

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

The Wayne City Council met in regular session at City Hall on Tuesday, July 21, 2015, at 5:30 o'clock P.M. Council President Jill Brodersen called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, and Matt Eischeid; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Mayor Ken Chamberlain and Councilmembers Nick Muir and Jason Karsky.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 9, 2015, and a copy of the meeting notice and agenda were simultaneously given to the Council President 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 July 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. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTION TO CLAIMS LIST OF 9/18/14: DELETE CITY OF WAYNE MEN'S SLOW PITCH - 50.00

CORRECTION TO CLAIMS LIST OF 12/8/14: DELETE CITY OF WAYNE AUDITORIUM DEPOSIT REFUND - 150.00

VARIOUS FUNDS: AMAZON.COM, SU, 231.97; AMERITAS, SE, 2527.78; APPEARA, SE, 166.42; ARCADIAN MARKSMANSHIP, FE, 100.00; BAKER & TAYLOR BOOKS, SU, 295.48; CITY EMPLOYEE, RE, 65.10; BERENS-TATE CONSULTING, SE, 1500.00; BROWN TRAFFIC PRODUCTS, SU, 79.00; BSN SPORTS, SU, 184.08; CITY OF NORFOLK, SU, 1500.00; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 74283.34; CITY OF WAYNE, RE, 35.00; CITY OF WAYNE, RE, 1718.38; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SU, 76.35; CROUCH RECREATIONAL DESIGN, SU, 37170.00; CITY EMPLOYEE, RE, 4182.02; DEARBORN NATIONAL LIFE, SE, 1902.13; EASYPERMIT POSTAGE, SU, 864.19; CITY

EMPLOYEE, RE, 333.26; EMPLOYERS MUTUAL CASUALTY, RE, 1000.00; FLOOR MAINTENANCE, SU, 34.56; FREDRICKSON OIL, SU, 215.00; GALE GROUP, SU, 147.49; GERHOLD CONCRETE, SU, 18.14; GLEN'S AUTO BODY, SU, 123.81; GROSSENBURG IMPLEMENT, SU, 44.24; GUARANTEE OIL, SU, 185.95; HAUFF MID-AMERICAN SPORTS, SU, 276.40; HAWKINS, INC, SU, 1840.88; HD SUPPLY WATERWORKS, SU, 2671.20; HOMETOWN LEASING, SE, 339.35; ICMA, SE, 6448.80; INGRAM BOOK, SU, 23.01; IRS, TX, 26301.82; ITRON, SE, 3486.58; JEO CONSULTING GROUP, SE, 40.00; JOHN'S WELDING AND TOOL, SU, 41.40; CITY EMPLOYEE, RE, 1583.54; JWC ENVIRONMENTAL, SU, 4246.41; KELLY SUPPLY COMPANY, SU, 1187.22; KRIZ-DAVIS, SU, 1015.97; CITY EMPLOYEE, RE, 2497.49; LEAGUE OF NEBRASKA, FE, 1236.00; MES-MIDAM, SU, 63.36; MILLER LAW TRUST, RE, 50.00; MUNICIPAL SUPPLY, SU, 113.24; CITY EMPLOYEE, RE, 305.13; VIAERO, SE, 205.26; NE CRIME COMMISSION, SU, 16.00; NE DEPT OF REVENUE, TX, 3635.90; NE POWER REVIEW BOARD, SE, 823.39; NE SAFETY COUNCIL, SE, 146.95; NPPD, SE, 340851.09; NEBRASKA COMMUNITY FOUND., RE, 1308.00; NE COMM ENERGY ALLIANCE, FE, 500.00; O'REILLY AUTOMOTIVE STORE, SU, 55.35; OLSSON ASSOCIATES, SE, 6577.22; PENGUIN RANDOM HOUSE, SU, 24.00; QUALITY 1 GRAPHICS, SU, 575.00; RECYCLE ACROSS AMERICA, SU, 155.00; REPCO MARKETING, SU, 42.75; S & S WILLERS, SU, 289.10; SIEVERS, SHARLENE, RE, 1166.05; SPARKLING KLEAN, SE, 3175.79; STADIUM SPORTING GOODS, SU, 90.00; STATE NEBRASKA BANK, RE, 305.75; TOM'S BODY & PAINT SHOP, SE, 120.00; VAKOC BUILDER'S RESOURCE, SU, 2012.07; WASTECAP NEBRASKA, FE, 250.00; WAYNE COUNTY COURT, RE, 294.00; WAYNE GROCERY, SU, 20.76; WAYNE HERALD, SE, 1599.17; WAPA, SE, 26635.99; 4IMPRINT, SI, 867.00; APPEARA, SE, 68.70; CITY EMPLOYEE, RE, 100.00; CENTURYLINK, SE, 414.01; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, SU, 88.43; CITY OF WAYNE, RE, 200.00; DEARBORN NATIONAL LIFE, SE, 106.64; DGR & ASSOCIATES, SE, 458.00; ECHO GROUP, SU, 23.87; FASTENAL CO, SU, 21.28; FIRST SOURCE TITLE&ESCROW, SE, 100.00; GEMPLER'S, SU, 249.50; GRAINGER, SU, 1030.00; GROSSENBURG IMPLEMENT, SU, 23.15; HAWKINS, SU, 1485.61; HEARTLAND PAPER, SU, 18.02; JEO CONSULTING GROUP, SE, 165.00; MARRIOTT HOTELS, SE, 99.00; NNEDD, SE, 375.00; NNPPD, SE, 12306.60; NSVFA, FE, 664.00; PITNEY BOWES, SE, 258.00; STADIUM SPORTING GOODS, SU, 39.00; STAPLES ADVANTAGE, SU, 45.10; VERIZON, SE, 99.30; WAYNE COMMUNITY SCHOOLS, RE, 6437.10; WISNER WEST, SU, 113.82; WRIEDT PROPERTY, RE, 1600.00

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to approve the claims. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

Council President Brodersen 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, she 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.

Christy Ficke, representing Wayne State College, was present requesting Council consideration to allowing them to have a fireworks display on the maintenance access road at Wayne State College for “Family Day” on Saturday, September 19, 2015.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers approving the request of Christy Ficke, representing Wayne State College, to have a fireworks display on the maintenance access road at Wayne State College for “Family Day” on Saturday, September 19, 2015. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

The Council President stated it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a Resolution approving a redevelopment plan amendment for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”) — Lot 1, Jorgensen Subdivision to the City of Wayne, Wayne County, Nebraska; Part of Lots 3 & 4, & that part of vacated 7th Avenue lying north and adjacent to Lots 3 & 4, McCright’s First Subdivision to the City of Wayne, Wayne County, Nebraska; Nebraska Highway 35 ROW between the west side of Tomar Drive and the west side of Thorman Street; and Tomar Drive between the south side of Nebraska Highway 35 ROW to the south line of Lot 1, Jorgensen Subdivision to the City of Wayne, Wayne County, Nebraska.

Clerk McGuire published the notice of the public hearing in the Wayne Herald on July 9, 2015, and July 16, 2015, and notice of the public hearing was been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act.

The Council President opened the public hearing and invited all interested persons to be heard.

Nancy Braden, Finance Director, advised the Council that Mr. Jorgensen has found that as he has progressed with his project, costs have increased, and he is requesting that his Redevelopment Plan be amended to reflect the same. Because of the increased costs, his tax increment financing will go from \$210,000 to \$230,000.

City Administrator Johnson explained how tax increment financing works.

Ken Jorgensen was present to answer questions.

All persons desiring to be heard and having been heard, the Council President closed the public hearing.

City Clerk McGuire had not received any comments for or against this public hearing.

Councilmember Giese introduced Resolution No. 2015-73 and moved for its approval; Councilmember Sievers seconded the motion.

RESOLUTION NO. 2015-73

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

Council President Brodersen declared the time was at hand for the public hearing on the Application for the Community Development Block Grant Comprehensive Investment and Stabilization Phase II, Year Two Funds.

The grant application (\$130,000) consists of the following: \$31,500 for clearance/demolition of four structures, \$75,000 for single-family owner-occupied rehabilitation of three houses, \$6,000 for housing management, \$4,500 for risk assessment/testing, and \$13,000 for general administration of the grant. Local matching funds of \$36,000 will be provided by the

City to make water system improvements. In addition, the City will leverage the funds with \$164,000 that will also be used towards water improvements. The total project cost is \$330,000.

Alyssa Kallhoff, Community Planner with Northeast Nebraska Economic Development District, was present to answer questions.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Sievers introduced Resolution 2015-74 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2015-74

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

Council President Brodersen stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, Section 90-703 Regarding Accessory Uses to amend (f) regarding exterior covering of a residential district and to add (i) prohibiting storage containers. The applicant is the City of Wayne.

The Planning Commission reviewed the matter at their public hearing on July 6, 2015, and forwarded a recommendation to only add (i) prohibiting storage containers, with the "Findings of Fact" being consistency with the Comprehensive Plan and staff's recommendation.

Joel Hansen, Zoning Administrator, was present to answer questions.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Eischeid introduced Ordinance No. 2015-40, and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2015-40

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, BY AMENDING SECTION 90-703 REGARDING ACCESSORY USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried. The second reading will take place at the next meeting.

The following Resolution would approve the Preliminary Engineering Services Agreement Supplement No. 5 between the City of Wayne and Olsson Associates, Inc., for additional design to move portions of the trail from the street and reconstruct the sidewalks to 8' in width – Wayne Trail Phase II Project.

In 2003, the Nebraska Department of Roads allowed pedestrian trails to be on the street with this width and also allowed parking. Now they do not. The options left to the City are to: 1) put the trail on the north terrace; 2) put the trail on the south terrace; 3) widen the street by 12"; 4) condemn our way through Carl Johnson's property; or 5) not build the trail. If the City does not build the trail, we will need to reimburse NDOR their expenses incurred during the entire project, in addition to what we have received from the Nebraska Game & Parks Commission. The proposal we have received from the NDOR places the trail on the south side of the street.

To abandon the plans as they are now would require a new environmental study, as well as additional engineering fees to redesign the project. This would delay the project another 1-2 years in all likelihood.

Joel Hansen, Zoning Administrator, stated the Resolution before Council just approves paying Olsson Associates for the work they were directed to do – which was to move the trail off

the street. If the Council decides to do something else, then we will have to go back to the NDOR and request them to change the route somehow. They will determine whether or not we will need a new environmental study, and we will have to negotiate with a consultant to do additional work if we want to move it to the north side of the street, move it to the cornfield, or shorten the route altogether.

Council requested staff to check with the NDOR as to whether or not leaving the trail on the street is an option before passing the Resolution.

Paul Lindner, Ron Carnes, Steve Hall, Russell Moomau and Lonnie Matthes shared their concerns regarding the trail and its placement in their area. They preferred stopping it at Westwood Road.

Councilmember Sievers requested the plans from staff to review.

Bill Kranz, who was on the original trail committee, stated what he understood in regard to condemning property is that the City would have to prove that there wasn't another alternative route for the trail.

After discussion, Councilmember Sievers made a motion to table action on Resolution No. 2015-75; Councilmember Giese seconded.

RESOLUTION NO. 2015-75

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF PRELIMINARY ENGINEERING SERVICES AGREEMENT SUPPLEMENTAL AGREEMENT NO. 5 BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES, INC. RELATING TO THE WAYNE TRAIL – PHASE 2 PROJECT STPB-90(4).

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President 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 leaves the handicapped parking stall in front of her old business and adds one in front of her new business.

This is the second reading of this ordinance.

Councilmember Eischeid stated a property owner in this area contacted him and is against this, not because of adding an additional spot for handicapped parking, but because business owners are parking in front of their own businesses and not leaving parking stalls for patrons/customers.

Connie Hassler was present to answer questions.

Council President Brodersen thought the areas of where handicapped parking stalls are located needed to be reviewed. Staff advised Council that there should be 1 handicapped parking stall for every 25 parking stalls. Staff was asked to review the downtown area and determine if the City is compliant with the number of handicapped parking stalls that are there, and to also determine, if there were no handicapped parking stalls, where staff might place them.

Councilmember Giese introduced Ordinance No. 2015-36, and moved for approval of the second reading thereof; Councilmember Eischeid 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.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried. The third and final reading will take place at the next meeting.

The City received two bids to raze three mobile homes, and is recommending that the contract go to the low bidder, which is Milo Meyer Construction for \$6,750 (\$2,250 per trailer). This will be paid for by the CIS grant.

Councilmember Sievers introduced Resolution No. 2015-76 and moved for its approval;
Councilmember Haase seconded.

RESOLUTION NO. 2015-76

A RESOLUTION ACCEPTING BID ON THE RAZING OF THREE MOBILE HOMES (DEMOLITION AND REMOVAL OF THE STRUCTURES) LOCATED AT 829 VALLEY DRIVE, AND 216 FAIRGROUNDS AVENUE NOS. 3 AND 36.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

The following Resolution would approve an agreement with Charlesworth & Associates, L.C., to review our existing property and casualty insurance coverage and policy, seek competitive proposals, and provide an analysis of options for the City. The cost for said services will be \$9,750. The City has not bid out the property and casualty insurance for 15 years.

Administrator Johnson stated he has visited with Cap Peterson who is recommending that whoever would get the bid has to come through a local agency in Wayne. He asked that this be in the motion.

Councilmember Sievers introduced Resolution No. 2015-77 and moved for its approval, with the stipulation that whoever would get the bid has to come through a local agency in Wayne; Councilmember Eischeid seconded.

RESOLUTION NO. 2015-77

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING AGREEMENT WITH CHARLESWORTH & ASSOCIATES, L.C., FOR RISK MANAGEMENT CONSULTING SERVICES REGARDING PROPERTY/LIABILITY INSURANCE MARKETING.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

The following Resolution would amend the schedule of fees and charges as follows:

Kids After School Program

Individual Day	\$3.00 member to \$5.00 \$5.00 non-member to \$7.00
10-day punch card	\$25.00 member to \$45.00 \$45.00 non-member to \$65.00
2:00 Dismissal	\$ 9.00 member \$14.00 non-member
All Day (7 a.m. to 6 p.m. - Only offered when no school)	\$24.00 member \$34.00 non-member

Councilmember Eischeid introduced Resolution No. 2015-78 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2015-78

A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

A pay request has been received from OCC Builders, LLC, for the “2015 Wayne Storm Shelter Project” for \$42,794.00. The engineer on the project, JEO Consulting Group, has approved the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving Pay Application No. 2 for \$42,794.00 to OCC Builders, LLC, for the “2015 Wayne Storm Shelter Project.” Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

Bill Kranz, Extension Irrigation Specialist, was present requesting Council consideration to allowing him to divert water from the City’s wastewater discharge flows to Logan Creek during June and July to the cropland immediately east of the Summer Sports Complex for sub-irrigation purposes. The project would supply everything needed to get the water from Logan

Creek to where they would use it. There would be no cost to the City. The thrust of this project is to utilize water, which would normally be considered total wastewater, for a productive purpose.

Administrator Johnson advised the Council that Mayor Chamberlain had a concern about tying up this land for future commercial development.

Mr. Kranz stated this project would go for 3 or 3.5 years (two growing seasons). There would be a sizeable investment in the development of the irrigation system.

Councilmember Giese made a motion, which was seconded by Councilmember Greve approving the request of Bill Kranz, Extension Irrigation Specialist, to divert water from the City's wastewater discharge flows to Logan Creek during June and July to the cropland immediately east of the Summer Sports Complex for sub-irrigation purposes. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky, the Council President declared the motion carried.

Attorney Miller advised the Council that after research on Agenda Item No. 17, she found that the City cannot amend its City's group health care plan to end health insurance benefits for employees and spouses who attain the age of 65 and who are eligible for Medicare benefits. If you have over 20 employees, you cannot take away their health insurance and require them to get on Medicare. You cannot offer those employees any incentive, and if you do, then it is up to a \$5,000 fine. If you have over 20 employees, you have to offer them the exact same health care payment plan. No action was taken on this agenda item.

Council President Brodersen requested Council consideration to the appointment of Mark Evetovich, Mark Hammer, BJ Woehler, Dr. Will Wiseman, Charles Shapiro, Joe Blankenau and Connie Hall to the Trail Advisory Committee.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the appointment of Mark Evetovich, Mark Hammer, BJ Woehler, Dr. Will Wiseman, Charles Shapiro, Joe Blankenau and Connie Hall to the Trail Advisory Committee. Council

President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

Council President Brodersen requested Council consideration to the appointment of Chele Meisenbach to the Library Board. This is due to the resignation of Spring Dahl who moved out of town.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving the appointment of Chele Meisenbach to the Library Board. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, setting the budget work session for the August 4th Council meeting. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, to enter into executive session to protect the public interest to discuss the purchase of some of the Steve and Maryz Rames property for sewer relocation in the Vintage Hills Subdivision, and to allow City Attorney Miller, Administrator Johnson, Joel Hansen and City Clerk McGuire to be in attendance. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky, who were absent, the Council President declared the motion carried, and executive session began at 7:25 p.m.

Council President Brodersen again stated that the matter to be discussed in executive session pertains to the purchase of some of the Steve and Maryz Rames property for sewer relocation in the Vintage Hills Subdivision.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to resume open session. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried, and open session resumed at 7:37 p.m.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Council President declared the motion carried and the meeting adjourned at 7:37 p.m.