

**MINUTES  
CITY COUNCIL MEETING  
August 18, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, August 18, 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 August 6, 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 August 4, 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:

**CORRECTION TO CLAIMS LIST OF 6/16/15:** DELETE CITY OF WAYNE, RE, \$150.00  
**VARIOUS FUNDS:** ADVANCED CONSULTING ENG., SE, 2500.00; ALEXANDER, RANDY, SE, 263.50; ALL-AMERICAN PUBLISHING, SE, 255.00; AM CONSERVATION GROUP, SU, 987.69; AMERITAS, SE, 2267.09; APPEARA, SE, 233.38; CITY EMPLOYEE, RE, 91.34; BAKER & TAYLOR, SU, 808.49; BLACKBURN MANUFACTURING, SU, 347.58; CITY EMPLOYEE, RE, 169.14; CITY EMPLOYEE, RE, 583.38; BROWN SUPPLY, SU, 2185.00; CARROLL DISTRIBUTING, SU, 170.00; CERTIFIED TESTING SERVICE, SE, 2148.00; CHARTWELLS, SE, 5925.30; CHEMQUEST, SE, 595.00; CHRISTIANSEN CONSTRUCTION, SE, 275036.58; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, PY, 71655.40; CITY OF WAYNE, RE, 1009.95; COMMUNITY HEALTH, RE, 4.00; CONTINENTAL FIRE SPRINKLER, SE, 215.00; CUMMINS CENTRAL POWER, SE, 2739.14; DAKOTA RIGGERS & TOOL, SU, 522.33; DAVE'S DRY CLEANING, SE, 63.00; DECO ENGINEERING PRODUCTS, SU, 422.32; EASYPERMIT POSTAGE, SU, 1704.40; ECHO GROUP, SE, 534.84; CITY EMPLOYEE, RE, 333.26; FIRST SOURCE TITLE&ESCROW, SE, 100.00; FLOOR MAINTENANCE, SE, 127.39; GALE GROUP, SU,

112.90; GERHOLD CONCRETE, SE, 5729.48; GROSSENBURG IMPLEMENT, SE, 147.68; CITY EMPLOYEE, RE, 205.89; HAWKINS, INC, SU, 2111.68; HIRERIGHT SOLUTIONS, SE, 20.00; HOMETOWN LEASING, SE, 412.86; HUBER TECHNOLOGY, SU, 245.00; ICMA, SE, 6455.04; INGRAM BOOK CO, SU, 297.05; IRS, TX, 25480.64; JASON CAROLLO, SE, 140.00; JOHN'S WELDING AND TOOL, SE, 85.00; CITY EMPLOYEE, RE, 606.94; KELLY SUPPLY CO, SU, 101.95; KRIZ-DAVIS, SU, 505.04; KTCH, SE, 968.40; L.G. EVERIST, SU, 605.25; LUTT OIL, SU, 5605.65; MARCO, SE, 126.36; MIDWEST LABORATORIES, SE, 187.00; MSC INDUSTRIAL, SU, 189.81; NNEDD, SE, 705.00; NE DEPT OF REVENUE, TX, 3522.61; NE SAFETY COUNCIL, FE, 310.00; NOVA HEALTH EQUIPMENT CO, SU, 174.17; OCLC, SU, 60.82; OVERDRIVE, SU, 231.76; PAC N SAVE, SU, 303.56; PAULSON CONSTRUCTION, SE, 600.00; PENGUIN RANDOM HOUSE, SU, 40.00; PEPSI, SU, 666.00; CITY EMPLOYEE, RE, 791.24; PROVIDENCE MEDICAL CENTER, SE, 61.00; RESCO, SU, 453.71; ROBERT WOEHLE & SONS, SE, 71578.80; ROBERT WOEHLE & SONS, SE, 44772.75; SKARSHAUG TESTING LAB, SE, 955.18; SOCIETY FOR HUMAN, FE, 190.00; SPARKLING KLEAN, SE, 3981.87; SHOPKO, SU, 122.50; STATE NEBRASKA BANK, SE, 63.20; STATE NEBRASKA BANK, SU, 147.00; T & S TRUCKING, SE, 215.20; US BANK, SU, 1855.73; VIAERO, SE, 209.39; WAED, SE, 413.00; WAYNE AUTO PARTS, SU, 99.01; WAYNE COUNTY CLERK, SE, 30.00; WAYNE HERALD, SE, 2313.83; WAYNE VETERINARY CLINIC, SE, 250.14; WESCO, SU, 993.50; WISNER WEST, SU, 148.03; ZACH HEATING & COOLING, SE, 5650.00; AMAZON.COM, SU, 227.09; AMERICAN PUBLIC POWER, FE, 1272.04; CITY EMPLOYEE, RE, 1424.21; BIG T ENTERPRISES, SU, 24.95; CITY EMPLOYEE, RE, 192.88; BROWN PLUMBING, SE, 128.30; CITY OF WAYNE, RE, 200.00; COUNTRY NURSERY, SE, 3744.00; DEARBORN NATIONAL LIFE, SE, 1910.28; DGR & ASSOCIATES, SE, 4672.00; DUTTON-LAINSON, SU, 146.61; CITY EMPLOYEE, RE, 45.09; GERHOLD CONCRETE, SU, 722.00; GROSSENBURG IMPLEMENT, SE, 163.83; CITY EMPLOYEE, RE, 422.14; ISLAND SPRINKLER SUPPLY, SU, 330.76; K & S DOOR CO, SE, 205.45; LEAGUE OF NEBRASKA, FE, 6710.00; NE NEB INS AGENCY, SE, 182.00; NPPD, SE, 368120.74; NO SWETT FENCING, SE, 425.00; OLSSON ASSOCIATES, SE, 450.54; PEERLESS WIPING CLOTH, SU, 240.00; PITNEY BOWES, SE, 258.00; CITY EMPLOYEE, RE, 400.00; SGP SERVICES, SU, 142.18; STADIUM SPORTING GOODS, SU, 42.00; STATE NEBRASKA BANK, RE, 200.00; THE GLASS EDGE, SE, 219.00; UTILITIES SECTION, FE, 2815.00; WESCO, SU, 454.75

Councilmember Haase 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.

Pastor Mike Feldman, on behalf of Grace Lutheran Church, was present requesting Council consideration to allowing them to close a one-block section of 10<sup>th</sup> Street from Main Street to Logan Street on Sunday, September 13, 2015, from 8:00 a.m. to 1:00 p.m. for a “Sunday School Rally Day Festival.” They have provided the necessary Certificate of Insurance with \$1,000,000 liability coverage and naming the City as an additional insured.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving the request of Grace Lutheran Church, to close a one-block section of 10<sup>th</sup> Street from Main Street to Logan Street on Sunday, September 13, 2015, from 8:00 a.m. to 1:00 p.m. for a “Sunday School Rally Day Festival,” with the stipulation that Grace Lutheran Church will find their own barricades or use the City’s barricades at a charge in accordance with State regulations. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who voted Nay, the Mayor declared the motion carried.

Councilmember Sievers noted that she voted Nay because she did not think there should be charge for using the City’s barricades.

Phil Monahan, Fire Chief, requested Council consideration to approving the membership application of Daryl Lambert to the Wayne Volunteer Fire Department. The Fire Chief nor the applicants were present due to being called out on a rescue call.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving the membership application of Daryl Lambert 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.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, approving the membership application of Tory Booth 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.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the membership application of Christian Chinchilla 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.

Jean Blomenkamp spoke and shared her concerns regarding the 2015-2016 City budget. She asked Council to reconsider the massive cut to the Library budget next year.

Mayor Chamberlain 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, specifically Section 90-293 (2 b) Permitted Accessory Uses and Section 90-703 (e) to Accessory Uses. The applicant, Jody Wendt, is seeking the request to allow for enough garage stalls to serve a multi-family dwelling in an R-4 Residential District.

The Planning Commission reviewed the matter at their public hearing on August 3, 2015, and forwarded a recommendation to approve the same, 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, Mayor Chamberlain closed the public hearing.

Councilmember Giese introduced Ordinance No. 2015-41, and moved for approval thereof; Councilmember Sievers seconded.

#### ORDINANCE NO. 2015-41

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS BY AMENDING DIVISION 5. R-4 RESIDENTIAL DISTRICT, SECTION 90-293 PERMITTED ACCESSORY USES AND STRUCTURES, AND AMENDING CHAPTER 90, ARTICLE VIII SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 90-703 ACCESSORY 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Sievers introduced Ordinance No. 2015-40, and moved for approval of the third and final reading thereof; Councilmember Haase 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.

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

The following Resolution was tabled at the July 21, 2015, Council meeting.

Joel Hansen, Street Superintendent, advised the Council that this Resolution only pertains to an agreement with Olsson Associates, Inc., wherein the City will pay them for work they have already done regarding the design of the trail. The engineer has done 90% of the work that is outlined in the agreement. The engineer has redesigned the trail to move the on-street portions of the project to off-street and to reconstruct the existing sidewalk to 8' in width, for a sum of \$3,250. This was done pursuant to the direction of City staff. These plans, as drawn now, will go to the NDOR to be built, unless we advise them we want to do something different. If the City would want to move the trail back onto the street, it may be a possibility, but the consultant will have to show the NDOR how that meets the Federal requirements. In addition, that will be a cost borne by the City.

This design came about when the trail was getting ready to be bid out. The NDOR thought there could be a problem with having the trail on the street, as it was designed back in 2004. If the intent is to have it on the street, then no parking will be allowed on the street. They recommended that the trail be moved onto the terrace. Staff directed the engineer to prepare a draft design of what that would look like. The work has been done. Administrator Johnson did

not feel he could bring that to the Council without some kind of a preliminary design, and that is how we have gotten to this point.

Councilmember Giese introduced Resolution No. 2015-75 and moved for its approval; Councilmember Eischeid 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(40).

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

Dan Fehringer, Paul Lindner, Troy Stillwater, Lonnie Matthes, Jeryl Nelson, Sherry Dohrman, and Ron Carnes, then spoke regarding the trail.

Resolution No. 2015-82 accepting bid and awarding contract on the “2015 Wastewater Treatment Facility Improvement Project” is being brought forward again for approval so that the same can include specific language that the project be contingent upon the approval and acceptance of the contract documents by the Nebraska Department of Environmental Quality.

Councilmember Eischeid introduced Resolution No. 2015-82 and moved for its approval, with the same being contingent upon the approval and acceptance of the contract documents by the Nebraska Department of Environmental Quality; Councilmember Brodersen seconded.

RESOLUTION NO. 2015-82

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “2015 WASTEWATER TREATMENT FACILITY IMPROVEMENTS – PHASE 3, 4, & 5 PROJECT” (BIOSOLIDS PROJECT).

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

Administrator Johnson presented a change order on the project to demolish trailers/mobile homes, which is part of the CIS grant. He wanted to add asbestos handling and an additional trailer/mobile home to the original demolition bid specifications.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving Change Order No. 1 for the CIS Grant to add asbestos handling and an additional trailer/mobile home to the original demolition bid specifications. Mayor Chamberlain stated the motion, and the result of roll call being all yeas, the Mayor declared the motion carried.

Discussion took place regarding the recommendation of the Revitalize Wayne group to consider placing time limits on downtown parking – 3-hour time limit in the 100, 200 and 300 blocks of Main Street, Monday through Saturday from 9:00 a.m. to 6:00 p.m.

Matt Ley, representing Revitalize Wayne was present to answer questions. He noted that at this time, there is no recommendation to address the side streets.

Chele Meisenbach spoke in favor of this proposal.

Staff will prepare a proposed ordinance for Council consideration at their next meeting.

Administrator Johnson stated that the consultant from Charlesworth and Associates, L.C., is recommending that Council remove the restriction of only having local agents being able to bid on the City's property and casualty insurance package. This will allow more competitive bids to be received. The City can always reject all bids.

Mayor Chamberlain asked if this could be structured in such a way as was done with the City's investments. Some of the Councilmembers had concerns about keeping the business local.

Councilmember Giese had a concern about setting a certain percentage parameter for bidding, as what was done with the investments. If the intent is to keep it local, he thought the same should also be done with the construction projects, etc.

Administrator Johnson stated every year he asks Cap Peterson of Northeast Nebraska Insurance Agency to check out Cornhusker and EMC. There are only three options for us that will cover power plants – Cornhusker Casualty, EMC, and the League of Nebraska

Municipalities. We get two bids, but EMC is always low. Staff has learned a lot, at this point, through this process. The consultant has advised that if you want the total picture, this is what you have to do. The consultant has told us that while the best bidding comes from opening bids to all agencies, if we would decide to include in the bid spec a requirement that all bids must come through a local agent, then he has a backup plan to compare EMC's internal costs of the Wayne policy with the internal costs of Seward, York, Holdrege, and Hastings. Charlesworth just completed a joint bid process with those four towns with good results and knows the internal costs of those joint bid policies.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, amending the bidding process to allow other than local agents to submit bids on behalf of the City's property and casualty insurance package.

Chele Meisenbach spoke in favor of keeping the business local.

Councilmember Giese agreed with some of the comments in regard to keeping the business local, but believes his job is to make the best decision possible, and right now, one of those decisions is a huge unknown, and he would like to lift the veil on that unknown.

Mayor Chamberlain stated the motion, and the result of roll call being all yeas, with the exception of Councilmembers Sievers and Brodersen who voted Nay, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the reappointment of Nancy Jo Powers and Pearl Hansen to the Board of Adjustment.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving the reappointment of Nancy Jo Powers and Pearl Hansen to the Board of Adjustment. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the appointment of Marlen Chinn, Rick Haase, Brian Swanson, Dominic Consoli, Betty McGuire, and Cale Giese to the Police Retirement Committee.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving the appointment of Marlen Chinn, Rick Haase, Brian Swanson, Dominic Consoli, Betty McGuire, and Cale Giese to the Police Retirement Committee. 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 \$17,992.00. The engineer on the project, JEO Consulting Group, has approved the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving Pay Application No. 3 for \$17,992.00 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.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, 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 7:08 p.m.