

**MINUTES
CITY COUNCIL MEETING
November 15, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, November 15, 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, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on November 3, 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 Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of November 1, 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ADVANCED CONSULTING ENGINEERING SERVICES, SE, 750.00; AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 50.53; AMERITAS, SE, 72.00; AMERITAS, SE, 105.34; AMERITAS, SE, 2287.48; APPEARA, SE, 105.35; ARNIE'S FORD, SE, 876.55; BAIRD HOLM, SE, 4948.50; BAKER & TAYLOR BOOKS, SU, 994.23; BAKER & TAYLOR BOOKS, SU, 22.29; BARONE SECURITY SYSTEMS, SE, 87.70; CERTIFIED TESTING SERVICES, SE, 1341.50; CHAD SMITH, RE, 250.00; CHARTWELLS, SE, 4401.35; CITY EMPLOYEE, RE, 160.99; CITY EMPLOYEE, RE, 306.58; CITY EMPLOYEE, RE, 375.09; CITY EMPLOYEE, RE, 315.98; CITY EMPLOYEE, RE, 721.55; CITY OF WAYNE, PY, 67969.66; CITY OF WAYNE, RE, 624.99; COMMUNITY HEALTH, RE, 3.00; COPY WRITE, SE, 188.43; DEARBORN NATIONAL LIFE, SE, 2119.07; DISPLAY SALES, SU, 415.97; DOESCHER APPLIANCE, SE, 115.00; DUSTIN SWISHER, RE, 100.00; EASYPERMIT POSTAGE, SU, 1805.15; ECHO GROUP, SU, 3352.35; ED. M FELD EQUIPMENT, SU, 84.80; CITY EMPLOYEE, RE, 624.99; FLOOR MAINTENANCE, SU, 237.98; FOURTH GENERATION FAMILY LTD, RE, 12278.49; FREDRICKSON OIL, SE, 14.00; GALE GROUP, SU, 74.72; GEMPLER'S, SU, 212.75; GERHOLD CONCRETE, SU,

926.22; GILL HAULING, SE, 170.50; GROSSENBURG IMPLEMENT, SU, 39.37; HAWKINS, INC, SU, 881.10; HOLIDAY INN OF KEARNEY, SE, 379.80; IAEI, FE, 240.00; ICMA, SE, 7753.98; INGRAM BOOK CO, SU, 19.85; IRS, TX, 2770.06; IRS, TX, 10926.70; IRS, TX, 11844.60; JAMES SEAL, RE, 150.00; KANSAS MUNICIPAL UTILITIES, FE, 870.00; KAREN MECSEJI, RE, 500.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KNIFE RIVER MIDWEST, SU, 810.00; KRIZ-DAVIS, SU, 505.04; KTCH, SE, 1028.00; LAQUINTA INNS & SUITES, SE, 91.00; LOUIS BENSCOTER, RE, 250.00; LUTT OIL, SU, 4714.71; MARCO, SE, 126.36; MARK ALBENESIUS, SE, 80504.00; MATHESON-LINWEL, SU, 18.60; MCLAURY ENGINEER, SE, 11890.00; MIDWEST LABORATORIES, SE, 362.00; MILLER LAW, SE, 5416.67; NAPA OF WAYNE, SU, 134.69; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 150.00; NE DEPT OF LABOR, SE, 96.00; NE DEPT OF REVENUE, TX, 3609.31; NE RURAL WATER, FE, 150.00; NORFOLK DAILY NEWS, SE, 199.35; NNPPD, SE, 4090.00; NORTHERN SAFETY CO, SE, 223.05; NOVELTY MACHINE, SU, 352.43; ONE CALL CONCEPTS, SE, 91.95; OVERHEAD DOOR, SU, 192.00; PAC N SAVE, SU, 60.96; PARRAMORE, CHERI, RE, 44.56; PENGUIN RANDOM HOUSE, SU, 273.75; PROGRESSIVE PROPERTY INSPECTORS, SE, 26624.09; PRONUNCIATOR, FE, 450.00; QUALITY FOOD, SU, 236.99; RAY MCCALLA, RE, 100.00; REG GNIRK, RE, 150.00; RESCO, SE, 507.64; SCHWARTE, KRISTIN, RE, 39.52; SHEDA, FRANK, SE, 131.25; SHOPKO, SU, 82.68; SIOUX CITY JOURNAL, SE, 758.12; TITAN MACHINERY, SU, 557.69; UNITED WAY, RE, 5.00; UTILITIES SECTION, FE, 675.00; WARGA, SARAH, RE, 117.33; WAED, SE, 7216.66; WAED, RE, 6000.00; WAYNE AUTO PARTS, SU, 318.82; WAYNE COUNTY CLERK, SE, 48.00; WAYNE HERALD, SE, 860.43; WAYNE HERALD, SE, 426.00; WAYNE KIWANIS, FE, 141.00; WAYNE VETERINARY CLINIC, SE, 448.00; WESCO, SU, 19751.13; WAPA, SE, 21228.39; WILTMAN, JOHN, RE, 154.15; WISNER WEST, SU, 177.10; BARCO MUN PRODUCTS, SU, 623.24; BENSCOTER INC, RE, 250.00; BYRON BEARNES, RE, 150.00; CITIZENS STATE BANK, RE, 1745.56; CITIZENS STATE BANK, RE, 1448.25; CITY EMPLOYEE, RE, 345.42; CITY EMPLOYEE, RE, 869.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 71.16; ECHO GROUP, SU, 2555.12; FLOOR MAINTENANCE, SU, 11.61; HD SUPPLY WATERWORKS, SU, 4063.28; KIRK HOCHSTEIN, RE, 100.00; KRIZ-DAVIS, SU, 175.48; LAQUINTA INNS & SUITES, SE, 299.85; LOUIS BENSCOTER, RE, 250.06; MAIN STREET AUTO CARE, SE, 400.00; MALLOY ELECTRIC, SE, 7500.00; MUELLER, AMY, RE, 300.00; NE SAFETY COUNCIL, SE, 9.70; NPPD, SE, 259192.60; NORFOLK DAILY NEWS, SE, 40.00; NNPPD, SE, 12579.22; PITNEY BOWES, SE, 253.85; PLUMBING & ELECTRIC SERVICE, SE, 1583.37; PROVIDENCE MEDICAL CENTER, SE, 54.19; SPARKLING KLEAN, SE, 3599.32; STAPLES CONTRACT & COMMERCIAL, SU, 110.36; VIAERO, SE, 132.41; WAYNE COMMUNITY HOUSING, RE, 100.00; WINDOM RIDGE, RE, 104.97

Councilmember Haase made a motion, which was seconded by Councilmember Giese, 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.

Mayor Chamberlain requested Council consideration to his appointment of Jessi Hansen to the Recreation-Leisure Services Commission.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving the appointment of Jessi Hansen to the Recreation-Leisure Services Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain stated that since the Planning Commission did not have a quorum at their meeting, there was no recommendation to Council on the public hearings regarding the Redevelopment Plan for Sebade Housing, LLC, and the Final Plat for the Community Schools Addition to the City of Wayne. These public hearings will be held over to the December 6th Council meeting.

Councilmember Sievers introduced Ordinance 2016-15, and moved for approval of the second reading thereof; Councilmember Giese 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, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Johnson stated four bids were received on the “City Hall Painting Project.” He has reviewed the same and is recommending that the project be awarded to B & B Painting, LLC, Wayne, NE, for \$2,460.00. This is for labor only and does not include the paint.

Councilmember Giese introduced Resolution No. 2016-76 and moved for its approval;
Councilmember Greve seconded.

RESOLUTION NO. 2016-76

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE
“CITY HALL PAINTING PROJECT” TO B & B PAINTING, LLC, FOR \$2,460.

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

Administrator Johnson stated two bids were received on the “City Hall Sheet Rock
Project.” He has reviewed the same and is recommending that the project be awarded to Hattig
Construction for \$7,489.00.

Councilmember Giese introduced Resolution No. 2016-77 and moved for its approval;
Councilmember Greve seconded.

RESOLUTION NO. 2016-77

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE
“CITY HALL SHEET ROCK PROJECT” TO HATTIG CONSTRUCTION FOR
\$7,489.

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

Administrator Johnson stated one bid was received on the “2017 Ford Fusion” electric
car (gasoline backup). He has reviewed the same and is recommending that the bid be awarded
to Arnie’s Ford for \$29,164.00. The City will receive a \$15,000 grant from the Nebraska
Environmental Trust Fund. This will replace the Building Inspector’s pickup.

Councilmember Sievers introduced Resolution No. 2016-78 and moved for its approval;
Councilmember Greve seconded.

RESOLUTION NO. 2016-78

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE 2017
FORD FUSION FROM ARNIE’S FORD FOR \$29,164.

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

Nancy Braden, Finance Director, reviewed the amended guidelines for the “Down Payment Assistance Program.” This would change the AMI (Area Median Income) from 100% to 120% as previously discussed. The Department of Economic Development also recommended several other required changes that would bring the City’s guidelines current with today’s program requirements. Two potential clients would qualify for this program once the AMI is increased.

Councilmember Sievers introduced Resolution No. 2016-79 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2016-79

A RESOLUTION APPROVING THE AMENDED GUIDELINES FOR THE DOWN PAYMENT ASSISTANCE PROGRAM.

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

Steve Rames of McLaury Engineering, Inc., presented Contractor’s Application for Payment No. 1 on the “Nebraska Street Water Main Replacement Project” for \$86,889.56 to Penro Construction Co.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving Contractor’s Application for Payment No. 1 for \$86,889.56 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, the Mayor declared the motion carried.

Mr. Rames then presented the following items for Council approval pertaining to the “Community Activity Center Parking Lot Project:”

- Certificate of Substantial Completion;

- Change Order No. 2 (Final) – a decrease of \$372.00 for final quantity adjustments; and
- Application for Payment No. 4 (Final) for \$12,153.71 to Progressive Property Inspectors, LLC.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the Certificate of Substantial Competition for the “Community Activity Center Parking Lot Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, approving Change Order No. 2 (Final) on the “Community Activity Center Parking Lot Project” for a decrease of \$372.00 for final quantity adjustments to Progressive Property Inspectors, LLC. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, approving Contractor’s Application for Payment No. 4 (Final) for \$12,153.71 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, the Mayor declared the motion carried.

Attorney Miller stated that a couple of years ago, the City gave notice to Nebraska Public Power District of its intent to reduce the purchase of power. The following Ordinance would authorize the final notice regarding the termination of both the City’s Wholesale Power Contract and the Capacity Purchase Agreement with Nebraska Public Power District.

Councilmember Eischeid introduced Ordinance 2016-16, and moved for its approval; Councilmember Muir seconded.

ORDINANCE NO. 2016-16

AN ORDINANCE AUTHORIZING THE TERMINATION OF BOTH THE CITY’S WHOLESALE POWER CONTRACT AND CAPACITY PURCHASE AGREEMENT WITH NEBRASKA PUBLIC POWER DISTRICT.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Administrator Johnson stated he sent requests for proposals to conduct an annexation study to JEO Consulting Group, ACES, and McLaury Engineering. ACES submitted a proposal for \$4,000. McLaury Engineering is already working with the event center owners and has a lot of this work done already. No proposal was received from JEO. Johnson's recommendation was to finish this out with McLaury Engineering on an hourly basis.

Councilmember Eischeid stated he thought the Council needed to make a decision on whether or not they are going to move forward with this annexation before asking for all of this work to be done.

Councilmember Giese opined that he thought the Council has to figure out how much the sewer will cost to run through the Giese property or to run it up the highway, and then we need to know how much revenue will be coming in if we decide to annex. When the Council voted for the event center to be located outside of city limits and to use the LB840 funds, the Council has to do its due diligence to see if we should annex them or not.

Mayor Chamberlain stated unless he heard otherwise, he would confer with Administrator Johnson and come up with a not-to-exceed number and then keep the Council posted.

Steve Rames of McLaury Engineering was present to answer questions. He stated in Yankton, a 3200 million gallon per day, one-mile force main was a little less than \$700,000 to build. We want to be sure that what we are putting in is going to be something that is used in the future as or when growth occurs. Mr. Rames also stated that the scope of the annexation study was reasonably undefined.

Josie Broders, who was present, stated if it would make a difference, and if it would help when the costs are adding up for the annexation and extension of utilities, she would be willing to use some of the LB840 funds to help pay down some of the costs of the infrastructure.

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 6:21 p.m.