

**MINUTES
CITY COUNCIL MEETING
June 21, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, June 21, 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 June 9, 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 June 7, 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 CLAIMS LIST OF 6/7/16: CITY OF WAYNE – TENNIS REFUND - \$25.00

VARIOUS FUNDS: AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 2699.11; APPEARA, SE, 166.11; ARNIE'S FORD, SE, 839.64; B & B PAINTING, SU, 170.00; BAKER & TAYLOR BOOKS, SU, 674.51; CITY EMPLOYEE, RE, 176.14; BOMGAARS, SU, 1994.80; BSN SPORTS, SU, 134.00; CARHART LUMBER, SU, 2240.87; CDS Inspections & Beyond, SE, 399.68; CITY EMPLOYEE, RE, 134.70; CHRISTIANSEN CONSTRUCTION, SE, 152275.70; CITY OF NORFOLK, FE, 228.62; CITY OF WAYNE, RE, 400.00; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, RE, 60.00; CITY OF WAYNE, RE, 1691.05; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SE, 187.96; DANKO EMERGENCY EQUIPMENT, SU, 138.42; DAVE'S DRY CLEANING, SE, 81.00; DEARBORN NATIONAL LIFE, SE, 2101.66; DEMCO, SU, 374.41; ECHO GROUP, SU, 765.50; ENGINEERED CONTROLS, SE, 420.00; ERIKSEN CONSTRUCTION CO, SE, 30550.00; FLOOR MAINTENANCE, SU, 184.16; CITY EMPLOYEE, RE, 3336.04; GERHOLD CONCRETE, SU, 607.59; HAUFF MID-AMERICAN SPORTS, SU, 116.48;

HEWLETT-PACKARD, SU, 1895.70; HIRERIGHT SOLUTIONS, SE, 20.00; ICMA, SE, 8601.36; INGRAM BOOK CO, SU, 544.36; IRS, TX, 27042.55; K & S DOOR CO, SE, 91.20; KAY CONTRACTING, SE, 6500.00; KMPARTS.COM, SU, 376.89; KRIZ-DAVIS, SU, 6545.92; KTCH, SE, 744.00; KYLE MILLER, RE, 500.00; LINPECO, RE, 45.00; LUTT OIL, SU, 4484.17; MARCO, SE, 126.36; MCLAURY ENGINEER, SE, 47551.80; METERING & TECHNOLOGY SOLUTIONS, SU, 2907.50; MIDWEST LABORATORIES, SE, 470.50; MUNICIPAL SUPPLY, SE, 4521.35; NNEDD, FE, 15.00; NATIONAL PATENT ANALYTICAL SYSTEM, SU, 20.22; CITY EMPLOYEE, RE, 184.10; NE DEPT OF REVENUE, TX, 3762.75; NE STATE HISTORICAL, SU, 32.00; NOVA HEALTH EQUIPMENT, SE, 143.52; OTTE CONSTRUCTION CO, SE, 15945.00; PENGUIN RANDOM HOUSE, SU, 252.75; QUALITY 1 GRAPHICS, SU, 207.00; RESCO, SU, 738.30; SPARKLING KLEAN, SE, 3030.57; STADIUM SPORTING GOODS, SU, 824.00; STAPLES, SU, 59.65; STATE NEBRASKA BANK & TRUST, RE, 167052.50; STATE NEBRASKA BANK & TRUST, RE, 68458.75; STATE NEBRASKA BANK & TRUST, RE, 25937.50; STATE NEBRASKA BANK & TRUST, RE, 45980.00; THE DIAMOND CENTER, SE, 88.40; THE JOURNAL OF LIGHT, SU, 59.95; UNITED WAY, RE, 5.00; VAN DIEST SUPPLY, SU, 208.00; VIAERO, SE, 132.53; WAYNE AUTO PARTS, SU, 270.47; WAYNE COUNTY COURT, RE, 150.00; WESCO, SU, 3411.37; WAPA, SE, 21837.18; ZACH HEATING & COOLING, SE, 179.02; ZEE MEDICAL SERVICE, SU, 124.01; ALTEC INDUSTRIES, INC., SU, 278.46; APPEARA, SE, 66.08; BACON & VINTON, SE, 17000.00; CITY OF WAYNE, RE, 100.00; CREDIT BUREAU SERVICES, RE, 979.27; DGR & ASSOCIATES, SE, 9728.00; DITCH WITCH OF OMAHA, SU, 189.52; DUTTON-LAINSON, SU, 369.16; EMBASSY SUITE, SE, 178.00; FASTENAL, SU, 33.87; FIRST REALTY, RE, 30.00; FLOOR MAINTENANCE, SU, 99.94; GEMPLER'S, SU, 128.90; GERHOLD CONCRETE, SU, 126.98; GROSSENBURG IMPLEMENT, SU, 239.01; HAWKINS, SU, 513.49; IOWA PUMP WORKS, SE, 2604.87; ISLAND SPRINKLER SUPPLY, SU, 176.73; JESSICA FELDMANN, RE, 30.00; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 504.02; KAUP SEED & FERTILIZER, SU, 480.00; NE NEB INS AGENCY, SE, 259.00; NE PUBLIC HEALTH, SE, 166.00; NPPD, SE, 278489.77; NNPPD, SE, 12134.60; POLLARD PUMPING, SE, 405.00; RESCO, SU, 160.50; RON GENTRUP, RE, 30.00; SKARSHAUG TESTING LAB, SE, 184.91; STAPLES, SU, 1119.60; STATE NEBRASKA BANK, RE, 103.84; VERIZON, SE, 99.76; WESCO, SU, 986.65

Councilmember Haase made a motion, which was seconded by Councilmember Sievers, 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, 6, 7, 8, 11 and 12.

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.

Kim Dunklau, representing Our Savior Lutheran Church/Little Free Library Committee, was present regarding their request to place what is called “Little Free Library” boxes on public property for a public exchange of books. They have provided the City with a Certificate of Liability Insurance naming the City as an additional insured. They have placed one of these “Little Free Library” boxes on the former City Library property, which is now owned by Our Savior Lutheran Church, and they would like to place others in some of the City parks (e.g. East Park and Western Ridge). Their goal is to build these boxes out of recycled products.

Councilmember Giese asked if the Committee would be agreeable to having the placement and the looks or design being approved by the City’s Design Committee. In addition, he wanted to see an agreement stating that if a city employee breaks one of the boxes while mowing or weed eating, the City would not be liable.

Ms. Dunklau stated the boxes would hopefully be placed in locations that would not make it difficult for mowing or weed eating. She also stated that depending upon their usage, they may remove them during the winter months.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, approving 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 upon the terms and conditions:

1. The boxes are approved by the Design Committee;
2. The insurance has been reviewed by city staff; and
3. An agreement is signed stating the City will not be held liable for any damages to the boxes, and the boxes maybe removed at any time if the City deems it appropriate.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving the reappointment of Darrell Miller to the LB840 Citizens Sales Tax Advisory Committee. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the appointment of Megan Weaver to replace Kari Wren on the LB840 Citizens Sales Tax Advisory Committee. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to the "Tuffern Blue Estates Subdivision Final Plat." The applicant, Todd Luedeke, is seeking the request.

The Planning Commission reviewed the matter at their public hearing on June 6, 2016, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

- Consistency with the Comprehensive Plan and the current and future land use maps; and
- Staff's recommendation.

Joel Hansen, City Planner, stated that the County Board of Commissioners tabled their approval of the Final Plat to see what the City Council did. They had two concerns: No turn around on the end of the private drive and the deep hole along the private drive on the north side.

Todd Luedeke was present to answer questions. He would like to hook onto the City's water system.

Al Walton and Bill Jammer, residents of Muh's Acres, had concerns about Mr. Luedeke's wish to attach to the 8" main on Highview Drive. They wanted a study done to show that there would be no negative effect to the current users before Council approves this.

Steve Rames of McLaury Engineering was present and stated the five homes in this new subdivision would not have any negative effect on the water pressure or capacity of water at Muh's Acres.

Mayor Chamberlain stated as the community grows farther west, it would make more sense to extend the 12" main west along 21st Street, or whatever would be the best plan for the future.

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 Eischeid introduced Resolution 2016-48, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2016-48

A RESOLUTION APPROVING THE FINAL PLAT FOR THE "TUFFERN BLUE ESTATES SUBDIVISION."

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

Discussion took place on the Tuffern Blue Estates Subdivision Agreement. Consensus was to table this matter until the best option on the water extension was determined.

Councilmember Eischeid made a motion, which was seconded by Councilmember Haase, to table action on the "Tuffern Blue Estates Subdivision Agreement."

Mr. Luedeke advised the Council that he has not conferred with City Administrator Johnson on the Subdivision Agreement, so he has no issue with tabling the matter.

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 third and final reading thereof; Councilmember Giese 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.

Councilmember Eischeid introduced Ordinance 2016-10, and moved for approval of the third and final thereof; Councilmember Giese 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.

Wendy Ping, owner of the Undercut, advised the Council that once the handicapped parking stall was removed, the owners of the other businesses just parked or moved closer to the front door of her business.

Joel Hansen, City Planner, stated the location in the ordinance should be amended to read: The south side of East 3rd Street from 70 feet east of the centerline of Main Street to 109 (instead of 115) feet east of the centerline of Main Street.

Councilmember Brodersen introduced Ordinance 2016-12, and moved for approval of the second reading thereof as amended — The south side of East 3rd Street from 70 feet east of the centerline of Main Street to **109** feet east of the centerline of Main Street; Councilmember Eischeid 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.

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.

Discussion took place on purchasing a portion of the elevator property from Jason Schulz. This would be property located next to the Electric Distribution building on Pearl Street. Council consensus was to contact Mr. Schulz regarding the same.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, approving the revisions regarding the Municipal Code Update made to Chapter XI – Business Regulations with the following additional changes:

111.17 - removing mention of the Main Street paving project; and

117.01 (C) 6 – to read: A certified engineer’s statement, **unless waived by the City Council.....**

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 6:35 p.m.