

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

The Wayne City Council met in regular session at City Hall on Tuesday, July 19, 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 July 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 July 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. 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: ALTEC INDUSTRIES, INC., SU, 555.18; AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 2396.41; APPEARA, SE, 163.97; BAKER & TAYLOR BOOKS, SU, 599.50; CITY EMPLOYEE, RE, 88.00; BROWN SUPPLY, SU, 2315.42; BSN SPORTS, SU, 110.00; CERTIFIED TESTING SERVICES, SE, 5743.00; CHRISTIANSEN CONSTRUCTION, SE, 187702.27; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 10.00; CITY OF WAYNE, PY, 76138.76; CITY OF WAYNE, RE, 600.00; COMMUNITY HEALTH, RE, 4.00; COPY WRITE PUBLISHING, SU, 36.66; CUMMINS CENTRAL POWER, SE, 916.03; DAVE'S DRY CLEANING, SE, 75.00; DUTTON-LAINSON, SU, 1310.33; CITY EMPLOYEE, RE, 696.47; EMPLOYERS MUTUAL CASUALTY, RE, 428.28; ERIKSEN CONSTRUCTION, SE, 52422.00; CITY EMPLOYEE, RE, 9.00; GAMBLE LANDSCAPING, SE, 6420.00; GERHOLD CONCRETE, SU, 2127.64; HAWKINS, INC, SU, 406.36; ICMA, SE, 7600.07; INGRAM BOOK CO, SU, 1272.33; IRS, TX, 26747.41; ISLAND SPRINKLER SUPPLY, SU, 288.50; JOHN'S WELDING AND TOOL, SU, 1010.03; CITY EMPLOYEE, RE, 1046.93; LOVE SIGNS, SU, 162.50; MARCO, SE, 126.36; MICHAEL FREDERICK, SU, 24.00; MIDWEST LABORATORIES, SE, 101.50; NE DEPT OF REVENUE, TX, 3641.82; NE

LIBRARY ASSOCIATION, FE, 335.00; PENGUIN RANDOM HOUSE, SU, 124.00; CITY EMPLOYEE, RE, 10.76; PROVIDENCE MEDICAL CENTER, SE, 137.19; RECREATION SUPPLY CO, SU, 665.85; CITY EMPLOYEE, RE, 3194.18; SPARKLING KLEAN, SU, 3214.82; STATE NEBRASKA BANK, RE, 297.10; SUPERCIRCUITS, SU, 620.00; TYLER TECHNOLOGIES, SE, 1075.00; UNITED WAY, RE, 5.00; US BANK, SU, 3884.20; VIAERO, SE, 132.53; WAYNE COUNTY COURT, RE, 300.00; WAYNE HERALD, SE, 1591.76; WAYNE SWIM TEAM, SU, 963.59; WAYNE VETERINARY CLINIC, SE, 294.00; WESCO, SU, 65.54; WHITE REALTY & APPRAISAL, SE, 1000.00; WISNER WEST, SU, 91.16; ZACH HEATING & COOLING, SU, 1823.00; ALL-AMERICAN PUBLISHING, SU, 574.00; AMAZON.COM, SU, 1021.68; AMY K. MILLER, SE, 5416.67; APPEARA, SE, 66.08; BARONE SECURITY SYSTEMS, SE, 1155.60; CITY EMPLOYEE, RE, 197.27; BINSWANGER GLASS, SE, 99.00; BROWN SUPPLY, SU, 867.69; BSN SPORTS, SU, 180.00; CITY OF WAYNE, FE, 600.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, FE, 1200.00; CITY OF WAYNE, RE, 45.00; CITY OF WAYNE, RE, 283.83; DEARBORN NATIONAL LIFE, SE, 2101.66; CITY EMPLOYEE, RE, 145.54; EASYPERMIT POSTAGE, SU, 1787.08; ECHO GROUP, SU, 1633.33; FASTENAL, SU, 33.87; FLOOR MAINTENANCE, SU, 361.13; GALE GROUP, SU, 24.74; GERHOLD CONCRETE, SU, 167.56; HOA SOLUTIONS, SE, 1147.77; INTERSTATE INDUSTRIAL SERVICE, SE, 303.28; ISLAND SPRINKLER SUPPLY, SU, 370.94; ITRON, SE, 3626.04; KRIZ-DAVIS, SU, 1963.66; KTCH, SE, 644.00; LUTT OIL, SU, 5033.84; MICHAEL TODD & CO, SU, 180.83; MITTERA GROUP, SU, 527.50; NE DEPT OF ROADS, SE, 37825.36; NE SAFETY COUNCIL, SE, 203.78; NPPD, SE, 387141.07; NORTHWEST ELECTRIC, SU, 162.97; PCF, LLC, SE, 26499.00; PLUNKETT'S PEST CONTROL, SE, 187.44; QUALITY FOODS, SU, 10.39; SIOUX CITY JOURNAL, SE, 273.35; ST OF NE-CHARITABLE GAMING DIV, TX, 897.42; STADIUM SPORTING GOODS, SE, 100.00; STAPLES, SU, 758.88; STATE NEBRASKA BANK, RE, 377.24; THOMPSON ELECTRIC, SE, 560.00; THRASHER, SE, 4560.00; VERIZON, SE, 99.79; WAED, SE, 7216.66; WAYNE SWIM TEAM, SE, 200.00; WESCO, SU, 1652.08

Councilmember Sievers made a motion and Councilmember Haase seconded 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 stated the City Council would be hearing public comments on agenda items 5, 6, 9, 12 and 13.

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.

Dr. Ken Liska, representing the Wayne Masonic Lodge, was present to report that the date set for the “Cornerstone Ceremony” for the new Wayne Aquatic Center will be Saturday, August 27, 2016, at 2:00 p.m. at the Wayne Community Activity Center.

The Wayne Area Economic Development Marketing Committee gave an update on the “Welcome to Wayne Sign Project.” In addition, they wanted input from the City Council on other projects they would like to undertake with the remaining LB840 funds of approximately \$9,000 (e.g. banners on the highways). Wes Blecke, Director of Wayne Area Economic Development, and Lukas Rix were present representing the Committee. The remaining \$9,000 would purchase around 36 banners. To be able to use the remainder of those funds for a different project would require a new LB840 application. Council consensus was to have the Wayne Area Economic Development Marketing Committee pursue the particulars for banners and reapply for LB840 Funds.

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 Lukas Rix for a \$55,000 loan to purchase and rehab the “old 1912 City Hall” property. The requested terms were for a \$55,000 zero/low interest loan for five years.

After the Committee reviewed the application, their recommended terms included a \$55,000 loan at 0% interest for 5 years, with the additional requirement that the project must commence within 12 months. With five members of the Committee present, the vote to recommend approval with the modified terms was unanimous.

Lukas Rix was present to answer questions. He stated the building would house a brewery and additional floor space for Rustic Treasures.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, approving the recommendation of the LB840 Sales Tax Advisory Committee on the application of Lukas Rix for a \$55,000, 0% interest loan, with payback over 5 years, to purchase

and rehab the “old 1912 City Hall” property. 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.

Discussion took place on the “Tuffern Blue Estates Subdivision Agreement.” Administrator Johnson stated this agreement does not address the water line. It is understood that the subdivision will connect to the City’s water system, but it does not specify where.

Councilmember Giese made a motion and Councilmember Eischeid seconded to approve the “Tuffern Blue Estates Subdivision Agreement.”

Councilmember Eischeid opined he thought Subsection F of Section 1 relating to sidewalks should be deleted.

Joel Hansen, Street Superintendent, advised the Council that the City already has the authority to require sidewalks if the property would be annexed and rezoned R-1 in the future.

Councilmember Giese amended his motion, which was seconded by Councilmember Eischeid, to approve the “Tuffern Blue Estates Subdivision Agreement,” as amended (delete Subsection F of Section I relating to sidewalks).

Todd Luedeke, who was present, advised the Council he had some concerns about the park fee provision in the agreement. He understood that there were a couple of other subdivisions where the park fees were either not collected or not included in the subdivision agreements. He requested his park fee be waived or paid until the other park fees have been paid.

Joel Hansen stated Wayne Municipal Code states that after one year, he cannot issue any more building permits in the subdivision until the park fee is paid.

Councilmember Eischeid did not like charging a park fee to subdivisions outside city limits. In addition, he did not think Mr. Luedeke should have to pay the park fee until the other park fees are paid.

Mayor Chamberlain 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 Mayor declared the motion carried.

Joel Hansen, Street Superintendent, stated the following Resolution would approve the Preliminary Engineering Services Agreement Supplement No. 6 between the City of Wayne and Olsson Associates, Inc. for the Wayne Trail – Phase 2 Project. Because of the new alignment for the trail, Olsson Associates, Inc. has estimated a list of hours that it will take to redesign the trail. The actual cost will increase from \$114,934.07 to \$135,009.33. The total agreement amount will increase from \$128,371.50 to \$151,021.50, which is an increase of \$22,650.00, and which the consultant must not exceed without the prior written approval of the State.

Council had concerns about having adequate monies in the budget to accommodate the increase in costs. Administrator Johnson stated he would have Finance Director Braden add up what the City already has allocated towards the project and distribute the same to them via email.

Councilmember Eischeid made a motion and Councilmember Giese seconded to table action on Resolution No. 2016-50 approving the Preliminary Engineering Services Agreement Supplement No. 6 between the City of Wayne and Olsson Associates, Inc. - Wayne Trail – Phase 2 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.

Administrator Johnson stated the City received two bids on the demolition of the 201 S. Windom Street and 819 6th Street properties. Milo Meyer Construction had the low bid for 201 S. Windom Street - \$4,450.00. Big Red Renovators had the low bid for 819 6th Street - \$2,500. His recommendation was to award each of the projects to the low bidder.

Councilmember Giese introduced Resolution No. 2016-51 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2016-51

A RESOLUTION ACCEPTING BID ON THE RAZING OF TWO PROPERTIES (DEMOLITION AND REMOVAL OF THE STRUCTURES) LOCATED AT 201 S. WINDOM STREET AND 819 6TH STREET.

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.

The following Resolution would allocate \$70,669 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. This amount represents about \$.035 of the \$.45 property tax allocation that the City could receive. Last year's allocation was \$68,680.

Nancy Braden advised the Council that the airport's next major project, which is scheduled for next year and will be funded by the FAA, is to pave a north/south parallel taxiway.

Councilmember Brodersen introduced Resolution No. 2016-52 and moved for its approval, Councilmember Sievers seconded.

RESOLUTION NO. 2016-52

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY.

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.

Administrator Johnson stated the City received two proposals on the "Logan Creek and Highway 15 Walking Trail Bank Stabilization Project." After reviewing the proposals, he recommended that Council approve Option A of McLaury Engineering Inc., for \$9,950.

Steve Rames of McLaury Engineering, Inc. was present to explain the options in his proposal.

Councilmember Eischeid introduced Resolution No. 2016-53 and moved for its approval, Councilmember Greve seconded.

RESOLUTION NO. 2016-53

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING AGREEMENT BETWEEN THE CITY OF WAYNE AND MCLAURY ENGINEERING, INC., FOR ENGINEERING SERVICES FOR THE “LOGAN CREEK AND HIGHWAY 15 WALKING TRAIL BANK STABILIZATION PROJECT” — OPTION A FOR \$9,950.00.

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 Giese made a motion, which was seconded by Councilmember Sievers, setting the date for the budget work session for Tuesday, August 2, 2016, after the regularly scheduled Council 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.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the revisions to Chapter XIII – General Offenses of the Municipal Code Update. 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.

Joel Hansen, Street Superintendent, updated the Council on the recent Nebraska Department of Roads’ meeting concerning the future of the proposed Highway 35 Expressway from South Sioux City past Wayne to Norfolk, and the Nebraska Department of Roads’ completion of the Highway 275 Expressway.

Wes Blecke, Executive Director of Wayne Area Economic Development, also attended the meeting. He would like to see Highway 275 completed. If that would happen, then some of the Highway 275 supporters might help Wayne to get the Highway 35 Expressway completed. With 275 completed, he could then market Wayne as being 15 miles from a 4-lane highway.

Councilmembers were encouraged to contact the NDOR supporting the Highway 35 Expressway.

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, with the exception of Councilmember Muir who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:01 p.m.