

**MINUTES
CITY COUNCIL MEETING
November 1, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, November 1, 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, Nick Muir, and Jason Karsky; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Council President Jill Brodersen and Councilmember Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 20, 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 Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of October 18, 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 Council President Jill Brodersen and Councilmember Matt Eischeid who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTIONS TO CLAIMS LIST OF 10-28-16: DELETE LESEBERG MASONRY, RE, 323.00; NE CHAPTER IAEL, FE, 300.00

VARIOUS FUNDS:

FISCAL YEAR 2015-2016: DUNCAN & ALLEN, SE, 7436.00; C. H. GUERNSEY, SE, 1582.00; ERIKSEN CONSTRUCTION, SE, 20000.00; JOHN'S WELDING, SE, 17.50; NORTHEAST NE ENERGY SYSTEMS, SE, 2157.50; NNPPD, SE, 2733.40; PROGRESSIVE PROPERTY INSPECTORS, SE, 115645.43; RUTJENS CONSTRUCTION, SE, 283749.48; THE GLASS EDGE, SU, 1416.00

FISCAL YEAR 2016-2017: ALLESCO, SU, 277.74; AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 89.36; AMERITAS, SE, 72.00; AMERITAS, SE, 50.28; AMERITAS, SE, 2234.44; APPEARA, SE, 166.00; BLACK HILLS ENERGY, SE, 354.33; BLUE CROSS BLUE

SHIELD, SE, 34279.40; BOMGAARS, SU, 677.40; BROWN SUPPLY, SU, 1631.54; CENTURYLINK, SE, 416.27; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, PY, 68759.78; CITY EMPLOYEE, RE, 6.46; CITY EMPLOYEE, RE, 3727.12; CITY EMPLOYEE, RE, 32.63; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, RE, 3248.80; CITY OF WAYNE, RE, 6.21; COMMUNITY HEALTH, RE, 4.00; CREATIVE DISPLAYS, SU, 42.88; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 96.32; DISPLAY SALES, SU, 2828.00; ECHO GROUP, SU, 975.00; FAITH REGIONAL PHYSICIAN SERV., SE, 30.00; FIREMAN'S ASSOCIATION, SE, 5000.00; CITY EMPLOYEE, RE, 3248.80; FLOOR MAINTENANCE, SU, 423.15; GAMBLE LANDSCAPING, SE, 1043.00; GERHOLD CONCRETE, SE, 3808.81; ICMA, SE, 7750.62; INTERSTATE BATTERY SYSTEM, SU, 455.80; IRS, TX, 10915.21; IRS, TX, 11874.26; IRS, TX, 2777.04; JEO CONSULTING GROUP, SE, 6939.50; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KELSEY SHIPE, RE, 150.00; KEN JORGENSEN, RE, 75000.00; LESEBERG MASONRY & CONST, RE, 323.00; LIBRARY IDEAS, SU, 1589.00; LIVING HERE, SU, 32.00; MAIN STREET AUTO CARE, SE, 569.28; MCLAURY ENGINEER, SE, 4614.50; MICHAEL TODD & CO, SU, 69.15; MUNICIPAL SUPPLY, SU, 347.63; NDEQ, FE, 150.00; NDEQ, FE, 150.00; NE DEPT OF REVENUE, TX, 3624.80; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 362.00; NE SAFETY COUNCIL, SE, 19.40; NNPPD, SU, 364.38; NOVA HEALTH EQUIPMENT, SU, 7126.83; O'KEEFE ELEVATOR CO, SE, 327.68; OLSSON ASSOCIATES, SE, 1245.93; RATH WALLING AND ASSOC, RE, 400.00; SEBADE CONSTRUCTION, SE, 8400.00; STATE NEBRASKA BANK & TRUST, RE, 8275.00; UNITED WAY, RE, 5.00; VIAERO, SE, 221.41; W.T. COX SUBSCRIPTIONS, SU, 1892.34; WAYNE COUNTY COURT, RE, 150.00; WAYNE KIWANIS, FE, 141.00; WESCO, SU, 38.52; ZEE MEDICAL SERVICE, SU, 49.54; AMERICAN BROADBAND, SE, 2472.20; APPEARA, SE, 64.32; CARHART LUMBER, SU, 1299.60; CHARGEPOINT, INC., SE, 280.00; CITY EMPLOYEE, RE, 822.49; CITY EMPLOYEE, RE, 38.00; CITY EMPLOYEE, RE, 193.80; CITY EMPLOYEE, RE, 417.50; CITY EMPLOYEE, SU, 96.29; CITY EMPLOYEE, RE, 485.47; CITY EMPLOYEE, RE, 151.98; CITY OF PONCA, RE, 15016.25; CITY OF WEST POINT, RE, 21796.80; CITY OF WISNER, RE, 2269.50; CORNERSTONE, RE, 500.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 71.16; DGR & ASSOCIATES, SE, 5462.00; DISPLAY SALES, SU, 315.00; DUTTON-LAINSON, SU, 266.81; ECHO GROUP, SU, 2925.00; FASTENAL, SU, 59.71; FIRST CONCORD GROUP, SE, 3072.98; GERHOLD CONCRETE, SU, 527.50; GOODE, KELLEN, RE, 129.24; GROSSENBURG IMPLEMENT, SU, 43.60; HELENA CHEMICAL, SU, 80.00; HOLIDAY INN-DOWNTOWN, SE, 617.70; HOMETOWN LEASING, SE, 412.86; KAY PARK REC CORP, SU, 4753.60; KRIZ-DAVIS, SU, 278.20; LESEBERG MASONRY & CONST, RE, 273.00; LITE-FORM TECHNOLOGIES, SU, 55.56; LOZA, COLLEEN, RE, 191.86; MEYER, BRYCE, RE, 257.85; O'REILLY AUTOMOTIVE STORES, SU, 63.98; PONCA RURAL FIRE BOARD, RE, 3593.38; QUALITY FOOD, SU, 35.59; S & S WILLERS, SU, 302.92; STADIUM SPORTING GOODS, SU, 220.00; STATE NEBRASKA BANK, RE, 100.89; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 4214.10; VILLAGE OF WINSIDE, RE, 4803.48; WESCO, SU, 561.75; ZIMCO SUPPLY, SU, 120.00

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 Council President Brodersen and Councilmember Eischeid who were 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.

Roger Protzman, JEO Consulting Group, was present to review the bids received on the “2016 Lagoon Sludge Removal & Application Project.” This matter was tabled from the last meeting.

Two bids were received. He noted that the bids were higher than in 2012. He contacted the contractor and the biggest part of the cost is a result of rising labor wages. His recommendation was to award the contract to the low bidder, Midwest Injection, Inc., for \$249,000.

Councilmember Giese introduced Resolution No. 2016-70 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2016-70

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “2016 LAGOON SLUDGE REMOVAL & APPLICATION PROJECT TO MIDWEST INJECTION INC., FOR \$249,000.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen and Councilmember Eischeid who were absent, the Mayor declared the motion carried.

Barbara Hayford, Professor of Biology at Wayne State College, gave a presentation regarding future lagoon use options. They propose developing a city lake modified from the former wastewater treatment plant. They propose the creation of this city lake for use as a natural resource for education, conservation and economic development in the City of Wayne. They want to sustain the lagoon in the short term. Water sources have been shut off for several months and the lagoon is going dry. Developing the lagoon into a city lake will create a natural

resource amenity designed to improve the quality of life in Wayne, as well as boost the underutilized and growing experiential economy.

After some discussion, Councilmember Giese stated he would ask City staff to:

1. Check on the cost of putting water from the lagoon, from the treatment plant, if we can;
2. Pumping it in from the stream; and
3. Checking with the contractor to see if they care if we do put more water in there, and see what all of our options are.

Attorney Miller stated the following Ordinance would amend the current City Code to add two sections, similar to what the City of Norfolk has, to make our Library policy for late returns, destroying books, etc., enforceable. The Library Director has been having issues with people not returning their library books, etc.

Councilmember Giese introduced Ordinance 2016-15, and moved for its approval; Councilmember Greve seconded.

ORDINANCE NO. 2016-15

AN ORDINANCE AMENDING CHAPTER 54 LIBRARY, ARTICLE I IN GENERAL, BY ADDING SECTION 54-8 UNLAWFUL LIBRARY CONDUCT AND SECTION 54-9 PENALTIES IMPOSED; RECOVERY IN CIVIL ACTION; 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 Council President Brodersen and Councilmember Eischeid who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Eischeid arrived at 6:13 p.m.

Lowell Heggemeyer, Public Works employee, stated four bids were received for a 2016 Bobcat Compact Excavator for the Street, Water, Sewer and Electric Departments. Staff has reviewed the bids and recommends that the same be awarded to the low bidder, Nebraska Harvestore Systems, for \$40,826.96.

Councilmember Haase questioned the need for this piece of equipment.

Councilmember Giese questioned what it would cost to rent this type of equipment.

Councilmember Greve introduced Resolution No. 2016-72 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2016-72

A RESOLUTION ACCEPTING BID AND AUTHORIZING THE PURCHASE OF A NEW 2016 BOBCAT COMPACT EXCAVATOR.

Councilmember Karsky stated that even if the rental cost would pencil out, you are not guaranteed that the equipment would be available or in a timely fashion.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent and Councilmember Haase who voted Nay, the Mayor declared the motion carried.

Administrator Johnson stated the City did not receive any bids on the “Sanitary Sewer Line Repair Project” by St. Mary’s Catholic Church. Jeff Brady, Water/Wastewater Foreman, advised that the department will monitor the line through the winter and rebid it next year.

Steve Rames of McLaury Engineering, Inc., presented Contractor’s Application for Payment No. 3 on the “Community Activity Center Parking Lot Project” for \$26,624.09 to Progressive Property Inspectors, LLC.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving Contractor’s Application for Payment No. 3 for \$26,624.09 to Progressive Property Inspectors, LLC, for the “Community Activity Center Parking Lot Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Discussion took place regarding funding alternatives for the \$5,000 in LB840 administrative costs.

At the last meeting, the Council asked staff to provide alternative sources of funding for the \$5,000 LB840 administrative fees. The two most simple sources are the from City’s general fund or from the annual business development funding for future growth from the electric fund. Currently,

about \$90,000 of that goes towards the City's agreement for area business development services annually with WAED, and the remaining \$40,000 to \$50,000 is allocated to the Wayne Community Redevelopment Authority, which is an appointed board of representatives of the school, county, banks, city council, and citizens.

Staff recommendation is to redirect \$5,000 of the Community Redevelopment Authority allocation to Wayne Area Economic Development for the LB840 administrative costs.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to redirect \$5,000 of the Community Redevelopment Authority allocation to Wayne Area Economic Development for the LB840 administrative costs. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Olsson Associates presented change Order No. 4 on the Wayne Airport Lift Station Project for a decrease of \$7,500 for quantity adjustment – seeding. Mark Albenesius, Inc., is the contractor on the project. This brings the total contract price down to \$80,504.00.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 4 on the “Wayne Airport Lift Station Project” for a decrease of \$7,500 for quantity adjustment – seeding to Mark Albenesius, Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Olsson Associates presented Certificate of Payment No. 1 (Final) on the “Wayne Airport Lift Station Project” for \$80,504.00 to Mark Albenesius, Inc.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, approving Certificate of Payment No. 1 (Final) for \$80,504.00 to Mark Albenesius, Inc., for the “Wayne Airport Lift Station Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

The City has received the Annual Renewal Maintenance Agreement from the Nebraska Department of Roads. This is a standard form agreement.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the Annual Renewal Maintenance Agreement (2017) with the Nebraska Department of Roads. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the reappointment of Don Buryanek and Dave Hix to the Board of Appeal.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the reappointment of Don Buryanek and Dave Hix to the Board of Appeal. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the reappointment of Ellen Imdieke to the Library Board.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the reappointment of Ellen Imdieke to the Library Board. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the reappointment of Mark Sorensen and Jessie Piper to the Planning Commission.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the reappointment of Mark Sorensen and Jessie Piper to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas,

with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the reappointment of Nancy Jo Powers and Nick Hochstein to the Recreation-Leisure Services Commission.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the reappointment of Nancy Jo Powers and Nick Hochstein to the Recreation-Leisure Services Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the reappointment of Amy Miller as City Attorney effective January 1, 2017 through December 31, 2017.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, approving the reappointment of Amy Miller as City Attorney effective January 1, 2017, through December 31, 2017. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Discussion took place regarding sewer options for the proposed Wayne Area Event Center north of the golf course. Administrator Johnson stated when a city grows and has giant leaps outside city limits, someone has to assume the cost of extending city services. The Electric Department is estimating it will cost around \$100,000 to get a 3-phase line to this area. This only includes extending the line for the facility. Steve Rames of McLaury Engineering gave an estimate of \$4-500,000 to extend sewer to this area. Tim Sutton, Line Supervisor, advised that this area is the service area of Northeast Nebraska Public Power District. However, if this area were annexed, it would become the service area of the City of Wayne.

Councilmember Eischeid wanted to try to figure out what it would cost each homeowner in this area to be annexed (assessments, hook-up fees, taxes, etc.) before anything is done.

Administrator Johnson stated an annexation study can be done to get a financial analysis on what it would cost to extend city services to this area, as well as revenue received.

Mayor Chamberlain noted that growth is expensive and has a lot of upfront costs. The majority of what Council's do is not planning for the next couple of years, but planning for the next few generations.

Administrator Johnson advised Josie Broders in a month he could give her a timeline for all of this.

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 Council President Brodersen who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:01 p.m.