

**MINUTES
CITY COUNCIL MEETING
October 4, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, October 4, 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 September 22, 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 Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 20, 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: AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 2405.61; BIG RED RENOVATORS, SE, 500.00; BLACK HILLS ENERGY, SE, 326.87; BOMGAARS, SU, 186.45; C. H. GUERNSEY & COMPANY, SE, 4473.58; CARROLL DISTRIBUTING, SU, 178.00; CDS INSPECTIONS, FE, 50.00; CENTURYLINK, SE, 416.35; CITY EMPLOYEE, RE, 1402.28; CITY EMPLOYEE, RE, 246.80; CITY EMPLOYEE, RE, 34.55; CITY EMPLOYEE, RE, 57.78; CITY EMPLOYEE, RE, 11.98; CITY EMPLOYEE, RE, 74.89; CITY EMPLOYEE, RE, 73.91; CITY EMPLOYEE, RE, 96.28; CITY EMPLOYEE, RE, 49.98; CITY OF WAYNE, PY, 67849.96; COMMUNITY HEALTH, RE, 3.00; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 44906.00; CRESCENT ELECTRIC, SU, 57.14; CUMMINS CENTRAL POWER, SE, 322.75; DANKO EMERGENCY EQUIP, SU, 1458.94; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DE LAGE LANDEN FINANCIAL, SE, 154.00; DEMCO INC, SU, 487.36; ECHO GROUP, SU, 958.75; FASTENAL, SU, 106.34; FIRST CONCORD GROUP, SE, 4559.47; FLOOR MAINTENANCE, SU, 86.35; GEMPLER'S, SU, 48.45; GERHOLD CONCRETE, SU, 5474.89; H.K. SCHOLZ CO, SU, 1050.00; HACH CO, SU, 514.82; HAUFF MID-AMERICAN SPORTS, SU, 132.80; HAWKINS, SU, 514.81; IRS, TX,

25199.24; JAMES FRANK, RE, 100.00; JEO CONSULTING GROUP, SE, 5394.25; JILL CHRISTIANSEN, RE, 150.00; JOHN HUGHES, RE, 243.33; JORGENSEN, KEN, RE, 50000.00; KATHLEEN A LAUGHLIN, RE, 243.00; KAUP SEED & FERTILIZER, SU, 320.00; KRIZ-DAVIS, SU, 1885.00; LAYNE CHRISTENSEN, SE, 21272.95; MARRIOTT HOTELS, SE, 104.00; MERRICK CO SENIOR SERVICES, FE, 90.00; N.E. NE AREA ON AGING, SE, 175.00; N.E. NEB ECONOMIC DEV DIST, SE, 1140.00; N.E. NEB ECONOMIC DEV DIST, SE, 45.00; NASC, FE, 20.00; NE DEPT OF REVENUE, TX, 3577.21; NE DEPT OF ROADS, SE, 18091.32; NE PLANNING & ZONING ASSOC, FE, 70.00; NNPPD, SE, 726.87; OLSSON ASSOCIATES, SE, 231.05; ORIENTAL TRADING CO, SU, 201.45; PAC N SAVE, SU, 741.70; PING TREE SERVICE, SE, 734.00; QUALITY 1 GRAPHIC, SU, 100.00; RESCO, SU, 496.96; SANDS, KERI, RE, 300.00; SPARLING INSTRUMENTS, SE, 18.42; SPENCER SHADDEN, RE, 119.00; STADIUM SPORTING GOODS, SE, 593.00; STATE NEBRASKA BANK-PETTY CASH, RE, 19.77; T & S TRUCKING, SE, 645.68; TASER INTERNATIONAL, SE, 306.12; UNITED WAY, RE, 5.00; VIAERO, SE, 221.63; WAYNE EAGLES CLUB, RE, 461.32; WESCO, SU, 162.11; WISNER WEST, SU, 41.05; WRIEDT PROPERTIES, RE, 1600.00; ANTHONY TEBBE, SE, 90.00; APPEARA, SE, 169.70; BOMGAARS, SU, 3221.88; BROWN SUPPLY, SU, 4650.00; BRUGGER, CHRISTINE, RE, 503.08; CALEB WHEELER, SE, 20.00; CARHART LUMBER, SU, 585.91; CARROLL DISTRIBUTING, SU, 78.33; CERTIFIED TESTING SERVICES, SE, 1936.50; CITY EMPLOYEE, RE, 55.62; CITY EMPLOYEE, RE, 29.33; CITY EMPLOYEE, RE, 431.33; COUNTRY NURSERY, SU, 490.00; CREATIVE DISPLAYS, SU, 44.62; DUTTON-LAINSON, SU, 1770.91; EAKES OFFICE, SE, 92.05; EASYPERMIT POSTAGE, SU, 1803.90; ECHO GROUP, SU, 99.64; ED. M FELD EQUIPMENT, SU, 125.50; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 363.21; ELLIS HOME SERVICES, SE, 120.00; FLOOR MAINTENANCE, SU, 425.73; GERHOLD CONCRETE, SU, 1327.50; GRAYSON MCBRIDE, SE, 55.00; HAWKINS, SU, 405.26; HOLIDAY INN OF KEARNEY, SE, 179.90; INGRAM BOOK CO, SU, 464.35; INTERSTATE BATTERY SYSTEM, SU, 483.90; JEO CONSULTING GROUP, SE, 7085.00; JILL BRODERSEN, SE, 768.00; KES BURKE, SE, 50.00; LATHAN ELLIS, SE, 25.00; MARCO, SE, 126.36; MIKEY REYES, SE, 55.00; NNPPD, SE, 5370.00; OLSSON ASSOCIATES, SE, 1251.61; PAC N SAVE, SU, 91.48; QUALITY FOOD, SU, 17.54; SAMANTHA COUFAL, SE, 20.00; SKARSHAUG TESTING LAB, SE, 386.88; STATE NEBRASKA BANK, RE, 77.66; STATE NEBRASKA BANK, RE, 429.73; STATE TREASURER OF NE, RE, 805.20; STEVEN KEISER, SE, 25.00; TITAN MACHINERY, SU, 91.60; TRI-STATE COMMUNICATIONS, SE, 150.00; TRUCK EQUIPMENT, SU, 918.00; TY GRONE, SE, 105.00; TYLER PECENA, SE, 10.00; US BANK, SU, 7142.04; WAYNE AUTO PARTS, SU, 107.23; WAYNE COUNTRY CLUB, SU, 5605.54; WESCO, SU, 14528.14;

VARIOUS FUNDS – 2016-2017 FISCAL YEAR: ANTHONY TEBBE, SE, 30.00; BLUE CROSS BLUE SHIELD, SE, 34718.35; BRIAN FOX, RE, 145.11; BRIANNA WARD, SE, 10.00; CITY OF NORFOLK, SU, 1500.00; DEARBORN NATIONAL LIFE, SE, 116.96; JORDAN BLOOM, RE, 150.00; KES BURKE, SE, 10.00; LATHAN ELLIS, SE, 40.00; LUNDAHL, EARL, RE, 360.00; MADISON KINNEAR, SE, 10.00; MIKEY REYES, SE, 40.00; MILLER LAW, SE, 5416.67; NE NEB INS AGENCY, SE, 65902.00; WAED, SE, 7216.66

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.

Kim Hamik and her daughter, Allie, were present requesting Council consideration to approving their Animal Permit Application to have a “mini pig” inside city limits. They are looking for property outside city limits, but would like permission to keep her inside city limits until that time. The mini pig has not had any vaccinations.

Councilmember Giese made a motion approving the Animal Permit Application of Kim and Jerry Hamik to keep a “mini pig” inside city limits.

Dr. Mark Zink of the Wayne Vet Clinic stated that mini pigs are subject to many of the diseases that household pets are – rabies, leptospirosis, brucellosis, etc. It depends upon what the City Council wants to use as guidelines. There are no cut and dry guidelines by the State that he is aware of. He cautioned that some of the origins of these animals are somewhat questionable. It would be the cat and dog rabies serum that would be used to vaccinate. He recommended that the mini pig have the rabies and leptospirosis shots.

Mayor Chamberlain noted that these animal permits are handled on a case-by-case basis, so anyone else that would want to keep a mini pig inside city limits would have to get approval by the Council.

Police Chief Chinn had researched information on mini pigs. This seems to be more common in the metro areas. Those communities have ordinances to deal with these types of animals.

City Clerk McGuire sent letters to the neighbors. She had not received any communication, for or against, this matter. In addition, Ms. Hamik personally visited with the neighbors.

When asked, City Clerk McGuire stated that an animal permit application was approved for a pot-bellied pig in 2002, and no vaccinations were required at that time.

Councilmember Eischeid stated he would second the motion, but only if the mini pig would be required to have both the rabies and the leptospirosis shots.

Attorney Miller stated a separate ordinance could be drafted, similar to the ones for dogs and cats, to address the concerns of Police Chief Chinn.

Councilmember Giese amended his motion to approve the animal permit application of Kim Hamik to have a mini pig inside city limits, with the condition that it receive both the rabies and leptospirosis vaccinations. Councilmember Eischeid seconded the amendment. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who voted Nay, and Councilmember Sievers who was absent, the Mayor declared the motion carried.

Hilda Pearson was present requesting Council consideration to amending the Wayne Municipal Code to eliminate the midnight to 5:00 a.m. parking ban on the west side of Logan Street between 8th and 9th Streets. She and others would like to enjoy the parking privileges like those on Oak Drive do.

Councilmember Eischeid stated he thought this was more of a landlord issue than a City issue of not providing enough parking spaces for the tenants that live in those homes.

It was noted that if people call the Police Department to let them know they will be parking overnight, no tickets would be issued.

Mayor Chamberlain stated by opening up the parking on this street or any street for that matter by the college, the residents would not gain any parking spots in front of their house, because the college students will permanently park there, in lieu of parking in the parking lots by Providence Medical Center and Rice Auditorium.

The parking issue was placed on the ballot approximately 16 years ago, and it was defeated. Mayor Chamberlain stated approval of this request would create a flood of requests from other sections of town, not only in this area, but west of campus.

Doug Sturm was present and stated that 95% of the people that come into his barbershop do not want the parking changed. He questioned how often does this have to be voted on by the public.

After discussion, Councilmember Giese made a motion, which was seconded by Councilmember Muir, to table action on the request of Hilda Pearson to eliminate the midnight to 5:00 a.m. parking ban on the west side of Logan Street between 8th and 9th Streets until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being four Nays (Councilmembers Greve, Haase, Eischeid and Brodersen), and 3 Yeas (Councilmembers Giese, Muir and Karsky), and Councilmember Sievers who was absent, the Mayor declared the motion failed.

No other motion was made, so the matter died for lack of a motion.

Bryce Meyer, Recreation Services Director, Lowell Johnson, City Administrator and Amy Miller, City Attorney, drafted a proposed “Bullying Policy” for the Community Activity Center, for Council review and approval. This will provide guidance and give the staff some structure when they have an issue arise.

Ms. Miller stated an important aspect of this is that the parents sign off on the policy so they understand what the punishment is if something does happen.

Councilmember Giese did not like the idea of having two sets of laws: one for people over the age of 18 and one for people under the age of 18. Attorney Miller responded that this really is not a law; this is a policy so that if someone is bullying, etc., these are the steps that are taken.

Councilmember Giese stated he did not feel comfortable with this being a policy. If this were a resolution or a code of conduct, he would be more comfortable with it.

Mayor Chamberlain stated this is similar to the conduct handbook that every student in the Wayne Public Schools receives.

Councilmember Eischeid did not want to take all of the authority away from a coach.

Councilmember Karsky asked in the absence of this policy, how are we going to protect young people within that community activity center that might be victims of bullying? The response was that the Recreation-Services Director would have the discretion to handle situations.

Councilmember Greve thought there needed to be a policy of some kind; otherwise, it could be said that some kids have been or were treated differently than others.

Councilmember Karsky stated the policy, right or wrong, is pretty standard across the state, country, and region. It is risk management and it reduces liability. This policy is not something out of the ordinary.

Councilmember Eischeid stated he thought the policy needed to be fine-tuned a bit to where it is more focused more towards the kids and those participants that are attending the CAC.

It was noted that the Recreation-Leisure Services Commission has not reviewed the policy, and for the most part, is not a functional board at this time.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, to table action on Resolution No. 2016-67 until after the Recreation-Leisure Services Commission has met to review the same.

Mayor Chamberlain noted that the policy needed to be focused more towards the youth. If 18 and older is an issue, then we probably need to come up with something for that group, also.

Councilmember Giese stated he would also like to see in the policy something which would allow or give the Recreation Services Director the discretion to skip from Option 1 to

Option 3 if he sees the need to do so. If a parent wants to appeal, they can do so to the Recreation-Leisure Services Commission.

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.

Attorney Miller left the meeting at 6:35 p.m.

Administrator Johnson stated the following Resolution would amend the agreement between the City and Providence Medical Center by increasing the annual payment for ambulance services from \$10,000 to \$15,000.

Councilmember Giese introduced Resolution 2016-68, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2016-68

A RESOLUTION APPROVING AN AGREEMENT FOR AMBULANCE SERVICE BETWEEN THE CITY OF WAYNE, NEBRASKA, AND PROVIDENCE MEDICAL CENTER.

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.

Administrator Johnson stated the following Resolution would amend the Sidewalk Cost-Share Policy by increasing the cost-share from \$2.25 per sq. ft. to \$3.00 per sq. ft. because of the increased cost in concrete.

Councilmember Eischeid introduced Resolution 2016-69, and moved for its approval; Councilmember Giese seconded

RESOLUTION NO. 2016-69

A RESOLUTION AMENDING SIDEWALK COST-SHARE POLICY PERTAINING TO SIDEWALK REPAIR, REPLACEMENT, AND CONSTRUCTION.

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.

Administrator Johnson wanted to get a sense of the Council on the new street project from the south end of the Community Activity Center parking lot around the new pool and east to connect with 5th Street.

The School Board has informally approved the extension of a one-lane, one-way city street around the pool and is working with us on a memorandum of understanding. The School will swap land to the City that we built a portion of the pool on and to build a 14-foot wide, one lane, paved street at city cost. In return, the City will release old street right-of-ways that still exist through the school track and football field and true up some irregular parcels. City staff has almost completed replacement of the sidewalk from the school that was there before the pool.

Joel Hansen, Street Superintendent, stated that the cost of the concrete to do this will be about \$13,000.

If a contractor is hired to pour the street, it would probably cost double or around \$26,000. It was noted that the grading is already completed.

Councilmember Giese questioned the need for a road there. He thought Council was jumping the gun by putting any road in after putting in the new parking lot. He also suggested getting estimates to have it paved as a one-way exit and also as a two-way exit.

Mayor Chamberlain stated there has always been a parking problem and a traffic problem at the Community Activity Center. The new parking lot will address the parking problem, and this one-way street will address the traffic problem.

Administrator Johnson would visit with the Public Works Department to see if this would work in their schedule.

Councilmember Brodersen left the meeting at 7:10 p.m.

Discussion took place on changing one council seat in each ward to an “at –large” position. Mayor Chamberlain stated this was discussed at retreat. Certain wards have a

difficult time getting people to run. After discussion, Mayor Chamberlain stated he would direct City Attorney Miller to review the statutes concerning this matter.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, 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 7:29 p.m.