

**MINUTES
CITY COUNCIL MEETING
July 7, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, July 7, 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 June 25, 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 Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of June 16, 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: AMAZON.COM, SU, 706.38; AMERITAS, SE, 2323.96; AMY K. MILLER, SE, 5416.67; APPEARA, SE, 109.77; ARNIE'S FORD-MERCURY, SE, 549.49; AS CENTRAL SERVICES, SE, 448.00; BEEHIVE INDUSTRIES, FE, 3600.00; CITY EMPLOYEE, RE, 53.28; BENSCOTER INC, SE, 1630.00; BIG T ENTERPRISES, SU, 163.80; BLACK HILLS, SE, 388.13; BLUE CROSS BLUE SHIELD, SE, 30012.00; BOMGAARS, SU, 2183.50; CITY EMPLOYEE, RE, 462.42; BROWN SUPPLY, SU, 27.16; BSN SPORTS, SU, 163.42; CARHART LUMBER, SU, 1536.10; CENTURYLINK, SE, 413.99; CHARGEPOINT, SE, 280.00; CITIZENS STATE BANK, RE, 9856.75; CITY OF WAYNE, RE, 850.00; CITY OF WAYNE, RE, 1000.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 75219.99; CITY OF WAYNE, RE, 145.00; CITY OF WAYNE, RE, 288.00; CITY OF WAYNE, RE, 1091.57; CLEAN TO A T, SE, 440.00; COLONIAL RESEARCH, SU, 112.06; COMMUNITY HEALTH, RE, 4.00; COMVERGE, INC, SE, 1239.13; CONSOLIDATED MANAGEMENT, SE, 13.75; CORNHUSKER INTERNATIONAL, SE, 145.00; COUNTRY NURSERY, SE, 247.00; CITY OF WAYNE, SU, 34.39; DAN KRUSE, RE, 18.82; DARYL LINDSAY, RE, 500.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE,

1977.01; DEMCO, SU, 203.91; DIAMOND VOGAL, SU, 38.49; DITCH WITCH, SE, 182.15; ECHO GROUP, SU, 387.21; CITY EMPLOYEE, RE, 828.01; ED. M FELD EQUIPMENT, SU, 672.10; FASTENAL, SU, 90.46; FIRST CONCORD GROUP, SE, 3203.64; FISHER NORTHWEST, SE, 3045.00; FOURTH GENERATION FAMILY, RE, 12975.70; GARY RUZICKA, RE, 50.00; GEMPLER'S, SU, 125.70; GEORGINA CASTANEDA, SE, 75.00; GERHOLD CONCRETE, SU, 7322.71; GILL HAULING, SE, 180.50; GIS WORKSHOP, FE, 4200.00; GLOVER PAINTING, SE, 405.00; GROSSENBURG IMPLEMENT, SU, 478.79; HAWKINS, SU, 1075.90; HD SUPPLY WATERWORKS, SU, 1554.85; HOLIDAY INN EXPRESS, SE, 166.00; HOLIDAY INN OF KEARNEY, SE, 415.00; HOMETOWN LEASING, SE, 152.88; HR SPECIALIST:EMPLOYMENT, SU, 199.00; HTM SALES, SE, 307.50; HUNTEL CABLEVISION, SE, 2579.42; ICMA, SE, 6453.00; IRS, TX, 26386.68; JACK'S UNIFORMS, SU, 8250.35; JEO CONSULTING GROUP, SE, 44376.75; KELLY SUPPLY, SU, 516.47; LANGEMEIER, WAYNE, SE, 150.00; LOUIS BENSCOTER, RE, 2344.12; MARCO, SE, 141.32; MATHESON TRI-GAS, SU, 335.12; CITY EMPLOYEE, RE, 207.10; MERCHANT JOB TRAINING, SU, 550.00; MICHAEL TODD & CO, SU, 799.88; MICHAEL FELDMAN, RE, 100.00; NNEDD, SE, 715.00; NAPA OF WAYNE, SU, 7.84; CITY EMPLOYEE, RE, 85.43; NE DEPT OF REVENUE, TX, 3616.44; NE LAW ENFORCEMENT, FE, 180.00; NE NEB INS AGENCY, SE, 76359.00; NE PUBLIC HEALTH, SE, 292.00; NE SAFETY COUNCIL, SE, 5.00; NMC EXCHANGE, SE, 4467.67; N.E. NE AMERICAN RED CROSS, RE, 39.24; NNPPD, SE, 4078.00; NORTHWEST ELECTRIC, SU, 280.49; NOVA HEALTH EQUIPMENT, SE, 477.85; OCC BUILDERS, SE, 45425.00; OLSSON ASSOCIATES, SE, 1412.49; ONE CALL CONCEPTS, SE, 102.60; OTTE CONSTRUCTION, SE, 3380.00; OVERHEAD DOOR COMPANY, SE, 190.25; PAC N SAVE, SE, 324.92; PIERSON PAINTING, SE, 280.00; RAE BROWN, RE, 3000.00; RESCO, SU, 89.25; SIOUXLAND TURF PRODUCTS, SU, 162.00; SIRSIDYNIX, SE, 3864.06; SHANE'S TOWING, SE, 235.40; STADIUM SPORTING GOODS, SU, 1468.50; STALP GRAVEL, SU, 1342.03; TOM'S BODY & PAINT, SE, 60.00; TYLER TECHNOLOGIES, SE, 200.00; UNITED WAY, RE, 14.00; US BANK, SU, 6171.69; VAN DIEST SUPPLY, SU, 42.50; VIAERO, SE, 322.12; VERIZON, SE, 99.30; WAED, SE, 7216.66; WAYNE AUTO PARTS, SU, 221.95; WAYNE HERALD, SU, 48.00; WESCO, SU, 979.79; WIGMAN COMPANY, SU, 32.60; ZACH HEATING & COOLING, SE, 98.00; ASP ENTERPRISES, SU, 862.27; BARONE SECURITY SYSTEMS, SE, 1080.00; CARHART LUMBER, SU, 902.98; CHARTWELLS, SE, 5743.58; COPY WRITE, SE, 448.91; JASON CAROLLO, SE, 140.00; KELLY SUPPLY, SU, 424.15; KTCH, SE, 873.00; LUTT OIL, SU, 5109.55; MIDWEST LABORATORIES, SE, 347.00; NE NEB INS AGENCY, SE, 169.00; PAC N SAVE, SU, 272.59; SPECIALTY RETAIL SHOPS, SU, 66.91; STATE NEBRASKA BANK, SE, 63.60; TAK, SE, 69.00; TYLER TECHNOLOGIES, SE, 596.25; WASTE CONNECTIONS, SE, 140.80; WAYNE AUTO PARTS, SU, 372.67; WAYNE COUNTY CLERK, SE, 56.00; WAYNE HERALD, SE, 555.00; WAYNE VETERINARY CLINIC, SE, 322.00; WESTERN OFFICE PRODUCTS, SU, 23.97; WISNER WEST, SU, 62.10; ZACH HEATING & COOLING, SU, 57.00

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, 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.

Jeffrey Soula, Urban Engineer with the Nebraska Department of Roads, updated the Council on the Phase II Trail progress. Council voiced concern and frustration over the progress over the trail, which was originally planned in 2004. The project has been postponed for several years. The revised plans will be submitted to NDOR, and once those are approved, they can begin to obtain new right-of-way easements from some of the property owners, or at least from those whose easements had an expiration date of 3 years, obtain appraisals, and negotiate with individual landowners, etc. He noted a best-case scenario is that construction could begin sometime in the summer of 2016.

City Clerk McGuire has received a Manager Application on behalf of Tina M. Krings in connection with Casey's General Store 2738 in Wayne. A background check was completed on Ms. Krings, and City Clerk McGuire and Police Chief Chinn could see no reason why said application should be denied and recommended approving the same.

Ms. Krings was present to answer questions.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the Manager Application of Tina M. Krings in connection with Casey's General Store 2738, Wayne, NE. 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 2015-35, and moved for approval of the third and final reading thereof; Councilmember Brodersen 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, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Connie Hassler, owner of Back In Touch, made a request to move the handicapped parking stall that was in front of what is now her old business at 114 W. Third Street to in front of her new business (across the street) at 115 W. 3rd Street.

The proposed ordinance would add a handicapped parking stall in front of her new location, rather than move the one that was located in front of her old location.

Police Chief Chinn did not think this would be too many handicapped stalls on that street.

Jean Blomenkamp spoke in favor of the request.

Councilmember Sievers would rather move the stall to the other side of the street.

Councilmember Giese introduced Ordinance No. 2015-36, and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2015-36

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-96 LOCATION RESERVED FOR HANDICAPPED PARKING OF THE WAYNE MUNICIPAL CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Giese requested a map showing where the nearest handicapped stalls are located, along with a count of the current parking stalls.

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

Phil Lorenzen, D.A. Davidson & Co., was present to review the ordinance authorizing the issuance of the swimming pool sales tax revenue bonds 2015. He reviewed several alternatives for funding. His recommendation would be to have a 20-year amortization with 10-year and 15-year balloon payments, which is a compromise schedule. The cash flow for that example finds that the City should be in the position of paying the bonds off somewhere in 2027 or 2028 without any complications. His view is why go long-term at a higher interest rate if you can go a shorter term and still be satisfied the cash flows are going to work. The City has the right to prepay bonds. In all likelihood, the City would not have to refinance, but if sales taxes do not meet the expectations, then the City would be in a position to go ahead and stretch the bonds out for a longer period of time.

He noted that when the bonds were issued for the Community Activity Center, they structured that issue in the same fashion. It was a 20-year payment schedule, with a 15-year balloon payment. That bond issue was paid off in about 12 years, but there was a full 1% of sales tax that went to that project.

Councilmember Sievers introduced Ordinance No. 2015-37, and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-37

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$2,900,000 PRINCIPAL AMOUNT OF SWIMMING POOL SALES TAX REVENUE BONDS, SERIES 2015, OF THE CITY FOR THE PURPOSE OF PAYING COSTS TO CONSTRUCT AND EQUIP AN OUTDOOR SWIMMING POOL AND RELATED IMPROVEMENTS; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

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 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 move for final approval of Ordinance No. 2015-37. 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.

City Attorney Miller stated the following Ordinance comes as a recommendation from her office. Because she is no longer involved with the County Attorney's office, this amendment is needed in order for her to cite someone who does not appear in court on a city ordinance.

Councilmember Sievers introduced Ordinance No. 2015-38, and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-38

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, CHAPTER 58 OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I IN GENERAL, BY ADDING SECTION 58-1 FAILURE TO APPEAR; 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 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 move for final approval of Ordinance No. 2015-38. 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 authorize the sale of property in Opportunity Park Addition to the Community Redevelopment Authority. This is part of the land trade and replat of the Opportunity Park Addition. The Community Redevelopment Authority has already taken action to transfer ownership of an irregular parcel to the City.

Councilmember Sievers introduced Resolution No. 2015-68 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2015-68

A RESOLUTION AUTHORIZING THE SALE OF A TRACT OF LAND LOCATED IN OPPORTUNITY PARK ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF WAYNE, NEBRASKA.

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 Ordinance would direct the sale of property in Opportunity Park Addition to the Community Redevelopment Authority.

Councilmember Sievers introduced Ordinance No. 2015-39, and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-39

AN ORDINANCE DIRECTING THE SALE OF A TRACT OF LAND LOCATED IN OPPORTUNITY PARK ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO THE COMMUNITY REDEVELOPMENT AUTHORITY.

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 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 Greve, to move for final approval of Ordinance No. 2015-39. 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 amend the schedule of fees for the Community Activity Center as follows: Add a College Student membership fee for the summer months or summer semester of \$70, and change the rental fee of the youth center to \$20 per hour for a member and \$40 per hour for a non-member.

Councilmember Giese introduced Resolution No. 2015-69 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2015-69

A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES.

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 approve the plans, specifications and estimate of cost for the “Main Street Water Improvement Project” and authorize the City Clerk to begin advertising for bids. The estimate of cost for said project is \$390,000.

Councilmember Giese introduced Resolution No. 2015-70 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2015-70

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE “MAIN STREET WATER IMPROVEMENT 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 Muir who was absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution was drafted by Northeast Nebraska Public Power District. It basically states that the City will pay its share of the legal and expert witness fees to the law firm of Baird Holm for its legal defense in the matter. Wayne's share will be \$35,000.

Councilmember Giese introduced Resolution No. 2015-71 and moved for its approval and placing a cap of \$35,000; Councilmember Sievers seconded.

RESOLUTION NO. 2015-71

A RESOLUTION TO FUND A PORTION OF POTENTIAL LITIGATION IN PARTNERSHIP WITH OTHER WHOLESALE CUSTOMERS OF NEBRASKA PUBLIC POWER DISTRICT (NPPD) THAT DESIRE TO CONTINUE WHOLESALE POWER PURCHASES FROM NPPD UNDER THE TERMS OF THE EXISTING GENERAL FIRM POWER SERVICE CONTRACT (GFPS).

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 authorize the City Administrator to make a grant application to the Nebraska Environmental Trust Fund for the purchase of one electric vehicle and one natural gas vehicle. Staff is proposing to replace either the 1987 or 1991 pickup in the Public Works Department with another CNG pickup, and replace the 2000 Building Inspector's pickup with an electric plug-in car. There is a grant application fee of \$500.

Councilmember Sievers introduced Resolution No. 2015-72 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2015-72

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO MAKE A GRANT APPLICATION TO THE NEBRASKA ENVIRONMENTAL TRUST FUND FOR THE PURCHASE OF BOTH AN ELECTRIC VEHICLE AND A NATURAL GAS VEHICLE.

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.

Wes Blecke, Executive Director of Wayne Area Economic Development, was present requesting Council consideration to approving the “Letter Agreement” with WAED for the Wayne Business Park sign that was damaged in the October, 2013, tornado. Ownership of the sign had been assumed to belong to Wayne Industries; however they cannot find any proof of that. DV Fyre Tec owns the property upon which the sign is located. In the past, WAED has made upgrades to the sign. The sign had no insurance coverage. WAED or Business & Industry accepted about \$23,000 in a donation for tornado relief and it must be used to better the business community. It cannot be used for individual businesses that were damaged by the tornado.

A subcommittee has been working for almost a year on design, etc. of the sign. In addition, they have been working with the City’s Electric Department on lighting possibilities. To further complicate matters, no agreement has been found with the landowner where the sign is located. The subcommittee hired a company to determine the ownership of the land, which is in the final stages. The new sign has been ordered at a cost of around \$20,000. The question is whether or not the City has any interest in owning the sign.

The request from WAED’s business and industry committee and its sign subcommittee is as follows:

- The city owns the sign (already paid for by WAED) and insures it through its blanket policy.
- The City enters into an agreement with the landowner for lease of the property at no charge (survey and other additional legal work paid for by WAED).
- The City hardwires the electrical service for the lights (WAED is willing to pay for the service line, but requests the City to pay for the on-going electricity for the LED lighting.).
- The City may enter into an agreement with WAED for maintenance of the sign and its landscaping.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen approving the “Letter Agreement” with Wayne Area Economic Development for the Business Park Sign.

Councilmember Giese had concerns about replacing the sign at a cost of \$20,000.

BJ Woehler, who is on the sign committee, advised the Council that the committee had different ideas on what to do with the donation, but with the restrictions that the donor placed on the donation, this was what fit best.

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

Mayor Chamberlain requested Council consideration to the appointment of Jenny Hammer to the Library Board.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving the appointment of Jenny Hammer to the Library Board. 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 Haase 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 7:05 p.m.