

**MINUTES  
CITY COUNCIL MEETING  
December 6, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, December 6, 2016, at 5:30 o'clock P.M. Council President Jill Brodersen called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Jason Karsky, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Mayor Ken Chamberlain and Councilmember Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on November 25, 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 Sievers, whereas, the Clerk has prepared copies of the Minutes of the meeting of November 15, 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. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Council President declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** AERO-MOD, INC., SU, 104.12; AMAZON.COM, SU, 394.83; AMERICAN BROADBAND, SE, 2468.93; AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 64.55; AMERITAS, SE, 72.00; AMERITAS, SE, 2712.52; AMERITAS, SE, 108.03; APPEARA, SE, 298.35; BLACK HILLS ENERGY, SE, 476.77; BLUE CROSS BLUE SHIELD, SE, 34279.40; BOMGAARS, SU, 486.76; BROWN SUPPLY, SU, 5125.63; C. H. GUERNSEY & COMPANY, SE, 4730.00; CARHART LUMBER CO, SU, 3563.78; CHRIS HANSEN, RE, 2025.00; CITY EMPLOYEE, RE, 61.04; CITY EMPLOYEE, RE, 805.68; CITY EMPLOYEE, RE, 88.00; CITY EMPLOYEE, RE, 215.62; CITY EMPLOYEE, RE, 482.63; CITY EMPLOYEE, RE, 59.73; CITY EMPLOYEE, RE, 241.50; CITY EMPLOYEE, RE, 370.12; CITY EMPLOYEE, RE, 3.09; CITY EMPLOYEE, RE, 57.50; CITY OF WAYNE, PY, 78698.39; CIVICPLUS, SE, 4392.49; COMMUNITY HEALTH, RE, 3.00; DAS STATE ACCTG-

CENTRAL FINANCE, SE, 448.00; DAVE'S DRY CLEANING, SE, 75.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 123.84; DEMCO, SU, 80.23; DGR & ASSOCIATES, SE, 7044.50; DISPLAY SALES, SU, 530.00; DITCH WITCH OF OMAHA, SU, 132.79; DUTTON-LAINSON, SU, 217.51; EAKES OFFICE PLUS, SE, 1322.50; ECHO GROUP, SU, 301.50; ELLIS HOME SERVICES, SE, 2579.50; EVANCED SOLUTIONS, SU, 1000.00; FIRST CONCORD GROUP, SE, 3072.98; FLOOR MAINTENANCE, SU, 722.52; GEMPLER'S, SU, 411.10; GERHOLD CONCRETE, SE, 2282.48; GOMEZ, IGNACIO, RE, 104.28; GOVERNMENTAL ACCOUNTING, SU, 252.00; GROSSENBURG IMPLEMENT, SU, 121.08; HANSEN, RONALD, RE, 110.72; HOMETOWN LEASING, SE, 412.86; ICMA, SE, 7736.87; INTERSTATE BATTERY SYSTEM, SU, 435.82; IRS, TX, 13598.44; IRS, TX, 11946.80; IRS, TX, 3180.32; JEFF OLSUFKA, RE, 20.00; JEO CONSULTING GROUP, SE, 1139.50; JORGENSEN, KEN, RE, 50000.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KEVIN HOFFART, RE, 150.00; KIRK HOCHSTEIN, RE, 500.00; KRIZ-DAVIS, SU, 43.66; LAYNE CHRISTENSEN, SE, 1604.78; MAIN STREET AUTO CARE, SE, 700.00; MUNICIPAL SUPPLY, SU, 93.83; NE DEPT OF ENVIRONMENTAL QUALITY, RE, 189408.99; NE DEPT OF ENVIRONMENTAL QUALITY, RE, 26215.07; NE DEPT OF REVENUE, TX, 3883.95; NE HARVESTORE, SU, 40826.96; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 566.00; NE RURAL WATER, SE, 1500.00; NE SAFETY COUNCIL, SE, 19.40; NEBRASKA COMMUNITY FOUNDATION, SE, 300.00; NORTHEAST COMM COLLEGE, FE, 80.00; NNPPD, SE, 2466.06; NORTHWEST ELECTRIC, SE, 698.93; OLSON TREE SERVICE, SE, 2500.00; OLSSON ASSOCIATES, SE, 285.88; O'REILLY AUTOMOTIVE STORES, SU, 21.98; OVERDRIVE, INC., SU, 639.90; PCF, LLC, SE, 1000.00; PEDRO GARCIA, RE, 100.00; PEERLESS WIPING CLOTH, SU, 240.00; PENRO CONSTRUCTION, SE, 86889.56; POKHREL, BIPUL, RE, 163.82; PROGRESSIVE PROPERTY INSPECTORS, SE, 12153.71; ROBERT WOehler & SONS, SE, 63.00; SENECA COMPANIES, SU, 5450.73; SIOUX CITY WINNELSON, SU, 19.25; SKARSHAUG TESTING LAB, SE, 185.17; STADIUM SPORTING GOODS, SU, 48.00; STAPLES ADVANTAGE, SU, 262.02; STATE NEBRASKA BANK & TRUST, RE, 4267.22; STATE NEBRASKA BANK, RE, 100.44; SUPERCIRCUITS, SU, 775.29; TOM'S BODY & PAINT SHOP, SE, 38.00; TRIMMELL, JOSEPH, RE, 35.90; UNITED WAY, RE, 5.00; VERIZON, SE, 92.89; VIAERO, SE, 221.41; WAKEFIELD, CITY OF, RE, 360.00; WAED, SE, 5000.00; WAYNE HERALD, SU, 96.00; WAYNE SWIM TEAM, RE, 150.00; WESCO, SU, 8,281.80; WIDNER, JORDAN, SU, 68.67; BARONE SECURITY SYSTEMS, SE, 138.00; BROWN SUPPLY, SU, 880.20; BURNS, RYAN, RE, 70.18; CERTIFIED TESTING SERVICES, SE, 309.00; CHARTWELLS, SE, 4141.45; CITY EMPLOYEE, RE, 1314.91; COPY WRITE PUBLISHING, SE, 120.12; DANKO EMERGENCY EQUIPMENT, SU, 2631.08; DUTTON-LAINSON CO, SU, 315.66; EASYPERMIT POSTAGE, SU, 1812.67; ECHO GROUP, SU, 116.95; FASTENAL, SU, 11.64; FREDRICKSON OIL, SE, 131.00; GERHOLD CONCRETE, SU, 425.50; GILL HAULING, SE, 170.50; GODFATHERS PIZZA, SU, 60.00; GREAT PLAINS GFOA, FE, 50.00; HEATON, JEFF, RE, 17.05; HEIKES AUTOMOTIVE, SU, 968.38; JOHN'S WELDING AND TOOL, SE, 1342.98; KRAUSE, DALE, RE, 104.97; KTCH, SE, 88.00; LUTT OIL, SU, 3202.89; MATHESON-LINWELD, SU, 18.00; MICHAEL TODD & CO, SU, 455.24; MILES, JAMES, RE, 97.92; MILLER LAW, SE, 5437.49; NE ECONOMIC DEVELOP ASSN, FE, 100.00; NE EMERGENCY SERVICE, FE, 60.00; NE SAFETY COUNCIL, SE, 9.70; NNPPD, SE, 4003.00; O'KEEFE ELEVATOR COMPANY, SE, 1201.92; ONE CALL CONCEPTS, SE, 47.10; PAC N SAVE, SU, 74.22; PERRY, ALEXSUS, RE, 153.43; PLUNKETT'S PEST CONTROL, SE, 74.90; RASMUSSEN AIR & GAS ENERGY, SU, 118.53; ROOT, MICHAEL, RE, 102.75; SHOPKO, SU, 232.87; SIOUX CITY WINNELSON, SU, 31.98; STADIUM SPORTING GOODS, SU, 968.50; STAPLES ADVANTAGE, SU, 44.94; TOM'S BODY & PAINT SHOP, SE, 289.00; US BANK, SU, 1341.60; WAED, SE, 7216.66; WAYNE AUTO PARTS, SU, 2104.06; WAYNE COMMUNITY SCHOOLS, FE, 200.00; WAYNE

COUNTY CLERK, SE, 70.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 418.00; WAPA, SE, 26707.66

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, to approve the claims. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Council President declared the motion carried.

Council President Brodersen 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, she 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.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, to adjourn the meeting sine die. Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Council President declared the motion carried.

This being the time for the new Council to organize and Nick Muir, Jennifer Sievers, Cale Giese and Jon Haase having qualified for Councilmembers of the 1st, 2nd, 3<sup>rd</sup> and 4<sup>th</sup> Wards respectively, City Attorney Amy Miller presented the oaths of office to them.

Councilmember Eischeid arrived at 5:34 p.m.

Councilmember Haase made a motion, which was seconded by Councilmember Sievers, nominating Jill Brodersen as President of Council. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to reconvene the meeting. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Brodersen requested Council consideration to the appointment of Scott Meisenbach to the Recreation-Leisure Services Commission.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving the appointment of Scott Meisenbach to the Recreation-Leisure Services Commission. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Brodersen requested Council consideration to the reappointment of Nick Muir to the Community Redevelopment Authority.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, approving the reappointment of Nick Muir to the Community Redevelopment Authority. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Brodersen requested Council consideration to the reappointment of Corby Schweers to the Community Redevelopment Authority.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the reappointment of Corby Schweers to the Community Redevelopment Authority.

There was a question as to whether or not Mr. Schweers could be on the CRA since he has now moved outside city limits. Attorney Miller would review State Statutes and the Ordinance passed and confer with Mayor Chamberlain about the same.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Roger Protzman of JEO Consulting Group presented Change Order No. 7 (Revised) regarding the "2016 Wayne Aquatic Center Project." The Change Order, which represents a decrease of \$37,997.34, is for the additional gallons of chlorine and acid (\$217.26), providing a

220 gal acid tank in lieu of a 100 gal tank (\$785.40), shade shelter discount with touch-up paint (-\$3,000), and liquidated damages of 60 days at \$600 per day (-\$36,0000).

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving Change Order No. 7 (Revised) for a decrease of \$37,997.34 to Christianson Construction Co., LLC, for the “2016 Wayne Aquatic Center Project.” Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Mr. Protzman then presented Contractor’s Application for Payment No. 15 for \$27,550.92 for the “2016 Wayne Aquatic Center Project” to Christianson Construction Co., LLC. This is the final payment for this project. The original contract price was \$2,659,000. The final contract price was \$2,612,038.98.

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving Contractor’s Application for Payment No. 15 for \$27,550.92 to Christianson Construction Co., LLC, for the “2016 Wayne Aquatic Center Project.” Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Mr. Protzman then presented an Amended Agreement with JEO Consulting Group for additional construction phase services on the “2016 Wayne Aquatic Center Project” for \$14,071.50. Administrator Johnson recommended approving the same.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving the Amended Agreement with JEO Consulting Group for additional construction phase services on the “2016 Wayne Aquatic Center Project” for \$14,071.50. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Brodersen stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a

Resolution approving a redevelopment plan for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”) for the following real estate:

Lots 1, 2, and 5, Block 3, Cecil Wriedt’s 2<sup>nd</sup> Addition to the City of Wayne, Wayne County, Nebraska.

The notice of the public hearing was published in the Wayne Herald on November 17 and 24, 2016, and was mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act. The Council President opened the public hearing and invited all interested persons to be heard.

Chad Sebade was unable to be at the meeting.

The Planning Commission reviewed this matter on December 5, 2016, and their recommendation was to approve the Redevelopment Plan for the area referenced to as Sebade Housing, LLC, Redevelopment Area, with the findings of fact being as stated in Resolution No. 2016-01.

This Tax Increment Financing (TIF) Plan is for incentive funds for a project to develop a multifamily residential subdivision and construct five two and three-family townhomes in phases over a period of 5 years. The said \$230,000 will be used to overcome the site acquisition and development costs. A public hearing is required by the City Council before action on TIF Plans/Agreements.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no other persons present to speak, Council President Brodersen closed the public hearing.

Councilmember Eischeid introduced Resolution No. 2016-74 and moved for its approval; Councilmember Muir seconded the motion.

RESOLUTION NO. 2016-74

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Brodersen stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to the "Community Schools Addition to the City of Wayne Final Plat." The applicant, the City of Wayne, is seeking the request.

This plat will clean up some of the property line issues and swap some land with the school where the aquatic center is located.

The Planning Commission reviewed the matter at their public hearing on December 5, 2016, and forwarded a recommendation to approve the same subject to the following "Finding of Fact:"

- Staff's recommendation.

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

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Sievers introduced Resolution 2016-75, and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2016-75

A RESOLUTION APPROVING THE FINAL PLAT FOR THE "COMMUNITY SCHOOLS ADDITION TO THE CITY OF WAYNE."

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Sievers introduced Ordinance 2016-15, and moved for approval of the third and final reading thereof; Councilmember Haase 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.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Sievers introduced Ordinance 2016-16, and moved for approval of the second reading thereof; Councilmember Haase 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.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried. The third and final reading will take place at the next meeting.

Tim Sutton, Electric Line Supervisor, was requesting Council action to approve advertising for bids the materials for the "2017 Electric Distribution Improvement Project."

Councilmember Giese made a motion, which was seconded by Councilmember Greve, to approve advertising for bids on the materials for the "2017 Electric Distribution Improvement Project." Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated one bid was received on the "2017 Ford Super Cab Four-Wheel Drive Pick-Up" from Arnie's Ford for \$48,090.

Tim Sutton, Electric Line Supervisor, stated this will replace their 2000 Chevrolet truck. It currently has 95,800 miles on it. He would also like Council to consider the alternate bid,

which is a fiberglass service body for \$9,760 (cost difference of an additional \$3,485). The life expectancy of a fiberglass service body is double of what a steel body is. The current state bid had the steel body. The truck that is being replaced has the service body that was purchased in 1984, and it was fiberglass.

Councilmember Muir introduced Resolution No. 2016-80 and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2016-80

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “2017 FORD SUPER CAB FOUR-WHEEL DRIVE PICKUP, WITH THE ALTERNATE BID (FIBERGLASS SERVICE BODY) FOR \$51,575.”

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Because the City will be undertaking project financing for the Electric Distribution Project, Phil Lorenzen of D.A. Davidson & Co. advised that the City must approve an updated engagement letter with his firm to comply with Security Exchange Commission (SEC) regulations.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the updated Engagement Letter with D.A. Davidson & Co., for project financing in compliance with SEC Regulations. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the meeting adjourned at 6:15 p.m.