

**MINUTES  
CITY COUNCIL MEETING  
June 7, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, June 7, 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, Nick Muir, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 19, 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 Sievers, whereas, the Clerk has prepared copies of the Minutes of the meeting of May 17, 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**CORRECTIONS TO PREVIOUS CLAIMS LISTS:** DELETE UNCASHED CHECKS FROM LAST YEAR REISSUED - 588.90

**VARIOUS FUNDS:** ADVANCED CONSULTING, SE, 709.50; FIREMAN, RE, 172.69; AMAZON.COM, SU, 495.48; AMERICAN PUBLIC POWER ASSOCIATION, FE, 1399.25; AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 2348.40; ANDREW HURNER, RE, 50.00; APPEARA, SE, 170.80; AS CENTRAL SERVICES, SE, 448.00; BACKFLOW APPARATUS, SU, 1300.00; CITY EMPLOYEE, RE, 45.85; BLACK HILLS UTILITY HOLDINGS, SE, 419.91; BLUE CROSS BLUE SHIELD, SE, 34676.53; BOARDERS INN & SUITES, SE, 1526.00; BOMGAARS, SU, 43.08; FIREMAN, RE, 210.00; CITY EMPLOYEE, RE, 315.93; AMERICAN BROADBAND, SE, 990.00; BSN SPORTS, SU, 12015.00; C. H. GUERNSEY & COMPANY, SE, 6813.36; CENTURYLINK, SE, 414.15; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 75.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 85211.39; CITY OF WAYNE, RE, 110.00; CITY OF WAYNE, RE, 325.00; CITY OF WAYNE, RE, 3908.59; FIREMAN, RE, 203.03; FIREMAN, RE, 202.71; COMMUNITY HEALTH, RE, 4.00; CITY EMPLOYEE, RE, 3.99; DANKO EMERGENCY

EQUIPMENT, SU, 224.00; DCL AMERICA INC., SU, 300.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 127.28; DGR & ASSOCIATES, SE, 3673.00; CITY EMPLOYEE, RE, 151.98; FIREMAN, RE, 182.21; EAKES OFFICE PLUS, SE, 1035.79; CITY EMPLOYEE, RE, 45.09; ED. M FELD EQUIPMENT CO, SU, 340.00; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 2270.51; FIRST CONCORD GROUP, SE, 2972.98; FLOOR MAINTENANCE, SU, 175.54; GALE GROUP, SU, 123.45; GAMBLE, BRIAN, RE, 500.00; GERHOLD CONCRETE, SU, 2338.84; GROSSENBURG IMPLEMENT, SU, 194.84; H.K. SCHOLZ CO, SE, 8360.77; HD SUPPLY WATERWORKS, SU, 4059.48; HOMETOWN LEASING, SE, 425.86; HOTEL GRAND CONFERENCE CENTER, SE, 89.00; ICMA, SE, 7034.32; IRS, TX, 28550.45; JEO CONSULTING GROUP, SE, 1917.50; FIREMAN, RE, 200.80; CITY EMPLOYEE, RE, 281.34; KELLY SUPPLY CO, SU, 36.68; FIREMAN, RE, 184.44; KRIZ-DAVIS, SU, 2073.68; CITY EMPLOYEE, RE, 8.41; MIDSTATES ERECTORS, SU, 1418.90; FIREMAN, RE, 449.44; NNEDD, SE, 315.00; FIREMAN, RE, 191.58; CITY EMPLOYEE, RE, 1735.98; NCMA-CITY OF NORFOLK, FE, 200.00; NE DEPT OF REVENUE, TX, 3773.86; NE PUBLIC HEALTH, SE, 251.00; FIREMAN, RE, 210.08; NNPPD, SE, 17475.60; NOVA HEALTH EQUIPMENT, SE, 462.52; NWOD, FE, 15.00; OLIVER PACKAGING, SU, 268.02; OLSSON ASSOCIATES, SE, 16369.94; ONE CALL CONCEPTS, SE, 120.84; CITY EMPLOYEE, RE, 60.98; PENRO CONSTRUCTION CO, SE, 8752.45; RECREATION SUPPLY CO, SU, 2453.87; CITY EMPLOYEE, RE, 636.04; FIREMAN, RE, 196.15; STADIUM SPORTING GOODS, SU, 284.00; STAPLES, SU, 304.88; STATE NEBRASKA BANK, RE, 203.90; TAMARA WORNER, SU, 210.07; FIREMAN, RE, 183.42; TYLER TECHNOLOGIES, SE, 2581.36; ULINE, SU, 83.04; UNITED WAY, RE, 5.00; VAN DIEST SUPPLY, SU, 416.00; VERIZON, SE, 99.76; VERMEER EQUIPMENT OF NEBRASKA, SU, 34.75; VIAERO, SE, 246.89; WATER ENVIRONMENT FEDERATION, FE, 141.00; WAYNE FIREWORKS COMMITTEE, RE, 2000.00; WESCO, SU, 918.06; WISNER WEST, SU, 178.97; AMERICAN BROADBAND, SE, 1590.93; AMY MILLER, SE, 5416.67; BSN SPORTS, SU, 738.00; CITY OF WAYNE, RE, 70.00; CERTIFIED TESTING SERVICES, SE, 2878.50; CHARTWELLS, SE, 5410.50; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 2381.06; CLAUSSEN, HEATHER, SE, 455.00; COPY WRITE PUBLISHING, SE, 228.81; CURTIS REESE, SE, 455.00; CITY EMPLOYEE, RE, 162.00; EASYPERMIT POSTAGE, SU, 790.74; CITY EMPLOYEE, RE, 354.43; FASTENAL, SU, 198.44; FRANK SHEDA JR., SE, 240.00; FREDRICKSON OIL CO, SE, 69.00; GILL HAULING, SE, 170.50; GIS WORKSHOP, FE, 4200.00; GROSSENBURG IMPLEMENT, SU, 219.45; HEARTLAND FIRE PROTECTION, SE, 432.25; HEIKES AUTOMOTIVE, SE, 96.30; ISLAND SPRINKLER SUPPLY, SU, 127.99; JEO CONSULTING GROUP, SE, 9378.25; JUSTIN DAVIS, RE, 30.00; K & S DOOR CO, SE, 209.00; CITY EMPLOYEE, RE, 202.19; NE SAFETY COUNCIL, SE, 38.55; PAC N SAVE, SU, 196.35; PITNEY BOWES, SE, 253.85; RESCO, SU, 801.53; ROBERT ENSZ, RE, 30.00; SHOPKO, SU, 93.63; TRUCK EQUIPMENT, SU, 85685.00; US BANK, SU, 5032.94; WAED, SE, 7216.66; WAYNE COUNTY CLERK, SE, 32.00; WAYNE HERALD, SE, 1253.23; WAYNE VETERINARY CLINIC, SE, 210.00; WISNER WEST, SU, 141.96

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, the Mayor declared the motion carried.

Mayor Chamberlain stated the City Council would hear public comments on the following agenda items: 3, 4, 9, 10, 14 and 19.

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.

Joe Jetensky, President of American Broadband, and Pam Adams, Marketing Manager/Account Executive with American Broadband, updated the Council on ABB's past, present and future offerings, improvements and challenges.

Ken Jorgensen, Owner of The Jug Store, LLC, d/b/a "The Jug Store," along with his manager, Kiley Koch, were present requesting Council consideration to approving their Application for Addition to Liquor License. They are requesting to add the area to the south of the building that would be for sand volleyball, sand basketball, etc. There will also be a bar outside, with storage for the outdoor equipment. The dimensions would be 315'x165'x375'x345' with a 6' chain link fence.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving the Application for Addition to Liquor License – The Jug Store, LLC, d/b/a "The Jug Store," at 1005 E. 7<sup>th</sup> Street with the new description being: The entire irregular-shaped, single-story building, approximately 149'x106' and includes the outdoor sidewalk café on the north side of the building, which is approximately 13'x59' which has a 36" tall wrought iron fence, **and includes an additional outdoor area on the south side of the building – dimensions being 315'x165'x375'x345' with a 6' chain link fence.** Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2016-7, and moved for approval of the third and final reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2016-7

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2016-8, and moved for approval of the third and final reading thereof; Councilmember Greve seconded

ORDINANCE NO. 2016-8

AN ORDINANCE AMENDING CHAPTER 14 ANIMALS, ARTICLE II DOGS, SECTION 14-52 BARKING AND OFFENSIVE; 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, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2016-9, and moved for approval of the second reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2016-9

AN ORDINANCE AMENDING CHAPTER 14 ANIMALS, ARTICLE II DOGS, SECTION 14-49 RUNNING AT LARGE; 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, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance 2016-10, and moved for approval of the second reading thereof; Councilmember Muir seconded

ORDINANCE NO. 2016-10

AN ORDINANCE AMENDING CHAPTER 82 UTILITIES, ARTICLE IV WATER SYSTEM, SECTION 82-169 HOOKUP FEE; 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, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Wendy Ping, owner of The Undercut located on East 3<sup>rd</sup> Street, was present to request Council consideration to putting in three one-hour parking stalls in front of her business. There are a couple of businesses whose employees park outside of her business all day. She is making this request for some of her less ambulatory customers. In addition to Ms. Ping, the business owners of Harder & Ankeny, as well as the Broken Antler, are in favor of putting in three one-hour parking stalls.

Ms. Ping stated she would be agreeable to one 30-minute parking stall and two one-hour parking stalls.

Councilmember Eischeid wanted to know if the handicapped parking stall that is on the corner is two stalls, and what the distance is between the alley and where the parking starts.

Councilmember Giese introduced Ordinance 2016-12, and moved for approval thereof; Councilmember Greve seconded.

#### ORDINANCE NO. 2016-12

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78, ARTICLE III, SECTION 78-134 RELATING TO PARKING TIME LIMITS OF 15 MINUTES, 30 MINUTES AND ONE HOUR; LOCATION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Giese asked City staff to measure the distance from the curb to the alley with possibly increasing more stalls if removing the handicapped stall allows it, and to check on the sign inventory.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A request has been made to place what is called “Little Free Library” boxes on public property for a public exchange of books.

Lauran Lofgren, Library Director, stated that in visiting with other libraries around the State that are doing this, all of them have had good luck with the project.

Council had questions regarding liability, placement of the boxes, what the boxes would look like, maintenance, and whether or not collaborating with the Wayne Public Library is feasible.

Because no one from the Our Savior Lutheran Church/Little Free Library Committee could be present this evening, Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, to table the request of Our Savior Lutheran Church/Little Free Library Committee, to place “Little Free Library” boxes on public property for a public exchange of books until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the City received one bid on the “Community Activity Center Parking Lot Project.” That bid was from Progressive Property Inspections, LLC, for \$201,804.19. The engineer on the project, McLaury Engineering, Inc., has reviewed the bid and recommends awarding the contract to Progressive Property Inspections, LLC., for said amount.

Councilmember Sievers introduced Resolution 2016-45, awarding the contract on the “Community Activity Center Parking Lot Project” to Progressive Property Inspections, LLC, for \$201,804.19, and moved for its approval; Councilmember Giese seconded.

#### RESOLUTION NO. 2016-45

#### A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “COMMUNITY ACTIVITY CENTER PARKING LOT PROJECT.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Brian Kesting, Information Technology Specialist, stated the City gets all of its internet services through Wayne State College via the University of Nebraska at no charge. However, because of some abuses in other parts of the State, they have reworked their agreements and want to charge some of the entities for this service. The City of Wayne would be charged a monthly fee of \$68.94. His recommendation would be to approve the agreement.

Councilmember Eischeid introduced Resolution No. 2016-47 and moved for its approval; Councilmember Muir seconded.

#### RESOLUTION NO. 2016-47

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF WAYNE AND THE OFFICE OF THE CHIEF INFORMATION OFFICER, STATE OF NEBRASKA, D/B/A NETWORK NEBRASKA – EDUCATION AND NETWORK NEBRASKA – EDUCATION “PARTICIPANT” FOR THE AMOUNT OF \$68.94 PER MONTH.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Pat Melena, representing the Rebuild Hank Committee, was present requesting Council consideration to cost-sharing (one-half) to have the grandstand, press box, equipment shed, and concession/restroom professionally stained. He received a proposal from Schinstock Painting, West Point, Nebraska, (who came highly recommended by Sand Creek Post & Beam) for \$8,750.00. It was noted that the staining (any wood that is in the direct sunlight) will need to be done every 5-6 years.

The previous understanding was that the City was going to cost-share in the stain, but have the summer part-time employees apply it.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving the request of the Rebuild Hank Committee to split the cost (one-half of \$8,750 or \$4,375) to have the Hank Overin Field Grandstand, press box, equipment shed, and concession/restroom professionally stained by Schinstock Painting, West Point, Nebraska.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

JEO Consulting Group, Inc. presented Application for Payment No. 10 for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project” for \$30,550.00 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 Giese, approving Application for Payment No. 10 for \$30,550.00 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, the Mayor declared the motion carried.

JEO Consulting Group, Inc., stated that the contractor, Eriksen Construction Co., Inc., is requesting a partial substantial completion, which is allowed by the contract documents. The blowers are installed and are currently being utilized to treat wastewater. The clarifier launders are installed and operating. In addition, some equipment has been delivered and is in storage as intended. Therefore, JEO is recommending a partial substantial completion be made using the date the request was made of May 18, 2016.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the Certificate of Substantial Completion 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, the Mayor declared the motion carried.

JEO Consulting Group, Inc., presented Application for Payment No. 11 for the “2016 Wayne Aquatic Center Project” for \$152,275.70 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 Giese made a motion, which was seconded by Councilmember Eischeid, approving Application for Payment No. 11 for \$152,275.70 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, the Mayor declared the motion carried.

Upon review of Chapter IX of the Municipal Code update, Councilmember Giese noted the following correction to Sec. 90-033 - “re” should be changed to “are.” In addition, he thought Sec. 91.055 Kept Clean might need to be referenced in Section 96. However, once explanations were provided by the City Attorney, and the fact that the reference to “trash” was in the Kept Clean section, he was satisfied with it being in Section 91.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the revisions to the Municipal Code Update Chapter IX – General Regulations. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, to enter into executive session to discuss the City Administrator’s Employment Agreement, to protect the needless injury to the reputation of the City Administrator, and to allow Attorney Miller and City Clerk McGuire to be in attendance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 6:34 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session relates to the City Administrator’s Employment Agreement.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 6:46 p.m.

Councilmember Giese introduced Resolution No. 2016-46 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2016-46

A RESOLUTION TO ADOPT CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers reappointing Amy Miller as the City Attorney, and to extend her current contract through December 31, 2016.

Extending the contract through December 31<sup>st</sup> puts the same on an annual basis (January-December).

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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, the Mayor declared the motion carried and the meeting adjourned at 6:48 p.m.