

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

The Wayne City Council met in regular session at City Hall on Tuesday, September 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, 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 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 Haase made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 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 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: AMERITAS, SE, 58.91; AMERITAS, SE, 127.56; AMERITAS, SE, 2614.60; APPEARA, SU, 304.72; ASP ENTERPRISES, SU, 958.00; BAKER & TAYLOR, SU, 12.25; BAKER & TAYLOR, SU, 886.50; BAKER, ALLISON, RE, 89.54; BARONE SECURITY SYSTEMS, SE, 138.00; BID RED RENOVATORS, SE, 2500.00; BLUE DEVIL BOOSTER CLUB, SE, 85.00; BOK FINANCIAL, RE, -94030.63; BOK FINANCIAL, RE, 94030.63; BOLINGER, LISA, RE, 15.06; BSN SPORTS, SU, 118.69; BURSON, KASSIDI, RE, 36.16; CARROLL DISTRIBUTING, SU, 89.00; CHRISTIANSEN CONSTRUCTION, SE, 267273.36; CITY EMPLOYEE, RE, 26.54; CITY EMPLOYEE, RE, 125.25; CITY EMPLOYEE, RE, 64.62; CITY EMPLOYEE, RE, 108.00; CITY EMPLOYEE, RE, 316.35; CITY EMPLOYEE, RE, 277.54; CITY EMPLOYEE, RE, 676.17; CITY EMPLOYEE, RE, 234.63; COMMUNITY HEALTH, RE, 3.00; COPY WRITE, SE, 86.00; DAS STATE ACCTG-CENTERAL FINANCE, SE, 71.16; DEARBORN NATIONAL LIFE, SE, 2112.54; DUTTON-LAINSON, SU, 1701.11; EASYPERMIT POSTAGE, SU, 1755.60; ECHO GROUP, SU, 198.20; ED. M FELD EQUIPMENT, SU, 447.50; ENGINEERED CONTROLS, SE, 384.00; ERIKSEN CONSTRUCTION, SE, 109685.62; FLOOR MAINTENANCE, SU, 458.46; FREDRICKSON

OIL, SU, 1100.00; GEMPLER'S, SU, 85.00; GERHOLD CONCRETE, SU, 3355.10; GRAPHIC CONTROLS, SU, 525.67; HARTNETT, DANIEL, RE, 300.00; HERITAGE HOMES, RE, 100.00; HERMAN, KELBY, RE, 100.00; HORIZON CONSTRUCTION, RE, 250.00; HUNDERTMARK CLEANING SYSTEMS, SU, 6865.00; ICMA, SE, 7612.84; INGRAM BOOK CO, SU, 931.28; INVENTORY TRADING COMPANY, SU, 508.00; IRS, TX, 2879.10; IRS, TX, 12310.80; IRS, TX, 11286.64; JACK'S UNIFORMS, SU, 770.00; JAY COLLIER, RE, 65.00; JOHN'S WELDING AND TOOL, SE, 944.94; KATHLEEN A LAUGHLIN, RE, 243.00; KAUP SEED & FERTILIZER, SU, 640.00; KELSEA SIEBRANDT, RE, 150.00; KNIFE RIVER MIDWEST LLC, SE, 714.15; KRIZ-DAVIS, SU, 1436.43; KTCH, SE, 556.00; L.G. EVERIST, SU, 1312.56; LUTT OIL, SU, 4398.95; MAIN STREET AUTO CARE, SE, 100.00; MARCO, SE, 126.36; MIDWEST LABORATORIES, SE, 1112.50; MUNICIPAL SUPPLY, SU, 1033.23; NE DEPT OF REVENUE, TX, 3791.77; NE SAFETY COUNCIL, SE, 147.79; NPPD, SE, 394129.77; NORFOLK DAILY NEWS, SE, 75.00; OVERHEAD, SU, 517.00; PAC N SAVE, SU, 286.08; PAUL DANGBERG, RE, 500.00; PEERLESS WIPING CLOTH, SU, 320.00; PENGUIN RANDOM HOUSE, SU, 102.00; PITNEY BOWES, SE, 1497.56; PROGRESSIVE PROPERTIES, RE, 250.00; PROGRESSIVE PROPERTIES, RE, 250.00; PROGRESSIVE PROPERTIES, RE, 250.00; PROGRESSIVE PROPERTIES, RE, 250.00; PRONUNCIATOR, SU, 450.00; QUALITY 1 GRAPHICS, SU, 150.00; QUALITY FOOD, SU, 11.30; RECYCLE ACROSS AMERICA, SU, 184.90; RESCO, SU, 835.19; SCHNEIDER ELECTRIC, SE, 1157.00; SCHULTZ, STEVEN, RE, 25.20; SHARER, MATT, RE, 100.00; SHOPKO, SU, 156.01; SPARKLING KLEAN, SE, 2839.91; SPARKLING INSTRUMENTS, SU, 1225.36; STAPLES CONTRACT & COMMERCIAL, SU, 299.79; STATE NEBRASKA BANK, RE, 94055.63; STATE NEBRASKA BANK, RE, 77212.50; STEFFEN, SE, 8041.88; THRASHER, RE, 100.00; UNITED RENTALS, SE, 598.24; UNITED WAY, RE, 5.00; VAKOC CONSTRUCT, SU, 41.02; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 15.95; WESCO, SU, 528.58; WISNER WEST, SU, 27.01; AMAZON.COM, SU, 245.66; APPEARA, SE, 60.29; BROWN SUPPLY, SU, 2759.44; CITIZENS STATE BANK, RE, 1786.85; CITIZENS STATE BANK, RE, 2123.29; CITY EMPLOYEE, RE, 573.52; CITY EMPLOYEE, RE, 151.98; CITY EMPLOYEE, RE, 218.00; CITY EMPLOYEE, RE, 118.57; CITY EMPLOYEE, RE, 198.42; CITY EMPLOYEE, RE, 192.34; CITY OF WAYNE, PY, 70367.03; CITY EMPLOYEE, RE, 58.97; COUNTRY NURSERY, SU, 617.00; DANKO EMERGENCY EQUIP, SU, 5869.00; DGR & ASSOCIATES, SE, 4180.00; DOBIAS, JESSICA, RE, 143.71; ED. M FELD EQUIPMENT, SU, 327.00; GALE GROUP, SU, 196.87; GRAHAM TIRE SIOUX CITY, SU, 1606.79; HAUFF MID-AMERICAN SPORTS, SU, 319.00; HD SUPPLY WATERWORKS, SU, 2,505.24; ISLAND SPRINKLER SUPPLY, SU, 501.89; JERRY BRUNGARDT, SE, 300.00; KELLY SUPPLY, SU, 77.02; KRIZ-DAVIS, SU, 274.78; LAUREL SUMMER RECREATION, FE, 200.00; LESEBERG MASONARY & CONST, SE, 3750.00; LOUIS BENSCOTER, RE, 2158.77; MID PLAINS GRAIN, RE, 6228.09; MILO MEYER CONSTRUCTION, SE, 4450.00; MZRB LLC, RE, 2820.29; NE LIBRARY ASSOCIATION, FE, 480.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 242.00; NEBRASKA COMMUNITY FOUNDATION, RE, 20.00; NNPPD, SE, 12579.22; NWEA, FE, 180.00; OLINGER, KYLE, RE, 80.91; SCHMIDT, PEYTON, RE, 301.07; TRUDY SCHULZ, RE, 150.00; SEBADE CONSTRUCTION, SE, 9275.00; STADIUM SPORTING GOODS, SU, 387.75; STAPLES CONTRACT & COMMERCIAL, SU, 633.89; THOMPSON ELECTRIC, SE, 2,466.57; UNITED RENTALS, SE, 544.95; VERIZON, SE, 550.25; WAYNE AUTO PARTS, SU, 358.83; WAYNE COUNTRY CLUB, SU, 13601.28; WAYNE HOSPITALITY, RE, 20577.34; WESCO, SU, 845.30; WINDOM RIDGE, RE, 1037.20

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.

Tony Demir of Green Star Gasifiers was present to keep the dialog going on the possibility of bringing a renewable fuel power plant to Wayne. He was hoping to start identifying site locations soon. While no action was taken, Council consensus was to keep the dialog going until we find out what the outcome with the Big Rivers contract will be.

Councilmember Sievers arrived at 6:04 p.m.

Brad Wieland was present requesting Council consideration to granting him a variance to install a privacy fence on his property located at 1222 Pearl Street on the city's right-of-way. The property line on the north side of his house on 13th Street is 19' from the curb. He would like to install a privacy fence 15' from the curb. The fence would go from the corner of his house to the end of his deck, which would provide some privacy from the apartments to the north. If Mr. Wieland would install the fence where the City says he needs to, it would only be 5' from his house. The fence will not cause any obstruction for the street or the alley. If a problem would arise, he would tear the fence down and move it back at his own cost.

Attorney Miller recommended that the City grant Mr. Wieland an easement to put the fence on city property.

Councilmember Eischeid stated this might be a problem if there were ever going to be a sidewalk on the north side of Mr. Wieland's house, but because of the lay of the land, that will

probably never happen. Councilmember Eischeid felt there were extenuating circumstances with this request, and did not see an issue with granting this request. The Council has the discretion of taking these matters on a case-by-case basis.

Councilmember Eischeid made a motion, which was seconded by Councilmember Haase, approving the request of Brad Wieland to allow him to install a privacy fence on his property at 1222 Pearl Street, with the understanding that if a situation arises where he is required to remove said fence, all costs will be borne by him to do so. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, Mayor Chamberlain declared the motion carried.

Chad Sebade presented a proposed housing development that would be built on property south of the O'Riley Auto Parts store that he is in the process of purchasing. He would like to build townhomes with garages. As of right now, there is no plan to build basements. He would like to purchase the site with tax increment financing funds. However, attorney's fees to undertake a TIF project is about \$5,000. Mr. Sebade wanted to get a sense of the Council about the project and using TIF funds before he made payment to the attorney to start drafting the documents.

Councilmember Giese stated he thought Council had made a decision to stop incentivizing housing using tax increment financing. He thought this project fit extremely well into that area though.

Mayor Chamberlain stated he did not think there was a better project that fit TIF than what Mr. Sebade has presented. Councilmember Eischeid agreed. Council consensus was for Mr. Sebade to pursue the project.

Rusty Parker was present to review the proposed Memorandum of Understanding between the City and the Wayne Country Club. The Country Club would like to renovate the clubhouse (tear down the deck, put an addition on the east side of the clubhouse and remodel the entire upstairs). The Country Club would like to transfer ownership of the clubhouse to the City

and seek donations to help fund the renovations. The gifts or donations can then be considered as charitable, and the Country Club would not have to pay income tax on those gifts or donations. The Country Club's goal is to secure \$300,000 in pledged donations within one year of the date of this memorandum. They will also look at making an application for LB840 funds. The current clubhouse was built in 1968, and it is time they made some improvements.

Mayor Chamberlain stated the benefits of this is that the donor can use it as a tax write-off, and the Country Club can use 100% of the funds towards the project. If they are not successful in raising the funds, then nothing happens as far as transferring the property.

Councilmember Giese introduced Resolution No. 2016-62 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2016-62

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND THE WAYNE COUNTRY CLUB, INC.

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

Agenda item no. 7 - Action on a request to amend 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 — Hilda Pearson was postponed until the next meeting.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding a Use by Exception Request in the B-3 Neighborhood Commercial District, specifically Sec. 90-425(7), Special Conditions and Conditions for Granting Exceptions. The applicant, Power Wash USA, is seeking the request to add onto the existing structure located at 120 E. 7th Street.

It was discovered that when the car wash was first built in 1994, it had not gone through the use by exception process, which is the reason for having to do this now.

Councilmember Sievers had people share some concerns with her regarding Super Wash adding onto their building:

- More cars exiting onto Logan dripping water which could cause the roads to become icier in the winter; and
- More snow, which is piled in the corner (Logan and Main) causing visibility issues.

Joel Hansen, Zoning Administrator, stated the Planning Commission held a public hearing on this matter on September 13, 2016, and recommended approval thereof, subject to the following “Findings of Fact:”

1. Staff’s recommendation;
2. Consistency with the current and future land use maps; and
3. That the north exterior lighting be facing down.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

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

Councilmember Eischeid introduced Resolution 2016-63, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2016-63

A RESOLUTION APPROVING THE APPLICATION OF POWER WASH USA FOR A ZONING USE BY EXCEPTION PERMIT TO ADD ONTO THEIR EXISTING STRUCTURE LOCATED AT 120 E. 7TH STREET.

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

The following Resolution would amend the wage and salary schedule by adding the position of “Lineman I.”

Councilmember Eischeid introduced Resolution 2016-64, and moved for its approval; Councilmember Giese seconded

RESOLUTION NO. 2016-64

A RESOLUTION AMENDING THE WAGE AND SALARY SCHEDULE BY ADDING LINEMAN I POSITION.

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

Joel Hansen, Street Superintendent, stated the following Resolution would approve Supplemental Agreement #1 to the Program Agreement for the Wayne Trail Phase II Project by having the Nebraska Department of Roads assuming the Responsible Charge responsibilities and clarifying that the preliminary engineering is an eligible project expense.

Councilmember Giese introduced Resolution 2016-65, and moved for its approval; Councilmember Greve seconded

RESOLUTION NO. 2016-65

A RESOLUTION APPROVING THE SIGNING OF PROGRAM AGREEMENT SUPPLEMENT NO. 1 — FEDERAL-AID FUNDING.

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

The following Resolution would approve the schedule of fees, which now includes equipment rental, materials and labor. In addition, it includes the firearms purchase permit and campground parking fees.

Councilmember Sievers introduced Resolution 2016-66, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2016-66

A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES.

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

Administrator Johnson stated, in the City loan documents, if you sell your business or do not make your payments, the loan becomes in default. We have made written contact with the borrower and the former owner of the NAPA business, and they are not responding. They have sold the business and are in the process of selling the building. The City has a lien on the

property, and we need to start the foreclosure process. In addition, they have stopped making payments on the loan.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, directing the City Attorney to begin foreclosure proceedings on the NAPA Loan. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

JEO Consulting Group, Inc., presented Change Order No. 6, which is an increase of \$7,548.26 on the “Wayne Aquatic Center Project” to Christiansen Construction Co., LLC for additional grading and concrete removal.

Councilmember Muir made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 6, which is an increase of \$7,548.26 on the “Wayne Aquatic Center Project” to Christiansen Construction Co., LLC, for additional grading and concrete removal. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

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, the Mayor declared the motion carried and the meeting adjourned at 6:43 p.m.