

**MINUTES  
CITY COUNCIL MEETING  
March 3, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, March 3, 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, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Jennifer Sievers and Nick Muir.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 19, 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 Haase made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of February 17, 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 Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** ABPA, FE, 130.00; ADVANCED CONSULTING, SE, 2182.50; AMAZON.COM, SU, 384.74; AMERITAS, SE, 2221.22; APPEARA, SE, 164.29; ARNIE'S FORD-MERCURY, SE, 1100.09; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 15.00; BLACK HILLS, SE, 1396.04; BOMGAARS, SU, 675.19; CITY EMPLOYEE, RE, 41.96; BROWN SUPPLY, SU, 95.00; CARHART LUMBER CO, SU, 603.03; CDW GOVERNMENT, SU, 1470.49; CENTURYLINK, SE, 314.45; CITY OF WAYNE, SE, 840.00; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, SE, 240.00; CITY OF WAYNE, RE, 321.40; CITY OF WAYNE, PY, 70856.91; CITY OF WAYNE, RE, 10.00; CITY OF WAYNE, RE, 434.19; CLEAN TO A T, SE, 1300.00; COMMUNITY HEALTH, RE, 4.00; CONSOLIDATED MANAGEMENT, RE, 458.75; DANKO EMERGENCY EQUIPMENT, SU, 822.58; DARRELL MOORE, RE, 100.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 103.20; DGR & ASSOCIATES, SE, 138.00; DUTTON-LAINSON, SU, 659.54; ED. M FELD EQUIPMENT, SU, 175.00; ELKHORN FENCE, SU, 228.00; FIRST CONCORD GROUP, SE, 3476.32; FLOOR MAINTENANCE, SU, 161.48; GALE GROUP, SU, 485.55; GRAINGER, INC., SU, 172.05; GROSSENBURG IMPLEMENT, SU, 771.79; HD

SUPPLY WATERWORKS, SU, 2671.20; HILLYARD/SIOUX FALLS, SU, 39.39; HOLIDAY INN OF KEARNEY, SE, 405.71; ICMA, SE, 6786.80; IRS, TX, 24166.14; JASON SEARS FLOORING, SE, 6971.50; JENNIFER & CHADRIC CLAUSSEN, RE, 47530.00; JEO CONSULTING GROUP, SE, 38763.75; KRIZ-DAVIS, SU, 613.44; L.G. EVERIST, SU, 1182.13; MICHAEL FREDERICK, SU, 20.00; MID-IOWA SOLID WASTE, SU, 14397.00; CITY EMPLOYEE, RE, 112.07; NE DEPT OF REVENUE, TX, 3259.03; NE PUBLIC HEALTH, SE, 324.00; NE SAFETY COUNCIL, SE, 9.38; NHHS, FE, 1000.00; N.E.NE AMERICAN RED CROSS, RE, 19.62; ORIENTAL TRADING CO, SU, 118.02; OVERDRIVE, SU, 469.62; PEERLESS WIPING CLOTH, SU, 240.00; CITY EMPLOYEE, RE, 65.28; SKARSHAUG TESTING LAB, SE, 271.21; STAPLES ADVANTAGE, SU, 641.99; STATE FARM INSURANCE, SE, 1126.00; STEFFEN, SU, 1453.17; THOMPSON ELECTRIC, SU, 780.00; TRI AIR TESTING, SE, 482.00; ULINE, SU, 178.70; UNITED WAY, RE, 7.00; VERIZON, SE, 99.26; WESCO, SU, 616.64; AIR EQUIPMENT SALES, SU, 1056.50; AMERICAN BROADBAND, SE, 2498.96; APPEARA, SE, 62.19; BACKFLOW APPARATUS, SU, 219.50; CARROT-TOP INDUSTRIES, SU, 175.33; CITY OF NORFOLK, SE, 363.12; CITY OF WAYNE, SE, 30.00; CITY OF WAYNE, RE, 652.01; CONSOLIDATED MANAGEMENT, RE, 212.50; COPY WRITE, SE, 111.85; DITCH WITCH OF OMAHA, SU, 92.98; EAKES OFFICE PLUS, SE, 838.64; ED. M FELD EQUIPMENT, SU, 310.15; FERTIG, TIM, RE, 12157.78; GILL HAULING, SE, 170.50; GROSSENBURG IMPLEMENT, SU, 56.16; HACH COMPANY, SU, 132.79; HEARTLAND PAPER, SU, 40.88; HEIKES AUTOMOTIVE, SE, 321.59; KELLY SUPPLY, SU, 101.20; LAZY T TIRE & IMPLEMENT, SU, 21.65; MUNICIPAL SUPPLY, SU, 126.36; NE LAW ENFORCEMENT, SE, 240.00; NE SAFETY COUNCIL, SE, 9.38; NEBRASKA COMMUNITY FND, RE, 150.00; NLA PROFESSIONALS, FE, 40.00; NNPPD, SE, 5446.00; ONE CALL CONCEPTS, SE, 9.70; PIEPER & MILLER, SE, 2180.00; PLUNKETT'S PEST CONTROL, SE, 40.00; QUALITY FOODS, SU, 29.98; RIEKES EQUIPMENT, SU, 785.86; STADIUM SPORTING GOODS, SE, 230.00; STATE NEBRASKA BANK, RE, 2587.50; T & S TRUCKING, SE, 427.92; THE GLASS EDGE, SU, 3866.00; TRANS-IOWA EQUIPMENT, FE, 150.00; ULINE, SU, 69.57; US BANK, SU, 9403.95; VIAERO, SE, 235.57; WASTE CONNECTIONS, SE, 73.36; WAED, RE, 7216.66; WAYNE AUTO PARTS, SU, 729.85; WAYNE COMMUNITY HOUSING, RE, 1447.67; WAYNE COUNTY COURT, RE, 300.00; WESCO, SU, 942.53

Councilmember Greve 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 Councilmembers Sievers and Muir 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.

Councilmember Eischeid introduced Ordinance No. 2015-8, and moved for approval of the second reading thereof; Councilmember Brodersen 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 Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2015-9, and moved for approval of the second reading thereof; Councilmember Giese 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 Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Johnson stated that he and Roger Protzman of JEO Consulting Group are recommending that no action be taken this evening on the proposed Resolution accepting the bid and awarding the contract for the “2015 Wayne Water Storage Tank Rehabilitation Project” for the reason that they have an alternative proposal for a long-term (10-year) maintenance contract, that would include grinding down the rough spots and painting the water tower. In addition, Mr. Protzman is checking on the qualifications of the low bidder. This matter will be brought forward at the next meeting.

The City received two bids on the “2015 Water System Improvements – Water Main Relocation Project.” Roger Protzman, the City’s Engineer with JEO Consulting Group, has

reviewed the two bids and is recommending that the award go to the low bidder, Robert Woehler & Sons Construction, Inc., for \$177,442. The engineer's estimate on the project was \$180,000.

Councilmember Giese introduced Resolution 2015-21, and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2015-21

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "2015 WATER SYSTEM IMPROVEMENTS – WATER MAIN RELOCATION PROJECT."**

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

The following Resolution would increase the electric rates by 6.5% in accord with the recommendation of the City's rate consultant and auditor. This will take effect with the bill that is mailed out to customers on May 1, 2015 (reading of March 15<sup>th</sup> thru April 15<sup>th</sup>). We did not increase rates last year because NPPD did not increase our rates. However, major projects have taken place the past couple of years. We have been borrowing money out of the Electric Fund, which declines the balance. The cheaper power (Big Rivers Contract) will not come until 2019. Also in 2017, the City will make its last \$278,000 bond payment on the 1996 power plant expansion project. Until then, the City's auditor and rate consultant are recommending rate increases to stabilize the decreasing return over operating costs.

Councilmember Eischeid introduced Resolution 2015-22, and moved for its approval; Councilmember Giese seconded.

#### RESOLUTION NO. 2015-22

**A RESOLUTION ESTABLISHING A SCHEDULE OF ELECTRICAL RATES TO BE CHARGED CUSTOMERS FOR ENERGY AND POWER FROM THE ELECTRIC DISTRIBUTION SYSTEM OF THE CITY; TO REPEAL CONFLICTING RATES AND SCHEDULES; 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 Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried.

Discussion took place in regard to eliminating the Senior Patrolman, Chief Custodian, Executive Secretary, Staff Assistant, and Building Manager/Custodian positions from the wage scale, in addition to approving job descriptions for Street Supervisor, Senior Lineman and Water Supervisor.

Administrator Johnson requested Council to leave in the Senior Patrolman position at Chief Chinn's request. Concern was had over that small of a police department having four supervisory/administrative positions. This would be discussed more at a later time. The remainder are positions that we either do not see being used or are not being used now. This is mostly to clean-up the wage schedule.

After discussion, Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, to approve the job descriptions for Street Supervisor, Senior Lineman and Water Supervisor. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried.

The following Resolution would amend the wage and salary schedule by including a 2% cost of living increase in addition to comparability. In regard to the Line Foreman/Asst. Supt. Position – Labor Grade 29, the recommendation was to change that title to Electric Line Supervisor.

Councilmember Eischeid introduced Resolution 2015-23, and moved for its approval and changing the title of Line Foreman/Asst. Supt. (Labor Grade 29) to Electric Line Supervisor; Councilmember Giese seconded.

#### RESOLUTION NO. 2015-23

#### A RESOLUTION APPROVING THE WAGE AND SALARY SCHEDULE.

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

The following Resolution would amend the wage and salary schedule for the Police Department by including a 2% cost of living increase in addition to comparability.

Councilmember Eischeid introduced Resolution 2015-24, and moved for its approval, and the reinstatement of the position of Senior Patrolman; Councilmember Greve seconded.

RESOLUTION NO. 2015-24

A RESOLUTION APPROVING THE WAGE AND SALARY SCHEDULE FOR POLICE DEPARTMENT PERSONNEL.

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

The following Resolution would make amendments to Sec. 9.100 Uniform Allowance, Sec. 14.80 On-Call Time and Sec. 14.100 Employee Benefits of the Personnel Manual.

Councilmember Giese introduced Resolution 2015-25, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2015-25

A RESOLUTION AMENDING SECTION 9.100 UNIFORM ALLOWANCE; SECTION 14.80 ON-CALL TIME; AND 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, with the exception of Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried.

The following six Resolutions pertain to agreements with Western Area Power Administration (WAPA) and with Nebraska Public Power District (NPPD). In 2014, NPPD turned over the option of its transmission system to Southwest Power Pool and no longer has

contractual power to continue our arrangement with WAPA. These actions are required to unbundle our WAPA power delivery through NPPD and to contract with Southwest Power Pool through WAPA for delivery of power to Wayne and Wayne State College.

Gene Hansen, Electric Production Superintendent, stated that we should pay approximately \$1,200 per month less than what we are paying now to WAPA.

Councilmember Eischeid introduced Resolution 2015-26, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2015-26

A RESOLUTION APPROVING A CONTRACT WITH THE WESTERN AREA POWER ADMINISTRATION (WAPA) TO ASSIGN SPECIFIC RIGHTS, DUTIES, AND OBLIGATIONS OF THE CITY OF WAYNE'S FIRM ELECTRIC SERVICE CONTRACT TO NEBRASKA PUBLIC POWER DISTRICT.

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

Councilmember Giese introduced Resolution 2015-27, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2015-27

A RESOLUTION APPROVING A CONTRACT WITH THE WESTERN AREA POWER ADMINISTRATION (WAPA) FOR FIRM ELECTRIC SERVICE TO THE CITY OF WAYNE, NEBRASKA.

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

Councilmember Brodersen introduced Resolution 2015-28, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2015-28

A RESOLUTION APPROVING CONTRACT AMENDMENT NO. 2 WITH THE WESTERN AREA POWER ADMINISTRATION (WAPA) PERTAINING TO THE CONTRACT FOR FIRM ELECTRIC SERVICE TO THE CITY OF WAYNE.

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

Councilmember Eischeid introduced Resolution 2015-29, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2015-29

A RESOLUTION APPROVING EXHIBIT C, REVISION 4 TO CONTRACT NO. 90-BAO-500 WITH THE WESTERN AREA POWER ADMINISTRATION (WAPA).

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

Councilmember Eischeid introduced Resolution 2015-30, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2015-30

A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A DELIVERY SERVICE AGREEMENT BETWEEN NEBRASKA PUBLIC POWER DISTRICT AND THE CITY OF WAYNE, NEBRASKA.

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

Councilmember Eischeid introduced Resolution 2015-31, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2015-31

A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A DELIVERY SERVICE AGREEMENT BETWEEN NEBRASKA PUBLIC POWER DISTRICT, THE CITY OF WAYNE, NEBRASKA, AND THE STATE OF NEBRASKA.

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

The following Ordinance would annex Southview Addition. There was an error in the title of the previous Ordinance that was passed. This corrects the same.

Councilmember Brodersen introduced Ordinance No. 2015-11, and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-11

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 Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following action item will approve the "Engagement Letter" with D.A. Davidson & Co. for the financing of the Southview Addition water and sewer projects.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen approving the Engagement Letter with D.A. Davidson & Co., for the financing of the Southview Addition water and sewer projects. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried.

The following Resolutions will confirm the engagement or hiring of Advanced Consulting Engineering Services for the Sanitary Sewer and Water Extension Districts in

Southview Addition. The estimated cost for the Sanitary Sewer Extension District is \$85,000, and the estimated cost for the Water Extension District is \$80,000.

Councilmember Brodersen introduced Resolution 2015-32, and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2015-32

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND APPROVING PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN SANITARY SEWER IMPROVEMENTS TO BE CONSTRUCTED BY THE CITY OF WAYNE, NEBRASKA.

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

Councilmember Eischeid introduced Resolution 2015-33, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2015-33

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND APPROVING PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN WATER IMPROVEMENTS TO BE CONSTRUCTED BY THE CITY OF WAYNE, NEBRASKA.

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

Administrator Johnson stated the following two ordinances, which would create the water and sanitary sewer extension districts, will have to wait to be acted upon until after the third and final reading of the ordinance annexing the Southview Addition.

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 Brodersen introduced Resolution No. 2015-34 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2015-34

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 Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Greve authorizing staff to give notice to Gill Hauling of rebidding the transfer station operating agreement. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, authorizing City of Wayne assistance to the June 2014 long-term recovery team (Pilger, Wisner, Wakefield, and Coleridge area) through Lowell Johnson, City Administrator, and possible short-term assistance of the City of Wayne's vac truck to help find utility locates. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Muir who were absent, the Mayor declared the motion carried and the meeting adjourned at 6:14 p.m.