

**MINUTES  
CITY COUNCIL MEETING  
February 17, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, February 17, 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 Matt Eischeid; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 5, 2015, 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 Giese made a motion, which was seconded by Councilmember Sievers, whereas, the Clerk has prepared copies of the Minutes of the meeting of February 3, 2015, 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 Brodersen who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**CORRECTIONS TO CLAIMS LISTING OF 2/2/15:** DELETE ICC – MEMBERSHIP DUES – 170.00

**VARIOUS FUNDS:** ALMQUIST, MALTZAHN, SE, 19800.00; CITY EMPLOYEE, RE, 150.00; AMERITAS, SE, 2516.88; APPEARA, SE, 107.64; BAKER & TAYLOR BOOKS, SU, 602.29; BANK FIRST, FE, 15.00; BLUE CROSS BLUE SHIELD, SE, 28717.21; BOMGAARS, SU, 1279.76; BROWN PLUMBING, SE, 281.30; CHARTWELLS, SE, 5872.90; CHEMQUEST, SE, 595.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 64060.04; CITY OF WAYNE, RE, 79.28; COMMUNITY HEALTH, RE, 4.00; CONSOLIDATED MANAGEMENT, SE, 171.25; COPY WRITE, SE, 297.49; DAVE'S UNIFORM CLEANING, SE, 84.00; DEARBORN NATIONAL LIFE, SE, 1854.28; DUTTON-LAINSON, SU, 211.94; ECHO GROUP, SU, 85.20; CITY EMPLOYEE, RE, 1576.46; ELECTRIC FIXTURE & SUPPLY, SU, 1307.76; ELKHORN FENCE, SE, 5450.00; ERNEST E PING, SE, 230.00; FAITH REGIONAL, SE, 111.00; FASTENAL, SU, 71.33; FIRST CONCORD GROUP, SE, 400.00; FLOOR MAINTENANCE, SU, 13.56; FREDRICKSON OIL, SE, 16.00; GODFATHER PIZZA, SU, 132.00; HOLIDAY INN OF KEARNEY, SE, 719.60; HOMETOWN LEASING,

SE, 259.98; HR DIRECT, SU, 699.90; ICMA, SE, 6798.52; INGRAM BOOK CO, SU, 521.72; IRS, TX, 23731.28; JAMES ROBINSON, RE, 500.00; MAIN STREET AUTO CARE, SE, 906.80; MARCO, SE, 1175.00; MARRIOTT HOTELS, SE, 318.00; MATHESON TRI-GAS, SU, 29.76; MES-MIDAM, SU, 5064.73; MIDWEST LABORATORIES, SE, 71.50; MIDWEST SERVICE & SALES, SU, 750.40; MIKE TOWNE, SE, 400.00; MUNICIPAL SUPPLY, SU, 460.68; MURPHY TRACTOR & EQUIPMENT, SU, 340.00; NE CODE OFFICIAL ASSOC, FE, 130.00; NE DEPT OF REVENUE, TX, 3412.51; NE PUBLIC HEALTH ENVIRONM, SE, 105.00; NEBRASKA COMMUNITY FOUND., RE, 100.00; NHHS, FE, 80.00; N.E.NE AMERICAN RED CROSS, RE, 19.62; NNPPD, SE, 12306.60; O'REILLY AUTOMOTIVE, SU, 42.59; ONE CALL CONCEPTS, SE, 10.40; OTTE CONSTRUCTION, SE, 1468.00; PAC N SAVE, SU, 281.17; QUILL, SU, 123.99; RESCO, SU, 180.62; RIEKES EQUIPMENT, SE, 465.36; SOOLAND BOBCAT, SU, 190.11; SPARKLING KLEAN, SE, 3043.81; STATE NEBRASKA BANK, SE, 59.76; STATE NEBRASKA BANK, RE, 106.61; TIM FERTIG, RE, 4750.00; CITY EMPLOYEE, RE, 37.50; UNITED WAY, RE, 7.00; US BANK, SU, 6063.65; UTILITIES SECTIONM, FE, 1027.00; VIAERO, SE, 129.35; VOSS LIGHTING, SU, 226.00; WASTE CONNECTIONS, SE, 73.36; WAYNE COUNTY CLERK, SE, 124.00; WAYNE GROCERY, SU, 22.96; WAYNE HERALD, SE, 1868.99; WAYNE VETERINARY CLINIC, SE, 154.00; WESCO, SU, 428.13; WAPA, SE, 34471.69; ALTEC INDUSTRIES, SU, 503.94; AMERICAN PUBLIC POWER, FE, 1272.05; APPEARA, SE, 63.52; BLUE DEVIL BOOSTER CLUB, SE, 100.00; CITY EMPLOYEE, RE, 75.73; CARROLL DISTRIBUTING, SU, 255.00; CDW GOVERNMENT, SU, 4934.87; CITY EMPLOYEE, RE, 1264.97; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 380.98; CREDIT BUREAU SERVICES, RE, 75.14; DEB HARM, RE, 500.00; ECHO GROUP, SU, 370.49; FIRST NEBRASKA BANK, RE, 1000000.00; FISCHER TREE CENTRAL, SE, 1500.00; GILL HAULING, SE, 155.00; GLOBAL MED INDUSTRIES, SU, 1480.00; GROSSENBURG IMPLEMENT, SU, 2.60; CITY EMPLOYEE, RE, 732.14; HAWKINS, SU, 1182.80; HD SUPPLY WATERWORKS, SU, 4065.16; HEWLETT-PACKARD, SU, 6784.62; HILLYARD/SIOUX FALLS, SU, 166.63; KRIZ-DAVIS, SU, 10575.46; KTCH, SE, 625.00; LUTT OIL, SU, 3879.54; MATHESON TRI-GAS, SU, 15.50; MICHAEL TODD & CO, SU, 968.10; N.E. NEB ECONOMIC DEV DIS, RE, 52500.00; N.E. NEB ECONOMIC DEV DIS, SE, 15.00; NE SALT & GRAIN, SU, 1823.74; NPPD, SE, 306458.12; NEBRASKA COMMUNITY FND, FE, 100.00; NORTHWEST ELECTRIC, SU, 328.68; OLSSON ASSOCIATES, SE, 849.76; PIEPER & MILLER, SE, 2095.00; PITNEY BOWES, SE, 258.00; PROVIDENCE MEDICAL CENTER, SE, 122.00; QUALITY 1 GRAPHICS, SU, 120.00; SHOPKO, SU, 162.22; SOOLAND BOBCAT, SU, 195.36; STATE NEBRASKA BANK, RE, 200.00; STEFFEN, SU, 812.92; TIM FERTIG, RE, 9975.20; TYLER TECHNOLOGIES, FE, 200.00; UNITED RENTALS, FE, 380.00; WAED, SE, 7216.66; WAYNE AUTO PARTS, SU, 601.06; WAYNE COMMUNITY SCHOOLS, RE, 9109.25

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

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth, P.C., presented the FY 13-14 Audit. He provided Council with a spreadsheet that identifies “benchmarks” of how Wayne compares with other communities its size.

The business type activities (electric, water and sewer) are excellent. Wayne is about 49.67%; anything above 30% is considered excellent. Governmental Activities is at 10.14%, which is low and indicates the need to increase the cash reserves. The recommended is 30%.

The outstanding general obligation debt/valuation is used a lot in the bonding world to see how much taxpayer pressure is going to be needed to meet obligations as you go forward. Wayne is at 1.64%. Anything less than 3% is excellent in Nebraska. Wayne does not have a lot of general obligation debt outstanding.

In regard to debt coverage ratio (water, sewer and electric), it shows that consideration should be given to increasing the electric rates. It was noted that the electric rates were increased in 2013. Ideally, you should have 1.5 to 2 times debt service ratio. Wayne is getting less than one times the coverage in electric and just a little over one times the coverage in sewer. Mr. Galloway suggested increasing the electric rates at least 3-5%.

In regard to the City’s top six revenue sources, their recommendation, again, was that Wayne needs more retail trade. Sales tax runs at \$185 per capita or per person, and Wayne is at \$121. \$185 represents generally a 1.5% sales tax. Wayne has a 1% sales tax, but it will be increasing to 1.5% on April 1, 2015. Property taxes are good for the taxpayers in Wayne. The per capita basis is \$210 per person. Wayne is asking \$131 per person. Wayne is way under what they call best practice for a City its size.

In lieu of tax payments (franchise fees) is \$120 per capita; Wayne is at \$128. State Allocation is at \$100 per capita; Wayne is at \$162. Charges for services are \$95 per capita and Wayne is at \$98. The per capita for grants is \$160; Wayne is at \$156.

Wayne needs to continue to increase its cash reserves in the governmental activities. Wayne has about \$900,000 to carryover for the budget next year. When they looked into 2014-15, Wayne had about \$916,000 of cash, and it needs about \$1.3 million.

For the last couple of years, under the business type activities, Wayne was at about \$8.9 million of cash. That amount decreased last year, as well as this year. Best practice is \$6.2 million; Wayne has \$7.3 million.

Under operating income, the Electric Fund is at -2.69%; best practice is 15%. Consideration should be given to increasing those rates. Water and Sewer are very good. The internal service fund or the health insurance fund is also doing very good.

In regard to the tax levy rates, Wayne is, again, under what the recommended or statewide average is. This is very good for the taxpayers in Wayne. In the general fund, the per capita is \$160 per person; Wayne is at \$117 per person. In debt service, Wayne is about half of what it would be in another city Wayne's size.

In regard to the State Allocations, the Highway Allocation went up from \$71 per capita to \$78 per capita, and Municipal Equalization went up from \$73 per capita to \$77 per capita. Normally, cities Wayne's size get \$90 per capita and \$30 per capita respectively. Wayne is getting state revenue back to help the taxpayers of Wayne.

Mr. Galloway then reviewed the per capita costs of departments compared to the statewide average. The administrative costs to run the City of Wayne are very low compared to the other cities. The per capita cost is \$80; Wayne is at \$36.

In Public Buildings, Wayne is about \$14 per capita; the average is \$10. In Public Safety, Wayne is at about \$196 per capita; the average is \$200. Public Works is \$79 per capita; the average is \$100. The Library is about \$48 per capita, with the average being \$45 per capita. Recreation is at \$57 per capita; the average is \$50. The Community Activity Center is at \$43 per capita, with the average being \$40 per capita. Overall, Wayne has done an excellent job in keeping the costs and expenses down in the various departments and still being able to continue

the level of service that everyone is used to. Wayne is running efficiently, either under or right at what best practices are.

Mr. Galloway noted that his firm did not encounter any difficulties in performing the audit. He ended his presentation by stating the City has done a very good job at being good stewards with the money that is here and commended City staff on a job well done.

Keith Moje of Otte Construction was present representing First Realty, requesting permission to encroach on city right-of-way with an access stairway on the south side of First Realty's building located at the corner of 2<sup>nd</sup> and Main Streets. This will replace the stairway that is already there. They plan to replace the stairs with steps that will descend eastward instead of toward Main Street as they do now. The new ADA standards require a rest platform part way up the stairs, which does not allow enough clearance to put them back in the same direction without impeding into the sidewalk and getting closer to the street on Main Street. In addition, Mr. Moje was requesting monetary help for replacing the sidewalk in this area. It was noted that the City has a sidewalk cost-share program for replacing sidewalk.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid approving the request of Keith Moje of Otte Construction on behalf of First Realty, to encroach on city right-of-way with an access stairway at the corner of 2<sup>nd</sup> and Main streets. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Penny Vollbracht, Senior Center Coordinator, stated the following Resolution is an annual requirement to obtain funding from the Department of Roads to help pay for the operating costs of the local public transportation system.

Councilmember Eischeid introduced Resolution 2015-20, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2015-20

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS FOR THE OPERATION OF THE WAYNE PUBLIC TRANSPORTATION SYSTEM.

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

Penny Vollbracht, Senior Center Coordinator, requested Council consideration to approving the Senior Center Budget that has to be submitted to the Northeast Nebraska Area Agency on Aging. The Senior Center must apply for state funding for the meal program, and Council must approve the budget to be submitted to the Northeast Nebraska Area Agency on Aging.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving and authorizing the submission of the Senior Center's detailed plan of operation and budget for 2015 for Northeast Nebraska Area Agency on Aging. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to a rezoning request from B-1 Highway Business District to R-4 Residential District to allow for a two-family style rental housing project. The applicant is Windom Ridge (Lou Bencoter). The area to be rezoned is Lot 4, Bencoter Addition PUD Replat 2, City of Wayne, Wayne County, Nebraska.

The Planning Commission reviewed the matter at their public hearing on February 2, 2015, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

1. Staff's recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

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 Ordinance No. 2015-8, and moved for approval thereof; Councilmember Giese seconded.

#### ORDINANCE NO. 2015-8

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOT 4 OF BENSCOTER ADDITION PUD REPLAT 2, CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM B-1 HIGHWAY BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, 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 regarding a Use by Exception Request under Sec. 90-114 Exceptions (21) Auto Sales and Services of the Wayne Municipal Code. The applicant, Brent Pick, seeks the request to allow for auto sales and services to be conducted on his property located at 57706 – 855<sup>th</sup> Road, Wayne, NE. Joel Hansen, Zoning Administrator, stated that the Planning Commission held a public hearing on this matter on February 2, 2015, and recommended approval thereof, subject to the following "Findings of Fact:"

1. Staff's recommendation; and
2. Consistency with the comprehensive plan and the current and future land use maps.

Brent Pick was present to answer questions. He currently had this business located in Carroll, but is now moving it to Wayne. If the business were located inside city limits, he would be required to have someone there to staff it 30 hours per week. This is the reason for wanting the business located on his property outside city limits, which is where he spends the majority of his workweek.

Tracy Preston, on behalf of Merlin Preston, was present and spoke against the granting of the use by exception permit.

City Clerk McGuire received a phone call from Hollis Freese opposing the use by exception permit.

Because this is an allowed “use,” the permit cannot be denied; however, restrictions can be placed on this permit if the Council so desires (e.g. the number of vehicles on the lot, fencing, etc.).

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

Councilmember Giese introduced Resolution 2015-16, and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2015-16

A RESOLUTION APPROVING THE APPLICATION OF BRENT PICK FOR A ZONING USE BY EXCEPTION PERMIT TO ALLOW FOR AUTO SALES AND SERVICES TO BE CONDUCTED ON HIS PROPERTY AT 57706 – 855<sup>TH</sup> ROAD, WAYNE, WAYNE COUNTY, NEBRASKA.

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

Councilmember Sievers introduced Ordinance No. 2015-3 and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

#### ORDINANCE NO. 2015-3

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 6 – R-5 RESIDENTIAL DISTRICT, SECTION 90-311 INTENT; 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 Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-4, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-4

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 6 – R-5 RESIDENTIAL DISTRICT, SECTION 90-312 PERMITTED PRINCIPAL USES AND STRUCTURES; 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 Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-5 and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-5

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 6 – R-5 RESIDENTIAL DISTRICT, SECTION 90-317 GENERAL PROVISIONS; 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 Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-6, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-6

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 6 – R-5 RESIDENTIAL DISTRICT, SECTION 90-318 HEIGHT AND AREA 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 Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-7, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-7

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 6 – R-5 RESIDENTIAL DISTRICT, SECTION 90-319 DESIGN STANDARDS AND REQUIREMENTS; 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 Brodersen who was absent, the Mayor declared the motion carried.

Brian Kesting, representing Grace Lutheran Church, was present requesting Council consideration to placing overnight parking restrictions (no parking from 3:00 a.m. to 5:30 a.m.) on the north side of E. 9<sup>th</sup> Street from Main Street to Logan Street. This is a result of people in the area parking their cars indefinitely on the terrace on the south side of the Church. When the church does have an event (funeral or wedding, etc.), there are cars parked where they usually have the processional vehicles parked.

Councilmember Sievers introduced Ordinance No. 2015-9, and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-9

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE SECTION 78-135 RESTRICTED PARKING FROM 3:00 A.M. TO 5:30 A.M. ON CERTAIN STREETS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND 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 Brodersen who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following Ordinance provides the legal due diligence for the bond funding of the sludge handling system at the Wastewater Treatment Plant. This is for the belt press project that will be bid out and installed this fall.

Councilmember Sievers introduced Ordinance No. 2015-10, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2015-10

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A COMBINED UTILITY REVENUE BOND, 2015 SERIES, OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION NINE HUNDRED EIGHTY-THREE THOUSAND SIX HUNDRED FIFTY DOLLARS (\$1,983,650), IN THE FORM OF A PROMISSORY NOTE ISSUED TO EVIDENCE INDEBTEDNESS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY; APPROVING THE FORM OF SAID BOND (ISSUED AS A SINGLE PROMISSORY NOTE) AND RELATED LOAN AGREEMENT; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE WATERWORKS PLANT AND WATER SYSTEM AND THE SEWAGE DISPOSAL PLANT AND SANITARY SEWER SYSTEM OWNED BY THE CITY FOR THE PAYMENT OF SAID BOND; PROVIDING FOR THE ISSUANCE AND SALE OF SAID BOND; AUTHORIZING THE DELIVERY OF SAID BOND TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY; DETERMINING THAT INTEREST ON SAID BOND SHALL NOT BE EXCLUDABLE FROM GROSS INCOME FOR PURPOSES OF FEDERAL INCOME TAXATION; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SAID BOND AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

Councilmember Sievers made a motion and Councilmember Eischeid 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 Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Muir seconded to move for final approval of Ordinance No. 2015-10. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

The following Resolution would approve the agreement with Advanced Consulting Engineering Services for the “Thorman Street Sanitary Sewer Extension Project.” The engineering fees were increased to \$5,000 to cover the cost of extending the project all the way to 4<sup>th</sup> Street. The original proposal was \$3,500. This was tabled from the last meeting.

Joel Hansen stated he had spoken with Randy Larson, Wayne County Commissioner, who advised him that because they have repositioned some of the buildings on their lot, that at this time, they will not need this sewer extended for their project. Staff had Advanced Consulting Engineering look at other options to extend sewer in this vicinity. He thought a proposal might be ready by the next meeting. Therefore, no action was taken on this Resolution.

The following Resolution would approve the Agreement with DGR Engineering to conduct a Comprehensive Electric Distribution System Study. The engineering fees will be \$18,000. The last study done for the City of Wayne was in 2000.

Tim Sutton, Electric Distribution Foreman, was present to answer questions.

Councilmember Sievers introduced Resolution No. 2015-17 and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2015-17

A RESOLUTION APPROVING DGR ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES TO CONDUCT A COMPREHENSIVE ELECTRIC DISTRIBUTION SYSTEM STUDY FOR THE CITY OF WAYNE.

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

The following Resolution would approve the Council goals that were established at their annual retreat in January.

Councilmember Sievers introduced Resolution No. 2015-18 and moved for its approval; Councilmember Muir seconded.

#### RESOLUTION NO. 2015-18

A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.

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

The following Resolution would approve the plans and specifications for the East Park bathroom/storm shelter project and authorize the City Clerk to begin advertising for bids. The estimated cost of the project is \$135,000.

Roger Protzman, representing JEO Consulting Group, Inc., was present and advised staff that the same liquidated damages that were placed in the water main project specifications would be written into these specifications as well.

Councilmember Sievers introduced Resolution No. 2015-19 and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2015-19

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE EAST PARK BATHROOM/STORM SHELTER PROJECT AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

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

Discussion took place in regarding to buying out the comp time that has been accumulated by the Police Department and reducing the maximum hours of sick leave accumulation to 960 hours.

Marlen Chinn, Police Chief, advised the Council that the personnel handbook refers to a maximum number of sick days, which is 120. When the Police Department changed to 12-hour shifts, that is how the sick leave hours, still at 120 days, came to be 1,440 hours.

There was some discussion regarding the number of days and hours worked per year by the Police Department employees compared to the number of days and hours worked per year by regular or civilian employees.

In regard to comp time, regular employees can accumulate up to 40 hours or 5 days. At this time, Police Department employees can accumulate up to 168 hours, which was set or negotiated through the FOP. After discussion and in an effort to be consistent, it was determined

that the Police Department comp time hours should be capped at 5 days or 60 hours like the regular or civilian employees' comp time hours.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, to approve the buyout of comp time down to 60 hours (5 days) for the Police Department and to cap the same at 60 hours (5 days), and to leave the maximum number of sick leave hours that can be accumulated by the Police Department at 1,440 hours or 120 days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Discussion took place concerning the request of the public to ask the Planning Commission to consider amending the Wayne Municipal Code for two front yards for parking restrictions. This pertains to the property at the corner of Oak Drive and 2<sup>nd</sup> Avenue.

Lonnie Ehrhardt was present to share concerns he and the neighbors had concerning a camper that has been parked at this corner for some time. He presented the Council with a petition signed by those neighbors.

The camper is not parked illegally. Council had concerns about amending the code and the fact that this will affect several properties in town. While they understood their concerns, they were wondering if there was another way to do it besides affecting everybody who does not have neighbors that object.

In addition, they had concerns about getting involved with neighbor disputes. Mr. Ehrhardt was encouraged to contact this neighbor and share the concerns as outlined in their petition.

Mayor Chamberlain suggested that Mr. Ehrhardt come back in two meetings and update the Council on what attempts have been made to resolve the issue.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers approving the purchase of Acer tablets for the Mayor, Council and City Attorney. Mayor

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

Mayor Chamberlain requested Council consideration to approving the appointment of George Burcham to the Pool Construction Design Committee.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the appointment of George Burcham to the Pool Construction Design Committee. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the reappointment of Breck Giese and Pat Melena to the Planning Commission.

Councilmember Sievers stated she had a citizen contact her who had concerns about Breck Giese being reappointed to the Planning Commission, in light of the fact that his son is a City Councilmember.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, approving the reappointment of Breck Giese and Pat Melena to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the appointment of Peg Lutt to the Wayne Housing Authority Board of Commissioners. She will fill the vacancy of Karen Van Delden.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving the appointment of Peg Lutt to the Wayne Housing Authority Board of Commissioners. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, 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 Brodersen who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:50 p.m.