

**MINUTES
CITY COUNCIL MEETING
March 15, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, March 15, 2016, 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, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Nick Muir and Jason Karsky.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 3, 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 Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of March 1, 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 Muir and Karsky who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTIONS TO CLAIMS LISTS:

ADD TO CLAIMS LISTING OF 3/1/16: ECHO GROUP, SU, 69.18; WAED, SE, 14433.32
DELETE FROM CLAIMS LISTING OF 2/16/16: INTERSTATE ALL BATTERY, SU, 201.35
DELETE FROM CLAIMS LISTING OF 3/1/16: ICC, SU, 187.00

VARIOUS FUNDS: AMERICAN RED CROSS, RE, 20.00; AMERITAS LIFE INSURANCE, SE, 2437.59; APPEARA, SE, 172.76; ARNIE'S FORD-MERCURY, SE, 1398.46; BAKER & TAYLOR BOOKS, SU, 414.48; BARONE SECURITY SYSTEMS, SE, 138.00; BROMM LINDAHL, SE, 122.50; CERTIFIED TESTING SERVICES, SE, 1805.00; CHADD FRIDERES, RE, 500.00; CHARTWELLS, SE, 4863.90; CHRISTIANSEN CONSTRUCTION, SE, 38079.74; CITY OF WAYNE, RE, 400.00; CITY OF WAYNE, PY, 67278.74; CITY OF WAYNE, RE, 840.27; CITY FIREMAN, RE, 775.00; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SE, 198.86; DAVE'S DRY CLEANING, SE, 93.00; DEMCO INC, SU, 133.88; DOESCHER APPLIANCE, SU, 59.00; EAKES OFFICE PLUS, SE, 842.87; ECHO GROUP, SU, 735.24; ERIKSEN CONSTRUCTION, SU, 165778.34; CITY EMPLOYEE, RE, 150.00; FAIRFIELD INN & SUITES BY MARRIOTT, SE, 239.90; FIRE STATION SOFTWARE, SU, 939.00;

FLOOR MAINTENANCE, SU, 386.28; FRANK SHEDA JR, SE, 198.75; GILL HAULING, SE, 170.50; GROSSENBURG IMPLEMENT, SU, 186.33; HD SUPPLY WATERWORKS, SU, 1953.72; HEWLETT-PACKARD, SU, 788.00; HUNTEL CABLEVISION, SE, 2502.24; ICMA, SE, 6368.16; INLAND TRUCK PARTS, SU, 95.55; IRS, TX, 24363.64; IZABEL CHAVEZ, SE, 33.00; KRIZ-DAVIS, SU, 1016.87; KTCH, SE, 641.00; LINPEPCO, SU, 393.40; LUTT OIL, SU, 4158.73; NNEDD, SE, 2070.00; CITY EMPLOYEE, RE, 468.70; NE DEPT OF REVENUE, TX, 3468.28; NPPD, SE, 283253.24; NMPP ENERGY, FE, 160.00; NNPPD, SE, 6167.00; NORTHEAST NEBRASKA NEWS, SU, 61.00; NORTHWEST ELECTRIC, SU, 1327.10; ONE CALL CONCEPTS, SE, 19.23; ONE OFFICE SOLUTION, SU, 79.08; PAC N SAVE, SU, 11.29; PENGUIN RANDOM HOUSE, SU, 183.75; PLUNKETT'S PEST CONTROL, SE, 85.60; PSYCHOLOGICAL RESOURCES, SE, 540.00; QUALITY 1 GRAPHICS, SU, 120.00; RESCO, SU, 219.36; S & S WILLERS, SU, 1280.89; SHOPKO, SU, 50.45; STATE NEBRASKA BANK & TRUST, RE, 2231.58; US BANK, SU, 4116.55; WAYNE COUNTY CLERK, SE, 58.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY TREASURER, TX, 3277.28; WAYNE GROCERY, SU, 15.78; WAYNE SENIOR CENTER, RE, 669.88; WAYNE STATER, SE, 24.00; WAYNE VETERINARY CLINIC, SE, 238.00; WAPA, SE, 27456.97; A-1 JANITORIAL SUPPLY, SU, 452.28; AMAZON.COM, SU, 499.39; AMERICAN BACKFLOW, FE, 75.00; CITY EMPLOYEE, RE, 1040.58; CERTIFIED TESTING SERVICES, SE, 2700.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 972.22; DEARBORN NATIONAL LIFE, SE, 2061.64; DUTTON-LAINSON, SU, 1680.98; ECHO GROUP, SU, 1758.86; ED. M FELD EQUIPMENT, SU, 202.70; EPCO, LIMITED, SU, 1623.00; ERIKSEN CONSTRUCTION, SE, 8174.00; FASTENAL, SU, 115.55; FREDRICKSON OIL, SU, 65.75; GALE GROUP, SU, 99.41; HAWKINS, INC, SU, 283.16; HD SUPPLY WATERWORKS, SU, 479.41; JACK'S UNIFORMS, SU, 368.70; JEO CONSULTING GROUP, SE, 5405.00; CITY EMPLOYEE, RE, 309.64; KRIZ-DAVIS, SU, 96.30; LAYNE CHRISTENSEN, SE, 1002.76; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 742.00; LUNDAHL, EARL, FE, 350.00; MIDWEST LABORATORIES, SE, 342.00; N.E. NEB CLERKS ASSOCIATION, FE, 20.00; NATL LEAGUE OF CITIES, FE, 1117.00; NE NEBRASKA VOLUNTEER, FE, 50.00; NE SALT & GRAIN CO, SU, 1815.00; NHHS, FE, 40.00; NNPPD, SE, 12448.14; OTTE CONSTRUCTION CO, SE, 18266.00; PUSH-PEDAL-PULL, SU, 301.57; ROBERT WOEHLE & SONS, SE, 1263.65; SPARKLING KLEAN, SE, 3605.67; STATE NEBRASKA BANK-PETTY CASH, RE, 150.00; T & R ELECTRIC, SU, 693.00; THE DIAMOND CENTER/FLOWERS & WINE, SE, 55.20; FIREMAN, RE, 241.00; TRI AIR TESTING, SE, 494.00; TRI-STATE COMMUNICATIONS, SU, 7236.70; ULINE, SU, 201.79; VAKOC CONSTRUCTION, SE, 12475.87; VIAERO, SE, 132.63; WAYNE COUNTRY CLUB, RE, 9418.40; WAYNE HERALD, SE, 1856.38; WEST-E-CON, SU, 1375.00; WISNER WEST, SU, 39.30

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 Muir and Karsky who were absent, 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.

Phil Monahan, Fire Chief, introduced Zachary Nordbye and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, approving the membership application of Zachary Nordbye to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Mayor declared the motion carried.

Lauran Lofgren, Library Director, gave a demonstration and presentation on the new Library software and how patrons can utilize the program on the website to access the Wayne newspapers since the 1880's.

James Simpson gave a presentation on his Eagle Scout Project, which is to build a shelter house, along with a couple of burn rings and cooking rings, and a flagpole at Roosevelt Park. He would also like to do some landscaping around a large log/tree and place a "Roosevelt Park" sign on the log. The total amount of the project will be approximately \$4,640.00. He is seeking a grant from the Lower Elkhorn Natural Resources District in the amount of \$2,296.25. The amount that the City would be required to contribute/match for the grant would be \$2,343.75. Several items associated with the project will be donated.

James was seeking Council's approval of the project, and to approve his making an application to the Lower Elkhorn Natural Resources District for a grant to be used for one-half of the concrete and building costs.

Councilmember Eischeid introduced Resolution No. 2016-12 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2016-12

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE LOWER ELKHORN NATURAL RESOURCES DISTRICT FOR AN EAGLE SCOUT PROJECT TO BUILD A SHELTER HOUSE AT ROOSEVELT PARK.

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

Wes Blecke, Director of Wayne Area Economic Development, was present and advised the Council that the LB840 Sales Tax Advisory Committee met to review and make a recommendation on an LB840 request made by the City of Wayne. The request was for funds (\$300,000) to build single-family homes sold at \$140,000 or less to income eligible households within the corporate limits of the City of Wayne.

The Committee recommended to redirect the previously allocated \$240,000 from the “Angel Village” application to this request. Their recommendation includes \$240,000 (16 homes at \$15,000 each), with a maximum of five housing unit (incentives) at a time to any one builder. The maximum \$15,000 to buy down the price of the home would begin to be forgiven after year five of the original owner’s occupancy, and at the end of each subsequent four years (for \$3,000 per year starting after year five, for a total of \$15,000 after year nine). The forgivable loan would be due in full if the original owner sells before the end of year five. The Committee also recommended the homes be at least 1,000 sq. ft. (of living space), include a two-car garage, and have a storm shelter or basement. Any type of rental allowed with these homes should meet the income eligibility criteria. In addition, the Committee is recommending that any housing project receiving these funds go before the Architectural Review Committee of the City of Wayne for review/approval. The modified recommendation was unanimously approved, with six voting members present.

Mayor Chamberlain stated he did not want a builder to sell a house for \$132,000 and receive the whole incentive. He would like to see it prorated. He would also like to see the

homes have a basement (finished or unfinished), 2-car garage, and be 1,200 sq. ft. He did not like the idea of using the incentives for rental homes, unless they would be rent-to-own type situations.

Lou Bencoter discussed the cost of building a home and those that are in need of this type of housing in Wayne. Mr. Bencoter brought this to the City Administrator. This will help move his lots in Angel Village, and will help get families into the type of housing they deserve to have. He has tried two times to receive a grant to help him develop Angel Village, but was unsuccessful.

Councilmember Eischeid did not agree that there is a demand for houses in this price range, nor did he like the idea of using sales tax money in this way. He thought if the City was going to offer this, it should be offered to anyone, of any income range, because of the want to see houses built in Wayne. If the City is going to use LB840 funds, it should be for businesses and not for a specific group of people that will benefit from the funds by putting them in a house. If that is going to be the criteria, he felt the funds should be available to everyone.

BJ Woehler agreed that it should be open to all people, but the people who this is proposed to help is what we are short of in Wayne.

Wendy Vawser also spoke in favor of this application, saying Wayne needs more housing. She checked several real estate websites, and there are 31 single-family homes for sale in Wayne, 18 of which are sale pending. In her opinion, Wayne is in desperate need of more housing. There are already programs for the low-income; this would be helping the first-time homeowners build a house at an affordable price.

Councilmember Greve questioned the need of subsidizing home rehab projects, not just new homes.

Councilmember Sievers also questioned using LB840 funds in this way.

Councilmember Giese stated there are two things he thought everybody was on the same page about:

- 1) We cannot be sourcing this from a non-replenishing fund like LB840; and
- 2) When, or if we do set up a different fund, it has to be eligible for remodeling as well.

Wes Blecke, representing WAED and Business and Industries, stated they have talked about rehab, and a question that comes up is what about those people that just miss out on the income eligibility. What do you do with that gap?

Teresa Mick stated she is one of the families that would like to take advantage of this program. They have been searching for a home for 2-3 years. They have been renting for nine years.

Administrator Johnson noted that with the CIS grant, there is \$75,000 available for three owner occupied houses in the southeast quadrant of Wayne. This would be in the form of a loan.

Administrator Johnson also advised the Council that if Mr. Bencoter builds 16 homes in his development by 4th Street, the tax increment financing from those homes would help pay for the City's portion of the assessments to pave or extend 4th Street.

Councilmember Giese stated this could be something to talk about at budget time or at the next Council retreat.

After further discussion, Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, to deny the LB840 application of the City of Wayne. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Mayor declared the motion carried.

Joel Hansen, Street Superintendent, provided the Council with a layout of two proposed parking lots at the Community Activity Center – one on the north side of the building (32 stalls) and one to the south and west of the building in the open field (174 stalls).

A suggestion was to do the 32-stall parking lot to see how this summer works with the addition of the new pool before deciding to install a parking lot with 174 stalls. Mayor Chamberlain did not think Wayne had a need for 174 stalls, and the Council did not like the idea of removing an entire field just for parking.

Another suggestion was to flip the parking lot on the west side of the CAC over, which would add another 60 stalls. If this proved not to be enough, then the 32-stall parking lot could be done. Mr. Hansen will draw this out on paper for the Council and also prepare an estimate of cost for the next meeting.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to table action on the design of an additional parking lot at the Community Activity Center. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Mayor declared the motion carried.

The following Resolution would amend the wage and salary schedule to include a 2% cost of living adjustment.

Councilmember Eischeid introduced Resolution 2016-13, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2016-13

A RESOLUTION APPROVING THE WAGE AND SALARY SCHEDULE.

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

The following Resolution would amend the sewer rates, as recommended by the Nebraska Rural Water Association. The City's auditor also recommended that the sewer rates be increased. The resolution proposes a 24% increase.

Councilmember Eischeid introduced Resolution 2016-14, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2016-14

A RESOLUTION AMENDING SEWER SERVICE AND USE RATES.

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

The following Resolution would establish a “Keno Fund,” or a separate city account, to deposit the City’s portion of the proceeds from the operation of Keno.

Councilmember Sievers introduced Resolution 2016-15, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2016-15

A RESOLUTION ESTABLISHING A KENO FUND.

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

Administrator Johnson stated three bids were received on the “Carpet Replacement Project” at the Community Activity Center. He requested Council to table action on this for two weeks, since he did not receive comparable quotes.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, to table action on Resolution 2016-16 – accepting bid and awarding contract on the Carpet Replacement Project at the Community Activity Center. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Mayor declared the motion carried.

Administrator Johnson stated three bids were received on the demolition of three properties: 209 S. Windom Street, 821 Valley Drive and 307 S. Nebraska Street.

Kay Contracting, Inc., had the lowest bid on two properties: 209 S. Windom Street - \$4,500, and 821 Valley Drive - \$2,000. Milo Meyer Construction had the low bid on 307 S. Nebraska Street - \$4,450. His recommendation was to award the projects to the low bidders as reflected in the Resolution.

Councilmember Eischeid introduced Resolution 2016-17, and moved for its approval;
Councilmember Haase seconded.

RESOLUTION NO. 2016-17

A RESOLUTION ACCEPTING BID ON THE RAZING OF THREE PROPERTIES (DEMOLITION AND REMOVAL OF THE STRUCTURES) LOCATED AT 209 S. WINDOM STREET, 821 VALLEY DRIVE, AND 307 S. NEBRASKA STREET.

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

Administrator Johnson stated one bid was received on the asbestos removal property on two properties: 209 S. Windom Street and 307 S. Nebraska Street.

New Horizons, LLC, had the only bid: 209 S. Windom Street - \$4,890 and 307 S. Nebraska Street - \$2,600. His recommendation was to award the project to New Horizons, LLC.

Councilmember Sievers introduced Resolution 2016-18, and moved for its approval;
Councilmember Brodersen seconded.

RESOLUTION NO. 2016-18

A RESOLUTION ACCEPTING BID ON THE ASBESTOS REMOVAL ON TWO PROPERTIES LOCATED AT 209 S. WINDOM STREET AND 307 S. NEBRASKA STREET.

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

The following Resolution would approve an agreement with Northeast Nebraska Economic Development District for the general administration of the Housing Management portion of the Comprehensive Investment and Stabilization Grant.

Councilmember Giese introduced Resolution 2016-19, and moved for its approval;
Councilmember Greve seconded.

RESOLUTION NO. 2016-19

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) FOR THE GENERAL ADMINISTRATION OF THE HOUSING MANAGEMENT PORTION OF THE COMPREHENSIVE INVESTMENT AND STABILIZATION GRANT (13-CIS-006).

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

Nancy Braden, Finance Director, stated she received two proposals for auditing services from 2016 through 2020. The Audit Committee met and reviewed the same, and are recommending that the award go to Almquist, Maltzahn, Galloway and Luth, PC. Their proposed fees are as follows:

2016 - \$21,650 + \$2,500/single audit
2017 - \$22,150 + \$2,600/single audit
2018 - \$22,650 + \$2,700/single audit
2019 - \$23,150 + \$2,800/single audit
2020 - \$23,650 + \$2,900/single audit

Councilmember Giese introduced Resolution 2016-20, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2016-20

A RESOLUTION ACCEPTING PROPOSAL OF ALMQUIST, MALTZAHM, GALLOWAY & LUTH, PC, FOR CITY AUDITING SERVICES FROM 2016 THROUGH 2020.

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

Administrator Johnson stated the following Ordinance would create the 4th Street Paving District. This would extend 4th Street from Jaxon Street to the fence by the rugby fields.

Lou Bencoter stated he thought the City got the cart in front of the horse. Since the LB840 request did not get passed, he does not need to pay for any paving, and he will fight this if he has to.

Councilmember Eischeid introduced Ordinance 2016-3, and moved for its approval; Councilmember Giese seconded.

ORDINANCE NO. 2016-3

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2016-01; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

Administrator Johnson asked the Council why they would create this street improvement district if Mr. Bencoter is not going to build anything. If Mr. Bencoter does not build any houses, the City will be paying for all of the costs on its own side of the street.

Councilmember Eischeid rescinded his motion and Councilmember Giese rescinded his second to the motion.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, to table action on Ordinance 2016-3 creating Street Improvement District No. 2016-01. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Muir and Karsky who were absent, the Mayor declared the motion carried.

Administrator Johnson stated the Public Works Department is asking to replace the old 1987 GMC blue pickup with a new pickup equipped with heavy duty mounts for a snowplow. The new truck will be bid through the Nebraska State bid program. The snowplow will be bid privately.

Councilmember Brodersen left the meeting at 7:14 p.m.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers approving the pickup and blade replacement. Mayor Chamberlain stated the motion, and

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

Councilmember Giese 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 Councilmembers Muir, Karsky and Brodersen who were absent, the Mayor declared the motion carried and the meeting adjourned at 7:18 p.m.