

**MINUTES
CITY COUNCIL MEETING
April 19, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, April 19, 2016, at 5:30 o'clock P.M. Council President Jill Brodersen called the meeting to order with the following in attendance: Councilmembers Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, and Jason Karsky; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Mayor Ken Chamberlain; Councilmembers Cale Giese, Nick Muir and Matt Eischeid.

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 Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of April 5, 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. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Muir and Eischeid who were absent, the Council President declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTIONS TO CLAIMS LIST OF 3/1/16 & 4/2/16: DELETE CITY OF WAYNE KIWANIS, AUDITORIUM DEPOSIT REFUND - \$150.00; DITCH WITCH – BULLET BLADE/DUST CAP - \$345.61; PUSH PEDAL PULL – RUBBER FLOOR MAT - \$301.57; AND WAYNE COUNTY CLERK – BRIDGE TORNADO DAMAGE - \$26154.20

VARIOUS FUNDS: ALL-AMERICAN PUBLISHING, SU, 947.00; AMERITAS, SE, 2463.40 APPEARA, SE, 162.55; BAKER & TAYLOR BOOKS, SU, 654.06; BEST BOOKS, SU, 21.49; BOMGAARS, SU, 1559.67; BROWN SUPPLY, SU, 802.25; CARHART LUMBER, SU, 3132.07; CERTIFIED TESTING SERVICES, SE, 1530.00; CHARLENE RASMUSSEN, SE, 350.00; CHARTWELLS, SE, 5002.80; CHRISTIANSEN CONSTRUCTION, SE, 227498.58; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, PY, 66334.67; CITY OF WAYNE BASKETBALL REFS 1,750.00; CITY OF WAYNE, RE,

125.00; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SU, 240.91; DAVE'S DRY CLEANING, SE, 84.00; DEARBORN NATIONAL LIFE, SE, 2098.04; CITY EMPLOYEE, RE, 151.98; ECHO GROUP, SU, 681.65; ELLIS HOME SERVICES, SE, 253.49; ERIKSEN CONSTRUCTION, SE, 250703.47; FLOOR MAINTENANCE, SU, 91.57; FRANK SHEDA JR., SE, 247.50; FREDRICKSON OIL, SU, 827.60; GERHOLD CONCRETE, SU, 2106.85; GRAINGER, INC., SU, 13.72; GROSSENBURG IMPLEMENT, SU, 834.73; HANNA:KEELAN ASSOCIATES, SE, 10500.00; CITY EMPLOYEE, RE, 24.00; ICMA, SE, 7013.74; IRS, TX, 24537.83; JOHN'S WELDING AND TOOL, SU, 121.93; JORGENSEN CONCRETE & CONST., SE, 1100.00; KRIZ-DAVIS, SU, 379.96; LIBERAL GASKET MFG, SU, 551.21; LINDA ANDERSON, SE, 350.00; LUTT OIL, SU, 3814.81; MAXIMUM SOLUTIONS, SU, 725.00; MAXNET SECURITY, SE, 1575.00; MIDTOWN HOLIDAY INN, SE, 179.90; MIDWEST LABORATORIES, SE, 102.50; MIDWEST SERVICE & SALES, SU, 609.80; MILO MEYER CONSTRUCTION, SE, 425.00; MSC INDUSTRIAL, SU, 230.14; CITY EMPLOYEE, RE, 1343.74; NE DEPT OF REVENUE, TX, 3501.60; NE SAFETY COUNCIL, SE, 9.27; NPPD, SE, 270384.07; NEW HORIZONS, SE, 7490.00; NMPP ENERGY, FE, 2111.50; NNPPD, SE, 5924.00; NORTHEAST TIRE SERVICE, SE, 86.95; ONE CALL CONCEPTS, SE, 89.76; OTTE CONSTRUCTION CO, SE, 37689.00; OVERDRIVE, INC., SU, 219.92; PAC N SAVE, SU, 20.97; CITY EMPLOYEE, RE, 2737.22; PROGRESSIVE BUSINESS PUBLICATIONS, SU, 299.00; QUALITY 1 GRAPHICS, SU, 925.00; SALT CREEK SOFTWARE, SU, 2140.00; SBW, INC, SU, 63.58; SKARSHAUG TESTING LAB, SE, 372.14; SPARKLING KLEAN, SE, 3105.57; SPECIALTY RETAIL SHOPS HOLDING CORP, SU, 87.69; STADIUM SPORTING GOODS, SU, 1808.75; SUPERCIRCUITS, SU, 398.70; TAPED EDITIONS, SU, 450.50; THE PENDER TIMES, SU, 39.50; TOM'S BODY & PAINT, SE, 725.00; TRI-STATE COMMUNICATIONS, SU, 45.83; TYLER TECHNOLOGIES, SE, 913.75; US BANK, SU, 6509.22; UTILITIES SECTION, FE, 2835.00; VAKOC CONSTRUCTION, SE, 1098.06; VAN DIEST SUPPLY, SU, 416.00; VIAREO, SE, 132.53; WAYNE AUTO PARTS, SU, 477.35; WAYNE COUNTY CLERK, SE, 10.00; WAYNE COUNTY CLERK, RE, 25594.20; WAYNE COUNTY COURT, RE, 1851.50; WAYNE HERALD, SE, 3560.78; WAYNE VETERINARY CLINIC, SE, 70.00; WESCO, SU, 2828.71; WIGMAN CO, SU, 379.76; WISNER WEST, SU, 62.00; ZEE MEDICAL SERVICE, SU, 136.23; AMAZON.COM, SU, 427.89; AMERICAN TEST CENTER, SE, 1351.00; CITY OF WAYNE, RE, 13.99; CREDIT BUREAU SERVICES, RE, 55.87; DITCH WITCH OF OMAHA, SU, 220.69; FLOOR MAINTENANCE, SU, 16.42; GALE GROUP, SU, 99.41; GERHOLD CONCRETE, SU, 819.35; HD SUPPLY WATERWORKS, SU, 1087.18; JEBRO INC,M SU, 35.00; CITY EMPLOYEE, RE, 336.20; KRIZ-DAVIS, SU, 82.00; KTCH, SE, 1481.00; LIQUID ENGINEERING CORP, SE, 3925.00; MAIN STREET AUTO CARE, SE, 100.00; NE DEPT OF ROADS, SE, 3790.41; NE PUBLIC HEALTH, SE, 64.00; NNPPD, SE, 12134.60; RECREATION SUPPLY, SU, 5173.72; STAPLES, SU, 59.16; TYLER TECHNOLOGIES, SE, 900.00; VERIZON, SE, 99.76; WAYNE HERALD, SE, 600.00; WESCO, SU, 785.38

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, to approve the claims. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Muir and Eischeid who were absent, Council President declared the motion carried.

Council President Brodersen 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, she 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.

Councilmember Eischeid arrived at 5:32 p.m.

Robbie Gamble, President of the Wayne Volunteer Fire Department, introduced Jacob Stenka and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department. He was formerly a cadet on the Fire Department.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving the membership application of Jacob Stenka to the Wayne Volunteer Fire Department. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Muir who were absent, the Council President declared the motion carried.

Councilmember Giese arrived at 5:34 p.m.

Dave Ley and Jerry Conradt, Secretary and Chair respectively of the Wayne Airport Authority, gave a report and update on the operations of the airport.

Council President Brodersen stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to the "Kardell East 14th Street Addition Final Plat." The applicant, Virgil Kardell, is seeking the request.

The Planning Commission reviewed the matter at their public hearing on April 4, 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. In addition, he requested Council consideration to waiving the three readings on the zoning ordinance.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Sievers introduced Resolution 2016-24, and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2016-24

A RESOLUTION APPROVING THE FINAL PLAT FOR THE “KARDELL EAST 14TH STREET ADDITION.”

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2016-4, and moved for approval of the second reading thereof; Councilmember Greve 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 6TH P.M., WAYNE COUNTY, NEBRASKA, FROM R-1 RESIDENTIAL DISTRICT TO B-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, to suspend the statutory rules requiring ordinances to be read by title on three different days. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, to move for final approval of Ordinance No. 2016-4. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

The following Resolution would accept a plan to extend city services and set a public hearing for May 3, 2016, at or about 5:30 p.m. on the proposed annexation area of Kardell East 14th Street Addition to the City of the Wayne. Virgil Kardell has requested the annexation of this property.

Councilmember Sievers introduced Resolution 2016-25, and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2016-25

A RESOLUTION ACCEPTING A PLAN TO EXTEND CITY SERVICES AND SETTING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AREA TO THE CITY OF WAYNE.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Friday, July 8th, the Committee is requesting the closure of the following streets from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to the alley between 3rd and 4th Streets; 2nd and 3rd Streets from the alley west of Main Street to the alley east of Main Street.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving the request of the Chicken Show Committee to close the following streets on Friday, July 8th from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to the alley between 3rd and 4th Streets; 2nd and 3rd Streets from the alley west of Main Street to the alley east of Main Street. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 9th, the Committee is requesting the closure of the following streets from 6:00 a.m. until 5:00 p.m., for the Annual Chicken Show Celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln and Douglas Streets from 10th Street to 8th Street. The intersections at 10th and Douglas and 10th and Lincoln Streets and 9th and Lincoln Streets are also requested to be closed.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving the request of the Chicken Show Committee to close the following streets on Saturday, July 9th from 6:00 a.m. until 5:00 p.m. for the annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln and Douglas Streets from 10th Street to 8th Street; and the intersections at 10th and Douglas and 10th and Lincoln Streets, and 9th and Lincoln Streets. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 9th for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade.

Councilmember Sievers made a motion, which was seconded by Council President Brodersen, approving the request of the Chicken Show Committee to close the following streets on Saturday, July 9th for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Council President Brodersen stated the motion, and the

result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Councilmember Giese introduced Resolution No. 2016-26 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2016-26

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Administrator Johnson stated the City received two bids on the "Community Activity Center Carpet Replacement Project" that met the bid specifications. His recommendation is to award the project to the low bidder – PCF, LLC for \$27,499.

Councilmember Giese introduced Resolution No. 2016-16 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2016-16

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "COMMUNITY ACTIVITY CENTER CARPET REPLACEMENT PROJECT."

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Discussion took place in regard to amending the water and sewer rates to those customers living outside the City limits.

Administrator Johnson stated this discussion came out of the Council Retreat last winter. Staff was asked to prepare proposals for Council discussion for a rate increase for customers outside city limits. The sewer rates were just increased by approximately 24%.

BJ Woehler spoke against the proposed rate increases.

After discussion, Councilmember Giese made a motion, which was seconded by Councilmember Haase, to table action on Resolution No. 2016-27 until the next Council meeting. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent and Councilmember Eischeid who voted Nay, the Council President declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, to table action on Resolution No. 2016-28 until the next Council meeting. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent and Councilmember Eischeid who voted Nay, the Council President declared the motion carried.

The following Resolution would amend the Wage and Salary Resolution, previously approved, as follows:

- Add Assistant Pool Manager position;
- Re-establish the position of Power Plant Foreman; and
- Change Water Supervisor from an exempt position to a non-exempt or hourly position.

Councilmember Sievers introduced Resolution No. 2016-29 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2016-29

A RESOLUTION AMENDING THE WAGE AND SALARY SCHEDULE.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Administrator Johnson stated the following Resolution would formally accept the work on the Southview Addition Sanitary Sewer Extension District No. 2015-01 and the Southview Addition Water Extension District No. 2015-01 Projects.

Councilmember Sievers introduced Resolution No. 2016-30 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2016-30

A RESOLUTION ACCEPTING WORK ON THE SOUTHVIEW ADDITION SANITARY SEWER EXTENSION DISTRICT NO. 2015-01 AND SOUTHVIEW ADDITION WATER EXTENSION DISTRICT NO. 2015-01 PROJECTS.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Administrator Johnson stated the following Resolution would set the Board of Equalization Hearing on the Southview Addition Sanitary Sewer Extension District No. 2015-01 and the Southview Addition Water Extension District No. 2015-01 Projects for May 17, 2016, at 5:30 p.m.

Councilmember Giese introduced Resolution No. 2016-31 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2016-31

A RESOLUTION ORDERING PUBLICATION AND SETTING BOARD OF EQUALIZATION HEARING ON THE SOUTHVIEW ADDITION SANITARY SEWER EXTENSION DISTRICT NO. 2015-01 AND ON THE SOUTHVIEW ADDITION WATER EXTENSION DISTRICT NO. 2015-01 PROJECTS.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Advanced Consulting Engineering Services presented Contractor's Application for Payment No. 1 for the "Logan Valley Drive Water & Sewer Extension Project" for \$95,154.57

to Penro 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 Giese made a motion, which was seconded by Councilmember Haase, approving Contractor's Application for Payment No. 1 for \$95,154.57 to Penro Construction Co., Inc., for the "Logan Valley Drive Water & Sewer Extension Project." Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

The following ordinance is being amended to remove the prohibition of city employees/officials or their family members from participating in Keno inside city limits.

Councilmember Giese introduced Ordinance 2016-5, and moved for its approval; Councilmember Greve seconded

ORDINANCE NO. 2016-5

AN ORDINANCE AMENDING CHAPTER 10 AMUSEMENTS AND ENTERTAINMENTS, ARTICLE II CITY LOTTERY, SECTION 10-33 LOTTERY; PARTICIPATION; RESTRICTIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, to suspend the statutory rules requiring ordinances to be read by title on three different days. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, to move for final approval of Ordinance No. 2016-5. Council President Brodersen stated the

motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, approving the revisions regarding the Municipal Code Update made to Chapter 1 – General and Chapter III – Administration. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Council President declared the motion carried and the meeting adjourned at 6:31 p.m.