

**MINUTES
CITY COUNCIL MEETING
January 6, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, January 6, 2015, 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, Jason Karsky, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on December 26, 2014, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Haase made a motion, which was seconded by Councilmember Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of December 16, 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 Eischeid who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTION TO CLAIMS LIST OF 12/16/14: VOID CITY EMPLOYEE \$253.22 - SHOULD HAVE BEEN \$53.22

VARIOUS FUNDS: AMERITAS, SE, 2154.86; APPEARA, SE, 171.16; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 15.00; CITY EMPLOYEE, RE, 58.99; BLACK HILLS ENERGY, SE, 1521.60; BOMGAARS, SU, 198.76; CITY EMPLOYEE, RE, 54.26; CITY EMPLOYEE, RE, 180.10; CENTURLINK, SE, 315.34; CERTIFIED TESTING SERVICE, SE, 473.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 60023.91; CITY OF WAYNE, RE, 862.75; COLONIAL RESEARCH, SU, 74.10; COMMUNITY HEALTH, RE, 4.00; COOPORTUNITY HEALTH, SE, 34007.52; DANKO EMERGENCY EQUIPMENT, SU, 202.30; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 1960.92; EAKES OFFICE PLUS, SE, 100.38; ELECTRIC FIXTURE, SU, 2676.93; FASTENAL, SU, 158.03; FIRST CONCORD GROUP, SE, 3331.64; FLOOR MAINTENANCE, SU, 94.02; GALE GROUP, SU, 46.48; GENO'S STEAKHOUSE, SE, 4075.43; GRAPHIC SCREEN PRINTING, SU, 108.00; GROSSENBURG IMPLEMENT, SE, 970.22; CITY EMPLOYEE, RE, 1007.91; HUNTEL CABLEVISION, SE, 2498.26; ICMA, SE,

6703.86; IRS, TX, 22132.15; JACK'S UNIFORMS, SU, 27.95; JEO CONSULTING GROUP, SE, 8233.00; CITY EMPLOYEE, RE, 2.14; KEPSCO, SU, 16.86; KRIZ-DAVIS, SU, 154.43; MAIN STREET AUTO CARE, SE, 180.00; N.E. NEB ECONOMIC DEV DIS, SE, 486.75; CITY EMPLOYEE, RE, 98.82; NE DEPT OF REVENUE, TX, 3125.72; NE LAW ENFORCEMENT, FE, 190.00; NE PUBLIC HEALTH, SE, 1477.00; NE SAFETY COUNCIL, SE, 127.92; NE NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 4537.00; NWOD, FE, 10.00; CITY EMPLOYEE, RE, 163.98; PITNEY BOWES, SE, 1501.71; PROGRESSIVE BUSINESS, SU, 299.00; PROVIDENCE MEDICAL CENTER, SE, 175.00; QUALITY 1 GRAPHICS, SU, 20.00; QUILL, SU, 418.01; SIOUX SALES COMPANY, SU, 605.40; TIM FERTIG, RE, 4935.72; TYLER TECHNOLOGIES, SE, 1341.55; UNITED WAY, RE, 12.40; VAKOC CONSTRUCTION, SE, 1047.50; VERIZON, SE, 99.09; WAYNE AUTO PARTS, SU, 482.03; WAYNE COUNTY COURT, RE, 150.00; WESCO, SU, 365.08; WESTERN OFFICE PRODUCTS, SU, 83.94; WISNER WEST, SU, 387.75; AMERITAS, SE, 480.00; ARNIE'S FORD-MERCURY, SE, 2471.62; ASCAP, FE, 335.00; AWWA, FE, 295.00; CITY EMPLOYEE, RE, 32.00; BOMGAARS, SU, 1867.63; CITY EMPLOYEE, RE, 154.29; BROWN SUPPLY, SU, 143.42; CARHART LUMBE, SU, 401.21; CHARTWELLS, SE, 5755.28; CITY OF WAYNE, RE, 677.33; CLEAN TO A T, SE, 1300.00; COPY WRITE, SU, 143.28; DUTTON-LAINSON, SU, 654.82; ECHO GROUP, SU, 326.05; CITY EMPLOYEE, RE, 69.83; ELECTRIC PUMP, SU, 484.89; FREDRICKSON OIL, SE, 16.00; GILL HAULING, SE, 155.00; GROSSENBURG IMPLEMENT, SU, 460.38; CITY EMPLOYEE, RE, 85.74; HATTIG CONSTRUCTION, SE, 556.00; HAUFF MID-AMERICAN SPORTS, SU, 519.70; HOMETOWN LEASING, SE, 73.51; INDUSTRIAL CHEM LABS, SU, 1133.14; INTERSTATE ALL BATTERY, SU, 49.90; KRIZ-DAVIS, SU, 617.70; MATHESON TRI-GAS, SU, 29.76; MELISSA PICKINPAUGH, RE, 500.00; MES-MIDAM, SU, 48.72; MIDWEST ENERGY SOLUTIONS, SU, 8472.00; MIKE TOWNE, SE, 300.00; NNEDD, SE, 3530.35; CITY EMPLOYEE, RE, 285.89; NE NEB INS AGENCY, SE, 77089.00; NORTHWEST ELECTRIC, SE, 2026.60; ONE CALL CONCEPTS, SE, 23.30; PAC N SAVE, SU, 174.06; CITY EMPLOYEE, RE, 10.42; PIEPER & MILLER, SE, 1755.00; PROPERTY EXCHANGE PARTNER, RE, 25.00; ROGER NIEMANN, SE, 141.95; S & S WILLERS, SU, 1214.01; SKARSHAUG TESTING LAB, SE, 101.45; SHOPKO, SU, 163.46; STAPLES ADVANTAGE, SU, 398.26; STATE NEBRASKA BANK, SE, 60.72; THE DIAMOND CENTER/FLOWER, SU, 118.00; TIM FERTIG, RE, 2629.07; TYLER TECHNOLOGIES, SE, 370.00; US BANK, SU, 1742.95; VIAERO, SE, 775.35; WASTE CONNECTIONS, SE, 73.36; WAED, RE, 7216.66; WAYNE AUTO PARTS, SU, 1500.53; WAYNE HERALD, SE, 765.00; WAYNE VETERINARY CLINIC, SE, 210.00; WAPA, SE, 36282.79; ZACH HEATING & COOLING, SE, 519.00

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

Wes Blecke, Executive Director of Wayne Area Economic Development, provided the Council with the six-month LB 840 activity update.

Cap Peterson with Northeast Nebraska Insurance Agency presented and reviewed the 2015 Property and Casualty Insurance Package. The 2015 premium is \$308,308, which is approximately \$25,842 higher than the 2014 premium. The City buildings and contents are insured at a 90% replacement value, with the exception of the power plant. The power plant building is insured by way of separate coverage at an agreed upon value, which is \$35,163,900. The power plant has a \$50,000 deductible. The property portion of the insurance package has a \$1,000 deductible. Council may want to consider increasing that deductible to \$5,000, which would save about \$3,500/yr. The company provides and has done a risk management analysis of all city buildings, etc., at no cost.

Councilmember Muir made a motion, which was seconded by Councilmember Brodersen, approving the 2015 Property and Casualty Insurance Package with Northeast Nebraska Insurance Agency. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Councilmember Muir introduced Ordinance No. 2014-43, and moved for approval of the third and final reading thereof; Councilmember Sievers 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 (FORMER PACIFIC COAST FEATHER PROPERTY).

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

Councilmember Muir introduced Ordinance No. 2014-45, and moved for approval of the second reading thereof; Councilmember Giese 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 (SOUTHVIEW ADDITION).

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

The following ordinance would restrict parking in front of City Hall to 15 minutes.

Councilmember Brodersen introduced Ordinance No. 2015-1, and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2015-1

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78, ARTICLE III, SECTION 78-134 RELATING TO PARKING TIME LIMITS OF 15 MINUTES, 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 Eischeid who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following Resolution would approve an amendment to the initial Revolving Loan Fund Service Agreement with Northeast Nebraska Economic Development District. It updates the operational terms of the agreement to match new requirements by the Nebraska Department of Economic Development.

Councilmember Giese introduced Resolution No. 2015-1 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2015-1

A RESOLUTION APPROVING AMENDMENT TO THE SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT TO ASSIST THE CITY WITH ITS REVOLVING LOAN FUND PROGRAM.

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

The following Resolution is a required legal action that allows a city to advance funds to complete a project and then reimburse itself from assessments to the property owners in the district after the project is completed.

Under the current tax code, if a City advances monies from another fund without having a reimbursement resolution in place within sixty days of said advancement, then it is impossible to refund that borrowed fund using tax-exempt bond proceeds. This will allow the City to roll the project into a bond issue, if it so desires.

Councilmember Giese introduced Resolution No. 2015-2 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2015-2

A RESOLUTION APPROVING REIMBURSEMENT OF FUNDS TEMPORARILY ADVANCED TO PAY FOR THE SOUTHVIEW ADDITION IMPROVEMENT PROJECTS.

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

This following action is a request of the Nebraska Community Foundation. The City of Wayne has a standing account with the Foundation to receive tax-deductible donations for municipal projects like the Community Activity Center, library, swimming pool, summer sports complex, etc. The Hank Overin Field Committee has begun receiving donations to help with the renovation of the grandstand and the field. The Foundation will issue letters of charitable

donations to the City of Wayne to these donors, but the Foundation wants legal assurance that all donations will be used for city purposes and not private benefit.

Councilmember Giese introduced Resolution No. 2015-3 and moved for its approval;
Councilmember Greve seconded.

RESOLUTION NO. 2015-3

A RESOLUTION DECLARING THAT THE CITY OF WAYNE OWNS ALL ASPECTS OF THE HANK OVERIN BASEBALL FIELD REPAIR AND RENOVATION PROJECT.

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

The following Resolution would amend the wage and salary schedule to reflect the minimum wage increase to \$8.00 per hour, effective 1/1/15.

Councilmember Giese introduced Resolution No. 2015-4 and moved for its approval;
Councilmember Sievers seconded.

RESOLUTION NO. 2015-4

A RESOLUTION AMENDING THE WAGE AND SALARY SCHEDULE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, 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 Sievers introduced Resolution No. 2015-5 and moved for its approval;
Councilmember Muir seconded.

RESOLUTION NO. 2015-5

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, with the exception of Councilmember Eischeid who was absent, 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. 2015-6 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2015-6

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

Roger Protzman, representing JEO Consulting Group, Inc., was present to advise the Council that their firm had submitted a bid for engineering services for the “Wayne Aquatic Center Project.” The Aquatic Center Committee is recommending JEO as the engineer, but Council can solicit engineering proposals if they so desire. JEO was the engineer approved for the design of the pool and has worked with the Committee throughout this process (since July 2011).

Heather Claussen, Chair of the Aquatic Center Committee, explained the process they went through when they selected/recommended JEO Consulting Group as the initial engineer on the project.

Mr. Protzman noted that if there were items in the proposal that the Council or staff wanted to discuss, they would be more than happy to meet and discuss the same.

If Council determines they wish to solicit proposals, JEO has asked that their proposal not be opened at this time, but opened on the date and at the time of opening the other proposals. If Council determines they are not going to solicit proposals, then a Resolution approving the JEO contract will be brought forward for action at the next Council meeting.

No motion was made on agenda item no. 14. Therefore, the same died for lack of a motion. A Resolution will be brought forward for Council action at the next meeting.

Mayor Chamberlain requested Council consideration to appointing Andria Cooper to the Civil Service Commission. She will replace Jason Karsky.

Councilmember Giese had concerns about the appointee not being at the meeting since he did not know her, as did Councilmember Sievers. He thought it was too important of a position not to meet the candidate.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving the appointment of Andria Cooper to the Civil Service Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent and Councilmembers Giese and Sievers who voted Nay, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:40 p.m.