

**MINUTES
CITY COUNCIL MEETING
August 16, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, August 16, 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, Nick Muir, 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 August 4, 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 August 2, 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:

VARIOUS FUNDS: AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 2535.07; APPEARA, SE, 230.05; BAKER & TAYLOR BOOKS, SU, 1543.73; BARONE SECURITY SYSTEMS, SU, 142.00; CHARTWELLS, SE, 4892.90; CHEMQUEST, SE, 595.00; CHRISTIANSEN CONSTRUCTION, SE, 145425.48; CITY EMPLOYEE, RE, 401.50; CITY EMPLOYEE, RE, 1382.85; CITY EMPLOYEE, RE, 111.30; COMMUNITY HEALTH, RE, 4.00; COPY WRITE PUBLISHING, SU, 246.25; DEMCO, SU, 195.22; DIAMOND VOGEL PAINTS, SU, 99.90; DUTTON-LAINSON, SU, 2658.96; ERIKSEN CONSTRUCTION, SE, 33150.00; FLOOR MAINTENANCE, SU, 36.79; FRANK SHEDA JR., SE, 210.00; FREDRICKSON OIL, SU, 53.00; GERHOLD CONCRETE, SU, 1086.40; GODFATHER'S PIZZA, SU, 144.43; GREVE, ELAINE, RE, 393.85; GROSSENBURG IMPLEMENT, SU, 204.66; HELENA CHEMICAL CO., SU, 40.00; ICMA, SE, 7624.25; INGRAM BOOK CO, SU, 9.10; IRS, TX, 27333.55; GARNISHMENT, PY, 243.00; LAQUINTA INNS & SUITES, SE, 99.00; LUTT OIL, SU, 4714.97; MARCO INC, SE, 126.36; MIDWEST LABORATORIES, SE, 408.00; NE DEPT OF REVENUE, TX, 3741.73; NE LIBRARY COMMISSION, SU, 819.00; NE JOURNAL LEADER, SU, 29.95; NORFOLK DAILY NEWS, SE, 40.00; NSVFA, FE,

744.00; OCLC, INC, SU, 64.24; OVERDRIVE, INC., SU, 44.97; PAC N SAVE, SU, 8.27; PENGUIN RANDOM HOUSE, SU, 127.50; PITNEY BOWES INC, SU, 253.85; REPCO MARKETING INC, SU, 43.50; RESCO, SU, 21092.38; ROTARY CLUB OF WAYNE, FE, 160.00; S & S WILLERS, SU, 305.66; SCHNEIDER ELECTRIC, SE, 8000.00; SPARKLING KLEAN, SE, 2885.57; STALP GRAVEL, SU, 1395.47; SUNSET LAW ENFORCEMENT, SU, 2498.00; TAK, INC, SE, 96.00; TROPICAL WATER, SU, 230.35; TRUCK CENTER COMPANIES, SE, 545.18; UNITED WAY, RE, 5.00; UTILITY CUSTOMER, RE, 126.94; UTILITY CUSTOMER, RE, 105.21; UTILITY CUSTOMER, RE, 78.49; UTILITY CUSTOMER, RE, 28.27; UTILITY CUSTOMER, RE, 150.00; UTILITY CUSTOMER, RE, 100.62; UTILITY CUSTOMER, RE, 65.52; WAYNE AUTO PARTS, SU, 701.03; WAYNE COUNTY CLERK, SE, 90.00; WAYNE HERALD, SE, 1600.77; WAYNE RADIO WORKS, SE, 844.00; WAYNE VETERINARY CLINIC, SE, 205.90; WAPA, SE, 28038.87; WINTER EQUIPMENT CO, SU, 2880.00; WISNER WEST, SU, 42.26; CITY OF WAYNE, PY, 76,224.75; 4IMPRINT, INC., SU, 994.71; AM CONSERVATION GROUP, SU, 593.60; BEEHIVE INDUSTRIES, FE, 3600.00; CITY EMPLOYEE, RE, 197.09; BSN SPORTS, SU, 26.29; CITY EMPLOYEE, RE, 167.40; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 150.00; CREATIVE ADVERTISING PRODUCTS, SU, 455.00; DAKOTA RIGGERS, SU, 302.03; DAS STATE ACCTG, SE, 71.16; DEARBORN NATIONAL LIFE, SE, 2105.64; CITY EMPLOYEE, RE, 27.57; DUTTON-LAINSON CO, SU, 916.93; ECHO GROUP, SU, 1418.34; ED. M FELD EQUIPMENT, SE, 768.50; EGAN SUPPLY, SE, 6978.33; ELLIS HOME SERVICES, SE, 478.84; FLOOR MAINTENANCE, SU, 61.56; FREDRICKSON OIL, SU, 28.15; GERHOLD CONCRETE, SU, 2463.76; HAWKINS, SU, 26.64; HUBER TECHNOLOGY, SU, 232.75; JOHN'S WELDING AND TOOL, SU, 81.00; CITY EMPLOYEE, RE, 384.46; K & S DOOR CO, SU, 76.00; KRIZ-DAVIS, SU, 2866.07; MCLAURY ENGINEERING, SE, 19820.75; MCLAURY ENGINEERING, SE, 2113.75; NE SAFETY COUNCIL, FE, 310.00; NPPD, SE, 395221.14; NNPPD, SE, 12579.22; PARTS ENGINEERING, SU, 189.28; RESCO, SU, 561.08; STADIUM SPORTING GOODS, SU, 306.00; STAPLES, SU, 194.38; SUPERCIRCUITS, SU, 5598.01; THE RADAR SHOP, FE, 215.00; ULINE, SU, 119.15; VIAERO, SE, 132.53; WAED, FE, 159.00; WAYNE SWIM TEAM, RE, 1072.89; WESCO, SU, 1206.96; ZEE MEDICAL SERVICE, SU, 177.06

Councilmember Haase made a motion and Councilmember Sievers seconded 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 be hearing public comments on agenda items 3, 5, 7, and 8.

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.

Megan Weaver, Executive Director of Wayne Community Housing Development Corporation, and Nancy Braden, Finance Director, updated the Council on the housing programs in Wayne.

In addition, they were requesting Council action to amend what is called "Appendix A," which is an addendum to the City's housing reuse plan. Each reuse plan is to include all of the grants the City has. The District did not know the City had the 2005 grant, and this is the reason for the amendment.

Ms. Braden was also recommending that the City ask the State to consider allowing Wayne to amend its guidelines to raise the median income from 100% to 120%. If they approve of the same, it will come back before Council for final approval. This will allow more people to use the programs.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen to amend Appendix A – City of Wayne Housing Reuse Plan for Recaptured and Program Income Funds, by adding Grant No. 05-TFHP-535 thereto, and directing staff to make the request to change the AMI from 100% to 120%. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tony Demir, CEO of Green Star Gasifiers, gave a presentation on his company, which uses renewable resources to help generate power for communities. His company will be relocating their corporate headquarters from Kentucky to South Sioux City, Nebraska, and will be building a power plant in South Sioux City. He was proposing to build a 3-megawatt power plant in Wayne, which would add 13 full-time employees. The cost would be about \$17 million. They will need approximately 5-7 acres of land to build this on. This would be at no cost to the City. The construction phase of this power plant, alone, would create over 100 jobs, over a 12-month cycle. This would also provide an income source to the City of Wayne in the form of property taxes, because the facility would have an assessed property value. He wanted to introduce Wayne to a variety of renewable resources, such as wind, solar, hydro, and bio-mas

gasification, where they utilize wood waste and solid waste. Mr. Demir stated he is talking with seven other Nebraska communities, including Wisner and Superior. He stated their model works really well with the smaller municipalities because they do not have any reason not to accept these proposals. Their model does not work well with big cities because when you get into a certain area, it becomes very politically driven. The problem they will have in Nebraska is that they will not be able to accommodate the demands. So many small municipalities need what they are talking about. South Sioux City is expected to provide 50 direct jobs and about 450 indirect jobs to the community. They have two bio-mas gasifiers running in Kentucky (the cities of Bowling Green and Owensboro). They do not have any power plants running as of yet. Their first power plant will be the one in South Sioux City. The lifespan of the plant is about 30 years; however, power purchase agreements are usually 20-year terms. There would be no odor with this process.

When asked how this ties in with the Big Rivers Contract, Administrator Johnson stated that he has retained an attorney to look at the options we have in our contract with Big Rivers.

Tammy Bailey, Grant Administrator with the City of South Sioux City, was also present to answer questions and explain how the City of South Sioux City made the decision to go with Green Star.

Mr. Demir would like to keep the dialog going with the City of Wayne, hoping to bring a proposal and then a facility to Wayne. Council consensus was to keep the dialogue open and for Mr. Demir to send more information to the Council on the subject.

Roger Protzman of JEO Consulting Group was present to review the sludge disposal process for the lagoon. Sludge removal has been done twice before based on the number of tons that could be removed for a fixed dollar amount. Because the lagoon has been drying up, it is hard to estimate how much sludge is actually out there. The question before Council was whether or not they wanted to do everything needed to close the lagoon regardless of the cost, or whether

or not they wanted to remove what can be removed for a fixed dollar amount. He noted it was difficult to say at this time how much it would cost to remove all but six inches of sludge.

Administrator Johnson advised the Council that if they do not have any use for the lagoon, the cheapest way to go is to do nothing and let it dry up on its own. \$250,000 was placed in the budget for sludge removal. No one knows how to bid on this, because we do not have any idea of how much sludge is left. His recommendation was to bid it out like we have done in the past, which was who will haul the most for \$250,000.

Mr. Protzman stated that Council needs to decide how they want to bid it – the whole lagoon or just put in a budget number of \$0 to \$250,000 and then authorize staff to go out for bids. He would not recommend doing nothing, however. Since the City is the originator of the waste, the City has to keep records on where it is applied, how much is applied, and at what agronomic rate was it applied. The City does bear some responsibility in this process.

After discussion, Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to direct City staff to bid out 2,000 tons of sludge and to seek bids from area producers on attaining that sludge. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution would approve the “Amendment to Contract No. 14-CIS-006” which would extend the contract termination date of CIS Grant 14-CIS-006 to May 1, 2017.

Councilmember Brodersen introduced Resolution No. 2016-57 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2016-57

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, TO APPROVE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AMENDMENT TO CONTRACT NO. 14-CIS-006 BETWEEN THE CITY OF WAYNE AND THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT.

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

The following Resolution would establish additional criteria for the LB840 Citizens Advisory Review Committee to use when reviewing and making recommendations on LB840 applications. Said criteria is as follows:

- To place a 24-month maximum time limit on projects to commence, unless otherwise recommended by the LB840 Citizens Advisory Review Committee;
- To review and reconsider any projects that are over 24 months old; and
- To review and reconsider any projects that have had any substantial change of scope and/or total project fund changes.

Councilmember Eischeid introduced Resolution No. 2016-58 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2016-58

A RESOLUTION ESTABLISHING POLICIES FOR THE LB840 CITIZENS ADVISORY REVIEW COMMITTEE.

Councilmember Giese thought a two-year time limit was excessive.

Wes Blecke, Executive Director of WAED, was present, and advised the Council that the second bullet would affect two projects at this time – Wriedt Properties and Benscoter Development.

After discussion, Councilmember Eischeid reintroduced Resolution No. 2016-58 and moved for its approval, with the following amendment:

- To place a 12-month maximum time limit on projects, and if said project is not completed within 12 months, it can be extended to 24-months after the applicant has come back before the LB840 Citizens Advisory Review Committee and City Council;
- To review and reconsider any projects that are over 24 months old; and
- To review and reconsider any projects that have had any substantial change of scope and/or total project fund changes.

Councilmember Brodersen seconded.

RESOLUTION NO. 2016-58

A RESOLUTION ESTABLISHING POLICIES FOR THE LB840 CITIZENS ADVISORY REVIEW COMMITTEE.

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

Joel Hansen, Zoning Administrator, stated that when Barclay's First Addition was platted, there was a street known as "Barclay Drive" in that addition. However, it was not used when Providence Road was constructed. The abutting property owners have used that property as their own, not knowing it was a city street. One of the properties is for sale, and the proposed buyer would like to add on an addition thereto. They will not be able to unless the City would vacate that property. Courthouse records have been checked, and staff has found no indication of this property ever being vacated. The vacation of this street will get the property back on the tax rolls. The City will retain an easement for utilities.

Councilmember Sievers introduced Ordinance 2016-13, and moved for its approval; Councilmember Giese seconded.

ORDINANCE NO. 2016-13

AN ORDINANCE APPROVING VACATION OF BARCLAY DRIVE LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

Councilmember Sievers made a motion, which was seconded by Councilmember Eischeid, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, to move for final approval of Ordinance No. 2016-13. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

McLaury Engineering Co., Inc., presented Application for Payment No. 1 for the "Community Activity Center Parking Lot Project" for \$48,949.00 to Progressive Property Inspections, LLC. They have found the work to date completed in accordance with the plans and specifications and recommend approval of the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving Application for Payment No. 1 for \$48,949.00 to Progressive Property Inspections, LLC, for 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.

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 7:46 p.m.