

**MINUTES  
CITY COUNCIL MEETING  
April 21, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, April 21, 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, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Nick Muir.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 9, 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 Sievers made a motion, which was seconded by Councilmember Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of April 7, 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 Muir who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** ALEXANDER, RANDY, SE, 474.88; ALL-AMERICAN PUBLISHING, SE, 294.00; AMAZON.COM, SU, 587.58; AMERITAS, SE, 2292.13; APPEARA, SE, 232.06; BAKER & TAYLOR BOOKS, SU, 805.93; CITY EMPLOYEE, RE, 150.00; CARROLL DISTRIBUTING, SU, 42.24; CHUCK LEYPOLDT, SU, 12.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, PY, 63293.02; CITY OF WAYNE, RE, 165.00; CITY OF WAYNE, RE, 60.00; CITY OF WAYNE, RE, 1628.73; CLEAN TO A T, SE, 890.00; COMMUNITY HEALTH, RE, 4.00; CONSOLIDATED MANAGEMENT, SE, 162.75; COPY WRITE, SU, 3.15; CUMMINS CENTRAL POWER, SU, 149.72; DITCH WITCH OF OMAHA, SU, 78.07; EASYPERMIT POSTAGE, SU, 1997.40; ECHO GROUP, SU, 585.67; CITY EMPLOYEE, RE, 45.09; FASTENAL, SU, 233.74; FIREMAN, RE, 300.00; FIRST CONCORD GROUP, SE, 3476.32; FLOOR MAINTENANCE, SU, 89.14; FREDRICKSON OIL, SU, 1075.05; GALE GROUP, SU, 61.77; GANDER FOODS, SU, 48.00; GILMORE & BELL, SE, 5500.00; GUARANTEE ROOFING, SE, 346.36; H.K. SCHOLZ, SU, 16507.50; HEIDI CLAUSSEN, SE, 150.00; HEIKES AUTOMOTIVE, SE, 1874.59; HILLYARD/SIOUX FALLS, SU, 28.30; HOMETOWN

LEASING, SE, 412.00; ICMA, SE, 7098.29; IRS, TX, 23312.09; KATHY NELSON, FE, 15.00; KEEP NEB BEAUTIFUL, FE, 35.00; J.P. COOKE COMPANY, SU, 155.75; JOHN'S WELDING AND TOOL, SE, 34.15; KRIZ-DAVIS, SU, 2686.50; LEAGUE OF NEBRASKA, FE, 130.00; LINPECO, SU, 496.00; LORDAR, SU, 213.44; LUTT OIL, SU, 3595.43; LYNN GAMBLE, RE, 500.00; MICHAEL TODD & CO, SU, 1449.19; MSC INDUSTRIAL, SU, 190.61; NATL LEAGUE OF CITIES, FE, 1117.00; CITY EMPLOYEE, RE, 67.04; NE DEPT OF REVENUE, TX, 3322.37; NE DEPT OF ROADS, SE, 114545.82; NE SAFETY COUNCIL, SE, 53.58; NMPP ENERGY, FE, 2111.50; N.E. NE AMERICAN RED CROSS, RE, 39.24; NNPPD, SE, 12306.60; NOVA HEALTH EQUIPMENT, SE, 653.10; OLSSON ASSOCIATES, SE, 1922.10; OTTE CONSTRUCTION, SE, 53104.00; PIEPER & MILLER, SE, 3210.00; QUALITY 1 GRAPHICS, SU, 25.00; ROBERT WOehler & SONS, SE, 32913.24; SIOUXLAND TURF PRODUCTS, SU, 3260.00; SPARKLING KLEAN, SE, 3758.95; SHOPKO, SU, 203.06; STADIUM SPORTING GOODS, SU, 216.00; STATE NEBRASKA BANK, RE, 250.66; STATE NEBRASKA BANK, RE, 103.97; TAK, INC, SE, 75.00; TYLER TECHNOLOGIES, SE, 748.75; UNITED WAY, RE, 14.00; USC FOUNDATION, SU, 119.00; VAC – SHACK, SU, 500.00; VIAERO, SE, 129.52; WAYNE AUTO PARTS, SU, 160.67; WAYNE BASEBALL ASSOCIATION, SU, 100.00; WAYNE HERALD, SE, 2229.28; WESCO DISTRIBUTION, SU, 57.78; WAPA, SE, 34186.91; WESTERN IOWA TECH, FE, 225.00; ZEE MEDICAL SERVICE, SU, 82.48; AHERN CO, SE, 611.00; BOMGAARS, SU, 5.69; BROWN SUPPLY, SU, 612.00; CHEMQUEST, SE, 595.00; CITY OF WAYNE, RE, 550.00; CONSOLIDATED MANAGEMENT, SE, 153.25; DEARBORN NATIONAL LIFE, SE, 2019.99; DGR & ASSOCIATES, SE, 1494.00; HEARTLAND PAPER, SU, 113.37; IIMC, FE, 155.00; IRS-DEPT OF TREASURY, RE, 8.42; ISLAND SPRINKLER SUPPLY, SU, 1190.09; NNEDD, SE, 183.00; NE DEPT OF ROADS, SE, 3150.00; NE SAFETY COUNCIL, SE, 248.00; NPPD, SE, 281070.10; OLSON TREE SERVICE, SE, 6200.00; OVERDRIVE, INC., SU, 242.67; PARTS ENGINEERING, SU, 101.39; PITNEY BOWES, SE, 258.00; ROBERTSON IMPLEMENT, SU, 111.96; STAPLES ADVANTAGE, SU, 375.68; THE GLASS EDGE, SU, 264.00; TITAN MACHINERY, SU, 113500.00; TOM'S BODY & PAINT SHOP, SU, 39.90; VERIZON, SE, 99.30; WAYNE LIBRARY LANDSCAPE, RE, 100.00; WESTERN OFFICE PRODUCTS, SU, 417.74

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 Muir 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.

Mayor Chamberlain proclaimed Friday, April 24, 2015, as “Arbor Day.”

Phil Monahan, Fire Chief, introduced Joe Ernst, who has submitted an application for membership to the Wayne Volunteer Fire Department.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving the Application for Membership of Joe Ernst to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Phil Monahan, Fire Chief, presented the Council with a proposal from Eddy Weiss, CRL & Associates, to go from a two-module storm shelter (originally donated to the Fire Department) to a four-module shelter for \$2,030, plus shipping.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, authorizing the purchase of additional modules for space up to 14 people for \$2,030 for the Fire Hall tornado shelter. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Penny Vollbracht, Senior Center Coordinator, advised the Council that one bid was received for the preparation of the hot meals at the Senior Center. The bid came from Chartwells. Congregate meals will increase to \$5.40 (\$.22 higher) per meal and home-delivered will increase to \$5.70 (\$.26 higher) per meal. This bid is in effect from July 1, 2015, through June 30, 2016.

Discussion took place regarding the costs associated with providing congregate and home-delivered meals and the amount subsidized by the City for these two programs. Staff was asked to contact other centers who cater meals to find out what they charge for those services, the number of meals served per day, etc., for comparison purposes.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving the bid received from Chartwells to prepare the hot meals as part of the nutrition program for the elderly at the Wayne Senior Center. Mayor Chamberlain stated the

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

Heather Reinhardt, representing the Leadership Wayne Class, was present requesting Council consideration to purchasing park equipment for the Wayne Summer Sports Complex. They were proposing two locations for the equipment, one of which was in the northeast corner of the complex, and the other, which was on the south side of the complex. However, the group was recommending that the park equipment be placed in the northeast location. The cost of the playground equipment proposed for the northeast location would be approximately \$34,695.17. The cost of the playground equipment proposed for the south location would be approximately \$35,117.58.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the recommendation of the Leadership Wayne Class for park equipment at the Summer Sports Complex at the northeast location. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Administrator Johnson stated Steven F. Mrsny has made a written request for an agricultural deferral of the special assessments for Sanitary Sewer Extension District No. 2015-01 and Water Extension District No. 2015-01. These are the sanitary sewer and water improvements that will be made on Grainland Road (Southview Addition).

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the request of Steven F. Mrsny for an ag deferral of special assessments for Sanitary Sewer Extension District No. 2015-01 and Water Extension District No. 2015-01 (Grainland Road – Southview Addition). Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-12, and moved for approval of the third and final reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2015-12

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF BLOCKS 5 AND 6, COLLEGE HILL FIRST ADDITION, CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT.

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

Discussion took place concerning Ordinance No. 2015-18.

Councilmember Giese introduced Ordinance No. 2015-18, and moved for approval of the third and final reading thereof, and Councilmember Eischeid seconded the same, with the following amendments:

Sec. 90-121 Permitted Conditional Uses

A building or premises in an A-1 district may be used for the following in conformance with the prescribed conditions:

1. Second Class Animal Production
  - a. Where the parcel is adjacent to the city limits or any R district, ~~and is less than 40 acres in size,~~
    - i. ~~One Two (± 2) animal units per acre, not to exceed 20 40 animal units.~~
    - ii. No more than 4 of those animal units may consist of turkeys, ducks, and geese combined.
    - iii. No more than 4 of those animal units may consist of chickens.
    - iv. **Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 100' from any property line, which borders the city limits or any R district.**
  - ~~b. Where the parcel is adjacent to the city limits or any R district, and is at least 40 acres in size,~~
    - ~~i. No more than 20 animal units Two (2) animal units per acre.~~
    - ~~ii. No more than 4 of those animal units may consist of turkeys, ducks, and geese combined.~~
    - ~~iii. No more than 4 of those animal units may consist of chickens.~~
    - iv. **Any structure housing animals or any confined area must be at least 100' from any property line which borders the city limits or any R district.**
  - b. Where the parcel is not adjacent to the city limits or any R district, and is less than 40 acres in size,
    - i. ~~One Two (± 2) animal units per acre, not to exceed 40 animal units.~~
    - ii. No more than 10 of those animal units may consist of turkeys, ducks, and geese combined.
    - iii. No more than 10 of those animal units may consist of chickens.

- iv. **Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 100' from any property line, which borders the city limits or any R district, and at least 300' from a residential dwelling on another property.**
- c. Where the parcel is not adjacent to the city limits or any R district, and is at least 40 acres in size
- i. ~~No more than 80 animal units~~ **Two (2) animal units per acre.**
  - ii. No more than 20 of those animal units may consist of turkeys, ducks, and geese combined.
  - iii. No more than 20 of those total animal units may consist of chickens.
  - iv. **Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 100' from any property line, which borders the city limits or any R district, and at least 300' from a residential dwelling on another property.**

ORDINANCE NO. 2015-18

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 2. A-1 AGRICULTURAL DISTRICT, BY ADDING SECTION 90-121 PERMITTED CONDITIONAL USES; 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 Muir who was absent, the Mayor declared the motion carried.

Discussion then took place regarding Ordinance No. 2015-20.

After discussion, Councilmember Giese introduced Ordinance No. 2015-20, and moved for approval of the second reading thereof, with the following amendments:

**Sec. 90-150 Permitted Conditional Uses.**

A building or premises in an A-2 district may be used for the following in conformance with the prescribed conditions:

1. Third Class Animal Production

- a. Where the parcel is adjacent to the city limits or any R district, and is over 3 acres in size,
  - i. One (1) animal unit per every acre over 3 acres + 2 animal units.
  - ii. No more than 15 animal units.
  - iii. **Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 100' from any property line which borders the city limits or any R district and at least 25' from any other property line.**
  - iv. No more than 2 animal units may consist of swine.
- b. Where the parcel is not adjacent to the city limits or any R district, and is over 3 acres in size,

- i. One (1) animal unit per every acre over 3 acres + 2 animal units.
  - ii. No more than 30 total animal units.
  - iii. No more than 2 animal units may consist of swine.
  - iii. Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 25' from any property line which does not border the city limits or any R district that has a residential dwelling on it.**
- c. Where the parcel is 3 acres or less,
- i. Two (2) animal units.
  - ii. Any structure housing animals or any confined area must be at least 100' from any property line which borders the city limits or any R district.
  - iii. Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 25' from any property line which does not border the city limits or any R district that has a residential dwelling on it.**

Councilmember Sievers seconded.

#### ORDINANCE NO. 2015-20

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 3. A-2 AGRICULTURAL RESIDENTIAL DISTRICT, BY ADDING SECTION 90-150 PERMITTED CONDITIONAL USES; 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 Muir who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Discussion took place regarding Ordinance 2015-14.

Councilmember Giese introduced Ordinance No. 2015-14, and moved for approval of the third and final reading thereof, with the amendment being to change the number of swine from two head to one head in the definition of “Second Class Animal Production” and “Third Class Animal Production;” Councilmember Eischeid seconded.

#### ORDINANCE NO. 2015-14

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I. IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; 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 Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-15, and moved for approval of the third and final reading thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2015-15

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 2. A-1 AGRICULTURAL DISTRICT, BY AMENDING SECTION 90-112 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 Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-16, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 2. A-1 AGRICULTURAL DISTRICT, BY AMENDING SECTION 90-114 EXCEPTIONS; 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 Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-17, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-17

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 2. A-1 AGRICULTURAL DISTRICT, BY AMENDING SECTION 90-115 CONDITIONS FOR GRANTING EXCEPTIONS; 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 Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-19, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-19

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 3. A-2 AGRICULTURAL RESIDENTIAL DISTRICT, SECTION 90-142 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 Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-21, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-21

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE V. BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 1. B-1 HIGHWAY BUSINESS DISTRICT, SECTION 90-352 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 Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-22, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-22

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE V. BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 1. B-1 HIGHWAY BUSINESS DISTRICT, BY ADDING SECTION 90-363 PERMITTED CONDITIONAL USES; 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 Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-23, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-23

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS, DIVISION 2. I-1 LIGHT INDUSTRIAL AND MANUFACTURING DISTRICT, SECTION 90-482 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 Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-24, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-24

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS, DIVISION 3. I-2 HEAVY INDUSTRIAL AND MANUFACTURING DISTRICT, SECTION 90-512 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 Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2015-27, and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-27

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 Muir who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, 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 five Yeas, with the

exception of Councilmember Muir who was absent, and Councilmembers Giese and Eischeid who voted Nay, the Mayor declared the motion failed. The third and final reading will take place at the next meeting.

Councilmember Sievers introduced Ordinance 2015-28, and moved for approval of the second reading thereof; Councilmember Haase seconded.

#### ORDINANCE NO. 2015-28

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, TO VACATE THE REAL ESTATE DEDICATED TO THE PUBLIC FOR USE AS A PUBLIC ROAD LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1, MOHR'S INDUSTRIAL TRACT, SAID POINT BEING THE POINT OF BEGINNING; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 1 TO THE SOUTHEAST SIDE OF LOT 1, JORGENSEN SUBDIVISION; THENCE NORTHEASTERLY ALONG THE SOUTHEAST SIDE OF LOT 1, JORGENSEN SUBDIVISION TO THE SOUTH SIDE OF NEBRASKA HIGHWAY 35 ROW; THENCE EASTERLY ALONG THE SOUTH SIDE OF NEBRASKA HIGHWAY 35 ROW TO THE WEST SIDE OF THORMAN STREET ROW; THENCE SOUTHERLY ALONG THE WEST SIDE OF THORMAN STREET ROW 60 FEET TO THE POINT OF BEGINNING, CONTAINING 0.15 ACRES, MORE OR LESS, PART OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, AND TO APPROVE THE RETENTION OF SAID REAL ESTATE AS ALLOWED BY NEB. REV. STAT. § 19-917.

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

The City received three bids on the "Airport Lift Station Project." Olsson Associates has reviewed the bids and is recommending that the award go to the low bidder, Mark Albenesius, Inc., South Sioux City, NE, for \$87,353. The engineer's estimate on the project was between \$80,000 and \$120,000.

Councilmember Sievers introduced Resolution 2015-43, and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2015-43

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "WAYNE AIRPORT LIFT STATION PROJECT."

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

Administrator Johnson stated the following resolution would approve the “Joint Defense and Common Interest Agreement” between Northeast Nebraska Public Power District, the Cities of South Sioux City, Wakefield and Wayne, and the Law Firm of Baird Holm. NPPD has given official notice that it plans to charge a higher wholesale rate to those customers that do not sign a new wholesale power contract. This agreement will retain Baird Holm, as special legal counsel, to examine the known details of NPPD’s plans and the language of our existing contract, and allow us to be privy to the information provided to Northeast Nebraska Public Power District.

Councilmember Sievers introduced Resolution 2015-44, and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2015-44

A RESOLUTION APPROVING THE JOINT DEFENSE AND COMMON INTEREST AGREEMENT BETWEEN NORTHEAST NEBRASKA PUBLIC POWER DISTRICT; THE CITY OF WAYNE, NEBRASKA; THE CITY OF SOUTH SIOUX CITY, NEBRASKA; THE CITY OF WAKEFIELD, NEBRASKA; AND BAIRD HOLM LLP.

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

The following Resolution would give staff the authority to solicit an agreement with Advanced Consulting Engineering Services for design and construction services for a sanitary sewer extension project that will begin on Chief’s Way and head south 900 feet. This is the last segment of extending the sewer out from Chief’s Way south. If this project is done, sewer in that area will serve all of the lots.

Councilmember Giese introduced Resolution 2015-45, and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2015-45

A RESOLUTION APPROVING SOLICITATION OF AN AGREEMENT WITH ADVANCED CONSULTING ENGINEERING SERVICES OF WEST POINT FOR THE DESIGN AND CONSTRUCTION SERVICES FOR SANITARY SEWER EXTENSION PROJECT FROM CHIEF'S WAY SOUTH 900 FEET.

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

Administrator Johnson presented Council with a draft of the "Transfer Station Operation Agreement." If approved, staff will proceed to bid it out. The Green Team has asked that we require the operator to measure the recyclables coming out of the transfer station. This was also talked about at the Council Retreat. Our three-year agreement ends in June.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen approving the proposed draft of the Transfer Station Agreement and authorizing city staff to bid it out. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir 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 Muir who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:48 p.m.