

**MINUTES  
CITY COUNCIL MEETING  
February 21, 2017**

The Wayne City Council met in regular session at the Wayne Senior Center on Tuesday, February 21, 2017, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, and Jason Karsky; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese, Matt Eischeid and Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 9, 2017, 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 Sievers made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of February 7, 2017, 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 Giese, Eischeid and Brodersen who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**CORRECTIONS TO CLAIMS LIST OF 2/7/17:** AMY MILLER – ATTORNEY FEES  
4726.74

**VARIOUS FUNDS:** AMERITAS, SE, 83.06; AMERITAS, SE, 2196.06; AMERITAS, SE, 48.83; AMERITAS, SE, 72.00; APPEARA, SE, 45.56; BAIRD HOLM LLP, SE, 3277.50; BENSOTER INC, RE, 250.00; BROWN SUPPLY, SU, 571.20; BSN SPORTS, INC, SU, 74.99; CASTANEDA, GEORGINA, SE, 25.00; CITY EMPLOYEE, RE, 8.00; CITY OF WAYNE, PY, 76594.44; COMMUNITY HEALTH, RE, 3.00; DARIEN BEATTY, SU, 1650.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 71.16; DAVE'S DRY CLEANING, SE, 87.00; DEARBORN NATIONAL LIFE, SE, 2156.77; ECHO GROUP, SU, 331.05; ED. M FELD EQUIPMENT CO, SU, 106.00; FIRST CONCORD GROUP, SE, 400.00; FLOOR MAINTENANCE, SU, 269.40; GEOCOMM INC, SU, 3184.00; GILL HAULING, SE, 170.50;

HOLIDAY INN EXPRESS COLUMBUS, SE, 439.80; ICMA, SE, 8824.39; INTERNATIONAL PUBLIC MANAGEMENT, SE, 199.00; INTERSTATE BATTERY SYSTEM, SU, 149.97; IRS, TX, 13060.60; IRS, TX, 3054.42; IRS, TX, 10753.98; JEO CONSULTING GROUP, SE, 1564.50; JESSE & TERESA MICK, RE, 28000.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KELSEY SHIPE, RE, 150.00; KRIZ-DAVIS, SU, 839.84; LAQUINTA INNS & SUITES, SE, 587.00; LEATHER, PAUL, RE, 105.67; MAIN STREET AUTO CARE, SE, 100.00; MARCO INC, SE, 1525.00; METERING & TECHNOLOGY SOLUTIONS, SU, 2901.58; NNEDD, SE, 1275.00; NE DEPT OF REVENUE, TX, 3530.25; NE NOTARY ASSOC, SE, 115.36; NE SALT & GRAIN, SU, 1750.38; NEBRASKA ENVIRONMENTAL PRODUCTS, SU, 105.89; NPPD, SE, 313856.16; NHHS, FE, 80.00; NNPPD, SE, 895.85; PARTS ENGINEERING, SU, 195.00; RIEKES EQUIPMENT, SE, 594.82; S & S WILLERS, SU, 4754.35; SPARKLING KLEAN, SE, 2955.57; SUN RIDGE SYSTEMS, SE, 2898.00; THRASHER, RE, 100.00; TOM'S BODY & PAINT SHOP, SE, 3300.00; TORRES FAMILY RESTRAURANT, SU, 115.56; UNITED WAY, RE, 5.00; US BANK, SU, 6008.07; UTILITIES SECTION, FE, 480.00; UTILITIES SECTION, FE, 50.00; VAN DELDEN, KAREN, RE, 74.34; WAYNE AREA EVENT CENTER, INC, RE, 350000.00; WAYNE AUTO PARTS, SU, 505.98; WAYNE HERALD, SE, 802.25; WAYNE MARTIAL ARTS CENTER, RE, 30.42; WAYNE RENTALS, RE, 12601.24; WAYNE VETERINARY CLINIC, SE, 252.00; WINDOM RIDGE, RE, 2394.18; AMAZON.COM, SU, 303.52; AMERICAN LEGAL PUBLISHING, SE, 10320.00; AMERICAN TEST CENTER, SE, 1392.00; APPEARA, SE, 185.23; BOMGAARS, SU, 25.98; C. H. GUERNSEY & COMPANY, SE, 8139.32; CITY EMPLOYEE, RE, 54.60; DEMCO INC, SU, 139.29; DGR & ASSOCIATES, SE, 16228.00; DUNCAN & ALLEN, SE, 6572.50; FIRST CONCORD GROUP, SE, 3004.44; GALE GROUP, SU, 124.10; JEO CONSULTING GROUP, SE, 495.00; MAIN STREET AUTO CARE, SE, 100.00; MCLAURY ENGINEER, SE, 6855.50; MERCHANT JOB TRAINING, SU, 550.00; MILLER LAW TRUST, SE, 22089.75; MORTON BUILDINGS, RE, 250.00; NE HARVESTORE, SU, 370.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 82.00; NEBRASKA ENVIRONMENTAL PRODUCTS, SU, 41.34; NNPPD, SE, 12579.22; ORIENTAL TRADING CO, SU, 39.86; OVERDRIVE, INC., SU, 463.27; PAULSON, DALE, RE, 100.00; PLUNKETT'S PEST CONTROL, SE, 42.80; RESCO, SU, 545.04; STADIUM SPORTING GOODS, SE, 72.00; STATE FARM INSURANCE, SE, 1126.00; TYLER TECHNOLOGIES, SE, 200.00; VERIZON, SE, 92.85; WAYNE COMMUNITY SCHOOLS, RE, 8788.00; ZEE MEDICAL SERVICE, SU, 113.04

Councilmember Sievers 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 Giese, Eischeid and Brodersen 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 Wayne Senior Center 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.

Jacob Jones was present requesting Council consideration to allowing him to keep an African Pygmy Hedgehog as a pet inside city limits. He completed the necessary application.

Councilmember Giese arrived at 5:35 p.m.

City Clerk McGuire stated letters were mailed to adjoining property owners and tenants, and no comments, either verbal or in writing, were received for or against this animal permit application.

It was noted that research has been done, and vaccinations are not necessary for this particular pet.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, approving the Animal Permit Application of Jacob Jones to have an African Pygmy Hedgehog within city limits. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

John Hassett with Advanced Gaming Technologies was present requesting Council consideration to approving The Max Bar & Grill, 109 Main Street, as an establishment to conduct Keno.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, approving the following lottery location: The Max Bar & Grill, 109 Main Street, Wayne, NE 68787. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Joe Jetensky, President, Shane Morris, Network Operations Manager, and Cory Sandoz, Supervisor, of American Broadband updated the Council on current services provided to the City of Wayne and a report of planned network upgrades to provide higher speeds for residential and business customers.

Administrator Johnson stated the following Resolution is an annual requirement to obtain funding from the Nebraska Department of Roads to help pay for the operating costs of the local public transportation system (handi-van).

Councilmember Giese introduced Resolution 2017-9, and moved for its approval; Councilmember Muir seconded.

#### RESOLUTION NO. 2017-9

#### A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS FOR THE OPERATION OF THE WAYNE PUBLIC TRANSPORTATION SYSTEM.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Diane Bertand, Senior Center Coordinator, requested Council consideration to approving the submission of the Senior Center Budget to the Northeast Nebraska Area Agency on Aging for \$57,700. The Senior Center must apply for State funding for the meal program, and Council must approve the budget to be submitted to the Northeast Nebraska Area Agency on Aging. In addition, she requested Council action on acceptance of the new fiscal year Service Awards that have been awarded by the Area Agency and approval of any revisions made during the fiscal year to the Service Awards.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, approving the submission of the Wayne Senior Center's Fiscal Year 2017 detailed plan of operation and budget to the Northeast Nebraska Area Agency on Aging in the amount of \$57,700; acceptance of new fiscal year Service Awards that have been awarded by the Area Agency; and approval of any revisions made during the fiscal year to the Service Awards. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation on the "Schulz Railyard Addition" Final Plat. The applicant for the final plat is the City of Wayne.

The Planning Commission reviewed the matter at their public hearing on February 6, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

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 Sievers introduced Resolution 2017-10, and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2017-10

#### A RESOLUTION APPROVING THE FINAL PLAT FOR THE "SCHULZ RAILYARD ADDITION."

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation concerning a rezoning request from A-2 Agricultural Residential to A-1 Agricultural – Lot 6, Tuffern Blue Estates Subdivision. The applicant is Todd Luedeke.

The area to be rezoned is described as Lot 6, Tuffern Blue Estates Subdivision, Wayne County, Nebraska.

The Planning Commission reviewed the matter at their public hearing on February 6, 2017, and forwarded a recommendation to approve the same subject to the following “Findings of Fact:”

- Staff’s recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Todd Luedeke was present to answer questions.

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 Sievers introduced Ordinance No. 2017-4, and moved for approval thereof; Councilmember Haase seconded.

#### ORDINANCE NO. 2017-5

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF PROPERTY LOCATED IN THE TUFFERN BLUE ESTATES SUBDIVISION, WAYNE COUNTY, NEBRASKA, FROM A-2 AGRICULTURAL RESIDENTIAL DISTRICT TO A-1 AGRICULTURAL DISTRICT.

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

Administrator Johnson stated that the Planning Commission also held a public hearing on the Wayne Community Housing Study and recommended approval thereof, with the “Finding of Fact” being staff’s recommendation.

Councilmember Karsky noted some typographical errors within the document. This would be brought to the attention of Hanna:Keelan.

Councilmember Sievers introduced Resolution 2017-11, and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2017-11

A RESOLUTION APPROVING THE WAYNE COMMUNITY HOUSING STUDY.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Administrator Johnson presented the wage and salary schedule. This includes a cost of living adjustment of 2%. Job descriptions have been created for the Assistant City Administrator and Assistant Finance Director positions. These are temporary positions. The pay range for the Assistant City Administrator is proposed to be \$36 - \$48 per hour and \$28 - \$34 per hour for the Assistant Finance Director.

Councilmember Giese introduced Resolution 2017-11, and moved for its approval, with a 2% cost of living adjustment; Councilmember Greve seconded.

RESOLUTION NO. 2017-11

A RESOLUTION APPROVING THE WAGE AND SALARY SCHEDULE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Discussion then took place on the Group Health Plan Benefit for city employees. Staff has found in the League's salary survey that Wayne is not comparable in what the City contributes and what the employee's cost-share is for the premiums. The City pays 80% of the single premium; comparability is at 95%. The City pays 70% of the family portion of the premium; comparability is at 87%. The deductibles are \$1,500 single and \$3,000 family if an employee and spouse get annual physicals and are non-tobacco users.

It was noted that for some employees, the physicals are not covered 100% by the insurance company. In addition, it was noted that because of the insurance coverage offered by the City, it is sometimes harder to attract new employees.

After discussion, a suggestion by Mayor Chamberlain was to increase the percentage of premium the City pays for those employees who do get a physical and are non-tobacco users to make the same more comparable with other communities and leave the deductible as is.

Council requested additional information from staff. The matter would be brought back a future meeting.

Steve Rames, McLaury Engineering, Inc., via a letter, stated that three bids were received on the “Logan Creek Bank Stabilization Project.” After review of the same, Mr. Rames recommended that the contract be awarded to the lowest bidder, Robert Woehler & Sons Construction for \$76,225.44. The engineer’s estimate on the project was \$76,419.75, including bid contingency.

A question arose concerning liquidated damages and what that amount was.

Councilmember Sievers made a motion to table action on Resolution 2017-13 until the next meeting. Said motion died for lack of a second.

Administrator Johnson was trying to contact Steve Rames for an answer, so action on this matter was delayed.

Lowell Heggemeyer, Street Foreman, stated that he received two bids on a new 4x4 mower for the Park Department. His recommendation was to accept the low bid from Grossenburg Implement for \$9,650 (with trade). They budgeted \$15,000 for the purchase of a mower.

Councilmember Giese introduced Resolution 2017-14, and moved for its approval; Councilmember Muir seconded.

#### RESOLUTION NO. 2017-14

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF A NEW 4X4 MOWER FOR THE PARKS AND PUBLIC WORKS DEPARTMENTS FROM GROSSENBURG IMPLEMENT FOR \$9,650 (WITH TRADE).

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Administrator Johnson stated two bids were received on the “Library/Senior Center Roof Replacement Project.” Staff recommendation was to accept the low bid from Guarantee Roofing, Siding, and Insulation, Co., LLC, Sioux City, IA, for \$42,985.00. \$90,000 was budgeted for this project.

Councilmember Sievers introduced Resolution 2017-15 and moved for its approval; Councilmember Muir seconded.

#### RESOLUTION NO. 2017-15

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “LIBRARY/SENIOR CENTER ROOF REPLACEMENT PROJECT” FROM GUARANTEE ROOFING, SIDING AND INSULATION CO., LLC, FOR \$42,985.00.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would approve a Consultant Agreement with Northeast Nebraska Economic Development District for comprehensive development planning services for the 16-CD-008 grant.

Councilmember Sievers introduced Resolution 2017-16, and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2017-16

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) FOR COMPREHENSIVE DEVELOPMENT PLANNING SERVICES.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Nancy Braden, Finance Director, advised the Council that the auditors have required that if the City borrows money from itself (e.g. from the Electric Fund) to fund other projects, the same must be authorized or approved by Council. This is a cash flow action to fund the LB840 loans already approved. The City will pay 3% interest back to the Electric Fund. The amount needing to be borrowed is \$200,000.00 to help cover the Wayne Area Event Center's LB840 loan.

Councilmember Muir introduced Resolution No. 2017-17 and moved for its approval; Councilmember Sievers seconded.

#### RESOLUTION NO. 2017-17

A RESOLUTION OF THE LB840 ECONOMIC DEVELOPMENT PLAN OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE BORROWING OF FUNDS FROM THE CITY OF WAYNE ELECTRIC FUND, WAYNE, NEBRASKA - \$200,000.

Councilmember Giese began the discussion regarding the interest rate paid back to the Electric Fund. He suggested lowering the same (e.g. .5%). If all of the loans were being loaned out at 3%, he would not have a problem with paying back the Electric Fund at 3%.

Staff was asked to provide what has been paid back in interest to the Electric Fund from the LB840 loans.

After discussion, Councilmember Muir amended his motion to change the interest rate from 3% to .5% in the Resolution; and Councilmember Sievers seconded the amendment.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

The following Resolution would approve a Memorandum of Understanding between the City of Wayne and the Wayne Country Club.

Lowell Heggemeyer, representing the Wayne Country Club was present to answer questions. They have \$344,932 in pledges at this time.

Attorney Miller stated this document basically allows the City to accept the donations on behalf of the Wayne Country Club, which allows those people to take advantage of a tax deduction.

Councilmember Giese introduced Resolution 2017-18, and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2017-18

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, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2017-1, and moved for approval of the third and final reading thereof; Councilmember Giese seconded.

#### ORDINANCE NO. 2017-1

AN ORDINANCE APPROVING THE VACATION OF AN ALLEY LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, DESCRIBED AS THE NORTH-SOUTH ALLEY ADJACENT TO LOTS 1-12, BLOCK 5, COLLEGE HILL FIRST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2017-2, and moved for approval of the third and final reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2017-2

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE VI. SNOW PLOW ALERT BY AMENDING SECTION 78-282 PARKING ON CITY STREETS.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2017-3, and moved for approval of the second reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2017-3

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF WAYNE, NEBRASKA; TO REPEAL PRIOR ORDINANCES; TO REQUIRE FILING; 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 Eischeid and Brodersen who were absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Muir introduced Resolution 2017-13, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2017-13

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “LOGAN CREEK BANK STABILIZATION PROJECT” TO ROBERT WOEHLE & SONS CONSTRUCTION, INC., FOR \$76,225.44.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent and Councilmember Sievers who voted Nay, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Brodersen who were absent, the Mayor declared the motion carried and the meeting adjourned at 7:34 p.m.