

**MINUTES  
CITY COUNCIL MEETING  
April 5, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, April 5, 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, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese and Jason Karsky.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 7, 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 Sievers made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of March 15, 2016, and March 22, 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 Karsky 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:** AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 5126.99; APPEARA, SE, 267.82; ARC-HEALTH & SAFETY, SE, 114.00; AS CENTRAL SERVICES, SE, 448.00; BARRACUDA NETWORKS, SE, 300.00; CITY EMPLOYEE, RE, 740.84; BEST BOOKS, INC, SU, 247.09; BLACK HILLS, SE, 710.61; BLUE CROSS BLUE SHIELD, SE, 35139.92; BOMGAARS, SU, 332.93; BSN SPORTS, SU, 192.00; C. H. GUERNSEY & COMPANY, SE, 1807.00; CARHART LUMBER CO, SU, 540.08; CARROT-TOP INDUSTRIES, SU, 195.23; CENTURYLINK, SE, 414.17; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, RE, 1000.00; CITY OF WAYNE, PY, 140380.79; CITY OF WAYNE, SE, 40.00; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, RE, 176.76; COMMUNITY HEALTH, SE, 8.00; DANKO EMERGENCY EQUIP, SU, 1596.87; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 106.64; DITCH WITCH OF OMAHA, SU, 345.61; CITY EMPLOYEE, RE, 471.96; DUTTON-LAINSON, SU, 731.88; EASY PERMIT, SU, 1768.69; ECHO GROUP, SU, 1218.46; ED. M FELD EQUIPMENT, SU,

1062.21; ENVIRONMENTAL SYSTEM, SE, 1400.00; FASTENAL, SU, 278.19; FIRST CONCORD GROUP, SE, 2872.98; FLOOR MAINTENANCE, SU, 543.78; GALE GROUP, SU, 176.93; GERHOLD CONCRETE, SU, 4071.68; GROSSENBURG IMPLEMENT, SU, 285.64; HD SUPPLY WATERWORKS, SU, 3383.24; HOLIDAY INN-DOWNTOWN, SE, 178.00; HOMETOWN LEASING, SE, 412.86; HUNDERTMARK CLEANING SYSTEMS, SU, 283.55; ICMA, SE, 13828.73; IRS, TX, 52180.91; ISLAND SPRINKLER SUPPLY, SU, 163.90; JACK'S UNIFORM, SU, 11.25; JEO CONSULTING GROUP, SE, 12101.25; JMB CONTRACTING, SE, 800.00; CITY EMPLOYEE, RE, 27.44; KAUP SEED & FERTILIZER, SU, 640.00; KEEP NEBRASKA BEAUTIFUL, FE, 100.00; L.G. EVERIST, SU, 110.35; CITY EMPLOYEE, RE, 193.50; CITY OF WAYNE, RE, 135.00; MICHAEL TODD & CO, SU, 452.63; MOONLIGHT TOWING, SE, 500.00; NNEDD, SE, 615.00; CITY EMPLOYEE, RE, 1013.96; NE DEPT OF HEALTH AND HUMAN SERVICES, FE, 40.00; NE DEPT OF REVENUE, PY, 7563.32; NE DEPT OF ROADS, SE, 3717.00; NE MUNICIPAL CLERKS ASSOC, FE, 35.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SU, 396.00; NE SAFETY COUNCIL, FE, 78.36; NORTHWEST ELECTRIC, SU, 657.64; O'REILLY AUTOMOTIVE STORES, SU, 47.98; ORIENTAL TRADING CO, SU, 134.46; CITY EMPLOYEE, RE, 67.31; PITNEY BOWES, SE, 1497.55; POWER MONITORS, RE, 200.00; PUSH-PEDAL-PULL, SU, 301.57; RON'S RADIO, SE, 120.00; SENECA COMPANIES, SE, 9076.00; SIEVERS FARMS, SE, 1820.00; FIREMAN, RE, 135.50; SIRSIDYNIX, SU, 3339.28; STAPLES CONTRACT & COMMERCIAL, SU, 72.75; STATE NEBRASKA BANK, RE, 105.70; CITY EMPLOYEE, RE, 83.70; THE CHILD'S WORLD, SU, 227.40; TRANS-IOWA EQUIPMENT, SU, 539.15; TYLER TECHNOLOGIES UTILITY, SE, 4143.58; VERIZON, SE, 99.78; VIAERO, SE, 247.07; WAYNE AIRPORT, RE, 8540.59; WAYNE AUTO PARTS, SU, 379.10; WAYNE COUNTY CLERK, RE, 26154.20; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 972.00; WESCO, SU, 4171.45; WISNER WEST, SU, 109.46; ADVANCED CONSULTING, SE, 2970.00; AMERICAN BROADBAND, SE, 2501.68; AMERICAN RED CROSS, RE, 10.00; APPEARA, SE, 66.60; CITY EMPLOYEE, RE, 2439.42; BROWN SUPPLY, SU, 677.19; BSN SPORTS, SU, 51.54; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 135.00; CITY OF WAYNE, RE, 1157.01; DANKO EMERGENCY EQUIPMENT, SU, 455.51; DUNRITE, SU, 99.16; EAKES OFFICE PLUS, SE, 67.60; EASYPERMIT POSTAGE, SU, 1049.28; ECHO GROUP, SU, 93.17; ELECTRONIC ENGINEERING, SE, 175.00; ELLIS HOME SERVICES, SE, 448.58; ENGINEERED EQUIPMENT SOLUTIONS, SU, 3628.50; FLOOR MAINTENANCE, SU, 777.19; GALE GROUP, SU, 74.07; GILL HAULING, SE, 170.50; HAMPTON INN-KEARNEY, SE, 379.80; HEIKES AUTOMOTIVE, SE, 58.85; ICC, FE, 135.00; IIMC, FE, 155.00; INGRAM BOOK CO, SU, 595.89; INTERSTATE ALL BATTERY, SU, 269.70; JONES, LEONARD, RE, 396.00; MARCO, SE, 126.36; MIDWEST TURF & IRRIGATION, SU, 11350.00; MILLER LAW OFFICE, SE, 5416.67; CITY EMPLOYEE, RE, 517.99; NE NEB INS AGENCY, SE, 76420.00; OVERDRIVE, SU, 656.69; PAC N SAVE, SU, 207.73; PENGUIN RANDOM HOUSE, S;U, 162.00; STATE NEBRASKA BANK & TRUST, RE, 10073.75; WAED, SE, 7216.66; WAYNE GROCERY, SU, 5.19; WAPA, SE, 26938.83; WIGMAN COMPANY, SE, 1704.95; ZACH HEATING & COOLING, SU, 93.79

Councilmember Sievers 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 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.

James Simpson was present requesting Council to approve a resolution supporting his Eagle Scout project in Roosevelt Park. The total cost of the project will be \$4,640.00. The NRD grant would provide \$2,296.25, with the City contributing \$2,343.75.

Councilmember Sievers introduced Resolution No. 2016-21 and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2016-21

#### A RESOLUTION OF SUPPORT FOR JAMES SIMPSON'S ROOSEVELT PARK EAGLE SCOUT PROJECT.

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

Kelby Herman was present to discuss his proposed Tax Increment Financing Project for the former Mert Marshall property located at 309 S. Windom Street and the Lage Auction property. He would remove two structures and build four new structures on that property, as long as he can modify some of the lots. On the Lage Auction property, a horseshoe-shaped street is proposed. There would be 12 - 50' lots along the west side, which would be for single-family homes, with 11 lots in the center of the horseshoe for townhomes, with the property adjacent to the lagoon being for light commercial uses, such as storage type structures. These homes would not have basements, but would have double car garages. These homes would have 3-4 bedrooms, would be to own or rent, and in the \$119,000 range. The increase in valuation for property tax purposes would be about \$4.2 million. It will provide housing for approximately 108 people.

In response to some concern about the homes not having basements, Mr. Herman stated he has done research on tornado shelters and FEMA does approve a wood frame tornado shelter, which is more conducive to a wood structure and could be used as a closet or laundry room.

Mr. Herman was asking for a sense of how the Council felt about this project and his using tax increment financing for the same, before moving forward and incurring legal fees incurred with the tax increment financing process. The tax increment financing would be used for infrastructure – street, water and sewer. There did not seem to be any objections to the use of tax increment financing for this proposed project.

Administrator Johnson stated this area has already been designated as blight and substandard and is eligible for tax increment financing. However, the Lage Auction property is not within city limits, and the property would have to be annexed before tax increment financing could happen.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation concerning a rezoning request from R-1 Residential to B-3 Neighborhood Commercial to allow for the development of multi-family dwellings. The applicant is Virgil Kardell. The area to be rezoned is described as:

Beginning at the SE corner of the NE¼ of Section 7, T26N, R4E of the 6<sup>th</sup> P.M., Wayne County, Nebraska; said point being the point of beginning; thence north along the east edge of said section, 313'; thence west along a line parallel to the north edge of said section, 1,312' to the east side of Vintage Hills First Addition to the City of Wayne; thence south along the east line of Vintage Hills First Addition to the south edge of the NE¼ of Section 7, T26N, R4E, 313'; thence east along the south edge of the NE¼ of Section 7, T26N, R4E, 1,314' to the point of beginning.

The Planning Commission reviewed the matter at their public hearing on March 7, 2016, and forwarded a recommendation to approve the same subject to the following "Finding of Fact:" Consistency with the Comprehensive Plan and the current and future land use maps.

Virgil Kardell was present to answer questions.

Joel Hansen, Zoning Administrator, stated the public input he received at the Planning Commission was from some of the area residents who were concerned about whether or not there would be any new streets or additional traffic going through the Vintage Hill neighborhood. Once they understood it was just a strip for business development along 14<sup>th</sup> Street, they were satisfied. In addition, he had some concern from Great Dane about the potential for apartments in the area. However, the R-2 district, which is just south of Great Dane, has people living there, so there does not seem to be a lot of difference between whether somebody would live in an apartment or in a single-family home.

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 Sievers introduced Ordinance No. 2016-4, and moved for approval thereof; Councilmember Haase seconded.

#### ORDINANCE NO. 2016-4

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF PROPERTY LOCATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6<sup>TH</sup> P.M., WAYNE COUNTY, NEBRASKA, FROM R-1 RESIDENTIAL DISTRICT TO B-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

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

The following Resolution would approve Supplemental Agreement No. 1 to the Agreement for Construction Engineering Services for the Windom Street from East 3<sup>rd</sup> Street to East 7<sup>th</sup> Street Project. This is a change order to add additional engineering costs of \$31,338.40 to the project for 19 days in excess of the original agreement, etc. This is for extra engineering time for delays in the project last year on Windom Street. This is the City's cost.

Joel Hansen, Street Superintendent, stated he and City Administrator Johnson met with Kirkham Michael before they submitted this change order to the State. Kirkham Michael stated they believed there was some work within the contract where the contractor will not need all of that money. They were also confident that some of this will be paid for by not spending it all on the contractor, and said they would not leave the City hanging at the end of the project.

Councilmember Muir introduced Resolution 2016-22, and moved for its approval; Councilmember Sievers seconded.

#### RESOLUTION NO. 2016-22

A RESOLUTION APPROVING CONSTRUCTION ENGINEERING SERVICES AGREEMENT - SUPPLEMENTAL AGREEMENT NO. 1 – BK1463 BETWEEN THE CITY OF WAYNE AND KIRKHAM MICHAEL AND ASSOCIATES, INC.

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

The following Resolution would approve the engineering proposal of McLaury Engineering, Inc., on the “Nebraska Street Water Main Replacement Project – 3<sup>rd</sup> Street to 7<sup>th</sup> Street.” Three proposals were received: McLaury Engineering, Inc., JEO Consulting Group, and Advanced Engineering Services. Staff reviewed the three proposals, and their recommendation is to accept and approve the proposal of McLaury Engineering, Inc. The fee has not yet been determined, and if staff and the engineer cannot come to an agreement on the fees, then the legal process is to go with the second place firm.

Councilmember Eischeid introduced Resolution 2016-23, and moved for its approval pending approval of the negotiated fee; Councilmember Greve seconded.

#### RESOLUTION NO. 2016-23

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING AN AGREEMENT BETWEEN THE CITY OF WAYNE AND MCLAURY ENGINEERING, INC., FOR ENGINEERING DESIGN SERVICES FOR THE “NEBRASKA STREET WATER MAIN REPLACEMENT PROJECT – 3<sup>RD</sup> TO 7<sup>TH</sup> STREET.”

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

The following Change Order is made at the request of Olsson Associates on behalf of the contractor, Mark Albenesius, Inc., on the Wayne Airport Lift Station Project, to extend the completion date to August 31, 2016. This is a result due to delays with Northern Natural Gas abandoning the gas line and giving ownership to the City. Because of that, the contractor had to proceed forward with other projects.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to approve Change Order No. 2 to extend the completion date for the Wayne Airport Lift Station Project to August 31, 2016. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Karsky who were absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc., presented Change Order No. 1 for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project.” This includes three items. First, there was a minor change in the aluminum lettering resulting in a \$119 increase in material cost. Second, the manufacturer provided a third blower to the City, thus the contractor had to supply some materials and labor beyond the bid project scope at a cost of \$2,304. Third, connecting the new biosolids building to the old sludge loadout stand resulted in additional pipefittings being needed because the original was not built per the old 1986 plans as anticipated. This was unknown until the piping was excavated. The cost for additional fittings and labor was \$3,774. The net increase is \$6,197, and the contract time is being extended six calendar days for the additional labor.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to approve Change Order No. 1 for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project” for \$6,197 to Eriksen Construction Co., Inc. Mayor

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

JEO Consulting Group, Inc. presented Application for Payment No. 8 for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project” for \$250,703.47 to Eriksen Construction, Co., Inc. They have found the work to date completed in accordance with the plans and specifications, and recommend approval of the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving Application for Payment No. 8 for \$250,703.47 to Eriksen Construction, Co., Inc., for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Karsky who were absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc., presented Application for Payment No. 9 for the “2016 Wayne Aquatic Center Project” for \$227,498.58 to Christiansen Construction Co., LLC. They have found the work to date completed in accordance with the plans and specifications and recommend approval of the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving Application for Payment No. 9 for \$227,498.58 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 Karsky who were absent, the Mayor declared the motion carried.

Administrator Johnson started the discussion regarding the middle and east end of 4<sup>th</sup> Street where it intersects with South Centennial Road. He wanted to make sure that both the east and west end of this project match, and water flows the right way. Staff is working with the engineer on the design.

The County is getting ready to pave, and they want to know if the City wants to do some of the work ahead of time. The Wayne County Commissioners are working with the abutting property owners to pave South Centennial Road from Highway 35 south to the bridge and to pave Chief's Way. Staff has been meeting with their project engineer to match the 4<sup>th</sup> Street paving and the storm drainage design with their project, even though we are not building at that end anytime soon.

The issue at hand we need to discuss is whether to install the storm drain we will need along South Centennial Road in the future, from 4<sup>th</sup> Street south to the bridge. South Centennial Road is outside the city limits, so the County will use a rural design to dig a deep ditch on the west side of South Centennial Road to carry the storm water runoff from our 4<sup>th</sup> Street storm drain system to a drop structure into Logan Creek.

As the city limits move through this area in the future, this will be developed as an urban area, and future Councils will likely want an urban design buried storm drain system along South Centennial Road instead of the deep open ditch. If the County paves South Centennial Road now, that leaves only 17 feet of width between the pavement edge and the farmer's property line where the fence currently is for the contractor to work in. It is easier to install the storm drain system now before paving, if we want to spend the money now.

After discussion, Council consensus was to get an estimate on this project and bring the same forward for Council consideration at the next meeting.

Staff brought forward four design proposals for adding additional parking spaces at the Community Activity Center.

- Option #1: 32 additional stalls north of the Community Activity Center - \$87,400.
- Option #2: 174 additional stalls in the open field southwest of the Community Activity Center - \$412,620.
- Option #3: 58 additional stalls that will be located right next to or just west of the current stalls at the Community Activity Center - \$233,770.
- Option #4: 76 additional stalls in the open field southwest of the Community Activity Center - \$175,050.

After discussion, Councilmember Sievers made a motion, which was seconded by Councilmember Eischeid, approving Option #3 for \$233,770 for 58 additional parking spaces at the Community Activity Center. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Karsky 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 Karsky who were absent, the Mayor declared the motion carried and the meeting adjourned at 6:35 p.m.