

**MINUTES
CITY COUNCIL MEETING
August 16, 2011**

The Wayne City Council met in regular session at City Hall on Tuesday, August 16, 2011, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Dale Alexander.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 4, 2011, 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 Sturm made a motion, which was seconded by Councilmember Van Delden, whereas the Clerk has prepared copies of the Minutes of the meeting of August 2, 2011, 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: CITY EMPLOYEE, RE, 50.00; AMERITAS, SE, 1391.32; APPEARA, SE, 77.44; ARCADIAN MARKSMANSHIP, FE, 100.00; AXELS AND GEARS, SU, 319.67; BAKER & TAYLOR BOOKS, SU, 637.15; BANK FIRST, SE, 150.00; CITY EMPLOYEE, RE, 118.71; BROWN SUPPLY, SU, 827.84; BROWN TRAFFIC PRODUCTS, SU, 255.50; CITY EMPLOYEE, RE, 225.89; CHAD BRUNS, RE, 500.00; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 800.00; CITY OF WAYNE, PY, 60561.35; CITY OF WAYNE, RE, 859.12; CLAUSSEN & SONS IRRIG., SE, 207.65; COMMUNITY HEALTH, RE, 3.00; CREDIT MANAGEMENT,

RE, 112.16; DAVE'S UNIFORM, SE, 66.00; DEMCO, SE, 928.48; DOBSON BROTHERS, SE, 66615.32; DUTTON-LAINSON, SU, 433.57; EGAN SUPPLY, SU, 30.25; EMPLOYERS MUTUAL, RE, 144.00; ENERGY FEDERATION, SU, 1831.12; ERIKSEN CONSTRUCTION, SE, 577509.44; FASTENAL, SU, 309.41; FLOOR MAINTENANCE, SU, 63.00; FREDRICKSON OIL, SU, 68.90; FRIESEN CHEVROLET, SU, 207.61; GERHOLD CONCRETE, SU, 41.00; GREAT PLAINS ONE-CALL, SE, 77.41; HARDING & SHULTZ, SE, 12433.25; HAUGE ASSOCIATES, RE, 167.75; HAWKINS, INC, SU, 2357.74; CITY EMPLOYEE, RE, 28.25; CITY EMPLOYEE, RE, 30.99; ICMA, SE, 5642.29; INGRAM BOOK COMPANY, SU, 243.33; IRS, TX, 18508.52; JEO CONSULTING GROUP, SE, 1293.26; JOHN'S WELDING AND TOOL, SU, 356.44; CITY EMPLOYEE, RE, 502.09; KTCH, SE, 525.00; LANGEMEIER, WAYNE, SE, 375.00; MAIN STREET AUTO CARE, SE, 60.00; MCKINNIS ROOFING, SE, 484.16; MIDLAND EQUIPMENT, SU, 143.98; MIDWEST LABORATORIES, SE, 73.55; MOORE WALLACE, SU, 79.73; NE DEPT OF REVENUE, TX, 2743.98; NE DEPT OF ROADS, FE, 500.00; NE LIBRARY COMMISSION, SE, 1287.00; NORFOLK CHAMBER, FE, 258.00; N.E. NE AMERICAN RED CROSS, PY, 59.24; NNPPD, SE, 12046.62; NORTHSTAR SERVICES, RE, 10.00; OCLC, INC, SU, 101.78; PAMIDA, SU, 375.41; PAPER 101, SU, 1297.00; PEPSI-COLA, SU, 114.10; PETERSON INDUSTRIAL ENGINE, SU, 8512.00; PIEPER, MILLER & DAHL, SE, 2099.00; PLUNKETT'S PEST CONTROL, SE, 185.12; PRESTO X, SE, 119.15; CITY EMPLOYEE, RE, 79.40; PROVIDENCE MEDICAL CENTER, RE, 1624.00; RON'S RADIO, SE, 463.00; SAYRE ANDERSON, RE, 464.67; CITY EMPLOYEE, RE, 2600.12; SPARKLING KLEAN, SE, 1311.10; STATE NATIONAL BANK, SE, 50.26; STATE NATIONAL BANK, RE, 383.15; CITY EMPLOYEE, RE, 4480.33; TERRACON CONSULTANTS, SE, 879.00; ULTRAMAX AMMUNITION, SU, 1194.00; UNITED WAY, RE, 10.00; US BANK, SU, 5172.75; VOSS LIGHTING, SU, 36.00; WAYNE AIRPORT, SE, 100000.00; WAED, RE, 6522.33; WAYNE COMMUNITY SCHOOLS, RE, 2306.00; WAYNE HERALD, SE, 2089.10; WAYNE STATE COLLEGE, RE, 1368.00; WESCO, SU, 975.44; WAPA, SE, 33308.52; ZACH HEATING & COOLING, SE, 263.50; ZACH OIL CO, SU, 6641.37; ZEE MEDICAL SERVICE, SU, 60.28; APPEARA, SE, 77.36; BOMGAARS, SU, 847.26; BROWN SUPPLY, SU, 445.50; CARHART LUMBER, SU, 518.18; CHARTWELLS, SE, 5489.25; CITY OF WAYNE, RE, 1700.00; CITY OF WAYNE, RE, 30.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 366.18; CITY OF WAYNE, RE, 109.30; COVENTRY HEALTH, SE, 18344.88; DE LAGE LANDEN FINANCIAL, SE, 394.00; CITY EMPLOYEE, RE, 17.58; DUTTON-LAINSON, SU, 144.31; EASYPERMIT POSTAGE, SU, 1728.97; ELLIS PLUMBING & HEATING, SE, 214.79; FLOOR MAINTENANCE, SU, 31.18; GERHOLD CONCRETE, SU, 95.63; CITY EMPLOYEE, RE, 3800.00; JOHN'S WELDING AND TOOL, SU, 120.00; CITY EMPLOYEE, RE, 1321.94; KELLY MEYER, SE, 2160.00; KRIZ-DAVIS, SU, 3275.22; LANGEMEIER, WAYNE, SE, 175.00; MICHAEL TODD & CO, SU, 996.00; NPPD, SE, 366961.49; OLSSON ASSOCIATES, SE, 951.15; CITY EMPLOYEE, RE, 563.70; PUSH-PEDAL-PULL, SU, 215.07; RANDOM HOUSE, SU, 229.75; CITY EMPLOYEE, RE, 863.24; WAYNE AUTO PARTS, SU, 697.99

Councilmember Sturm made a motion and Councilmember Haase 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 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.

Jeff Carstens, representing Wayne State College, stated a new agreement has been reached with the City regarding the sharing of law enforcement resources at the college. Because of budget constraints, two changes have been made to the agreement. The hours have been reduced from 32 to 22 hours per week. In addition, the amount that the College will pay the city for said services has been reduced from \$42,000 to \$30,000. The police are on campus during the busier times of the week. WSC has 3 full-time and one part-time security officers.

Councilmember Van Delden stated that some dwellings within a 3-4 block area of the College have sustained some vandalism and it is hard to pinpoint who exactly is to blame. He asked if there was anything, other than a media blitz on the college's part to the students, that the City could do regarding this matter.

Mr. Carstens stated WSC is joining together with Northeast Community College for a prevention program called "We Agree" which is communication (publication and speaker series) to incoming students that will talk about being good neighbors. Their

Student Senate and student leaders will promote this at their fall orientation beginning on Friday and continuing until Sunday. This is not only for new students, but for returning students as well. The Students are a part of the Wayne community now, and there are some rights and responsibilities that go with that, and here are ways to be good neighbors.

The City will provide the officer with a laptop computer so they have access to the necessary files at that location. This will eliminate having to come back to City Hall to access those files.

Sergeant Chinn stated previously the same officer has been assigned to the college. This year, they will try something new with having a different officer at the College. In response to Councilmember Brodersen's question, Chinn responded that they have two systems they use. One is a paper log that each officer keeps track of when they are on patrol, when they are sent on a call, how long they spend on that call, etc. The officer at the college also has to keep a log. He has already discussed with the officer who is scheduled to be at the college that he will need to be more specific on his paper log to show where he is at on campus, if and where he's doing a presentation, criminal calls on campus, investigations on campus, etc. This will allow us to determine if we are following the contract and making sure the officer is allowing enough hours at the campus and at the city.

Councilmember Sturm introduced Resolution No. 2011-63 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2011-63

A RESOLUTION APPROVING INTERLOCAL AGREEMENT TO SHARE
LAW ENFORCEMENT RESOURCES BETWEEN THE CITY OF WAYNE
AND WAYNE STATE COLLEGE.

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

Administrator Johnson stated the following Resolution would direct the City
Clerk to file a lien against 509 West First Street for the cost of work hired by the City to
abate a violation of City Code after proper notice was given to the property owner.

Councilmember Sturm introduced Resolution No. 2011-64 and moved for its
approval; Councilmember Ley seconded.

RESOLUTION NO. 2011-64

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING
COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY
TREASURER TO BECOME A LIEN ON THE WEST 75' OF THE NORTH
150' OF LOT 30, TAYLOR & WACHOB'S ADDITION TO WAYNE, WAYNE
COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 509 WEST
FIRST STREET, WAYNE, NEBRASKA.

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

Councilmember Frevert introduced Ordinance No. 2011-7, and moved for
approval of the third and final reading thereof; Councilmember Sturm seconded.

ORDINANCE NO. 2011-7

AN ORDINANCE TO AMEND CHAPTER 90, ARTICLE XI EXCEPTIONS
AND CONDITIONAL USES, SECTION 90-836 EXPIRATION OF
EXCEPTION USE PERMITS; 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,
the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance No. 2011-8, and moved for approval of the third and final reading thereof; Councilmember Ley seconded.

ORDINANCE NO. 2011-8

AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE VI UNSAFE BUILDINGS, BY AMENDING SECTION 18-242 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE; AND BY ADDING SECTIONS 18-243 CONFLICTS, 18-244 ADDITIONS, INSERTIONS AND CHANGES, AND 18-245 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; 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, the Mayor declared the motion carried.

Joel Hansen, Certified Street Superintendent, stated the following Resolution and Ordinances pertain to controlling the parking and traffic flow around the Middle School due to the significant building and operational changes that will be occurring this fall.

- Resolution 2011-59 would change Douglas Street to one-way traffic south bound between Third and Fourth Streets and Sherman Street to one-way traffic north bound between Third and Fourth Streets.
- Ordinance 2011-9 would shift the “no parking” from the east side of Sherman Street across from the Middle School to the west side.
- Ordinance 2011-10 would shift the daytime parking from the west side of Sherman Street across from the Middle School to the east side, except for bus loading and unloading times before and after school.
- Ordinance 2011-11 would establish student loading and unloading zones on the east side of Sherman Street and the west side of Douglas Street along the Middle School property.

Staff met with the property owners to discuss the parking and traffic flow changes around Middle School. Some of the discussion was whether or not this would be in effect year round or just during certain times of the year. Mr. Hansen’s recollection was that Duane Schroeder asked that the no parking 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m. not be in effect during the time school is not in session during the summer.

After the meeting, there was consensus of the majority in the neighborhood that they were willing to go along with this and at least give it a try for a year.

Mayor Chamberlain suggested during the summer time not enforcing the 7:00 to 9:00 and 3:00 to 5:00 no parking restrictions.

Councilmembers Sturm and Frevert were not in favor of that idea. They thought the signs could just be taken down during the summer time.

It was noted that the ordinance could be approved as is, and the signs could just be taken down or covered during the summer time,

Councilmember Sturm introduced Resolution No. 2011-59 and moved for its approval, noting that the signs could be taken down or covered during the summer time when school is not in session; Councilmember Frevert seconded.

RESOLUTION NO. 2011-59

A RESOLUTION ESTABLISHING ONE-WAY AND TWO-WAY TRAFFIC IN THE CITY OF WAYNE, NEBRASKA

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

Mr. Hansen stated the parking on the east side of the school on Douglas street will stay the same with no parking on the east side and no parking overnight on the west side. On the west side of the school, you currently can park on the west side but not the east side. We are going to flip that around so you can park on the east side of the street but not the west side of the street, which will allow every body who is gong to park in that block to park against the school side of the street so that the students get out of the car into the grass and not out of the car into the street.

Mark Lenihan, School Superintendent, was present. Safety of the students is their first priority. The flow of traffic with the construction this year is going to be somewhat of an inconvenience. This first year will be a good test to see if it will work.

Councilmember Sturm introduced Ordinance No. 2011-9, and moved for its approval; Councilmember Ley seconded.

ORDINANCE NO. 2011-9

AN ORDINANCE TO AMEND SECTION 78-132 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY; 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, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Ley 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, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2011-9. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Frevert introduced Ordinance No. 2011-10, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2011-10

AN ORDINANCE TO AMEND SECTION 78-133 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHWEST QUADRANT OF THE CITY; 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, the Mayor declared the motion carried.

Councilmember Frevert made a motion and Councilmember Van Delden 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, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2011-10. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Ley introduced Ordinance No. 2011-11, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2011-11

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, PARKING, BY ADDING SECTION 78-142 RESTRICTED PARKING FROM 7:00 A.M. TO 9:00 A.M. AND FROM 3:00 P.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Ley made a motion and Councilmember Sturm 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, the Mayor declared the motion carried.

Councilmember Ley made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2011-11. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain stated Layne Beza has requested that consideration and action on his request for Council to reduce the amount of fees and occupation taxes for the sale of alcoholic liquors by non-profit organizations be postponed or tabled until the September 6th meeting.

Councilmember Sturm made a motion and seconded by Councilmember Ley to table action on Ordinance 2011-16 until the September 6th Council meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following appointments to the LB840 Sales Tax Advisory Committee: Curt Frye, Kari Wren and Don Buryanek. These would be four-year terms.

Councilmember Frevert made a motion and seconded by Councilmember Haase approving the appointments of Curt Frye, Kari Wren, and Don Buryanek to the LB840 Sales Tax Advisory Committee (4 year terms). Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Ley made a motion and seconded by Councilmember Frevert 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 6:01 p.m.