

**MINUTES  
CITY COUNCIL MEETING  
December 20, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, December 20, 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, Nick Muir, Jason Karsky, and Jill Brodersen; City Attorney Amy Miller; and City Clerk Betty McGuire. Absent: Councilmembers Jon Haase, Jennifer Sievers, and Matt Eischeid, and City Administrator Lowell Johnson.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on December 8, 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 Giese made a motion, which was seconded by Councilmember Brodersen, whereas, the Clerk has prepared copies of the Minutes of the meeting of December 6, 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 Councilmembers Haase, Sievers and Eischeid who were 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, -1055.00; AMERICAN RED CROSS, SE, 1055.00; AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 59.50; AMERITAS, SE, 72.00; AMERITAS, SE, 2490.02; AMERITAS, SE, 106.39; APPEARA, SE, 169.67; ARC-HEALTH & SAFETY, SE, 1045.00; BMI, FE, 302.40; BREMER, KELSIE, RE, 80.67; BROWN SUPPLY, SU, 98.99; CARROLL DISTRIBUTING, SU, 692.42; CHRISTIANSEN CONSTRUCTION, SE, 27550.92; CITY EMPLOYEE, RE, 25.92; CITY EMPLOYEE, RE, 1243.53; CITY EMPLOYEE, RE, 459.29; CITY EMPLOYEE, RE, 574.36; CITY OF WAYNE, PY, 67893.67; COMMUNITY HEALTH, RE, 3.00; DAKOTA COUNTY COURT, RE, 73.72; DARRELL MOORE, RE, 100.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 71.16; DAVE'S DRY CLEANING, SE, 90.00; DAVID DREDGE, RE, 500.00; DEARBORN NATIONAL LIFE, SE, 2119.07; ECHO GROUP, SU, 445.25; ELECTRONIC ENGINEERING,

SU, 499.95; FEGLER, KEN, RE, 15.63; FLOOR MAINTENANCE, SU, 42.70; GROSSENBURG IMPLEMENT, SU, 123.55; HANNA:KEELAN ASSOCIATES, SE, 10500.00; HASEMANN, SCOTT, RE, 50.00; ICMA, RE, 7757.18; IRS, TX, 2814.48; IRS, TX, 11331.24; IRS, TX, 12034.30; JACK'S UNIFORMS, SU, 258.70; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KRIZ-DAVIS, SU, 1968.80; KTCH, SE, 556.00; MATTHEW ARMSTRONG, RE, 500.00; MATTHEW BENDER & CO, SU, 372.61; MAXIMUM SOLUTIONS, SU, 7200.00; MIDWEST LABORATORIES, SE, 161.50; MIKEY C PRODUCTIONS, SE, 180.00; MURPHY TRACTOR & EQUIP, SU, 214.07; NE DEPT OF REVENUE, TX, 3760.74; NE FSMA, FE, 100.00; NE HARVESTORE, SU, 285.84; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 230.00; NPPD, SE, 268742.49; NICK MUIR, RE, 100.00; NNPPD, SE, 12579.22; OVERHEAD DOOR, SU, 114.00; PITNEY BOWES, SE, 1497.56; PROGRESSIVE BUSINESS PUBLICATIONS, SU, 299.50; PROGRESSIVE PROPERTIES, RE, 250.00; PROPERTY EXCHANGE, RE, 78.22; PROVIDENCE MEDICAL CENTER, SE, 47.00; QUALITY FOOD, SU, 238.83; SHERWIN WILLIAMS, SU, 224.55; SPARKLING KLEAN, SE, 2555.36; STADIUM SPORTING GOODS, SU, 100.00; STAPLES ADVANTAGE, SU, 1509.17; STATE NEBRASKA BANK & TRUST, SE, 13225.00; STATE NEBRASKA BANK & TRUST, SE, 16390.00; STATE NEBRASKA BANK & TRUST, SE, 5687.50; STATE NEBRASKA BANK & TRUST, SE, 5850.00; THRASHER, RE, 100.00; TOM'S BODY & PAINT SHOP, SE, 56.00; TYLER TECHNOLOGIES, SE, 200.00; UNITED WAY, RE, 5.00; VAKOC CONSTRUCT, SU, 16.47; VIAERO, SE, 132.41; WAYNE COUNTY CLERK, SE, 589.79; WAYNE HERALD, SE, 794.19; WAYNE VETERINARY CLINIC, SE, 140.00; WESCO, SU, 898.80; ZEE MEDICAL SERVICE, SU, 115.51; ABDO PUBLISHING CO, SU, 718.20; AMAZON.COM, SU, 260.94; BAKER & TAYLOR BOOKS, SU, 23.24; BAKER & TAYLOR BOOKS, SU, 906.96; CITY EMPLOYEE, RE, 65.35; CITY EMPLOYEE, RE, 151.98; CITY EMPLOYEE, RE, 258.74; CITY EMPLOYEE, RE, 29.06; CITY OF NORFOLK, SE, 48.00; CUMMINS CENTRAL POWER, SE, 2201.07; DGR & ASSOCIATES, SE, 15762.00; ECHO GROUP, SU, 717.85; FLOOR MAINTENANCE, SU, 68.35; GALE GROUP, SU, 224.16; HEIKES AUTOMOTIVE, SE, 545.70; INGRAM BOOK CO, SU, 161.31; JEO CONSULTING GROUP, SE, 3618.50; LINDNER, PAUL, RE, 100.00; MAIN STREET AUTO CARE, SE, 700.00; MARCO, SE, 126.36; MCLAURY ENGINEER, SE, 17049.75; MIDWEST SERVICE & SALES, SU, 589.90; MIDWEST TAPE, SU, 87.96; NNPPD, SE, 3565.32; O'REILLY AUTOMOTIVE STORES, SU, 37.96; SALT CREEK SOFTWARE, SU, 2140.00; SIRSIDYNIX, SE, 4862.15; SKARSHAUG TESTING LAB, SE, 610.01; STAPLES ADVANTAGE, SU, 39.31; STEFFEN, SU, 408.84; VERIZON, SE, 92.89

Councilmember Brodersen 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 Councilmembers Haase, Sievers, and 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.

Mayor Chamberlain requested Council consideration to the appointment of Eric Knutson to the Civil Service Commission.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, approving the appointment of Eric Knutson to the Civil Service Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Sievers and Eischeid who were absent, the Mayor declared the motion carried.

Williams Form Engineering was requesting Council to release and abandon the utility easements on property located in the Kardell Industrial Park No. 2 Subdivision and in the 2<sup>nd</sup> Replat of Tompkins Industrial Tract #1 Subdivision. They are planning to extend their manufacturing building across the lot line of these two lots they already own. The City no longer has a need for these easements, and this release will allow them to build across the lot line.

Councilmember Muir introduced Ordinance 2016-17, and moved for approval thereof; Councilmember Brodersen seconded.

#### ORDINANCE NO. 2016-17

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF THE UTILITY EASEMENTS ON PROPERTY LOCATED IN THE KARDELL INDUSTRIAL PARK NO. 2 SUBDIVISION, AND IN THE 2<sup>ND</sup> REPLAT OF TOMPKINS INDUSTRIAL TRACT #1 SUBDIVISION.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Sievers and Eischeid who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Cap Peterson with Northeast Nebraska Insurance Agency presented and reviewed the 2017 Property and Casualty Insurance Package.

Mayor Chamberlain stated that Administrator Johnson advised him that the Council should not approve the third and final reading of Ordinance 2016-16 – authorizing the

termination of both the City's wholesale power contract and capacity purchase agreement with Nebraska Public Power District pursuant to the advice of Bernie Cevera of C. H. Guernsey & Co.

After discussion, Councilmember Muir made a motion, which was seconded by Councilmember Giese, to table action on Ordinance 2016-16 until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Sievers and Eischeid who were absent, the Mayor declared the motion carried.

Attorney Miller stated the following ordinance would amend Sec. 14-7 Banned from City as follows:

“Sec. 14-7 Banned from City

No person shall keep or maintain any animal within the corporate limits of the city except upon obtaining a special permit from the council. Such permit shall specify the place when any such animal may be kept. **Any person or resident who shall own, keep, or harbor an animal permitted to reside within the corporate city limits, shall, within 30 days after receiving council approval, acquire a license for said animal annually on or before May 1 of each year. Licenses shall be issued by the chief of police upon payment of the current license fee for each animal. No license or tag shall be issued until all conditions required by council have been fulfilled.**

This section shall not apply to the keeping or maintaining of dogs, cats, house birds, gerbils, hamsters, guinea pigs, and pet fish. Further, this section shall not apply to commercial sale barn operators, commercial meat slaughtering or packing plant operators, commercial hatcheries, and animal hospitals or clinics operated by licensed veterinarians.”

Councilmember Giese introduced Ordinance 2016-18, and moved for approval thereof;

Councilmember Greve seconded.

#### ORDINANCE NO. 2016-18

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 14 ANIMALS, ARTICLE I IN GENERAL, SECTION 14-7 BANNED FROM CITY; TO REPEAL 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 Councilmembers Haase, Sievers, and Eischeid who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Roger Protzman of JEO Consulting Group, who was not present, presented Change Order No. 1 regarding the “2016 Lagoon Sludge Removal & Application Project.” The Change Order, which represents an increase of \$76,000 is for removing an additional 610 tons of sludge, which in essence, saved the City \$35,650.48. The contractor on the project is Midwest Injection, Inc.

Doug Echtenkamp from the Water/Wastewater Department was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving Change Order No. 1 for an increase of \$76,000 to Midwest Injection, Inc., for the “2016 Lagoon Sludge Removal & Application Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Sievers and Eischeid who were absent, the Mayor declared the motion carried.

Mr. Protzman also presented Contractor’s Application for Payment No. 1 (Final) for \$325,000 for the “2016 Lagoon Sludge Removal & Application Project” to Midwest injection, Inc. The original contract price was \$249,000.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving Contractor’s Application for Payment No. 1 (Final) for \$325,000 to Midwest Injection, Inc., for the “2016 Lagoon Sludge Removal & Application Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Sievers and Eischeid who were absent, the Mayor declared the motion carried.

Steve Rames of McLaury Engineering, Inc., who was not present, presented Change Order No. 1 regarding the “Nebraska Street Water Main Replacement Project.” The Change

Order, which represents a decrease of \$1,061 is for quantity adjustments. The contractor on the project is Penro Construction Co.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving Change Order No. 1 for a decrease of \$1,061 for quantity adjustments to Penro Construction Co. for the “Nebraska Street Water Main Replacement Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Sievers and Eischeid who were absent, the Mayor declared the motion carried.

Mr. Rames also presented Contractor’s Application for Payment No. 2 for \$159,720.23 for the “Nebraska Street Water Main Replacement Project” to Penro Construction Co. The original contract price was \$266,012.75.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving Contractor’s Application for Payment No. 2 for \$159,720.23 to Penro Construction Co. for the “Nebraska Street Water Main Replacement Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Sievers and Eischeid who were absent, the Mayor declared the motion carried.

Discussion took place on loaning out the re-use monies that have been paid back from previous LB840 Loans. Wes Blecke was present to answer questions and review some of the LB840 plan with the Council. A revolving loan fund committee needs to be in place before any more applications can come before Council.

Mayor Chamberlain stated his opinion was to let the sales tax collected pay off the LB840 loans that we have taken out of the Electric Fund, and then on the re-use or the revolving loan fund side, we only loan out what we have collected back from the loan payments. At this time, he was just looking for some guidance until a committee has been appointed.

Councilmember Giese did not think all of the money coming in should be loaned back out. He thought a certain percentage should be held back as a reserve. In addition, he thought loan approvals should take place over a three meeting period, two at the least.

No action was taken on Agenda No. 13 – Action on appointment of the LB840 Loan Committee. Mayor Chamberlain would visit with Mr. Blecke on names of people that should be appointed and bring those names forward at a later meeting, as well as the number of people that should be on the committee. His recommendation was five.

Discussion then took place on the annexation and sewer extension for the Event Center Project. Kim McLaury of McLaury Engineering was present to answer questions, as well as Josie Broders. Mr. McLaury reviewed the three options that Mr. Steve Rames had put together.

**Option 1** would provide direct service to 110 acres, most of this is west of Highway 15. This option also allows for future expansion of the system with the extension of an interceptor west along Dog Creek. Option 1 also provides service to a small area east of Highway 15 and north of the city golf course. The system consists of a gravity sewer system upstream of a traditional force main similar to the existing system at the base of Vintage Hills along the northeast side of Wayne. North Sanitary Sewer Extension (Force Main & Collector); 110 acres directly served with gravity sewer; cost of \$5,600/acre served - \$616,000.

**Option 2** would directly open up service to 403 acres. This area is south of Dog Creek, includes the area serviced by Option 1 and also extends to approximately 160 acres east of Centennial Road. Option 2 adds a lift station at Dog Creek and Centennial Road and extends an interceptor line from Centennial Road West to the west side of Highway 15. A section of collector is included along the west side of Highway 15 for service to existing developed and undeveloped properties along Highway 15. North Sanitary Sewer Extension (Force Main, Interceptor, and Collector); 403 acres served with gravity sewer; cost of \$3,200/acre served - \$1,289,600.

**Option 3** utilizes low pressure force main to provide service specifically for an eight acre site north of the golf course. Low pressure force main systems are design for use in flows with controlled input and are used extensively in Nebraska and across the country in hilly and rolling terrain and low lying areas. The pumps and mechanical grinders in low pressure systems are not design for flows with sewer loads of nonorganic materials. If Option 3 is selected it would serve short term needs for purposed development plans at this site with a moderate potential for additional residential loading should the land east of this site be developed for residential use. Any commercial development in this area would require the traditional force main system proposed in Option 1. North Sanitary Sewer Extension (low pressure force main); 8 acres directly served with force main. Cost of \$28,800/acre served - \$230,400.

Mayor Chamberlain stated that according to the Constitution of the state of Nebraska, our first responsibility is to grow the community by annexation.

Councilmember Giese stated the ability to turn Option 3 into Option 1 is the most appealing to him if, somehow it can be rigged so we don't have to put a new force main in.

Mayor Chamberlain stated that Administrator Johnson was hoping Council would provide him with some sort of direction to move this project forward.

Josie Broders stated they do have a plan in place, but it is contingent on how this goes. They have not purchased the property yet. It would not be worth it to purchase the property if they cannot service the whole area and put some lots in. They would be doing about 10 – 16 lots along the bottom portion of the property. They did talk about putting a portion of the LB840 money towards the hook-up fees to help with these costs. They need 5-full acres for the event center and the parking lot.

Mayor Chamberlain stated Option 2 is a big cost for an event center and 16 lots. Option 1 is feasible and enables us to capture the properties on the west side of the highway, now or at whatever point in the future. He stated the area where the City can grow the most is north and west. He felt Option No. 2 was out. If we can make Option 1 work for the entire area that Josie is looking to develop, and she is willing to contribute some of the LB840 monies to buy down some of the cost, this would be option to go with. One of the things Josie discovered in her research was that she would not be able to develop lots on the eastern portion of this property if they could not be hooked up to a sewer system because the septic systems would be too close in proximity to the City well that is out there.

Mayor Chamberlain stated without hearing anything different, he will have Administrator Johnson talk with the engineers about getting an estimate and maybe a design on a system that is an Option 1/Option 3 hybrid.

Councilmember Brodersen left the meeting at 7:15 p.m.

Discussion took place on setting dates for the Council Retreat. Because the original date of January 27<sup>th</sup> and 28<sup>th</sup> does not work for several Councilmembers, staff was directed to bring more dates before Council at the next meeting.

Mayor Chamberlain adjourned the meeting at 7:21 p.m.