

**MINUTES
CITY COUNCIL MEETING
April 18, 2017**

The Wayne City Council met in regular session at City Hall on Tuesday, April 18, 2017, 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, and Matt Eischeid; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent Councilmember Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 6, 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 Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of April 4, 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 Councilmember Brodersen 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, 86.70; AMERITAS, SE, 57.80; AMERITAS, SE, 2255.14; AMERITAS, SE, 72.00; APPEARA, SE, 122.49; B & B PAINTING, SE, 260.00; BAKER & TAYLOR BOOKS, SU, 527.94; BARONE SECURITY SYSTEMS, SE, 217.21; BINSWANGER GLASS, SU, 709.11; BROWN SUPPLY, SU, 686.38; BSN SPORTS, SU, 65.00; CARLTON INDUSTRIES, SU, 138.34; CDW GOVERNMENT, SU, 1264.00; CHARTWELLS, SE, 3994.55; CITY EMPLOYEE, RE, 57.50; CITY EMPLOYEE, RE, 211.90; CITY EMPLOYEE, RE, 88.70; CITY OF WAYNE, PY, 68717.96; COMMUNITY HEALTH, RE, 3.00; COPY WRITE, SU, 24.62; CUSTOM FILTRATION, SU, 175.50; DAS STATE ACCTG-CENTRAL FINANCE, SE, 71.16; DAVE'S DRY CLEANING, SE, 96.00; DEARBORN NATIONAL LIFE, SE, 2220.09; DUTTON-LAINSON, SU, 680.24; DYLAN ELLIS, RE, 200.00; EAKES OFFICE PLUS, SU, 8083.05; ECHO GROUP, SE, 412.97; EMPLOYERS MUTUAL CASUALTY, SE, 520.65; FASTENAL CO, SU, 398.23; FLOOR MAINTENANCE, SU, 582.31; GALE GROUP, SU, 124.10; GERHOLD CONCRETE, SU, 243.95; GREG KATHOL, RE, 100.00; GROSSENBURG IMPLEMENT, SU, 25.49; ICMA, SE, 8980.52; INGRAM BOOK CO, SU, 713.99; INTERNATIONAL CODE COUNCIL, SU, 1259.62;

INTERSTATE ALL BATTERY, SU, 75.80; IRS, TX, 11.85; IRS, TX, 25.66; IRS, TX, 6.00; IRS, TX, 2831.70; IRS, TX, 11100.41; IRS, TX, 12108.30; JOHN'S WELDING AND TOOL, SE, 446.41; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KRIZ-DAVIS, SU, 984.40; KTCH, SE, 664.00; L.G. EVERIST, SU, 2048.64; LAWSON PRODUCTS, SU, 194.54; LUTT OIL, SU, 3641.19; MARCO, SE, 295.97; MATHESON-LINWELD, SU, 18.60; MICHAEL TODD & CO, SU, 638.96; MIDWEST LABORATORIES, SE, 161.50; MIDWEST TURF & IRRIGATION, SU, 464.45; MITCHELL DEWIT, SU, 48.06; NAPA OF WAYNE, SU, 15.46; NE AIR FILTER, SU, 132.82; NE DEPT OF REVENUE, TX, 2.09; NE DEPT OF REVENUE, TX, 3662.29; NE NEB INS AGENCY, SE, 306.00; NEBRASKA COMMUNITY FOUNDATION, RE, 200.00; NPPD, SE, 280095.49; NORFOLK DAILY NEWS, SE, 471.74; NOVA FITNESS EQUIPMENT, SU, 12.00; OVERDRIVE, INC, SU, 196.34; PAC N SAVE, SU, 306.04; PELESKA, JOE, RE, 203.12; PENGUIN RANDOM HOUSE, SU, 163.75; PETERSON INDUSTRIAL ENGINE SERVICE, SE, 3596.98; PICK EQUIPMENT & CHOPPING, SE, 2902.90; PITNEY BOWES, SE, 253.85; QUALITY 1 GRAPHIC, SU, 77.00; QUALITY FOOD, SU, 8.68; RECREATION SUPPLY, SU, 3721.92; RESCO, SU, 7924.42; SHOPKO, SU, 643.39; SIEVERS, TOM, RE, 500.00; SKARSHAUG TESTING LAB, SE, 510.02; SODEN, ASHLEY, RE, 128.93; SPARKLING KLEAN, SU, 3434.40; STADIUM SPORTING GOODS, SU, 90.00; STAN HOUSTON EQUIPMENT, SU, 37.95; STAPLES ADVANTAGE, SU, 36.27; STATE NEBRASKA BANK-PETTY CASH, RE, 103.98; THE 4TH JUG, SE, 1003.13; THE PENDER TIMES, SU, 40.25; THRASHER, RE, 100.00; TITAN MACHINERY, SU, 195.50; TOM'S BODY & PAINT SHOP, SU, 432.52; TYLER TECHNOLOGIES, FE, 1121.25; UNITED WAY, RE, 5.00; VAKOC CONSTRUCT, SE, 507.47; VAN DIEST SUPPLY, SU, 487.50; VIAERO, SE, 133.17; WAYNE AUTO PARTS, SU, 804.33; WAYNE COMMUNITY HOUSING, FE, 2800.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE HERALD, SE, 2476.19; WAYNE HERALD, SE, 323.00; WAYNE STATER, SE, 156.00; WAYNE VETERINARY CLINIC, SE, 196.00; WESCO, SU, 8735.27; WISNER WEST, SU, 607.09; WOODS & AITKEN, SE, 199.50; ZACH HEATING & COOLING, SE, 1430.00; AMERICAN BROADBAND, SE, 2472.55; APPEARA, SE, 50.69; ARC-HEALTH & SAFETY, SE, 27.00; ARNIE'S FORD, SE, 2385.56; BAILEY, TEIGAN, RE, 74.89; BAIRD HOLM, SE, 552.00; CARHART LUMBER CO, SU, 894.39; COLLEEN STARZL, RE, 100.00; COPY WRITE, SU, 238.62; DARYL LINDSAY, RE, 500.00; DEB HARM, RE, 500.00; EAKES OFFICE PLUS, SE, 89.13; EASYPERMIT POSTAGE, SU, 1800.35; ECHO GROUP, SU, 47.98; ELECTRONIC ENGINEERING, FE, 95.00; ERIKSEN CONSTRUCTION, SE, 95301.00; FAITH REGIONAL PHYSICAN SERV., SE, 30.00; FIRST CONCORD GROUP, SE, 4222.66; GILL HAULING, SE, 170.50; HAUFF MID-AMERICAN SPORTS, SU, 51.50; HEIKES AUTOMOTIVE, SE, 681.15; HOMETOWN LEASING, SE, 412.86; HYTREK LAWN, SE, 700.00; KATELYN DAVIS, RE, 200.00; L.G. EVERIST, SU, 676.89; MARK PENLERICK, RE, -100.00; MARK PENLERICK, RE, 100.00; MICAELA HIGHT, RE, 100.00; MILLER LAW, SE, 5048.70; NE NEB INS AGENCY, SE, 73550.00; NE RURAL WATER, FE, 750.00; NMPP ENERGY, FE, 2188.10; NNPPD, SE, 3835.00; NOVA FITNESS EQUIP, SU, 4701.36; OMAHA WORLD-HERALD, SE, 1887.16; ONE CALL CONCEPTS, SE, 36.60; OVERHEAD DOOR, SE, 653.35; PEREIRA, OLIVIA, RE, 66.34; QUALITY 1 GRAPHIC, SU, 380.00; QUALITY FOOD, SE, 345.31; SACKETT, SPENCER, RE, 92.12; SIOUX CITY JOURNAL, SE, 454.00; SOLORIO, ISAIAS, RE, 300.00; STADIUM SPORTING GOODS, SU, 52.00; STAPLES ADVANTAGE, SU, 85.35; STENKA, JACOB, RE, 37.29; TAYLER CHASE, RE, 100.00; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 3079.43; WAED, SE, 7216.66; WAYNE SWIM TEAM, RE, 1999.59; WESCO, SU, 428.54; WAPA, SE, 22750.58; ARNIES FORD, SU, 29164.00

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 Brodersen 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.

Mayor Chamberlain declared Friday, April 28, 2017, as “Arbor Day.”

Sandy Brown of the Wayne Green Team gave a yearly update on their efforts. A few of those efforts/accomplishments were as follows:

- They recycled 16,000 lbs. of electronics at their annual fall electronics recycling event, which helped them raise \$2,700;
- Held a household hazardous waste collection event and diverted 3,500 lbs. of paint, 400 lbs. of pesticides, 240 lbs. of batteries and 236 fluorescent lightbulbs from the landfill;
- Collected 377 lbs. of holiday Christmas lights; and
- Recycled nearly 17 tons of glass in the past 8 months.

In addition, former Mayor Lois Shelton, who initially formed the Wayne Green Team in 2009 and is now a member thereof, was recognized for all of her hard work and dedication to the recycling effort. In addition, Administrator Johnson recognized her for her involvement with animal rescue and the Wayne County Historical Society, as well as serving as Councilmember and then Mayor of the City of Wayne.

Jim Frank, CEO of Providence Medical Center, was present to discuss the Ambulance Agreement. The current contract went into effect in October of 2007. It was an extension of a previous contract that dates back to 1982. The current subsidy is \$10,000 annually for said services. He noted the hospital is losing approximately \$100,000 per year on operating the ambulance service. They were asking the City to increase the subsidy to \$75,000 per year for

the operation of the ambulance service or they will no longer be able to continue to provide the service. At this time, they have a fleet of three ambulances, the oldest of which is 1996.

Mr. Frank did not believe that PMC should be subsidizing the ambulance service out of their operations. He noted that PMC wants to continue the ambulance service for the City.

Mayor Chamberlain stated it is the City's legal obligation to provide ambulance service for the Wayne community. The amount given to PMC is not just for the replacement of an ambulance. It is for operations for the ambulance service. He sought a proposal from a private ambulance service, and was advised that said service would be in excess of \$400,000 annually.

It was noted that 87% of the calls in the last two fiscal years were within City limits, of which 13% were outside city limits.

Randy Larson, representing the Wayne County Board of Commissioners and Fire District No. 1, advised that while they cannot give money to the hospital for this service, the Rural Fire Board could submit a request to them for additional funding for said service.

Mayor Chamberlain wanted to schedule another meeting between the PMC Board, City Council and the Rural Fire Board. He will have Administrator Johnson work with the Rural Board and PMC to put a meeting together.

Mayor Chamberlain declared the time was at hand for the public hearing on the Application for Community Development Block Grant Funds on behalf of Wayne Sport & Spine located at 214 N. Pearl Street. The total project cost is \$290,000. The funding includes bank financing, CDBG funding of approximately \$70,000 and owner's equity.

This application is for a loan from the original Wayne Revolving Loan fund. The sources of the original dollars in that revolving loan fund were previous economic development block grant funds given to the City of Wayne from the Nebraska Department of Economic Development for the Timpte Trailer, Dairy Farm and other former projects. The City of Wayne loaned the CDBG grant funds to those new

businesses, which then paid those loans back to the city's revolving loan fund over time. Since then, Wayne Industries and the City of Wayne have been re-loaning those original funds back out to other local business start-ups and expansions. In 2012, the Nebraska Department of Economic Development gave notice to Wayne and all other Nebraska towns that either they wanted their CDBG funds back, or we could transfer control of our revolving loan fund to Northeast Nebraska Economic Development District (NNEDD). We would then have to make application to NNEDD to access those funds. The City Council is required to approve this loan application before they can access any of those funds.

Jeff Christensen, representing Northeast Nebraska Economic Development District, was present to answer questions. The District has approved this loan, with the terms being for ten years at 4.5% interest. He noted that the City's guidelines are set up to where if the loan is for 5 years, interest is at 4%; 10 years, it is at 4.5%; up to 15 years, it is at 5%; and up to 20 years, which is the maximum, it is 5.5%. The City Council has the authority to change the terms, however, in any way.

Levi Kenny was present to answer questions.

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

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

Councilmember Eischeid introduced Resolution No. 2017-28 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2017-28

A RESOLUTION CONFIRMING THE APPLICATION FOR AND APPROVING THE USE OF NOT TO EXCEED \$70,000 FROM THE REVOLVING LOAN FUND, FOR 10 YEARS AT 4.5% INTEREST.

Councilmember Giese had a concern of the City giving a more favorable loan than the bank who has all of the assets, in case the business fails.

Mr. Christensen advised the Council that the City could apply for more CDBG monies if they so wanted to for eligible businesses. The main emphasis of this fund is to help a business that cannot get 100% financing. The District gets as much collateral as they can. He noted that Mr. Kenny's parents are providing a personal guaranty.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was 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 request to rezone property from A-2 Agricultural Residential to B-1 Highway Commercial. The applicant, Wayne Area Event Center, Inc., seeks the request to rezone the West 800' of the N1/2 of the N1/2 of the SW1/4 of Section 6, Township 26N, Range 4E, minus the part of Tax Lot 10, to use the area to build and operate a new event center.

The Planning Commission reviewed the matter at their public hearing on April 3, 2017, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

- Consistency with the Comprehensive Plan and the current and future land use maps;
- Staff's recommendation; and
- A B-1 zoned area is located directly across the highway to the west.

Josie Broders was present to answer questions. In addition, she was requesting that the rezoning area be amended from the "West 800 feet to the West 650 feet." This is the area they would request to be annexed. She requested Council to waive the three readings of the ordinance.

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 Ordinance No. 2017-6, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2017-6

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF PROPERTY LOCATED IN THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, FROM A-2 AGRICULTURAL RESIDENTIAL DISTRICT TO B-1 HIGHWAY COMMERCIAL DISTRICT.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, 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, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Eischeid a motion, which was seconded by Councilmember Giese, to move for final approval of Ordinance No. 2017-6. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

The following Resolution would accept a plan to extend city services and set a public hearing for May 2, 2017, at or about 5:30 p.m. on the proposed annexation area of the Beaumont Event Center to the City of the Wayne. Josie Broders has requested the annexation of this property.

Councilmember Giese introduced Resolution 2017-29, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2017-29

A RESOLUTION ACCEPTING A PLAN TO EXTEND CITY SERVICES AND SETTING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AREA TO THE CITY OF WAYNE.

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

Discussion took place on the water and sewer line extensions to the Beaumont Event Center.

Steve Rames of McLaury Engineering, Inc., the engineer on the project, reviewed two options that have been developed to provide sanitary sewer service to the Event Center. Both options utilize a low-pressure lift station and small diameter force main. The primary difference in the two options is how each option would be expanded or extended to support future development in the general area.

West Option: The West Option would initially provide service specifically for an eight-acre site north of the golf course (the Event Center site). The force main would be located along the west side of the golf course adjacent to the Highway 15 right-of-way. The exact location of the lift station and the routing of the force main would be determined during final design and would be based on considerations such as gravity flow to the lift station, timeline for future extension of the system, drainage characteristics of the site, ease of construction, construction impact to surrounding area, visual impacts, required easements if any, etc. Total serviceability would about 110 acres. The downside is that it would not provide service to the 36 acres to the east of the Event Center. The cost of this option would be about \$282,000.

East Option: The East Option in its initial set up would provide service specifically for the Event Center, as well as limited development within the a 36 acre area north and east of the golf course. The cost of this option is about \$362,000; however, that includes about \$34,000 of project related costs. Total serviceability would be about 146 acres.

While the West Option is less expensive, it has less ability, as it goes in today, to meet the future needs of development. The East Option is better positioning the City for growth either to the east or to the west.

The water main extension portion of the project is estimated to be \$170,424.87. Of that, \$49,536.14 would be assessed to the adjacent landowners, leaving the City's portion at \$120,888.74.

Should one of the options be approved today, bids would probably be before Council July 18th. The project would be completed by the end of the year.

Breck Giese, owner of property to the east of the Event Center, advised the Council that they are in the exploratory phase of opening that area up for development.

After a lengthy discussion, a motion was made by Councilmember Sievers, which was seconded by Councilmember Karsky, approving the East Option (Option 2) for the water and sewer line location extensions to the Beaumont Event Center.

It was noted that the City would extend electrical service to this property. Tim Sutton, Line Supervisor, stated the cost would be about \$80,000.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was 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 regarding the final plat for the "Schulz Railyard Addition." The applicant for the final plat is the City of Wayne.

Joel Hansen, Zoning Administrator, stated that this would correct a survey error in the original plat.

The Planning Commission reviewed the matter at their public hearing on April 3, 2017, 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, Mayor Chamberlain closed the public hearing.

Councilmember Sievers introduced Resolution 2017-30, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2017-30

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 Councilmember Brodersen who was 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 regarding the Amended Plat for the “Tuffern Blue Estates Subdivision.” The applicant for the amended plat is the City of Wayne.

Joel Hansen, Zoning Administrator, stated this would correct an error in the original plat.

The Planning Commission reviewed the matter at their public hearing on April 3, 2017, 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, Mayor Chamberlain closed the public hearing.

Councilmember Sievers introduced Resolution 2017-31, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2017-31

A RESOLUTION APPROVING THE AMENDED PLAT FOR THE “TUFFERN BLUE ESTATES SUBDIVISION.”

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

Mayor Chamberlain declared the time was at hand for the public hearing on the land acquisition from Wayne Community School District #17.

This is one-step of several to complete the cleanup and swap of small parcels of property with the School. The legal description is as follows:

THAT PART OF THE NORTH HALF OF SECTION 13, TOWNSHIP 26 NORTH, RANGE 3, EAST OF THE 6TH P.M., CITY OF WAYNE, COUNTY OF WAYNE, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; THENCE S01°38'27"E, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, A DISTANCE OF 58.90 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 35; THENCE N88°13'10"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 85.05 FEET TO THE NORTHEAST CORNER OF A PARCEL OF DESCRIBED IN DOCUMENT 31394, FILED ON OCTOBER 9, 2013, IN THE WAYNE COUNTY RECORDER'S OFFICE; THENCE S01°37'43"W, ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 189.87 FEET TO THE SOUTHEAST CORNER THEREOF, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF THE ADMINISTRATIVE REPLAT OF LOTS 1 THROUGH 6 OF TAYLOR'S ADDITION TO THE CITY OF WAYNE; THENCE S01°38'23"E, ALONG THE EAST LINE OF SAID ADMINISTRATIVE REPLAT, A DISTANCE OF 99.70 FEET TO THE POINT OF BEGINNING; THENCE N87°20'53"E, A DISTANCE OF 75.01 FEET; THENCE S01°38'27"E, PARALLEL TO SAID EAST LINE, A DISTANCE OF 307.78 FEET; THENCE N88°27'42"E, A DISTANCE OF 450.04 FEET TO THE WEST RIGHT-OF-WAY LINE OF SCHOOL VIEW DRIVE; THENCE S01°59'58"E, ALONG THE SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 40.00 FEET; THENCE S88°27'42"W, A DISTANCE OF 390.00 FEET; THENCE S65°05'42"W, A DISTANCE OF 147.26 FEET TO THE EAST LINE OF SAID ADMINISTRATIVE REPLAT; THENCE N01°38'27"W, ALONG SAID EAST LINE, A DISTANCE OF 404.73 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 47,986 SQUARE FEET OR 1.10 ACRES MORE OR LESS.

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 2017-32, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2017-32

A RESOLUTION APPROVING THE ACQUISITION OF A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 13, TOWNSHIP 26 NORTH,

RANGE 3, EAST OF THE 6TH P.M., IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM WAYNE COMMUNITY SCHOOL DISTRICT #17.

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

The following Ordinance would direct the sale of the property in question to Wayne Community School District #17. This is part of the land trade with the school to cleanup some of the small parcels of property.

Councilmember Giese introduced Ordinance No. 2017-7, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2017-7

AN ORDINANCE DIRECTING THE SALE OF A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 13, TOWNSHIP 26 NORTH, RANGE 3, EAST OF THE 6TH P.M., IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO WAYNE COMMUNITY SCHOOL DISTRICT #17.

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

The second reading will take place at the next meeting.

The following Resolution would authorize the sale of land to the Wayne Community School District #17.

Councilmember Giese introduced Resolution No. 2017-33 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2017-33

A RESOLUTION AUTHORIZING THE SALE OF A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 13, TOWNSHIP 26 NORTH, RANGE 3, EAST OF THE 6TH P.M., IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO WAYNE COMMUNITY SCHOOL DISTRICT #17.

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

Administrator Johnson stated the following Ordinance would approve the Power Purchase Agreement with “Cottonwood Wind Project, LLC” for the purchase of wind turbine power. This is a 25-year contract.

Councilmember Sievers was not in favor of approving a 25-year contract.

Councilmember Giese introduced Ordinance No. 2017-8, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2017-8

AN ORDINANCE APPROVING POWER PURCHASE AGREEMENT BETWEEN THE CITY OF WAYNE AND COTTONWOOD WIND PROJECT, LLC.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent and Councilmember Sievers who voted Nay, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Administrator Johnson stated the following Ordinance would approve the amendment to the Big River’s Contract.

He explained that Because we are under contract with Big River’s until 2026, we need to amend the capacity payment section of our Big River’s contract to reserve the option for you or a future City Council to take advantage of the opportunity in current energy markets to upgrade our oldest engines to new fast-start generation and contract with cities and power purchasers contracting for wind power to provide the back-up power when the wind quits. Our oldest engines are nearly 70 years old, and our newest engines are 31 years old. A legitimate alternative to upgrading our power plant is to depreciate it out over time, close it, and sell it as parts.

This amendment also provides Wayne with the option of seeking alternative higher capacity payments from other power users for our 19MW plant capacity after one year into the

contract. Our contract with Big River's will pay us \$1.50 per MWH for our plant capacity, which is approximately half of what we are receiving from NPPD at this time.

Councilmember Giese asked then a worst-case scenario is that if we cannot find a better capacity payment, we can jump right back on with Big River's at the same rate - \$1.50, to which Administrator Johnson replied yes.

Councilmember Giese introduced Ordinance No. 2017-9, and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2017-9

AN ORDINANCE APPROVING AN AMENDMENT TO THE CONTRACT WITH BIG RIVERS ELECTRIC CORPORATION.

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

Administrator Johnson stated that Change Order No. 4 for the "2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project" represents painting the inside of manholes with 3 coat Tenemec system, replacing aluminum grating system with stainless steel and replacing duct system with PVC system. The increase of this Change Order is \$133,455.00. This is for work added to the project.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, to approve Change Order No. 4 for the "2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project" for an increase of \$133,455.00 to Eriksen Construction Co., Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc. presented Application for Payment No. 15 for the "2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project" for \$95,301.00 to

Eriksen Construction, Co., Inc. They have found the work to date completed in accordance with the plans and specifications, and recommend approval of the same.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving Application for Payment No. 15 for \$95,301.00 to Eriksen Construction, Co., Inc., for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Discussion took place regarding the Interlocal Agreement between the City and Wayne State College for support towards a state-of-the-art facility in Wayne (Center for Applied Technology). The support is for four monetary payments to the College for \$250,000 each on 7/1/17, 12/1/17, 5/1/18 and 10/1/18. This is prepayment for 10 years of services (e.g. internet services, opportunity to use WSC facilities and the possibility of city staff to take classes to enhance their job skills).

Marysz Rames, President of Wayne State College, was present to answer questions. The College received \$8.9 million dollars from the State a year ago in the form of bonds. They will pay a portion of those bonds back over time through student fees. That leaves the college with \$6.3 million dollars to close that gap to build the facility. Local support will allow them to bring major donors/foundations to the table to help build this facility. This facility will give them an opportunity to expand their programs in that area, specifically one of those programs is to produce teachers that are endorsed in the area of industrial technology to teach in what is called career academies across the state, which is a new insurgence in the K-12 school districts to support technical education. Wayne State College is the only 4-year institution in the state that still provides that endorsement. This would allow them to serve as a career academy for school districts in this area. This will allow them to host a variety of events that really features manufacturing and helps young people understand the opportunities in the industry. Major

industries in Omaha have said they would be interested in bringing their employees to Wayne for training.

City Attorney Miller explained that the City must be getting something in return that is quantifiable for its contribution to the project.

Councilmember Giese voiced some concerns with the “College Obligations” in the interlocal agreement and was uncomfortable passing the Resolution as is.

Attorney Miller asked Councilmember Giese to email her with any changes he might want to make to the agreement within one week.

Councilmember Giese made a motion, which was seconded by Councilmember Muir to table action on Resolution 2017-34 until the next meeting.

Mayor Chamberlain asked that the Resolution be brought back with no changes – Councilmember Giese will email his ideas for changes to Attorney Miller so she can visit with College representatives, with the changes being brought up and made at the Council meeting.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, 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, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried and the meeting adjourned at 8:17 p.m.