

**MINUTES
CITY COUNCIL MEETING
February 16, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, February 16, 2016, 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 February 4, 2016, 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 Haase made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of February 3, 2016, 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: APPEARA, SE, 168.61; BAKER & TAYLOR BOOKS, SU, 317.14; BINSWANGER GLASS, SE, 148.50; CITY EMPLOYEE, RE, 20.43; CARHART LUMBER, SU, 264.09; CHARTWELLS, SE, 5038.80; CHRISTIANSEN CONSTRUCTION, SE, 189379.20; CITY EMPLOYEE, RE, 141.00; CITY OF WAYNE, RE, 600.00; CITY OF WAYNE, RE, 304.29; COPY WRITE PUBLISHING, SU, 107.27; DALE PAULSON, SU, 730.00; EAKES OFFICE PLUS, SE, 100.28; EASYPERMIT POSTAGE, SU, 1868.89; ECHO GROUP, SU, 261.06; EGAN SUPPLY, SU, 34.16; EMPLOYERS MUTUAL CASUALTY, SE, 136.83; ENVIROTECH SERVICES, SU, 5891.84; ERICKSEN CONSTRUCTION, SE, 276283.26; FLOOR MAINTENANCE, SU, 430.60; FRANK SHEDA, SE, 277.50; CITY EMPLOYEE, RE, 1105.52; GALE GROUP, SU, 73.42; GEMPLER'S, SU, 29.90; GEOCOMM, SE, 3184.00; HAMPTON INN-KEARNEY, SE, 476.00; HAUFF MID-AMERICAN SPORTS, SU, 384.50; HAWKINS, SU, 2402.61; INGRAM BOOK CO, SU, 367.59; INTERSTATE ALL BATTERIES, SU, 201.35; KTCH, SE, 641.00; LINPEPCO, SU, 202.50; CITY EMPLOYEE, RE, 679.86; CITY EMPLOYEE, RE, 87.30; LUTT OIL, SU, 3729.11; MAIN STREET AUTO, SE, 400.00; MARCO, SE, 126.36; MICHAEL TODD, SU, 348.39; MIDWEST LABORATORIES, SE,

102.50; MUNICIPAL SERVICE, SU, 710.52; NE DEPT OF ROADS, SE, 107344.57; NNEDD, FE, 100.00; NE LIBRARY COMMISSION, SU, 1066.00; NE RURAL WATER, FE, 275.00; NORTHWEST ELECTRIC, SU, 406.18; O'REILLY AUTOMOTIVE, SU, 37.98; OTTE CONSTRUCTION, SE, 14071.00; OVERDRIVE, SU, 132.39; PENGUIN RANDOM HOUSE, SU, 108.75; PETERSON INDUSTRIAL ENGINE SERV, SE, 1998.00; QUALITY DRY CLEANING, SE, 730.80; S & S WILLERS, SU, 870.55; SKARSHAUG TESTING LAB, SE, 367.31; SPARKLING KLEAN, SE, 3083.47; SHOPKO, SU, 68.74; STATE FARM INSURANCE, SU, 563.00; STATE NEBRASKA BANK & TRUST, SE, 58.88; STATE NEBRASKA BANK & TRUST, RE, 111.19; STEFFEN, SU, 54.35; THE FINAL TOUCH, SU, 38.99; UNITED STATES PLASTIC, SU, 65.68; UPSTART, SU, 39.85; US BANK, SU, 3730.51; VIAERO, SU, 132.63; WAYNE COUNTY COURT, RE, 300.00; WAPA, SE, 27223.61; WISNER WEST, SU, 103.09; ADVENT DESIGN CORP, SU, 437.13; BIG T ENTERPRISES, SU, 103.95; BLUE CROSS BLUE SHIELD, SE, 36306.89; BROWN SUPPLY, SU, 345.32; BSN SPORTS, SU, 67.44; CDS INSPECTIONS & BEYOND, SE, 302.00; ECHO GROUP, SU, 160.32; INDUSTRIAL CHEM LABS & SERVICES, SU, 1132.18; KRIZ-DAVIS, SU, 253.60; MARCO, SE, 1347.50; NE AIR FILTER, SU, 142.73; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 150.00; NPPD, SE, 325869.01; RESCO, SU, 36.29; STAPLES ADVANTAGE, SU, 104.48; TREE CARE WORKSHOPS, FE, 110.00; TYLER TECHNOLOGIES, SE, 4012.50; ULINE, SU, 116.16; UTILITIES SECTION, FE, 2036.00; VAKOC CONSTRUCTION, SE, 7512.28; WAYNE AUTO PARTS, SU, 572.98; WAYNE COUNTY CLERK, SE, 32.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE HERALD, SE, 883.40; WAYNE VETERINARY CLINIC, SE, 238.00; WESCO, SU, 13129.97; ZEE MEDICAL SERVICE, SU, 63.72

Councilmember Haase 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 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 proclaimed the month of March as "Problem Gambling Awareness Month."

Wes Blecke, Executive Director of WAED, gave a report from the Business and Industries' Retreat. Their retreat items consisted of:

- Family focused housing;

- “Ag Valley;”
- Internet speed/reliability;
- Transportation hub/storage; and
- Leadership 2.0, and Business/Work, prep or high school life skills class.

Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), was present requesting Council consideration to closing off a portion of East 10th Street from Angel Avenue to Hillside Drive for an electric vehicle power drive rally on Saturday, April 2nd, from 8:00 a.m. until 5:00 p.m.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the request of Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), to close off a part of East 10th Street from Angel Avenue to Hillside Drive for an electric vehicle power drive rally on Saturday, April 2nd, from 8:00 a.m. until 5:00 p.m. 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.

Joel Hansen, Street Superintendent and Responsible Charge, along with Dan Sitorius and Chad Marsh of Kirkham Michael, Engineers on the Windom Street Paving Project, were present to explain the “Consultant Work Order,” which was requesting additional fees of \$31,338.40 on said project. Some of the factors that led to work progressing beyond the original agreement were the contractor’s schedule (late start), weather delays, and extra work that was added to the contract. Of the \$31,338.40 requested, approximately \$7,600 is for work that has already occurred. The contractor on the project is Steve Harris Construction who has several sub-contractors working for them.

Mr. Marsh explained that Kirkham Michael did not charge for the two-week delay, and that the impact on the engineering costs was essentially to take the job through the winter.

Councilmember Brodersen made a motion, which was seconded by Councilmember Greve, approving the Consultant Work Order for \$31,338.40 to Kirkham Michael & Associates for

additional construction engineering services for the Windom Street Paving 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 declared the time was at hand for the public hearing on the One and Six Year Street Improvement Program.

Joel Hansen, Street Superintendent, presented the One and Six Year Street Improvement Program. This is a yearly requirement to receive Highway Allocation Funds from the Nebraska Department of Roads. He noted that just because a project is in the One and Six Year Street Improvement Plan does not mean the project has to be done that year. However, if the City would want to do a project that is not in the One and Six Year Street Improvement Plan, another public hearing would have to be held to amend the plan.

Upcoming projects, which include some carry-over projects from previous year(s), include the following:

<u>Project Number</u>	<u>Project Year</u>	<u>Improvement</u>	<u>Estimated Cost</u>

M – 617(92)	2016	Windom Street from 645’ N of Fairground Ave to E. 7 th – 1,750’ Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage, Sidewalks	\$965,000
M – 617(105)	2016	Tomar Drive & E. 4 th St. to the Summer Sports Complex – 1,800’ Construct Concrete Paving	\$400,000
M – 617(116)	2016	W. 7 th Street from Haas Avenue to Pheasant Run – 1,650’ Storm Drainage & Sidewalk	\$110,000
M – 617(118)	2016	E. 4 th Street from Thorman Street to Centennial Road – 785’ Construct Gravel Paving & Storm Drainage	\$ 40,000

M – 617(91)	2017	Trail & Pedestrian Underpass on W. 7 th Street Located between CAC and Oak Drive	\$566,000
M – 617(107)	2017	Clark Street & S. Pearl Street – 745’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$180,000

M – 617(98)	2018	Sherman Street from W. 5 th St. to W. 6 th St. – 300’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 90,000

M – 617(113)	2018	Sherman Street from W. 3 rd St. to W. 4 th St. – 300’ Construct Concrete Paving, Curb & Gutter	\$ 80,000

M – 617(104)	2019	S. Lincoln Street from W. 1 st St. to 300’ S. of W. 1 st St. 300’ Construct Concrete Paving, Curb & Gutter	\$ 90,000
M – 617(114)	2019	W. 2 nd Street from Blaine St. to 360’ E of Blaine St. – 380’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$105,000

M – 617(115)	2020	W. 3 rd Street from Oak Dr. to 250’ E. of Oak Dr. – 250’ Construct Concrete Paving, Curb & Gutter	\$ 70,000
M – 617(117)	2020	Nebraska Street & E. 2 nd Street from E. 7 th to Logan – 2,275’ Construct Concrete Paving, Curb & Gutter, Storm Drainage and Sidewalks	\$900,000

M – 617(112)	2021	Lagoon Streets – 2,500’ Construct Concrete Paving	\$700,000
M – 617(89)	2021	Lage Subdivision – South of Fairgrounds Avenue – 900’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$175,000

No written or oral comments had been received by the City Clerk’s Office concerning this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Sievers introduced Resolution 2016-6 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2016-6

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM.

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 is an annual requirement to obtain funding from the Nebraska Department of Roads to help pay for the operating costs of the local public transportation system (handi-van).

Councilmember Sievers introduced Resolution 2016-7, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2016-7

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS FOR THE OPERATION OF THE WAYNE PUBLIC TRANSPORTATION SYSTEM.

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.

Diane Bertand, Senior Center Coordinator, requested Council consideration to approving the submission of the Senior Center Budget to the Northeast Nebraska Area Agency on Aging. The Senior Center must apply for State funding for the meal program, and Council must approve the budget to be submitted to the Northeast Nebraska Area Agency on Aging.

In addition, Ms. Bertrand updated the Council on the meal program, the concerns they have, and the possibility of preparing the meals in-house.

Carol Wibben, Senior Center Operations Assistant, and George Burcum, Senior Center Board President, were also present.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving the submission of the Wayne Senior Center's Fiscal Year 2016-detailed plan of operation and budget to the Northeast Nebraska Area Agency on Aging. 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 following Resolution would approve the Mayor and City Council's goals established at their retreat in January.

Councilmember Sievers introduced Resolution No. 2016-8 and moved for its approval; Councilmember Haase seconded.

Councilmember Muir suggested amending the following: “Ward Voting Representation - 1 per ward – 4 at large.

Councilmember Sievers reintroduced Resolution No. 2016-8 and moved for its approval with the following amendment: Ward Voting Representation – 1 per ward – 4 at large; Councilmember Haase seconded the amendment.

RESOLUTION NO. 2016-8

A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.

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 approve the allocation of local funds in the completion of the use of Federal Congressional funding by the Nebraska Department of Roads for the development of a Nebraska Highway 35 Expressway Corridor between South Sioux City and Norfolk. When the Legislature eliminated the Highway 35 Expressway, Norfolk used approximately \$22 million of the money that was earmarked for the Expressway to build the 4-lane highway by Woodland Park. There was about \$6 million left, and the Department of Roads was going to send that back to Congress if they could not find a use for it. South Sioux City said they would like to have those funds to build a little section of the expressway, and they offered Wayne and Wakefield cash, \$450,000 and \$150,000 respectively, for our assistance, lobbying and travel time, and the work we did to help obtain the funding. The City of Wakefield has already acted on this Resolution, as well as South Sioux City.

Councilmember Muir introduced Resolution No. 2016-9 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2016-9

A RESOLUTION APPROVING SOUTH SIOUX CITY ALLOCATING LOCAL FUNDS IN THE COMPLETION OF THE USE OF FEDERAL CONGRESSIONAL FUNDING BY THE NEBRASKA DEPARTMENT OF ROADS FOR THE DEVELOPMENT OF A NEBRASKA HIGHWAY 35 EXPRESSWAY CORRIDOR BETWEEN SOUTH SIOUX CITY AND NORFOLK.

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 that at the January 19th Council meeting, there was a request to consider waiving the interest on the Tim Fertig Loan. That question is now being brought before Council for consideration. Attorney Miller advised the Council that Mr. Fertig's loan has been paid.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, approving the request to waive the interest of \$733.18 on the Tim Fertig Loan. 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, and Councilmember Karsky who voted Nay, the Mayor declared the motion carried.

The following two ordinances are a requirement by the Nebraska Department of Revenue. John Hassett of Advanced Gaming Technologies, Inc., sent the same to us for Council consideration.

Councilmember Muir introduced Ordinance 2016-1, and moved for its approval; Councilmember Greve seconded.

ORDINANCE NO. 2016-1

AN ORDINANCE AMENDING CHAPTER 10 AMUSEMENTS AND ENTERTAINMENTS, ARTICLE II CITY LOTTERY, BY ADDING SECTION 10-32 LOTTERY; SALES OUTLET LOCATIONS; APPROVAL REQUIRED; QUALIFICATION STANDARDS; 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.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, 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 Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, to move for final approval of Ordinance No. 2016-1. 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 Muir introduced Ordinance 2016-2, and moved for its approval; Councilmember Sievers seconded

ORDINANCE NO. 2016-2

AN ORDINANCE AMENDING CHAPTER 10 AMUSEMENTS AND ENTERTAINMENTS, ARTICLE II CITY LOTTERY, BY ADDING SECTION 10-33 LOTTERY; PARTICIPATION; RESTRICTIONS; 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.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, 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 Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, to move for final approval of Ordinance No. 2016-2. 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 Greve, 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 6:37 p.m.

