

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

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

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 23, 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 Brodersen, whereas, the Clerk has prepared copies of the Minutes of the meeting of June 21, 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 Councilmember Muir who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ADVANCED CONSULTING, SE, 3842.50; ALTEC INDUSTRIES, SU, 287.49; AMAZON.COM, SU, 325.04; AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 2496.82; APPEARA, SE, 103.93; BARCO MUN PRODUCTS, SU, 571.38; BARONE SECURITY SYSTEMS, SE, 147.66; CITY EMPLOYEE, RE, 257.41; BLACK HILLS ENERGY, SE, 395.89; BLUE CROSS BLUE SHIELD, SE, 34676.53; BOMGAARS, SU, 1505.12; BROWN SUPPLY, SU, 1509.43; BSN SPORTS, SU, 74.99; C. H. GUERNSEY & COMPANY, SE, 12236.25; CARROLL DISTRIBUTING, SU, 255.00; CDS INSPECTIONS & BEYOND, SE, 255.00; CENTURLINK, SE, 414.49; CITIZENS STATE BANK, RE, 12232.64; CITY OF NORFOLK, SE, 124.46; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 18.00; CITY OF WAYNE, PY, 78604.39; CITY OF WAYNE, RE, 140.00; CITY OF WAYNE, RE, 541.89; COLONIAL RESEARCH, SU, 87.04; COMMUNITY HEALTH, RE, 4.00; COURTYARD MARRIOTT, SE, 210.00; CROUCH RECREATIONAL DESIGN, SU, 22285.00; CUSTOM FILTRATION, SU, 604.25; DAS ACCOUNTING, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 123.84; EAKES OFFICE PLUS, SE, 159.09; ECHO GROUP, SU, 743.07; ETS CORP, SE, 22.94; FIRST CONCORD GROUP, SE, 2972.98; FLOOR

MAINTENANCE, SU, 274.67; FOURTH GENERATION FAMILY, RE, 13477.86; GALE GROUP, SU, 148.14; GERHOLD CONCRETE, SU, 6474.34; GROSSENBURG IMPLEMENT, SU, 85.08; HAWKINS, INC, SU, 1690.86; HD SUPPLY WATERWORKS, SU, 202.17; HEGGEMEYER, LOWELL, SE, 275.00; HEIDI CLAUSSEN, SE, 650.00; HERITAGE INDUSTRIES, SU, 2500.00; HOLIDAY INN OF KEARNEY, SE, 332.00; HUBER TECHNOLOGY, SE, 2645.56; ICMA, RE, 7597.97; IRS, TX, 28000.94; JEO CONSULTING GROUP, SE, 10300.50; KRIZ-DAVIS, SU, 414.93; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 886.00; LOUIS BENSCOTER, RE, 946.18; MICHAEL TODD & CO, SU, 897.36; MID CONTINENT TESTING, SE, 276.00; MID PLAINS GRAIN, RE, 6867.93; MUNICIPAL SUPPLY, SU, 1583.04; MZRB LLC, RE, 3110.03; NNEDD, SE, 1180.00; NANCI WALSH, SE, 400.00; CITY EMPLOYEE, RE, 1830.42; NE CODE OFFICIAL ASSOCIATION, FE, 125.00; NE DEPT OF REVENUE, TX, 3856.01; NE DEPT OF ROADS, SE, 5779.62; NE LIBRARY COMMISSION, FE, 750.00; NE SAFETY COUNCIL, SE, 9.66; NPPD, SE, 257399.38; NE STATEWIDE ARBORETUM, FE, 100.00; NNPPD, SE, 488.11; NORTHWEST ELECTRIC, SE, 1477.06; NOVA HEALTH EQUIPMENT, SE, 1412.92; OLSSON ASSOCIATES, SE, 1621.01; ONE OFFICE SOLUTION, SU, 81.88; PAT MELENA, RE, 81.36; CITY EMPLOYEE, RE, 41.90; PINNACLE OPERATIONS CENTER, FE, 10.00; QUALITY 1 GRAPHICS, SU, 64.20; RESCO, SU, 9.63; SAND CREEK POST & BEAM, SU, 586.11; SCHMADER ELECTRIC, SE, 250.00; SIOUXLAND TURF PRODUCTS, SU, 180.00; STAPLES, SU, 285.01; UNITED WAY, RE, 5.00; VAN DIEST SUPPLY, SU, 958.80; WAED, SE, 1005.00; WAYNE COMMUNITY SCHOOLS, RE, 7136.75; WESCO, SU, 4628.29; WINDOM RIDGE, RE, 328.33; WISNER WEST, SU, 28.01; AMERICAN BROADBAND, SE, 2582.71; APPEARA, SE, 64.73; CHARTWELLS, SE, 5743.80; CITY OF NORFOLK, SE, 12.00; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 95.00; CITY OF WAYNE, RE, 152.97; COPY WRITE PUBLISHING, SE, 74.92; CREDIT BUREAU SERVICES, RE, 450.00; CITY EMPLOYEE, RE, 3880.00; DANKO EMERGENCY EQUIP, SU, 132.08; DE LAGE LANDEN FINANCIAL, SE, 77.00; FLOOR MAINTENANCE, SU, 45.11; FRANK SHEDA JR., SE, 225.00; GILL HAULING, SE, 170.50; GROSSENBURG IMPLEMENT, SU, 126.98; CITY EMPLOYEE, RE, 96.98; HEIKES AUTOMOTIVE, SE, 411.75; HOMETOWN LEASING, SE, 412.86; JEO CONSULTING GROUP, SE, 8451.00; KRIZ-DAVIS, SU, 169.66; CITY EMPLOYEE, RE, 129.50; VIAERO, SE, 246.89; NE NEB INS AGENCY, SE, 65951.00; NNPPD, SE, 6152.00; ONE CALL CONCEPTS, SE, 104.67; OVERDRIVE, SU, 814.39; PITNEY BOWES, SU, 1497.56; STEVE LUTT, RE, 355.93; WAYNE COUNTY CLERK, SE, 164.00; WAYNE STATE COLLEGE, RE, 1200.00; WAPA, SE, 26635.99; ZACH HEATING & COOLING, SE, 8034.00

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, with the exception of Councilmember Muir who was absent, the 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.

Councilmember Sievers introduced Ordinance 2016-12, and moved for approval of the third and final reading 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.

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

Mayor Chamberlain declared the time was at hand for the second public hearing to obtain public input on the application for Community Development Block Grant – Comprehensive Investment and Stabilization Grant No. 13-CIS-106.

Jan Merrill with the Northeast Nebraska Economic Development District was present to answer questions. She advised the Council that a second public hearing is required for each CDBG funded project to obtain citizen input, comments, or opinions with regard to the program performance.

The City of Wayne was awarded \$215,000 in CDBG Comprehensive Investment and Stabilization (CIS) funds of which \$178,160 was used for public facilities, \$25,665 was used for clearance/demolition, and \$10,404.60 has been expended for general administration of the project. The total project cost is \$409,729.60. The City of Wayne provided a match of \$195,500.00 in sewer improvements. This project will benefit at least 51% low-to-moderate income persons, and no persons were displaced as a result of the project

No action was needed on the matter.

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

There being no further comments, Mayor Chamberlain closed the public hearing.

Since the WAED Marketing Committee was not ready to give an update on the “Welcome to Wayne Sign Project,” etc., the matter will be scheduled for a future Council meeting.

Wes Blecke, Director of Wayne Area Economic Development, was present and advised the Council that the LB840 Sales Tax Advisory Committee met and reviewed one application to Wayne’s Economic Development Program Fund. The Committee reviewed the request of Dr. Joshua J. Hopkins for a \$35,000 loan to build a new eye clinic on West Highway 35. The requested terms were for a zero/low interest loan of \$35,000 for 3-5 years.

The recommended terms from the Committee included a 3-year, \$35,000 loan at 0% interest for the first 2 years, and 3% interest for the third year. With four members of the Committee present and one via phone, the vote to recommend approval with the modified terms was unanimous.

Mr. Blecke stated he was going to start recommending on all of the application that the Council place some type of stipulation that if there has not been any action on a project by a certain period, then they need to come back through the committee process so that the funds are not tied up indefinitely.

Dr. Joshua Hopkins was present to answer questions. He has a purchase agreement for 2.25 acres east of the Dollar General property. The closing on this property should take place in 2-3 weeks. His goal is to have the groundbreaking within two years. He would assume by the spring to have a sign on the property saying “Future site of.”

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving the recommendation of the LB840 Sales Tax Advisory Committee on the application of Josh Hopkins for a \$35,000, low interest loan to build a new eye clinic on West Highway 35, upon the following terms and conditions:

- The clinic is built within 4 years;
- The purchase of the property is completed within 12 months; and

- It will be a 3-year \$35,000 loan at 0% interest for the first 2 years and 3% interest for the third year.

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

Wes Blecke, Executive Director of Wayne Area Economic Development, provided the Council with the six-month LB 840 activity update. Mr. Blecke stated after a certain amount of time goes by and there has not been anything done with the project, he would like to remove that project from the spreadsheet. Those funds would then be decommitted, similar to what was done with the tornado relief funds. He would then contact the applicants to advise them of the same. He is also recommending to the LB840 Committee to place time frames to complete the projects in their recommendations.

Mayor Chamberlain recommended adopting a policy that after a certain amount of time of no activity, that the funds are decommitted. Attorney Miller was going to research on how to amend the LB840 plan.

Steve Rames, presenting McLaury Engineering, Inc., advised the Council that only one bid was received on the “Nebraska Street Water Main Replacement Project – 2016.” That bid came from Rutjens Construction, Inc., for \$369,498.40. He was recommending that the same be rejected, for the reason that it exceeded 20% of the engineer’s estimate on the project. In addition, he recommended that the City rebid the project. The primary reason there was only one bid and it was high was the completion date of September 1, 2016.

City Administrator Johnson stated the next agenda item will be to request a six-month extension for the CIS Grant in an effort to obtain more and better bids for this project. The extension would take us to May 1, 2017.

Councilmember Giese introduced Resolution No. 2016-49 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2016-49

A RESOLUTION REJECTING THE BID ON THE “NEBRASKA STREET WATER MAIN REPLACEMENT PROJECT 2016.”

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

Jan Merrill with the Northeast Nebraska Economic Development District stated that she would draft a letter to the Nebraska Department of Economic Development requesting a six-month extension for the following reasons:

- Release of funds of February 22, 2016, delayed selecting an engineering firm to design the project and advertise for bids;
- Only one bid was received, and it was substantially higher than the engineer’s estimates;
- The engineer recommends rebidding the project, as all contractors have other jobs they have bid and cannot complete the project in the projected time-line; and
- The engineer indicated we could have two bidders if the time-line is extended.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, requesting a six-month extension on Community Development Block Grant #14-CIS-006 from the Nebraska Department of Economic Development. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Olsson Associates presented Change Order No. 3 for the “Airport Lift Station Project” for \$651.00 to Mark Albenesius, Inc., for additional electrical wire and conduit for the lift station.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving Change Order No. 3 for the “Airport Lift Station Project” for \$651.00 to Mark Albenesius, Inc., for additional electrical wire and conduit for the lift station. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc., presented Change Order No. 4 for the “2016 Wayne Aquatic Center Project” for a decrease of \$1,075.00 to Christiansen Construction Co., LLC, which represents a revision in quantities for said project.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 4 for the “2016 Wayne Aquatic Center Project” for a decrease of \$1,075.00 to Christiansen Construction Co., LLC, which represents a revision in quantities. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc., presented Application for Payment No. 12 for the “2016 Wayne Aquatic Center Project” for \$187,702.27 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. 12 for \$187,702.27 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 Councilmember Muir who was absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc. presented Application for Payment No. 11 for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project” for \$52,422.00 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 Giese made a motion, which was seconded by Councilmember Eischeid, approving Application for Payment No. 11 for \$52,422.00 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, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, to enter into executive session to discuss the offer to purchase alley property from Jason Schulz, to protect the public interest, and to allow Attorney Miller, City Clerk McGuire, Finance

Director Braden, City Planner Hansen and Police Chief Chinn to be in attendance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried, and executive session began at 6:08 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session relates to the offer to purchase alley property from Jason Schulz.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried, and open session resumed at 6:25 p.m.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:25 p.m.