

**MINUTES
CITY COUNCIL MEETING
September 6, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, September 6, 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, Nick Muir, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent Councilmember Jennifer Sievers.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 25, 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 August 16, 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 Sievers 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: AARON SAGE, SE, 171.56; AERO-MOD, INC., SU, 611.33; ALL-AMERICAN PUBLISHING, SE, 244.00; AMAZON.COM, SU, 1404.87; AMERICAN RED CROSS, RE, 20.00; AMERITAS, SE, 5078.45; AMY K. MILLER, SE, 5416.67; APPEARA, SE, 278.60; ARNIE'S FORD, SE, 401.46; BACKFLOW APPARATUS, SU, 81.80; BEIERMANN ELECTRIC, SE, 900.00; CITY EMPLOYEE, RE, 554.30; BIG T ENTERPRISES, SU, 95.95; BLACK HILLS, SE, 2238.82; BLUE CROSS BLUE SHIELD, SE, 33840.45; BOMGAARS, SU, 1648.18; BSN SPORTS, SU, 89.94; C. H. GUERNSEY & CO, SE, 11487.00; CARHART LUMBER CO, SU, 360.15; CENTURLINK, SE, 416.35; CERTIFIED TESTING SERVICES, SE, 333.00; CHEMQUEST, SU, 1787.50; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, PY, 155002.37; CITY OF WAYNE, RE, 122.50; CITY OF WAYNE, RE, 691.67; COMMUNITY HEALTH, RE, 8.00; JACK'S UNIFORMS, SU, 498.40; DANKO EMERGENCY EQUIP, SU, 83.00; DAS STATE ACCTG, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 116.96; CITY EMPLOYEE, RE, 93.42; EAKES OFFICE, SU, SE, 1033.35; ED. M FELD EQUIPMENT, SE, 699.75; ERIKSEN CONSTRUCTION, SU, 1,122.00; EVELINE W THOMPSON, RE, 50.00; FIREGUARD INC, SU, 2490.44; FIRST CONCORD

GROUP, SE, 3072.97; FLOOR MAINTENANCE, SU, 598.92; GALE GROUP, SU, 173.48; GERHOLD CONCRETE, SU, 1810.45; GROSSENBURG IMPLEMENT, SU, 241.17; HACH COMPANY, SU, 118.53; HAUFF MID-AMERICAN SPORTS, SU, 839.40; HAWKINS, INC, SU, 3068.79; HD SUPPLY WATERWORKS, SU, 597.26; CITY EMPLOYEE, RE, 43.68; HEIKES AUTOMOTIVE, SU, 36.00; HOMETOWN LEASING, SE, 412.86; HYDRAULIC EQUIPMENT, SU, 49.16; ICMA, SE, 15236.32; IRS, TX, 54369.39; ISLAND SPRINKLER SUPPLY, SU, 242.64; JEO CONSULTING GROUP, SE, 7072.25; JIM GRANQUIST, SU, 14.70; CITY EMPLOYEE, RE, 82.14; KATHLEEN A LAUGHLIN, RE, 486.00; KAUP SEED & FERTILIZER, SU, 800.00; L.G. EVERIST, SU, 636.59; CITY EMPLOYEE, RE, 193.55; LOGAN VALLEY FOOTBALL, FE, 100.00; LOVE SIGNS, SU, 77.23; MCCROMETER, SU, 1645.55; MCLAURY ENGINEER, SE, 6312.50; METERING & TECHNOLOGY SOL., SU, 2907.50; MICHAEL TODD & CO, SU, 745.56; MISS MOLLY'S COFFEE CO, SE, 180.00; MURPHY TRACTOR & EQUIPMENT, SE, 542.54; NATP, FE, 85.00; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 500.00; NE DEPT OF LABOR, SE, 140.00; NE DEPT OF REVENUE, TX, 7310.75; NE HARVESTORE, SU, 740.00; NE MOSQUITO, FE, 50.00; NE PUBLIC HEALTH, SE, 382.00; NE SAFETY COUNCIL, SE, 9.70; NNPPD, SE, 7,098.89; NORTHEAST NE RC&D, FE, 200.00; ONE CALL CONCEPTS, SE, 82.80; PICK EQUIPMENT & CHOPPING, SE, 300.00; PLUNKETT'S PEST CONTROL, SE, 91.14; PROGRESSIVE PROPERTIES, RE, 5921.25; PROGRESSIVE PROPERTIES, SE, 45646.55; PUMP HOOK & PLACEMENT, SU, 611.00; QUILL, SU, 409.95; R.J. THOMAS MFG., SU, 294.00; REHAB SYSTEMS, SE, 42719.35; RESCO, SU, 88.73; SEBADE HOUSING, RE, 1000.00; SKARSHAUG TESTING LAB, SE, 283.59; STAPLES, SU, 97.46; STATE NEBRASKA BANK, RE, 133.99; TYLER TECHNOLOGIES, FE, 200.00; UNITED WAY, RE, 10.00; US BANK, SU, 8778.66; VAN DIEST SUPPLY, SU, 115.04; VERIZON, SE, 99.79; VIAERO, SE, 219.16; WAED, SE, 7445.66; WAYNE COUNTY COURT, RE, 400.00; WESCO, SU, 5996.28; WESTERN RIDGE III, RE, 2512.19; WISNER WEST, SU, 34.71; AMERICAN BROADBAND, SE, 990.00; CDS INSPECTIONS, SE, 199.68; CHARTWELLS, SE, 4842.05; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, SE, 300.00; CITY OF WAYNE, RE, 42.00; CITY OF WAYNE, RE, 1350.31; DAVE'S DRY CLEANING, SE, 72.00; DUTTON-LAINSON, SU, 6178.18; FRANK SHEDA JR., SE, 202.50; GAMBLE LANDSCAPING, SE, 2217.00; GILL HAULING, SE, 170.50; HAWKINS, SU, 529.20; HD SUPPLY WATERWORKS, SU, 413.16; IOWA PUMP WORKS, SE, 4126.60; IZABEL CHAVEZ, SE, 90.00; KTCH, SE, 298.00; CITY EMPLOYEE, RE, 346.05; MATHESON TRI-GAS, SU, 18.60; PLUNKETT'S PEST CONTROL, SE, 96.30; QUALITY FOODS, SU, 28.84; VIAERO, SE, 132.53; WAYNE COUNTY CLERK, FE, 76.00; WAYNE HERALD, SE, 1675.26; WAYNE SWIM TEAM, RE, 161.69; WAYNE VETERINARY CLINIC, SE, 56.00; WAPA, SE, 27064.31; ZIMCO, SU, 1250.00

Councilmember Haase made a motion, which was seconded by Councilmember Greve, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers 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.

Christen Dalaviris, Director of Student Activities at Wayne State College, was present requesting Council consideration to allowing them to have a fireworks display behind the football stadium for “Family Day” on Saturday, September 10, 2016.

Phil Monahan, Fire Chief, expressed his concerns about the proposed area to have the display, the dryness of that area and the amount of dead foliage. Unless there is a significant amount of rain, he could not sign off on the permit. Jordan Widner, Asst. Fire Chief, was also present.

After discussion, Councilmember Giese made a motion, which was seconded by Councilmember Greve, approving the request of Christen Dalaviris, Director of Student Activities at Wayne State College, to have the fireworks display at Wayne State College after the “Family Day” football game on Saturday, September 10, 2016, pending the sign-off of the Fire Chief. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing on the Application for Community Development Block Grant – Phase I Funds to conduct a planning study in the northwest and southeast quadrants, as well as a small area in the southwest quadrant of Wayne.

The City is requesting \$26,400 of CDBG Comprehensive Development Phase I Funds, of which \$23,400 will be used to conduct a planning study and \$3,000 will be used for the general administration of the grant. Local matching funds of \$12,600 will be provided by the City of Wayne. Leverage of \$12,600 is also required. The total project cost is \$39,000. All activities will be conducted within the LMI target area. All CDBG Funds will benefit low-to-moderate income persons in the community, and no persons will be displaced as a result of this project.

Jan Merrill, Community Planner with Northeast Nebraska Economic Development District, was present to answer questions. Ms. Merrill noted the dollar amounts have changed slightly since the newspaper publication.

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.

Councilmember Eischeid introduced Resolution No. 2016-59 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2016-59

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

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

Mayor Chamberlain declared the time was at hand for the public hearing on the proposed FY 2016-2017 budget.

The total of the FY 2016-2017 budget is \$35,676,936. The property tax proposal for the General Fund operation is \$751,837.50, which compares to the 2015 tax asking of \$723,481. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$854,337.50 or \$.409303 per \$100 of property valuation. The valuation in the community, as reported by the County Assessor for 2016 is \$208,729,770, which is up \$6,817,814 from last year.

Finance Director Nancy Braden stated these numbers are based on the final numbers set at the budget work session. With the changes Council made, the General Fund reserves were increased by \$127,081. The mill levy is slightly down about .0003 from last year.

Mayor Chamberlain noted that he had asked that the field drag for the recreation department be added back into the budget - \$16,000. He does not like using a private organization's equipment to do maintenance on city fields.

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

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

Councilmember Eischeid introduced Resolution 2016-60, and moved for its approval; Councilmember Giese seconded

RESOLUTION NO. 2016-60

A RESOLUTION TO ADOPT THE 2016-2017 BUDGET FOR THE CITY OF WAYNE.

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

Mayor Chamberlain declared the time was at hand for the public hearing regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.44995 per hundred dollars of property value is included. The levy equates to a tax request of \$939,274. Last year's tax levy was \$.398927 per hundred dollars of valuation; this year it is \$.409303, excluding the airport.

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

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

The following Resolution would approve the final property tax request of \$854,337.50. This Resolution does not include the airport levy.

Councilmember Brodersen introduced Resolution 2016-61, and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2016-61

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY 2016-2017.

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

Finance Director, Nancy Braden, reviewed the sales tax projects and potential projects funded by the city sales tax that were discussed at the budget work session.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, approving the capital project's city sales tax budget. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance 2016-14, and moved for its approval; Councilmember Greve seconded.

ORDINANCE NO. 2016-14

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; 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 Sievers who was absent, the Mayor declared the motion carried.

Councilmember Giese made a motion and Councilmember Greve seconded 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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Giese made a motion and Councilmember Greve seconded to move for final approval of Ordinance No. 2016-14. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

The base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not spent and are not expected to be spent for capital improvements. Cities are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase. This increases our base number we can use for our restricted fund revenues.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving the allowable 1% increase in base limitation of the restricted funds budget. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Mayor Chamberlain stated that the Wayne Community Redevelopment Authority is, again, requesting Council consideration to transferring the unallocated portion of the 1.85% of electric revenues dedicated to economic development to the Wayne Community Redevelopment Authority for their use. As electric rates increased, as well as usage over the years, and because WAED has not increased their asking from this fund, there is approximately \$44,906.00 left in this account. That has all created a reserve that the CRA Board is suggesting be used for business incentives and site development and acquisition. This money is earmarked for economic development. The CRA prefers not to ask for a tax levy, which they can do, but this would in lieu of a tax asking.

Councilmember Eischeid suggested having this money available for owner-occupied housing improvement programs, and that it should be available to everyone, not just the low-to-moderate income.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the request to transfer the unallocated portion of the 1.85% dedicated to economic

development (\$44,906.00) to the Wayne Community Redevelopment Authority, as well as any future overages. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Steve Rames with McLaury Engineering, Inc., gave a report on an impact study he did to determine whether or not there would be any negative effects if Todd Luedeke would extend a water main from the water line in the Muhs' Acres Subdivision to his subdivision, known as Tuffern Blue Estates. City Administrator Johnson also asked Olsson Associates, who originally engineered the water line project to the Muhs' Acres Subdivision, to provide an opinion on the matter. In both instances, both engineers concluded that this water main extension would have no significant effect on the Muhs' Acres subdivision water pressure or flow.

Discussion took place on how and where the extension might take place. No action was taken on the matter.

Roger Protzman of JEO Consulting Group, Inc., presented Application for Payment No. 14 for the "2016 Wayne Aquatic Center Project" for \$267,273.36 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 Eischeid made a motion, which was seconded by Councilmember Giese, approving Application for Payment No. 14 for \$267,273.36 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 Sievers who was absent, the Mayor declared the motion carried.

Roger Protzman of JEO Consulting Group, Inc., presented Application for Payment No. 13 for the "2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project" for \$109,685.62 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 Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Application for Payment No. 13 for \$109,685.62 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 Sievers who was absent, the Mayor declared the motion carried.

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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Roger Protzman of JEO Consulting Group, Inc., requested Council consideration to the Amendment to Agreement for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project.” This is for additional services that were rendered during the months of July and August on the project. The contract amount for this project was \$64,900, and they are presently at \$67,855. They anticipate that there will be some follow-up services before finalization. The hourly not-to-exceed amount is \$7,500. The project is substantially complete, and the contractor is working through the various punch lists developed as part of the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving the Amendment to Agreement for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project” to increase the budget for a one time, not to exceed amount of \$7,500. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving the revisions regarding the Municipal Code Update made to Chapter XV – Land

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

Councilmember Giese made a motion, which was seconded by Councilmember Greve, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:59 p.m.