

**MINUTES
CITY COUNCIL MEETING
July 6, 2017**

The Wayne City Council met in regular session at City Hall on Thursday, July 6, 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, 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 June 22, 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.

Mayor Chamberlain requested Council consideration to the following mayoral appointment: Terri Buck to fill the vacancy in Ward One.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving the mayoral appointment of Terri Buck as First Ward Councilmember. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Attorney Miller presented the oath of office to Terri Buck.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of June 20, 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AGUIRRE, A VERNONA, RE, 315.95; AMERITAS, SE, 2308.38; AMERITAS, SE, 89.46; AMERITAS, 72.00; AMERITAS, SE, 60.90; APPEARA, SE, 147.16; BETTY S REEG REVOCABLE TRUST, RE, 2100.06; BINSWANGER GLASS, SE, 468.00; BLACK HILLS ENERGY, SE, 426.45; BLUE CROSS BLUE SHIELD, SE, 36892.75; BOMGAARS, SU, 2617.88; BRITTANY JANSSEN, RE, 150.00; BSN SPORTS, SU, 828.19; CARHART LUMBER COMPANY, SU, 379.58; CARTER PETERSON, RE, 1021.26; CENTURYLINK, SE, 415.93; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 55.00; CITY EMPLOYEE, RE, 966.65; CITY EMPLOYEE, RE, 137.20; CITY EMPLOYEE, RE, 88.70; CITY EMPLOYEE, RE, 113.11; CITY OF WAYNE, PY, 86002.00; COMMUNITY HEALTH, RE, 3.00; CORNERSTONE LLC, RE, 75.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 41.28; DGR & ASSOCIATES, SE, 5471.67; EAKES OFFICE PLUS, SU, 21.00; ECHO GROUP, SU, 29.99; EVERETT SCHULTZ, SE, 650.00; FIRST CONCORD GROUP, SE, 2748.44; FLOOR MAINTENANCE, SU, 964.25; FOURTH GENERATION FAMILY, RE, 14451.31; GERHOLD CONCRETE, SU, 8118.05; GIS WORKSHOP, SE, 4200.00; GROSSENBURG IMPLEMENT, SU, 530.13; H.K. SCHOLZ COMPANY, SE, 3173.50; HD SUPPLY WATERWORKS, SU, 4000.00; HEARTLAND STAINLESS, SE, 51.40; HELENA CHEMICAL, SU, 47.50; HOLIDAY INN OF KEARNEY, SE, 343.80; HOMETOWN LEASING, SE, 412.86; HYDRAULIC SALES & SERVICE, SU, 112.18; ICMA, SE, 9500.99; INTERSTATE ALL BATTERY, SU, 187.10; IRS, TX, 14635.46; IRS, TX, 12840.63; IRS, TX, 3422.80; IRS, TX, 37.20; IRS, TX, 8.70; IRS, TX, 5.58; JAIRO MOTINO, RE, -20.00; JENNIFER VICK, FE, 50.00; JESSI JENSEN, RE, 100.00; JESSIE HENDERSON, RE, 150.00; JORGENSEN, KEN, RE, 682.07; JULIE BOSE, RE, 35.00; KARIAN PETERSON POWER LINE CONTRACTING, SE, 53685.94; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KELLY SUPPLY, SU, 73.51; KEPCO ENGRAVING, SE, 13.57; KRIZ-DAVIS, SU, 3227.65; LAQUINTA INNS & SUITES, SE, 130.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 886.00; LIFETIME PRODUCTS, SU, 1949.99; LINARES, OSCAR, RE, 69.43; LORENZEN, HANNAH, RE, 112.70; LUCAS THOMPSON, RE, 250.00; METERING & TECHNOLOGY SOLUTIONS, SU, 929.16; MID PLAINS GRAIN, RE, 6982.34; MIKEY C PRODUCTIONS, SE, 180.00; MUNICIPAL SUPPLY, SU, 2237.42; MZRB LLC, RE, 3161.83; NNEDD, SE, 783.00; NAPA OF WAYNE, SU, 10.27; NE AIR FILTER, SU, 133.99; NE DEPT OF REVENUE, TX, 4177.43; NE DEPT OF REVENUE, TX, 2.62; NUGENT, HALEY, RE, 162.99; RESCO, SU, 833.59; ROBERTSON IMPLEMENT, SE, 297.97; RODNEY R TOMPKINS IRREVOCABLE TRUST, RE, 1820.58; SCOT A. SAUL, SE, 75.00; SCOT A. SAUL, SE, 25.00; SHARP CONSTRUCTION, RE, 100.00; STADIUM SPORTING GOODS, SU, 1462.00; TIMOTHY J & LESLIE A BEBEE, RE, 1384.96; TOELLE, RILEY, RE, 70.39; TYLER TECHNOLOGIES, SE, 200.00; UNITED WAY, RE, 5.00; US BANK, SU, 5641.52; UTILITIES SECTION, SE, 4130.00; VAN DIEST SUPPLY, SU, 404.00; VIAERO, SE, 223.64; WALSH, NANCI, SE, 400.00; WAYNE COUNTY COURT, RE, 77.50; WESCO, SU, 1098.89; WIGMAN COMPANY, SU, 355.78; WISNER WEST, SU, 35.00; ZEE MEDICAL SERVICE, SU, 43.39; ZIMCO SUPPLY, SU, 880.00; AMERICAN BROADBAND, SE, 2467.40; AMERITAS, SE, 56.75; AMERITAS, SE, 2302.34; AMERITAS, SE, 94.08; AMERITAS, SE, 72.00; AXON ENTERPRISE, SU, 367.02; BARTELS, MARY, RE, 65.88; BENSCOTER CONSTRUCTION, RE, 250.00; BSN SPORTS, SU, 366.36; CITY EMPLOYEE, RE, 241.00; CITY EMPLOYEE, RE, 1790.30; CITY EMPLOYEE, RE, 265.39; CITY OF WAYNE, PY, 85837.38; CLARK, KINSEY, RE, 135.79; COMMUNITY HEALTH, RE, 3.00; COPY WRITE, SE, 377.46; DAVIS, JAMIE, RE, 68.33; EAKES OFFICE PLUS, SE, 204.29; EASYPERMIT POSTAGE, SU, 1689.52; ELECTRONIC ENGINEERING, SE, 285.00; FASTENAL, SU, 28.46; FREDRICKSON OIL, SE, 1204.98; GALE/CENGAGE, SU, 126.05; GEHRING, ANTHONY, RE, 86.77; GERHOLD CONCRETE, SU, 2898.95; GILL HAULING, SE, 170.50; GROSSENBURG IMPLEMENT, SU, 528.91; HAWKINS, INC, SU, 2456.43; HEITHOFF, ANDREW, RE, 46.10; HELENA CHEMICAL, SU, 47.50; HEMPEL, STEPHANIE, RE, 135.96; HERITAGE INDUSTRIES, SE, 1600.00; ICMA, SE, 9,491.01; IRS, TX, 13090.62;

IRS, TX, 14803.38; IRS, TX, 3462.10; JACKSON, SHATINA, RE, 103.14; JEO CONSULTING GROUP, SE, 982.50; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KEPKO ENGRAVING, SU, 23.67; MCLAURY ENGINEERING, SE, 51970.00; MILLER LAW, SE, 5048.70; NAPA OF WAYNE, SU, 134.88; NE DEPT OF REVENUE, TX, 4254.67; NE LAW ENFORCEMENT, SE, 10.00; NE NEB INS AGENCY, SE, 73344.00; NNPPD, SE, 6213.00; OCC BUILDERS LLC, SE, 123719.00; O'REILLY AUTOMOTIVE STORES, SU, 2.00; OVERDRIVE, INC, SU, 494.86; PAC N SAVE, SU, 136.14; QUALITY FOOD, SU, 14.74; QUALITY FOOD, SU, 262.32; RIEF, ZACHARY, RE, 32.62; ROGER HAMMER, RE, 100.00; STADIUM SPORTING GOODS, SE, 20.00; THRASHER, RE, 200.00; UNITED WAY, RE, 5.00; UTILITY EQUIPMENT, SU, 517.00; WASTE CONNECTIONS, SE, 281.60; WAED, RE, 7216.66; WAYNE COMMUNITY SCHOOLS, RE, 100.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE STATE COLLEGE, RE, 250000.00; WAPA, SE, 22509.52; WIGMAN COMPANY, SU, 203.47

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

Garek Bebee, owner of Rezurrected Rod & Kustom, was present to request a one-hour time limit on 2-3 parking spaces on the north side of Clark Street. Since he has had the business in this building, the traffic flow has increased in this area. He is concerned about semi-trailers parking on that portion of the street as well. His concern is also for safety reasons, not only for the public, but also for his customers.

Mayor Chamberlain recommended bringing forward two ordinances: one for removing the truck parking on that portion of the street and another for establishing no parking from midnight to five a.m.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, to bring forward an ordinance for Council action at the next meeting to remove the truck

parking on the north side of Clark Street. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2017-20 and moved for approval of the third and final reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2017-20

AN ORDINANCE AMENDING TITLE V PUBLIC WORKS, CHAPTER 53 WATER SYSTEM, SECTION 53.038 APPROVAL; 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.

Councilmember Sievers introduced Ordinance 2017-21, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2017-21

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE THE COMPREHENSIVE PLAN FOR THE CITY OF WAYNE, NEBRASKA, AND REPEALING ALL OTHER ORDINANCES, REGULATIONS, AND COMPREHENSIVE PLANS IN CONFLICT THEREWITH.

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.

Discussion took place again on Ordinance No. 2017-22, which would amend Sec. 152-130 of the Wayne Municipal Code, relating to Parking Regulations, specifically off-street parking requirements. This was tabled from the last meeting.

Joel Hansen, City Planner, was present to answer questions. The proposed ordinance would affect new businesses, etc.

A suggestion made on “residential structures” was to have 1 space per dwelling unit, plus an additional space for each sleeping room. Another was to eliminate the loading dock requirement.

Councilmember Giese introduced Ordinance 2017-22 and moved for approval thereof, with the following amendments thereto:

- Residential Structures - One space per dwelling unit, plus one space per sleeping room; and
- Removing the loading dock requirement for service establishments.

Councilmember Brodersen seconded.

ORDINANCE NO. 2017-22

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING (SUPPLEMENTARY DISTRICT REGULATIONS), SECTION 152.139 PARKING REGULATIONS; 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 second reading will take place at the next meeting.

The following Resolution is a requirement by the Nebraska Department of Roads when a State highway will be closed for a celebration/parade. This Resolution pertains to the Wayne State College Homecoming Parade and Band Day on Saturday, October 7, 2017.

Councilmember Sievers introduced Resolution No. 2017-57 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2017-57

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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., was present to review the bids received on the "Beaumont First Addition Water and Sewer Extension Project." Three bids were received on June 29, 2017. All bidders acknowledged the addendums and included a 5% bid bond. One irregularity was present in Penro Construction's bid. Penro's written Total Bid Price was

\$259,922.60; however, their bid form did not include a unit price or extended price for Mobilization under the Water Main Items. Article 19 of the Instruction to Bidders provides direction under Sec. 19.03.B for determination of the apparent low bidder when unit bid prices are submitted. In this situation, this discrepancy does not alter Penro Construction's status as low bidder. After review of the bids and the form of bid discrepancy with the City's counsel, Mr. Rames recommended that Penro Construction be awarded the project at the value written as their "Total Bid Price" of \$259,922.60.

Councilmember Sievers introduced Resolution No. 2017-58 and moved for its approval; Councilmember Giese seconded the motion.

RESOLUTION NO. 2017-58

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "BEAUMONT FIRST ADDITION WATER AND SEWER EXTENSION PROJECT" TO PENRO CONSTRUCTION COMPANY, INC., FOR \$259,922.60.

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., was present to review the bids received on the "4th Street Paving Project." Three bids were received on June 29, 2017. All bids were in compliance with the Instructions to Bidders, and all bidders have been determined to be responsible.

Based on the bid results, his recommendation was to award the base bid to the lowest bidder, A&R Construction - \$712,528.27, and any selected alternate bids to A&R Construction.

Alternate bids were as follows:

- Alternate 1 – Replacing the reinforced concrete storm sewer pipe with HDPE storm sewer – which was a deduct of \$11,497.50;
- Alternate 2 – Paving Rugby Road – increase of \$103,204; and
- Alternate 3 – Paving or extending 4th Street to the fence – increase of \$66,968.00.

Lou Bencoter was present to answer questions, and stated if he could be assured there would be no change orders, he would be in favor of Alternate 3.

The recommendation was to not approve Alternate 1. By accepting the base bid without Alternate 1, the project will have concrete storm sewer pipe.

Discussion took place in regard to the paving Alternates. Mr. Rames noted that if Rugby Road is not going to be paved, then changes would need to be made to the storm sewer configuration. A suggestion was to receive public input on those matters before approving or not approving the same.

Mr. Rames stated the base bid must be awarded this evening. Alternate 2 and 3 could be added at a later date via change orders.

Councilmember Giese did not like the idea of paving Rugby Road until they know what they are going to do with the lagoon.

Councilmember Eischeid wanted to approve the base bid this evening and put the question out to the general public about paving Rugby Road to the Summer Sports Complex. In regard to the 4th Street paving project, he thought it was a road going nowhere now.

Councilmember Giese introduced Resolution No. 2017-59, awarding the base bid to A&R Construction Co., for \$712,528.27, and rejecting all of the alternates, and moved for its approval; Councilmember Greve seconded the motion.

RESOLUTION NO. 2017-59

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE
“BEAUMONT FIRST ADDITION WATER AND SEWER EXTENSION PROJECT.”

After discussion, Councilmember Giese amended his motion to approve and accept the base bid of \$712,528.27; Councilmember Greve amended his second.

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

Administrator Johnson presented and reviewed the “Beaumont Subdivision Agreement.”

Councilmember Brodersen introduced Resolution No. 2017-60 and moved for its approval; Councilmember Giese seconded the motion.

RESOLUTION NO. 2017-60

A RESOLUTION APPROVING THE BEAUMONT SUBDIVISION AGREEMENT.

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

Administrator Johnson stated the following Resolution would rescind the Council action taken at the previous meeting on the Benscoter, Inc. – Crown II Housing Project to set aside 5% of the Tax Increment Financing (TIF) bond to be used for parks. Our special legal counsel on TIF matters, Mike Bacon, has determined that any use of TIF funds must be for a specific item and physically located in the subdivision that generates the incremental real estate taxes.

Councilmember Sievers introduced Resolution No. 2017-61 and moved for its approval; Councilmember Brodersen seconded the motion.

RESOLUTION NO. 2017-61

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN; AND RELATED MATTERS

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

The following Resolution pertains to the Benscoter, Inc. – Crown II Housing Project and is the same one that was originally brought forward at the last meeting.

Lou Benscoter, representing Benscoter, Inc., had a proposal for Council. The bio-swale south of the new motel was part of the land he had to donate for the park fee. He would be in favor of taking \$20,000 of the TIF money, and if the City would want to buy the storm sewer pipe, he would install it. He has enough excess dirt that he will install that pipe and level that ground if the Council would take the \$20,000 and put a park in there.

Councilmember Giese opined he would not be in favor of putting in any new parks. In addition, he felt the park fee ordinance needed to be reviewed.

Councilmember Sievers introduced Resolution No. 2017-62 and moved for its approval; Councilmember Greve seconded the motion.

RESOLUTION NO. 2017-62

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN; AND RELATED MATTERS

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

Discussion took place on Resolution 2017-63, which would have amended Resolution 1990-6, approved on February 13, 1990, to strike the word “overhead” in the body thereof.

Attorney Miller did not recommend approving this Resolution and the City jeopardizing its position.

After discussion, said Resolution died for lack of a motion.

Mayor Chamberlain requested Council consideration to the following reappointment to the Planning Commission: Pat Melena – term will end 6/30/20.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of Pat Melena to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following reappointment to the Planning Commission: Breck Giese – term will end 6/30/20.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of Breck Giese to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following reappointment to the Recreation-Leisure Services Commission: Doug Sturm – term will end 4/30/20.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of Doug Sturm 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 requested Council consideration to the following reappointment to the Board of Adjustment: Breck Giese – term will end 6/30/20.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of Breck Giese to the Board of Adjustment. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following reappointment to the Board of Adjustment: BJ Woehler – term will end 6/30/20.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of BJ Woehler to the Board of Adjustment. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following reappointment to the Board of Adjustment: Bob Woehler (Alternate) – term will end 6/30/20.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of Bob Woehler (Alternate) to the Board of Adjustment. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following reappointment to the Board of Appeal: Matt Wachter – term will end 8/31/20.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of Matt Wachter to the Board of Appeal. Mayor

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

Mayor Chamberlain requested Council consideration to the following reappointment to the Housing Authority: Pat Gross – term will end 6/30/22.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of Pat Gross to the Housing Authority. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following appointment to the Planning Commission: Matt Jones – term will end 6/30/20.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the appointment of Matt Jones to the Planning Commission (replacing Michelle Davison). 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, setting the following date for the budget work session: August 1, 2017, after the regular Council meeting and then Tuesday, August 8th, if needed. 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 7:10 p.m.