SU, 62.63; JACK'S UNIFORMS, SU, 79.90; JEO CONSULTING GROUP, SE, 4385.00; KRIZ-DAVIS, SU, 426.00; MATT PARROTT AND SONS, SU, 289.98; MICHAEL L SWEENEY, SE, 1700.00; MOTION INDUSTRIES, SU, 200.89; CITY EMPLOYEE, RE, 253.22; NE EMERGENCY SERVICE, FE, 45.00; O'KEEFE ELEVATOR, SE, 1579.40; PIEPER & MILLER, SE, 2055.00; QUILL, SU, 8.99; SALT CREEK

SOFTWARE, SE, 2130.00; STADIUM SPORTING GOODS, SE, 60.00; STATE NEBRASKA BANK, RE, 200.00; THE PARTS JUNCTION, SU, 25.34; TYLER TECHNOLOGIES, SE, 200.00; USA BLUE BOOK, SU, 202.00; VEL'S BAKERY, SU, 34.50; WAYNE AIRPORT, SE, 39848.81; WAED, SU, 850.00; WESCO, SU, 195.96

Councilmember Greve made a motion, which was seconded by Councilmember Giese, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Sievers who were 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.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Comprehensive Plan by adding Chapter 10, Environmental Element – Community Sustainability Plan. The applicant, the City of Wayne, is seeking this request to comply with State Statute to have an energy element to the Comprehensive Plan adopted by January 1, 2015.

The Planning Commission reviewed the matter at their public hearing on December 1, 2014, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

1. As required by State Statute; and
2. Staff's recommendation.

BJ Woehler had concerns on some of the elements of the plan and the effect it may have on contractors.

Mr. Hansen replied that this does not say the City is implementing this tomorrow or next year. This is just a vision of the community, so when we are implementing programs or creating new laws, we are looking at these concepts and asking ourselves whether we can implement some of this at a reasonable cost for the benefit of the community.

Sandy Brown, representing the Wayne Green Team, spoke in favor of the ordinance and stated while these are goals, they will help us to achieve to get there.

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 Brodersen introduced Ordinance No. 2014-44, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2014-44

AN ORDINANCE AMENDING THE WAYNE COMPREHENSIVE PLAN BY ADDING CHAPTER 10, ENVIRONMENT ELEMENT – COMMUNITY SUSTAINABILITY.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Sievers who were absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion and Councilmember Muir 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 Councilmembers Haase and Sievers who were absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion and Councilmember Muir seconded to move for final approval of Ordinance No. 2014-44. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Sievers who were absent, the Mayor declared the motion carried.

Discussion took place on the requests to use the 2015 Civic and Community Center financing fund for the golf course clubhouse/swimming pool/and or other potential locations.

Jason Claussen, representing the Wayne Country Club, was requesting Council consideration to making the application for this grant on behalf of the Wayne Country Club to expand and renovate the golf course clubhouse.

Alyssa Silhacek, representing the Northeast Nebraska Economic Development District, explained that the City could apply for the 2015 Civic and Community Center Financing Fund grant. The maximum amount of the grant that the City could receive is \$375,000. This requires a 50% match. The reason the Country Club cannot apply for this grant is that a requirement thereof is that the project or property must be city owned at the time of the application. The pre-application is due by the end of February, with the full application being due around mid-April. Only one application can be submitted.

Mr. Claussen stated the Country Club does not want to borrow money for this project and will raise the additional money needed for the match requirement. The proposed floor plan would add 1,700 sq. ft. to the clubhouse.

If the City took ownership of the property, made the grant application, and received the grant, Attorney Miller advised the Council she would have legal concerns if the City then granted ownership back to the Country Club. She recommended a perpetual lease instead.

Councilmember Eischeid spoke in favor of the grant being made on behalf of the Country Club.

Councilmember Karsky thought the pool was a better option for this grant application.

Mayor Chamberlain stated many things would need to be done or be in order before an application could be submitted.

Matt Ley also spoke in favor of the project and the Council submitting an application on behalf of the Wayne Country Club.

Doug Sturm spoke and had concerns about this application and the City's involvement in the same.

Councilmember Brodersen had concerns about the City having to own the property.

BJ Woehler, representing the Wayne Aquatic Committee, stated they had looked at this grant option, but were told the pool would never have a shot. As a member of the Aquatic Committee, he did not know anything about applying for this grant. He thought the Golf Course should make the application.

Mayor Chamberlain opined he did not think the pool was a very good option for this grant either. He thought this grant should be used for civic center type facilities (e.g. Riley's, the old 1912 building); none of which are ready to make any sort of application

for these funds. He did not think there was enough time between now and the end of February to work through the details to where everybody is comfortable and understands how it is going to work on both sides of this.

Finance Director Nancy Braden stated that pools were added last year as a potential option for this type of grant.

Gabriel Bernhagen spoke in favor of the grant being applied for on behalf of the pool.

After a considerable amount of discussion, no action was taken on the matter. Mayor Chamberlain advised the Council to contact him if they wanted this to be an action item on a future agenda.

Councilmember Haase arrived at 5:47 p.m.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Final Plat for Southview Addition. This property is located on the south and west sides of Grainland Road. The applicant is Kelby Herman.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the Final Plat for Southview Addition and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

- Staff's recommendation.

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 Resolution 2014-104, and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-104

A RESOLUTION APPROVING THE FINAL PLAT FOR SOUTHVIEW ADDITION.

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

The following ordinance would start the annexation process of Southview Addition. Wayne City Code requires developers that are subdividing land abutting the city limits to request to be annexed. We have received that annexation request from the developer, Kelby Herman.

Councilmember Eischeid introduced Ordinance No. 2014-45, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2014-45

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE SOUTHWEST 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 Sievers who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Administrator Johnson stated the following Resolution would approve an engineering proposal from Advanced Consulting Engineering Services for the Grainland Road Water and Sanitary Sewer Extension Projects (Southview Addition). The

developer has requested the City to create utility extension districts to extend water and sewer service to all of the lots in the subdivision. In the process, we traditionally allow the developers to select their own engineering firm. Doing that allows the same engineer to design the plat, the site development and the utilities. The engineer prepares the legal description for the utility extension district and the estimated cost to install the utilities. The City Council uses that information to formally create the district. All of the engineering, construction and financing costs of the sewer and water project will be assessed to the owners of the property abutting the new water and sewer mains on both sides of the street.

Discussion took place in regard to rezoning the property on the north side of the road “agricultural” so those property owners could request an Ag deferral. This means they would not have to pay the assessments until the property is developed or subdivided. The City Attorney’s office would research this matter.

Amy Miller, who is purchasing a lot from Mr. Herman, requested the Council to move forward on this matter.

Councilmember Eischeid introduced Resolution No. 2014-105 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-105

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING THE SHORT FORM OF AGREEMENT BETWEEN THE CITY OF WAYNE AND ADVANCED CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE GRAINLAND ROAD WATER AND SANITARY SEWER EXTENSION PROJECTS.

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

Discussion took place on R-5 zoning. This is a result of changes that are being made to the R-3 Districts and how those changes may hinder Tom Jacobsen and his current apartment projects on 13th Street. This zoning change would allow him to proceed as he was planning to proceed. There is no R-5 zoning in Wayne at this time. This would have to go before the Planning Commission for their recommendation before coming to Council.

BJ Woehler asked Council to consider changing other areas of Wayne to R-5 to allow a mixed-use type of zoning.

Councilmember Eischeid introduced Ordinance No. 2014-37, and moved for approval of the third and final reading thereof; Councilmember Giese 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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2014-38, and moved for approval of the third and final reading thereof; Councilmember Greve 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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2014-39, and moved for approval of the third and final reading thereof; Councilmember Muir 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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

In regard to Ordinance No. 2014-41, Council preferred the parking time limit in front of City Hall be 15 minutes rather than one hour. A new ordinance would be brought forward with that amendment at the next meeting.

Councilmember Brodersen introduced Ordinance No. 2014-41, and moved for approval of the third and final reading thereof, as amended (remove language regarding City Hall parking time limit); Councilmember Eischeid 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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2014-43, and moved for approval of the second reading 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 Sievers who was absent and Councilmember Eischeid who voted Nay, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Giese introduced Ordinance 2014-46, and moved for its approval; Councilmember Eischeid seconded.

ORDINANCE NO. 2014-46

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 58, ARTICLE IV, SECTION 58-95 RELATING TO PROHIBITED FENCES; 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 Sievers who was absent, the Mayor declared the motion carried.

Councilmember Eischeid 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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion and Councilmember Eischeid seconded to move for final approval of Ordinance No. 2014-46. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

The following Resolution would approve the specifications and authorize the purchase of a new wheel loader through the state bid process as per the bid proposal received from Titan Machinery.

Councilmember Muir introduced Resolution No. 2014-106 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-106

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A NEW WHEEL LOADER THROUGH THE STATE BID SYSTEM AS PER THE BID PROPOSAL RECEIVED FROM TITAN MACHINERY, INC.

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

Councilmember Giese made a motion, which was seconded by Councilmember Muir, approving to keep the “Wayne America” logo on the east water tower. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the

exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to appointing Rod Tompkins to the Wayne Airport Authority Board. He will fill the vacancy left by Todd Luedeke.

Councilmember Muir made a motion, which was seconded by Councilmember Haase, approving the appointment of Rod Tompkins to the Wayne Airport Authority Board. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the appointment of Councilmember Brodersen to the Wayne Community Housing Development Corporation Board. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Giese 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 Sievers who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:15 p.m.