

**MINUTES
CITY COUNCIL MEETING
June 16, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, June 16, 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, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 4, 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 Eischeid, whereas, the Clerk has prepared copies of the Minutes of the meetings of June 2 and 8, 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: 4IMPRINT, INC., SU, 432.72; AMERITAS, SE, 2597.16; APPEARA, SE, 109.77; ARNIE'S FORD-MERCURY, SE, 255.93; BAKER & TAYLOR BOOKS, SU, 885.61; BARONE SECURITY SYSTEMS, SE, 138.00; CITY EMPLOYEE, RE, 2806.91; CITY EMPLOYEE, RE, 109.74; CHARTWELLS, SE, 5507.88; CITY EMPLOYEE, RE, 128.40; CITY OF WAYNE, RE, 400.00; CITY EMPLOYEE, SU, 108.00; CITY OF WAYNE, PY, 72715.12; CITY OF WAYNE, RE, 855.73; COMMUNITY HEALTH, RE, 4.00; CONSOLIDATED MANAGEMENT, RE, 37.00; DAVE'S DRY CLEANING, SE, 93.00; DAKTRONICS, SU, 185.00; CITY EMPLOYEE, RE, 3421.79; DEMCO, SU, 82.77; EAKES OFFICE PLUS, SE, 100.89; EAKES OFFICE PLUS, SE, 198.74; GALE GROUP, SU, 119.80; GROSSENBURG IMPLEMENT, SU, 34.71; HEARTLAND FIRE PROTECTION, SE, 573.50; HHS REGULATION & LICENSURE, FE, 115.00; HTM SALES, SE, 307.50; HYDRAULIC EQUIPMENT, SE, 2885.65; ICMA, SE, 6861.40; IRS, TX, 26158.93; JASON CAROLLO, SE, 175.00; JOHN'S WELDING AND TOOL, SE, 168.11; KRIZ-DAVIS, SU, 3047.36; LITE-FORM TECHNOLOGIES, SU, 666.72; MARCO, SE, 126.36; MATHESON TRI-GAS, SU, 32.24; MAXNET SECURITY, SE, 1575.00; MICHAEL TODD & CO, SU, 263.64; MIDWEST

LABORATORIES, SE, 971.50; NNEDD, SE, 1440.00; CITY EMPLOYEE, RE, 620.76; NE DEPT OF ENVIRONMENTAL, FE, 678.30; NE DEPT OF REVENUE, TX, 3630.86; NE PUBLIC HEALTH ENVIRONM, SE, 814.00; NE SAFETY COUNCIL, SE, 9.29; NE STATE HISTORICAL, FE, 29.00; NNPPD, SE, 12306.60; PAC N SAVE, SU, 10.72; PALFINGER USA, SU, 18437.00; PEERLESS WIPING CLOTH, SU, 240.00; PENGUIN RANDOM HOUSE, SU, 26.25; PITNEY BOWES, SU, 104.84; POLLARD PUMPING, SE, 330.00; PROVIDENCE MEDICAL CENTER, SE, 61.00; RESCO, SU, 1062.49; ROBERT WOEHLE & SONS, SE, 19367.63; SIGNS BY TOMORROW, SU, 814.00; SKARSHAUG TESTING LAB, SE, 99.93; STADIUM SPORTING GOODS, SE, 16.00; STATE NEBRASKA BANK, SE, 62.08; STATE NEBRASKA BANK, RE, 291170.00; STATE NEBRASKA BANK, RE, 46135.00; STATE NEBRASKA BANK, RE, 63696.25; STATE NEBRASKA BANK, RE, 5912.50; STATE NEBRASKA BANK, RE, 486.13; STORM SHELTER OF IOWA, SE, 2030.00; SUBWAY, SE, 65.35; VIAERO, SE, 205.44; WASTE CONNECTIONS, SE, 140.80; WAED, RE, 1000.00; WAYNE COUNTY CLERK, SE, 138.00; WAYNE VETERINARY CLINIC, SE, 84.00; APPEARA, SE, 190.57; ARNIE'S FORD-MERCURY, SE, 1003.62; AUTOMATED DRIVE SYSTEMS, SE, 300.00; BROWN SUPPLY, SU, 149.65; BSN SPORTS, SU, 631.70; CERTIFIED TESTING SERVICE, SE, 428.50; CITY OF WAYNE, RE, 800.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 54.00; CITY OF WAYNE, RE, 85.00; CITY OF WAYNE, RE, 1650.20; CLAUSSEN & SONS IRRIG., SE, 1761.99; CLAUSSEN, HEATHER, SE, 762.50; COPY WRITE PUBLISHING, SE, 290.48; COUNTRY NURSERY, SE, 1120.00; CREDIT BUREAU SERVICES, SE, 5.00; CURTIS REESE, RE, 342.50; DGR & ASSOCIATES, SE, 1419.00; DOESCHER APPLIANCE, SE, 158.22; DUTTON-LAINSON, SU, 848.89; EASYPERMIT POSTAGE, SU, 1763.17; ELECTRIC INNOVATIONS, SE, 767.45; ENGINEERED EQUIPMENT, SU, 3150.50; FLOOR MAINTENANCE, SU, 209.05; GERHOLD CONCRETE, SU, 986.71; HAWKINS, SU, 2601.83; HEARTLAND FIRE PROTECTION, SE, 237.39; HOMETOWN LEASING, SE, 333.49; HTM SALES, SE, 11109.34; INGRAM BOOK CO, SU, 860.56; JWC ENVIRONMENTAL, SU, 1248.63; KLERITEC, SU, 287.99; KTCH, SE, 441.00; LINPEPCO, SU, 226.00; LUTT OIL, SU, 4995.55; MICHAEL TODD & CO, SU, 67.51; MIRACLE LAWN CARE SERVICE, SE, 80.00; CITY EMPLOYEE, RE, 68.33; NE NEB INS AGENCY, SE, 4703.00; NPPD, SE, 251399.96; NORFOLK DAILY NEWS, SE, 380.40; NORTHWEST ELECTRIC, SU, 303.02; NWOD, FE, 15.00; OMAHA WORLD-HERALD, SE, 565.18; OVERDRIVE, SU, 104.49; PASTICARDS, SU, 430.00; PITNEY BOWES, SE, 1501.71; RESCO, SU, 488.75; SIOUX CITY JOURNAL, SE, 1521.79; SPARKLING KLEAN, SE, 3437.51; SHOPKO, SU, 351.50; STAPLES ADVANTAGE, SU, 432.33; TOM'S BODY & PAINT SHOP, SE, 1396.61; US BANK, SU, 6879.97; VAKOC CONSTRUCTION, SU, 5.99; WAYNE HERALD, SE, 1837.25; WAYNE STATE COLLEGE, SE, 700.00; WAYNE STATE COLLEGE, RE, 1200.00; WINNING FINISH, SE, 345.00; ZEE MEDICAL SERVICE, SU, 144.30; ZIMCO, SU, 1590.00

Councilmember Giese 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, 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.

Phil Monahan, Fire Chief, introduced Codie Rich, who submitted an application for membership to the Wayne Volunteer Fire Department.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the Application for Membership of Codie Rich to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A public hearing was held on the “Notice of intent to release funds for the Villa Wayne Capital Improvement Project – Wayne Housing Authority.” Trine McBride, Executive Director of the Wayne Housing Authority, was present to explain the program and the reason for the public hearing. This will be an annual event. No one from the public spoke for or against this public hearing.

Lauran Lofgren, Library Director, and Joel Ankeny, President of the Library Board, came before Council to explain the steps the Library has taken to reduce costs as requested. The Board is taking steps to go forward that includes developing a budget for 2015/2016 that will be approximately \$60,000 less than their current year budget, which includes leaving the staffing level where it is now (which is at the same level they were at in the 2000/2001 budget year). The Library is open approximately 260 hours more per year than they were back in 2001. In addition, they have increased circulation about 41%, traffic thru the door is up over 80%, and the programs, as well as attendance at the programs, have grown by quite a bit. The Board will look at new means of revenue, although they are somewhat tied depending on State Statutes and accreditation standards they have to follow. They are going to work on building a trained volunteer base to help with book repair, shelving displays, etc., which are not getting done quite as fast right now as they would like to have them done. The Board is of the opinion that further cuts will have a negative impact on programs and services, and they hope that the efforts they are

taking at this point meet with Council approval. They asked the Council to make suggestions on what programs or events they should eliminate if the Council did not feel the Board cut enough out of the budget. They will go from approximately \$311,000 to \$248,000 in the 2015-2016 fiscal year. More discussion on the matter will take place during budget work sessions.

Councilmember Sievers introduced Ordinance No. 2015-29, and moved for approval of the third and final reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2015-29

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, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-30, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-30

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, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-31, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-31

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, the Mayor declared the motion carried.

Discussion took place on Ordinance 2015-34 amending Section 34-1 Misdemeanors; Use of Tobacco Products. Councilmember Eischeid thought that posting signs in these areas would be sufficient, rather than passing an ordinance that does not have any teeth.

Said Ordinance died for lack of a motion.

Councilmember Sievers introduced Ordinance 2015-35, and moved for approval of the second reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2015-35

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, CHAPTER III PARKING, SECTION 78-132 PROHIBITED PARKING, SOUTHWEST QUADRANT OF THE CITY; 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, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

The following Resolution would approve Supplemental Agreement No. 4 – Preliminary Engineering Agreement between the City and Olsson Associates, engineers on the Wayne Trail Phase 2 Project.

Joel Hansen, Zoning Administrator, stated that this agreement is between the City of Wayne and Olsson Associates. It outlines the hours needed to draw new plans and do additional survey work. NDOR is concerned about possible conflicts with an irrigation pivot and a large propane tank south of Douglas Street. They also want more details shown on the existing plans regarding trees and fences, as well as buildings that have been built along the trail since the plans

were originally completed. NDOR has negotiated and approved the hours that were submitted by Olsson Associates to do the work.

Councilmember Brodersen introduced Resolution No. 2015-64 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2015-64

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF PRELIMINARY ENGINEERING SERVICES AGREEMENT SUPPLEMENTAL AGREEMENT NO. 4 BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES, INC. RELATING TO THE WAYNE TRAIL – PHASE 2 PROJECT STPB-90(4).

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution would adopt the Lower Elkhorn NRD Multi-Jurisdictional Hazard Mitigation Plan Update, which is a requirement for Wayne to be included in the five-year update and be eligible for emergency plan funding for future projects (e.g. tornado shelters, etc.).

Councilmember Sievers introduced Resolution No. 2015-65 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2015-65

A RESOLUTION APPROVING LOWER ELKHORN NRD MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution would approve the plans, specifications and estimate of cost for the “2015 Wastewater Treatment Facility Improvements” (Wayne Biosolids Handling Improvement Project), and authorize the City Clerk to begin advertising for bids.

Roger Protzman, JEO Consulting Group, was present to answer questions. This project is proposed to be financed through the Clean Water State Revolving Loan Fund, with an interest rate of 2.5%.

Councilmember Sievers introduced Resolution No. 2015-66 and moved for its approval;
Councilmember Haase seconded.

RESOLUTION NO. 2015-66

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE “2015 WASTEWATER TREATMENT FACILITY IMPROVEMENTS” (WAYNE BIOSOLIDS HANDLING IMPROVEMENT PROJECT) FOR SUBMISSION TO NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY TO REVIEW, AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

George Parizek, JEO Consulting Group, Inc., stated that the City received two bids on Friday, June 12th, for the Wayne Aquatic Center Project. The low bidder was Christiansen Construction of Pender for \$2,659,000. The engineer’s opinion of cost was \$2,600,000. Christiansen Construction provided a “Preliminary Schedule of Values.” Because of the questions arising from Council, Mr. Parizek was asked to break some of the items down for clarity purposes. Start date would be probably mid to early July. Completion date is May 20, 2016. There are liquidated damages of \$600 per day up until the substantial completion date, with a lesser value to final completion date.

Councilmember Sievers introduced Resolution No. 2015-67 and moved for its approval;
Councilmember Muir seconded.

RESOLUTION NO. 2015-67

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “WAYNE AQUATIC CENTER PROJECT.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A pay request has been received from OCC Builders, LLC, for the “2015 Wayne Storm Shelter Project” for \$45,425.00. The engineer on the project, JEO Consulting Group, has approved the same.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving Pay Application No. 1 for \$45,425.00 to OCC Builders, LLC, for the “2015 Wayne Storm Shelter Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated that Change Order No. 1 has been submitted on behalf of Robert Woehler & Sons Construction, Inc., in the amount of \$8,432.78 for the “2015 Water System Improvements – Water Main Relocation Project.”

Roger Protzman, Engineer with JEO Consulting Group, advised the Council that this is for additional requirements required by both the State and Nebraska Health & Human Services, which they were told about after the project was already bid. NDOR required additional concrete thickness and NHHS required the City to reinstall a hydrant at the corner of Walnut and 5th Street. JEO recommended abandoning a valve in place because NDOR was requesting the entire driveway to be replaced to abandon the water main. In addition, NDOR wanted 9” thick concrete instead of 7” thick concrete, etc.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving Change Order No. 1 — \$8,432.78 for the “2015 Water System Improvements – Water Main Relocation Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Roger Protzman, JEO Consulting Group, Inc., presented the application that will be submitted to NDEQ for the renewal of the NPDES Wastewater Discharge Permit.

Councilmember Muir made a motion, which was seconded by Councilmember Brodersen, approving the application to be submitted to NDEQ for the renewal of the NPDES Wastewater Discharge Permit. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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, the Mayor declared the motion carried and the meeting adjourned at 6:34 p.m.