

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

The Wayne City Council met in regular session at City Hall on Tuesday, July 18, 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, Terri Buck, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Cale Giese.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 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 Haase made a motion, which was seconded by Councilmember Sievers, whereas, the Clerk has prepared copies of the Minutes of the meeting of July 6, 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 Giese 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:** APPEARA, SE, 183.25; AUTO ANATOMY ALTERNATIVES, SU, 260.93; BAKER & TAYLOR BOOKS, SU, 850.29; BARONE SECURITY SYSTEMS, SE, 1155.60; BROWN SUPPLY, SU, 1157.23; CARROLL DISTRIBUTING, SU, 333.69; CDW GOVERNMENT, SU, 1950.01; CHARTWELLS, SE, 4243.15; CITY EMPLOYEE, RE, 15.54; CITY EMPLOYEE, RE, 147.20; CITY OF WAYNE, RE, 3876.21; COUNTRY NURSERY, SU, 156.00; D & K PRODUCTS, SU, 40.00; DAVE'S DRY CLEANING, SE, 49.00; DEREK CROSBY, SE, 275.00; DIANA LANGEMEIER, SE, 382.50; DITCH WITCH OF OMAHA, SU, 16.16; DUTTON-LAINSON, SU, 3038.20; ECHO GROUP, SU, 229.20; ELLIS HOME SERVICES, SE, 140.00; EMPLOYERS MUTUAL CASUALTY, FE, 500.00; FLETCHER, IRENE, RE, 3876.21; FLOOR MAINTENANCE, SU, 272.81; GERHOLD CONCRETE, SU, 3268.60; HASEMANN, SCOTT, RE, 35.00; HEWLETT PACKARD, SE, 1558.81; HP INC., SU, 1104.54; INGRAM LIBRARY SERVICES, SU, 576.65; INTERNATIONAL PUBLIC MANAGEMENT, SU, 171.00; ITRON, SE, 3771.07; KEN MAERTINS, FE, 250.00; KEPSCO, SU, 13.57; KNIFE RIVER MIDWEST, SU, 1624.05; KOPEE, BRANDON, FE, 125.00; KRIZ-DAVIS, SU, 1032.55; KTCH, SE, 644.00; L.G. EVERIST, SU, 674.29; LETH, TWILA, FE,

500.00; MADISON CO COURT, RE, 150.00; MAIN STREET AUTO CARE, SE, 121.40; MARCO INC, SE, 126.36; MATHESON-LINWELD, SU, 19.50; NE POWER REVIEW BOARD, SE, 870.55; NEBRASKA COMMUNITY FOUNDATION, FE, 100.00; NORTHEAST POWER, SE, 1736.15; OCC BUILDERS, RE, 34.39; OMAHA TRUCK CENTER, SE, 869.06; ONE CALL CONCEPTS, SE, 149.64; OVERHEAD DOOR, SU, 120.75; PENGUIN RANDOM HOUSE, SU, 153.75; PITNEY BOWES, SE, 253.85; PLUNKETT'S PEST CONTROL, SE, 182.18; POLLARD PUMPING, SE, 1080.00; QUALITY 1 GRAPHIC, SU, 450.00; SHOPKO, SU, 42.99; SOOLAND BOBCAT, SU, 195.04; SPARKLING KLEAN, SE, 2755.15; SPIEKER, DWAIN, RE, 500.00; STADIUM SPORTING GOODS, SU, 763.00; STAPLES ADVANTAGE, SU, 116.64; STATE NEBRASKA BANK, RE, 200.00; SUBSURFACE SOLUTIONS, SU, 7806.31; TAYLOR, KYLE, RE, 300.00; TYLER TECHNOLOGIES, SE, 1032.50; US FOODSERVICE, SU, 513.42; VIAERO, SE, 133.07; WAYNE COUNTY CLERK, SE, 200.00; WAYNE COUNTY COURT, RE, 542.50; WAYNE HERALD, SE, 458.00; WAYNE VETERINARY CLINIC, SE, 392.00; WESCO, SU, 3312.42; WISNER WEST, SU, 56.30; ZACH HEATING & COOLING, SE, 220.50; AMAZON.COM, SU, 437.12; ANDREW & JENNIFER PARKER, RE, 100.00; B.I.C.I. LLC, SU, 332.40; BARCO MUN PRODUCTS, SU, 870.65; BEEHIVE INDUSTRIES, FE, 3600.00; CITY EMPLOYEE, RE, 1443.17; CITY EMPLOYEE, RE, 104.89; CITY EMPLOYEE, SU, 147.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 71.16; DEARBORN NATIONAL LIFE, SE, 2229.19; DEMCO, SU, 215.12; ECHO GROUP, SU, 599.76; FLOOR MAINTENANCE, SU, 207.17; FREDRICKSON OIL, SU, 1390.35; GALE/CENGAGE LEARNING, SU, 148.14; GE OIL & GAS COMPRESSION SYSTEMS, SU, 2235.68; GERHOLD CONCRETE, SU, 1620.89; HAUFF MID-AMERICAN SPORTS, SU, 205.00; HD SUPPLY WATERWORKS, SE, 294.33; HP INC, SU, 31.68; HTM SALES, SU, 884.90; JONES, LEONARD, RE, 500.00; L.G. EVERIST, SU, 690.37; LUTT OIL, SU, 4968.41; MARCO TECHNOLOGIES, SE, 164.61; MIDWEST LABORATORIES, SE, 181.50; MUNICIPAL PIPE SERVICES, SE, 700.00; NE LIBRARY COM, SE, 750.00; NPPD, SE, 376191.02; NWRA, FE, 105.00; PROGRESSIVE PROPERTIES, RE, 250.00; RESCO, SU, 508.70; S & S WILLERS, SU, 301.94; SIGNS BY TOMORROW, SU, 162.00; SKARSHAUG TESTING LAB, SE, 203.04; ST OF NE-CHARITABLE GAMING DIVISION, TX, 1401.00; STADIUM SPORTING GOODS, SU, 21.00; STALP GRAVEL, SU, 1346.85; STAN HOUSTON EQUIPMENT, SU, 11.25; STAPLES ADVANTAGE, SU, 567.98; SUBSURFACE SOLUTIONS, SU, 180.45; TOM'S BODY & PAINT SHOP, SE, 3109.46; VAN DIEST SUPPLY, SU, 75.00; VERIZON, SE, 202.89; VESSCO, SU, 864.75; WAYNE AUTO PARTS, SU, 588.62; WAYNE HERALD, SE, 2772.99; WAYNE SWIM TEAM, SU, 2629.85; ZIMCO, SU, 60.00; ZVACEK, COLLIN, RE, 150.00

Councilmember Haase made a motion, which was seconded by Councilmember Sievers, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese 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.

Wes Blecke, Director of Wayne Area Economic Development, gave the semi-annual report on the LB840 activity. There has not been any activity since the last time he gave the semi-annual report.

Mayor Chamberlain 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 One (1) through Fourteen, (14), inclusive, Southview II Subdivision to the City of Wayne, Wayne County, Nebraska

The notice of the public hearing was published in the Wayne Herald on June 29 and July 6, 2017, 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 Mayor opened the public hearing and invited all interested persons to be heard.

All persons desiring to be heard having been heard, the Mayor closed the public hearing. Kelby Herman and Brent Pick, the Developers thereof, were present to answer questions.

The amount of tax increment financing for this redevelopment project is \$375,000.

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

Councilmember Sievers introduced Resolution No. 2017-64 and moved for its approval; Councilmember Haase seconded the motion.

#### RESOLUTION NO. 2017-64

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 (GRAINLAND ESTATES PROJECT).

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

City Clerk McGuire advised the Council that no written objections were received or filed concerning Street Improvement District No. 2017-01 (Crown II Project/Benscoter, Inc. 4<sup>th</sup> Street Extension Project). Therefore, the project moves forward as planned.

Councilmember Sievers introduced Resolution No. 2017-65 and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2017-65

A RESOLUTION MAKING A DETERMINATION OF SUFFICIENCY OF OBJECTIONS FILED TO THE CREATION OF STREET IMPROVEMENT DISTRICT NO. 2017-01 (CROWN II/BENSCOTER, INC.).

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

Rusty Parker, representing the Wayne Country Club Board, was present to review a second Memorandum of Understanding between the City and the Country Club. The terms are outlined as follows:

1. City shall renovate the clubhouse, subject to certain contractor qualifications, project specifications, and total price, which the City deems reasonable and affordable. City, in its sole discretion, shall determine the process of hiring a contractor.
2. City shall finance the clubhouse renovation in its entirety.
3. Upon the City's selection and hiring of a contractor for the clubhouse renovation, Country Club shall provide \$150,000.00 to City to assist in financing the clubhouse renovation.
4. Country Club agrees Country Club or donors shall contribute an aggregate \$100,000.00 to City to assist City in financing the clubhouse renovation on either April 1, 2018 or upon completion of the clubhouse renovation, whichever date is later. This aggregate contribution may be made up of Country Club funds, donations, or a combination thereof.
5. Country Club agrees Country Club or donors shall contribute three additional payments to City to assist in financing the clubhouse renovation. These contributions, which may be made up of Country Club funds, donations, or a combination thereof, shall be made on or before December 31, 2018, December 31, 2019, and December 31, 2020. The amount of each of these contributions shall be one-third of the total cost of the

clubhouse renovation project minus the previously-made contributions. For example, if the total cost of the clubhouse renovation is \$400,000.00, and \$250,000.00 has already been contributed by Country Club or donors, Country Club or donors shall make three aggregate \$50,000.00 contributions to the City on or before the aforementioned dates.

6. If City determines the cost of the clubhouse renovation is not reasonable and affordable, City shall transfer the subject real property back to Country Club as quickly as practicable.

Mr. Parker noted that they have \$340,000 pledged so far, and that this amount does not include the LB840 loan of \$150,000.

After discussion, the Council wanted to add the following language thereto:

“At the time of transfer, the Country Club agrees to grant the City a non-transferable easement for the use of Country Club’s parking lot, as well as the lawn and patio areas immediately surrounding the clubhouse.”

Councilmember Sievers introduced Resolution No. 2017-66 and moved for its approval, and adding a paragraph 7 with the additional language outlined above therein; Councilmember Karsky seconded.

#### RESOLUTION NO. 2017-66

A RESOLUTION APPROVING SECOND 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 Councilmember Giese who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2017-21, and moved for approval of the third and final reading thereof; Councilmember Sievers 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, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2017-22 and moved for approval of the second reading thereof; Councilmember Sievers 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, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

The following ordinance will establish no parking midnight to 5:00 a.m. in the southwest quadrant of the City (north side of Clark Street).

Councilmember Eischeid introduced Ordinance 2017-24 and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2017-24

AN ORDINANCE TO AMEND SECTION 78-133 OF TITLE VII TRAFFIC CODE, OF THE WAYNE MUNICIPAL CODE RELATING TO RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHWEST QUADRANT OF THE CITY; 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, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following ordinance will eliminate the truck parking on the north side of Clark Street.

Councilmember Brodersen introduced Ordinance 2017-25 and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2017-25

AN ORDINANCE TO AMEND SECTION 78-174 OF TITLE VII TRAFFIC CODE OF THE WAYNE MUNICIPAL CODE RELATING TO TRUCK PARKING; WHERE DESIGNATED; 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, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, setting a date to have a joint meeting with the City of Wakefield Board Members, Northeast Nebraska Public Power District Board Members and the Wayne City Council for Tuesday, August 29, at 7:00 p.m. at the Wayne Fire Hall. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following appointments to the "Old Pool Use Committee:" Melissa Derechailo, Kessy Hanson, Kathy Mohlfeld, Katie Wynia, Brad Wieland, Diane Wurdinger, Carissa Sokol, Adam Hoffman, Brad Jones, Deb Finn, Tony Cantrell, BJ Woehler, Brian Frevert, Jill Brodersen, and Jason Karsky.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving the appointment of Melissa Derechailo, Kessy Hanson, Kathy Mohlfeld, Katie Wynia, Brad Wieland, Diane Wurdinger, Carissa Sokol, Adam Hoffman, Brad Jones, Deb Finn, Tony Cantrell, BJ Woehler, Brian Frevert, Jill Brodersen, and Jason Karsky to the "Old Pool Use Committee." Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following appointments to the “Lagoon Use Committee:” Jean Dorcey, Mike Carnes, Mike Burris, BJ Woehler, Jill Brodersen and Terri Buck.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving the appointment of Jean Dorcey, Mike Carnes, Mike Burris, BJ Woehler, Jill Brodersen and Terri Buck to the “Lagoon Use Committee.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Buck, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:03 p.m.