

**MINUTES  
CITY COUNCIL MEETING  
September 1, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, September 1, 2015, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Jason Karsky, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese and Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 20, 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 18, 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 Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** ALL-AMERICAN PUBLISHING, SE, 224.00; ALTEC INDUSTRIES, SU, 40.73; AMERITAS, SE, 2155.27; AMY K. MILLER, SE, 5416.67; APPEARA, SE, 109.77; ARNIE'S FORD-MERCURY, SE, 647.68; AS CENTRAL SERVICES, SE, 448.00; CITY EMPLOYEE, RE, 8.00; BIG T ENTERPRISES, SU, 73.60; BLACK HILLS, SE, 329.62; BLUE CROSS BLUE SHIELD, SE, 29539.68; BOMGAARS, SU, 1327.36; CITY EMPLOYEE, RE, 394.82; BROWN SUPPLY, SU, 1839.46; BSN SPORTS, SU, 118.96; CHRISTOPHER HOLTON, FE, 600.00; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 80478.08; CITY OF WAYNE, RE, 451.55; CLEAN TO A T, SE, 420.00; COMMUNITY HEALTH, RE, 4.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 110.08; ED. M FELD EQUIPMENT, SE, 81.10; FIRST CONCORD GROUP, SE, 3145.30; FIVE STAR ENTERPRISES, SU, 15.50; FLOOR MAINTENANCE, SU, 313.53; GANDER FOODS, SU, 113.00; GERHOLD CONCRETE, SU, 1145.76; GOV'T FINANCE OFFICERS, FE, 170.00; GROSSENBURG IMPLEMENT, SU, 7263.65; HAWKINS, SE, 516.81; ICMA, SE, 6666.12; IRS, TX, 27403.25; JOHNSON HARDWARE, SU, 55.92; CITY EMPLOYEE, RE, 150.00; JWC ENVIRONMENTAL, SU,

15555.95; CITY EMPLOYEE, RE, 58.89; CITY EMPLOYEE, RE, 14.97; NNEDD, SE, 150.00; NE DEPT OF REVENUE, TX, 3692.53; NE PUBLIC HEALTH, SE, 200.00; NET-TECH, SE, 363.21; N.E. NE AMERICAN RED CROSS, RE, 39.24; NNPPD, SE, 12306.60; OCC, SE, 17992.00; REHAB SYSTEMS, SE, 2500.00; ROBERTSON IMPLEMENT, SU, 402.69; STADIUM SPORTING GOODS, SU, 139.50; STAPLES ADVANTAGE, SU, 456.87; STATE NEBRASKA BANK, RE, 99.26; TOM'S BODY & PAINT SHOP, SE, 64.50; TRANS-IOWA EQUIPMENT, SU, 397.48; TRIVIEW COMMUNICATION, SE, 463.82; TYLER TECHNOLOGIES, SE, 200.00; UNITED WAY, RE, 14.00; VAKOC BUILDER'S RESOURCE, SU, 2966.67; VAN DIEST SUPPLY, SU, 170.00; VERIZON, SE, 99.30; WAED, SE, 13216.66; WESCO, SU, 390.55; ZEE MEDICAL SERVICE, SU, 79.23; ACE SIGN DISPLAYS, SE, 500.00; APPEARA, SE, 66.96; ARNIE'S FORD-MERCURY, SE, 246.14; CITY EMPLOYEE, RE, 616.88; CARHART LUMBER CO, SU, 751.35; CENTURYLINK, SE, 414.01; CHARLESWORTH & ASSOCIATES, SE, 4250.00; DITCH WITCH OF OMAHA, SU, 32.91; ECHO GROUP, SU, 105.78; ED. M FELD EQUIPMENT, SU, 105.50; FLOOR MAINTENANCE, SU, 160.94; GALE GROUP, SU, 652.87; GEMPLER'S, SU, 53.50; GERHOLD CONCRETE, SU, 861.73; HAWKINS, SU, 516.81; HTM SALES, SE, 2275.00; HUNTEL CABLEVISION, SE, 2467.68; HYDRO TECH, SU, 331.00; IZABEL CHAVEZ, SE, 123.75; JEO CONSULTING GROUP, SE, MAIN 26381.50; JWC ENVIRONMENTAL, SU, 2213.46; KAUP'S INC, SU, 380.00; KRIZ-DAVIS, SU, 1982.71; MAXIMUM SOLUTIONS, SU, 442.05; CITY EMPLOYEE, RE, 59.99; MILO MEYER CONSTRUCTION, SE, 24396.50; NE DEPT OF ENVIRONMENTAL, FE, 500.00; NE EXPRESSWAYS, FE, 883.44; NE PUBLIC HEALTH, SE, 105.00; NORFOLK SPORTING GOODS, SU, 44.10; NNPPD, SE, 6282.85; ONE CALL CONCEPTS, SE, 122.80; REHAB SYSTEMS, SE, 1250.00; QUALITY FOODS, SU, 54.05; CITY EMPLOYEE, RE, 235.60; SKARSHAUG TESTING LAB, SE, 145.77; UNITED COMMUNICATIONS, SE, 480.00; US BANK, SU, 2372.95; VIAERO, SE, 326.96; WESCO, SU, 20875.81; WAPA, SE, 27064.31

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 Councilmembers Giese and Eischeid who were 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 thanked Scott Meisenbach, owner of Miracle Lawn Care, for volunteering his services to clean up the sidewalks along 7<sup>th</sup> Street.

Cristy Jorgensen and her son, Jace, were present requesting Council consideration to allowing them to keep a hedgehog as a pet inside city limits. They completed the necessary application and obtained written approval of their three neighbors.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving the Animal Permit Application of Cristy and Jace Jorgensen to have a hedgehog inside city limits. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Nancy Braden advised the Council that Gary Spann was requesting Council consideration to waiving a portion of the penalty he still owes on his delinquent special assessments. Mr. Spann made one payment on his special assessments, which was back in 2008. He paid \$3,200 on August 14, 2015. The penalty left due and owing as of that date was approximately \$219.00.

Ms. Braden stated there are seven property owners in this particular improvement district that have not paid their special assessments. Of those seven, five are accumulating a penalty.

City Attorney Miller recommended taking these on a case-by-case basis since there have been others that have had and paid penalties.

Mayor Chamberlain stated if staff figured out what percentage of the penalty was left or what percentage was paid as of August 14<sup>th</sup> when Mr. Spann made his request, than that percentage could be used going forward if anyone else wanted to request his or her penalty to be waived. He did not see this as being any different from what they have done with some of the LB840 loans (extended timeframes, etc.) as an example.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, approving the request of Gary Spann, d/b/a Spann Auto & Machine, to waive a portion of the penalty on his delinquent special assessments in whatever the amount was as of August 14, 2015. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the

exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-41, and moved for approval of the second reading thereof; Councilmember Greve 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, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Johnson stated Hanna:Keelan has put together a proposal to conduct a Comprehensive Planning Program, which would include the preparation of a community housing study and new comprehensive plan, and a review and revision of the City's zoning and subdivision regulations. The total for said services will be \$42,000, of which \$12,180 will be paid for with a grant. This leaves a net cost for the City of \$29,820. The last update was in 2006.

The agreement is between Hanna:Keelan, Wayne Community Housing and the Wayne Planning Commission. Wayne Community Housing and the Planning Commission cannot sign the agreement, however, until the City agrees to pay for the cost. This has been budgeted for. Staff did not seek requests for proposals for this project.

It was noted that Hanna:Keelan did the City's comp plan in 1991.

Councilmember Muir made a motion, which was seconded by Councilmember Brodersen, approving payment for an agreement between Hanna:Keelan Associates, PC, Wayne Community Housing, and the Wayne Planning Commission to conduct a Comprehensive Planning Program, including the preparation of a Community Housing Study and new

Comprehensive Plan, and review and revision of the City's Zoning and Subdivision Regulations. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would amend the water rates. As per our auditor's direction, we had a rate analysis prepared by the Nebraska Rural Water Association. They are recommending that the rates be increased by 23%. The changes proposed are as follows:

Net Monthly Customer Service Charge

| <u>Meter Size</u> | <u>Inside City</u>  |               | <u>Outside (Rural)</u> |                 |
|-------------------|---------------------|---------------|------------------------|-----------------|
| 3/4" or less      | \$ <del>13.00</del> | <b>16.00</b>  | \$ <del>20.50</del>    | <b>32.00</b>    |
| 1                 | <del>18.75</del>    | <b>22.75</b>  | <del>32.25</del>       | <b>45.50</b>    |
| 1 1/4             | <del>21.00</del>    | <b>25.50</b>  | <del>42.00</del>       | <b>51.00</b>    |
| 1 1/2             | <del>30.25</del>    | <b>36.75</b>  | <del>65.98</del>       | <b>73.50</b>    |
| 2                 | <del>54.00</del>    | <b>65.50</b>  | <del>108.00</del>      | <b>131.00</b>   |
| 3                 | <del>121.50</del>   | <b>147.25</b> | <del>247.99</del>      | <b>294.50</b>   |
| 4                 | <del>216.00</del>   | <b>231.50</b> | <del>436.72</del>      | <b>463.00</b>   |
| 6                 | <del>485.50</del>   | <b>588.00</b> | <del>976.02</del>      | <b>1,176.00</b> |

Net Monthly Commodity, Use Rate per Thousand Gallons

|                     |                   |             |
|---------------------|-------------------|-------------|
| (a) Inside City     | <del>\$1.30</del> | <b>1.60</b> |
| (b) Outside (Rural) | <del>\$2.60</del> | <b>3.20</b> |

The last rate increase was in 2013, and before that was in 1996.

Councilmember Sievers introduced Resolution No. 2015-83 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2015-83

A RESOLUTION TO ESTABLISH RESIDENTIAL, COMMERCIAL AND SPECIAL USE WATER SERVICES AND USE RATES.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Staff presented a proposed ordinance, which would amend Sec. 78-134 of the Wayne Municipal Code relating to Parking Time Limits of 15 minutes, 30 minutes, and 1 hour, by adding a 3-hour time limit. This was prepared pursuant to Council's direction at the last meeting. The amendment pertains to the downtown area on Main Street, from 1<sup>st</sup> Street to 3<sup>rd</sup> Street.

Council wanted to visit with the Revitalize Wayne Committee regarding what research they have done on this matter, in addition to visiting with some of the business owners downtown.

Irene Fletcher, representing Revitalize Wayne, stated the Committee was advised that this matter was going to be discussed this evening. She did not think there was a clear consensus among that group either, and noted that they meet on the 2<sup>nd</sup> Tuesday and 4<sup>th</sup> Wednesdays of the month.

After discussion, a motion was made by Councilmember Sievers and seconded by Councilmember Haase to table action on Ordinance 2015-42 until the first meeting in October. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

A pay request has been received from Robert Woehler & Sons Construction, Inc., for the "2015 Water System Improvements – Water Main Relocation Project" for \$54,541.60. The engineer on the project, JEO Consulting Group, has approved the same.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving Pay Application No. 2 for \$54,541.60 to Robert Woehler & Sons Construction, Inc., for the "2015 Water System Improvements – Water Main Relocation Project." Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

The final pay request has been received from OCC Builders, LLC, for the "2015 Wayne Storm Shelter Project" for \$73,196.00. This is contingent upon the completion of the punch list

by OCC Builders, Inc. The engineer on the project, JEO Consulting Group, has approved the same.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving Pay Application No. 4 (Final) for \$73,196.00 to OCC Builders, LLC, for the “2015 Wayne Storm Shelter Project,” contingent upon the completion of the punch list. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

A pay request has been received from Milo Meyer Construction Company for the demolition and removal of four abandoned mobile homes. The amount is for \$24,396.50.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, approving the pay application for \$24,396.50 to Milo Meyer Construction Company for the demolition and removal of four abandoned mobile homes. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

A pay request has been received from Christiansen Construction Co., LLC, for the “2016 Wayne Aquatic Center Project” for \$123,227.55. The engineer on the project, JEO Consulting Group, has approved the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving Pay Application No. 2 for \$123,227.55 to Christiansen Construction Co., LLC, for the “2016 Wayne Aquatic Center Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the reappointment of Kelby Herman, Jill Brodersen, Kirk Hochstein and Bob McBride as an alternate, to the Board of Appeals.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving the reappointment of Kelby Herman, Jill Brodersen, Kirk Hochstein and Bob McBride as an alternate to the Board of Appeals. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Mayor Chamberlain stated that the Community Redevelopment Authority met and is recommending his reappointment to the CRA for a five-year term.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving the reappointment of Ken Chamberlain to the Community Redevelopment Authority for a five-year term. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the appointment of Chele Meisenbach to the Planning Commission. She will be replacing Sharon Braun whose term expired. Sharon did not want to be reappointed. This would be a 3-year term.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving the appointment of Chele Meisenbach to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Councilmember Sievers 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, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried and the meeting adjourned at 6:26 p.m.