

**MINUTES
CITY COUNCIL MEETING
August 15, 2017**

The Wayne City Council met in regular session at City Hall on Tuesday, August 15, 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, Terri Buck, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 3, 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 August 1, 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: ACE REFRIGERATION CO, SU, 11864.30; AJQUI, ANGEL, RE, 184.04; ALT, ASHTIN, RE, 69.37; AMERICAN BROADBAND, SE, 990.00; AMERITAS, SE, 56.54; AMERITAS, SE, 72.00; AMERITAS, SE, 102.53; AMERITAS, SE, 2376.82; APPEARA, SE, 111.11; APPEARA, SE, 57.49; AUTO ANATOMY ALTERNATIVES, SU, 260.93; BAKER & TAYLOR BOOKS, SU, 1203.19; BENSON, BRANDI, RE, 176.11; BIG STONE TRANSPORTATION & LANDSCAPE SUPPLY, SU, 1500.00; BOK FINANCIAL, RE, 158530.63; BOMGAARS, SU, 1572.79; BROWN SUPPLYM, SE, 9219.90; BRUHA, BAILEY, RE, 15.41; BUSZ, RYAN, RE, 44.40; CARHART LUMBER CO, SU, 595.59; CDW GOVERNMENT, SE, 650.01; CITY EMPLOYEE, FE, 75.00; CITY EMPLOYEE, RE, 127.50; CITY EMPLOYEE, RE, 3104.30; COLONIAL RESEARCH, SU, 188.85; CRESCENT ELECTRIC SUPPLY, SU, 2117.94; CRESCENT ELECTRIC SUPPLY, SU, 627.28; D & K PRODUCTS, SU, 40.35; DANKO EMERGENCY EQUIP, SU, 1301.81; DAVE'S DRY CLEANING, SE, 132.00; DAVIS, JENNIFER, RE, 367.80; DIAMOND VOGEL PAINTS, SU, 244.80; EASYPERMIT POSTAGE, SU, 1793.54; ECHO GROUP, SE, 564.70; ECKMANN, JULIA, RE, 201.56; ECKSTEIN, SARAH, RE, 77.18; ED. M FELD EQUIPMENT, SU, 1311.50;

EGAN SUPPLY, SE, 787.78; FANTA, ANNE, RE, 34.79; FASTENAL, SU, 33.73; FELD FIRE, SE, 776.64; FLOOR MAINTENANCE, SU, 317.43; FREDRICKSON OIL, SE, 120.00; GERHOLD CONCRETE, SU, 1577.40; GILL HAULING, SE, 170.50; GREENE, KYLE, RE, 192.43; GROSSENBURG IMPLEMENT, SU, 43.82; GROSSENBURG IMPLEMENT, SU, 8.99; HARRIS, JOHN, RE, 204.84; HAWKINS, INC, SU, 1105.91; HAYS, BRYAN, RE, 8.74; HENDERSON, JESSICA, RE, 64.72; HILAND DAIRY, SE, 72.47; HOCHSTEIN, SABRINA, RE, 89.73; HP INC, SU, 1172.80; INGRAM LIBRARY SERVICES, SU, 534.57; INTERSTATE ALL BATTERY, SU, 155.40; IRS, TX, 3370.26; IRS, TX, 14410.94; IRS, TX, 12488.38; IRS, TX, 14.74; IRS, TX, 63.02; IRS, TX, 45.04; JASEMINE WOLDT, RE, 280.00; JEREZ, CYNTHIA, RE, 60.51; JOHNSON SERVICE CO, SU, 31585.00; KARIAN PETERSON POWER LINE CONTRACTING, LLC, SE, 66879.24; KAY CONTRACTING, SE, 13147.50; KRIZ-DAVIS, SU, 556.40; KTCH, SE, 1244.00; L.G. EVERIST, SU, 679.89; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 7726.00; LIERMAN, SHELBY, RE, 111.47; LUTT OIL, SU, 5866.27; MAIN STREET AUTO CARE, SE, 200.00; MARCO INC, SE, 126.36; MATHESON-LINWELD, SU, 20.15; MATT NELSON, RE, 500.00; MATT SCHAUB, RE, 319.50; METERING & TECHNOLOGY SOLUTIONS, SE, 863.98; MIDWEST LABORATORIES, INC, SE, 598.00; MILLER LAW, RE, 831.48; MOSS, JACQUELINE, RE, 116.74; MSC INDUSTRIAL, SU, 302.56; MUNICIPAL SUPPLY, SU, 459.12; NE DEPT OF REVENUE, TX, 11.76; NE DEPT OF REVENUE, TX, 4116.29; NE LIBRARY ASSOCIATION, FE, 75.00; NORFOLK DAILY NEWS, SE, 286.20; NORFOLK DAILY NEWS, SE, 45.00; ONE CALL CONCEPTS, INC, SE, 110.58; O'REILLY AUTOMOTIVE STORES, SU, 25.47; OSUNA, DAVID, RE, 38.17; PAC N SAVE, SU, 198.20; PAC N SAVE, SU, 411.50; PENGUIN RANDOM HOUSE LLC, SU, 60.00; PETERSEN, JACKSON, RE, 259.99; PITNEY BOWES, SE, 253.85; POUTRE, GARRY, RE, 105.00; QUALITY FOOD, SU, 417.78; QUALITY FOOD, SU, 37.04; REHAB SYSTEMS, SE, 45463.10; ROBERT WOehler & SONS, SE, 12292.75; SHOPKO, SU, 117.47; SOUTH DAKOTA MUNICIPAL LEAGUE, SE, 50.00; SPARKLING KLEAN, SE, 2940.12; STAPLES ADVANTAGE, SU, 76.45; STRAFELDA, JOSHUA, RE, 161.93; TIGHE, JACK, RE, 15.41; TROTTER, LINDSEY, RE, 109.48; TYLER TECHNOLOGIES, SE, 21659.80; UNITED WAY, RE, 5.00; US BANK, SU, 5824.90; US FOODSERVICE, INC., SE, 364.20; UTILITIES SECTION, FE, 2986.00; VAN DIEST SUPPLY, SU, 420.00; VAN WALL EQUIPMENT, SU, 29947.00; VIAERO, SE, 133.07; WASTE CONNECTIONS, SE, 140.80; WAYNE AUTO PARTS, SU, 207.40; WAYNE COUNTY CLERK, SE, 356.00; WAYNE HERALD, SE, 544.00; WAYNE HERALD, SE, 1255.13; WAYNE VETERINARY CLINIC, SE, 210.00; WIENHOFF, ADAM, RE, 80.94; WIMMER, MEGAN, RE, 112.75; WISNER WEST, SU, 92.27; WYNN, ALEC, RE, 124.50; ZACH HEATING & COOLING, SE, 6379.61; 4IMPRINT, INC, SU, 1637.04; ADAMSON, TOM, SU, 8.00; ARC-HEALTH & SAFETY, SE, 270.00; C. H. GUERNSEY & CO, SE, 13109.84; CITY EMPLOYEE, RE, 136.63; CITY EMPLOYEE, RE, 775.70; CITY EMPLOYEE, RE, 722.51; COREY DOORLAG, RE, -150.00; COREY DOORLAG, RE, 150.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 67.73; ECHO GROUP, SU, 1.35; ELECTRO-TEST AND MAINTENANCE, INC, SE, 52381.89; ELLIS HOME SERVICES, SE, 407.03; FLOOR MAINTENANCE, SU, 135.04; FREDRICKSON OIL, SU, 0.30; GERHOLD CONCRETE, SU, 3633.75; GFOA, FE, 170.00; GROSSENBURG IMPLEMENT, SU, 183.72; HAUFF MID-AMERICAN SPORTS, SU, 164.00; HAWKINS, INC, SU, 2399.72; HEARTLAND FIRE PROTECTION, SE, 51.40; HILAND DAIRY, SU, 48.74; HTM SALES, SU, 1586.77; IZABEL CHAVEZ, SE, 22.00; KRIZ-DAVIS, SU, 1594.30; MAIN STREET AUTO CARE, SE, 100.00; MARCO TECHNOLOGIES, SE, 174.61; MICHAEL BIGLEY, RE, 20.00; MUNICIPAL SUPPLY, SU, 754.36; NAPA OF WAYNE, SU, 689.16; NE DEPARTMENT OF TRANSPORTATION, FE, 15.00; NE DEPT OF ROAD, FE, 500.00; NE LIBRARY COM, SU, 854.00; NPPD, SE, 406303.20; NORTHEAST POWER, SE, 12842.38; OCLC, SU, 250.00; PROPERTY EXCHANGE, RE, 19.52; QUALITY 1 GRAPHIC, SU, 150.00; REPCO MARKETING, SU, 40.75; ROBERT WOehler & SONS, SE, 8190.00; RON'S RADIO, SU,

1202.10; STAPLES ADVANTAGE, SU, 59.20; STATE NEBRASKA BANK-PETTY CASH, RE, 482.44; STATE NEBRASKA BANK-PETTY CASH, RE, 103.52; THE CAROM HOUSE, SE, 752.00; US FOODSERVICE, SE, 94.25; WAYNE COUNTY COURT, RE, 300.00; WAYNE MOTORS, SU, 2500.00; WESCO, SU, 2344.37; WESTERN SECTION IAEL, FE, 590.00; WIGMAN COMPANY, SU, 38.25; WIMMER, MEGAN, RE, 20.06

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, 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.

Sandy Brown, representing the Wayne Green Team was present to request Council consideration to allowing them to close or change the traffic pattern on 3rd Street between Pearl and Lincoln Streets for the Electronic Recycling Event to be held on Saturday, September 23, 2017, from 8:00 a.m. to 11:00 a.m. The first event took place in 2012. This is the 4th year in a row that they have received grant funding from NDEQ (\$4,800) for this event.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, approving the request of the Wayne Green Team to close or change the traffic pattern on 3rd Street between Pearl and Lincoln Streets for the Electronic Recycling Event to be held on Saturday, September 23, 2017. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Rusty Parker, representing the Wayne Country Club, was present to review the Lease Agreement between the City of Wayne and the Wayne Country Club. The City will be leasing property to the Wayne Country Club for \$1.00 annually. Some of the terms therein are as follows:

- The Wayne Country Club will pay the property taxes thereon;

- Will be responsible for maintaining and improving all aspects of the property during the lease term, except as otherwise noted or agreed upon by the parties in writing; and
- Will maintain property and liability insurance for the property at their expense.

Mr. Parker also brought with him an easement and quitclaim deed for the Mayor's signature.

Councilmember Eischeid introduced Resolution No. 2017-77 and moved for its approval; Councilmember Brodersen seconded the motion.

RESOLUTION NO. 2017-77

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF WAYNE AND THE WAYNE COUNTRY CLUB, LLC.

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 approving the following appointments to the "Design-Build Selection Committee" for the Wayne Country Club Clubhouse Remodel Project:

- Joel Hansen, City Representative
- Jill Brodersen and Matt Eischeid, City Council Representatives
- Dave Hix, Steve Meyer, Lowell Heggemeyer, Troy harder, Darrell Miller, Rusty Parker and Adam Severson, the current Wayne Country Club Building Committee

Councilmember Giese made a motion, which was seconded by Councilmember Greve, approving the following appointments to the "Design-Build Selection Committee" for the Wayne Country Club Clubhouse Remodel Project:

- Joel Hansen, City Representative
- Jill Brodersen and Matt Eischeid, City Council Representatives
- Dave Hix, Steve Meyer, Lowell Heggemeyer, Troy harder, Darrell Miller, Rusty Parker and Adam Severson, the current Wayne Country Club Building Committee

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

Pastor Mike Feldman, on behalf of Grace Lutheran Church, was present requesting Council consideration to allowing them to close off a one-block section of 10th Street from Main

Street to Logan Street on Sunday, September 10, 2017, from 8:00 a.m. to 1:00 p.m. for a “Sunday School Rally Day Festival.” They will provide the necessary Certificate of Insurance with \$1,000,000 liability coverage and naming the City as an additional insured.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving the request of Grace Lutheran Church to close off a one-block section of 10th Street from Main Street to Logan Street on Sunday, September 10, 2017, from 8:00 a.m. to 1:00 p.m. for a “Sunday School Rally Day Festival.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Agenda item no. 7 – Action on Wayne Volunteer Fire Department Application for Membership for Jacob Curran was pulled from the agenda.

Phil Lorenzen, representing D.A. Davidson & Co., the City’s bond underwriter, was present to go over the issuance of Electric Revenue Bond Anticipation Notes, Series 2017, for the City of Wayne. This action is needed to help finance the Electric Distribution West Inner and East Inner Conversion Project. His recommendation is to clean up the audit for fiscal year end 2017 by issuing bond anticipation notes to replace the cash that has been transferred temporarily. This will look better on the City’s balance sheet and bode well in going forward in terms of setting up the stage for the next wave of financing. He is recommending a 3-year term for bond anticipation notes that would range somewhere in the mid 1% to around 1.75%. His recommendation is to issue bond anticipation notes in an amount not to exceed \$1,320,000 to replace the cash that has been advanced to pay for the costs of the transaction.

A bond anticipation note is a short-term note that is issued in anticipation of the future issuance of bonds. It allows you to go ahead and do a replacement of the funds you have already advanced for this project to replace those funds for other uses.

Councilmember Giese introduced Ordinance No. 2017-28, and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2017-28

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC REVENUE BOND ANTICIPATION NOTES, SERIES 2017, OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$1,320,000), FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS TO THE ELECTRIC SYSTEM OWNED AND OPERATED BY THE CITY; PENDING THE ISSUANCE OF PERMANENT ELECTRIC REVENUE BONDS; AGREEING TO ISSUE SUCH BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; PRESCRIBING THE FORM OF SAID NOTES; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE ELECTRIC SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID NOTES AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID ELECTRIC SYSTEM; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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 Brodersen, 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, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, to move for final approval of Ordinance No. 2017-28. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Jan Merrill, Community Planner, with Northeast Nebraska Economic Development District, presented the 2017 Comprehensive Development Program Phase I Pre-Development Executive Summary to the Council.

Mayor Chamberlain declared the time was at hand for the second public hearing to obtain public input on the application for the Community Development Block Grant Comprehensive Investment and Stabilization Grant (CIS) Phase II, Year Two Funds – No. 14-CIS-005.

Jan Merrill with the Northeast Nebraska Economic Development District was present to answer questions. She advised the Council that a second public hearing is required for each CDBG funded project to obtain citizen input, comments, or opinions with regard to the program performance.

The City of Wayne requested \$130,000 of CDBG Comprehensive Investment and Stabilization (CIS) Phase II, Year Two funds, of which \$31,500 was used for clearance/demolition; \$25,000 for single-family, owner-occupied rehabilitation; \$7,500 for housing management and risk assessment/testing; and \$13,000 for general administration of the grant. Local matching funds of \$200,000 were provided by the City of Wayne to make water system improvements, for a total project cost of \$330,000. All activities were conducted within the target area (southeastern quadrant) reviewed through the CIS Phase I Needs Assessment/Strategy. All CDBG funds were to benefit low-to-moderate income persons in the community. No persons were displaced as a result of this project.

No action was needed on the matter.

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.

Since no action was needed on this matter, Resolution No. 2017-68 was not used.

Mayor Chamberlain declared the time was at hand for the second public hearing to obtain public input on the application for the Community Development Block Grant – 16-CD-008.

Jan Merrill with the Northeast Nebraska Economic Development District was present to answer questions. She advised the Council that a second public hearing is required for each CDBG funded project to obtain citizen input, comments, or opinions with regard to the program performance.

The City of Wayne requested \$26,400 of CDBG Comprehensive Development (CD) Phase I funds, of which \$23,400 was used to conduct a planning study and \$3,000 was used for

general administration of the grant. Local matching funds of \$12,600 were provided by the City of Wayne. The total project cost was \$39,000. All activities were conducted within the LMI target area. All CDBG funds benefited low-to-moderate income persons in the community. No persons were displaced as a result of this project. The grant will also require an additional leverage of \$12,600 within the target area and must benefit LMI persons.

No action was needed on the matter.

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.

Since no action was needed on this matter, Resolution No. 2017-69 was not used.

Mayor Chamberlain declared the time was at hand for the public hearing on the application for the Community Development Block Grant Comprehensive Development (CD) Phase II Funds.

Jan Merrill with the Northeast Nebraska Economic Development District was present to answer questions.

The City of Wayne is requesting \$350,000 of CDBG Comprehensive Development (CD) Phase II funds, of which \$307,000 will be used to install approximately 175 ADA ramps at pedestrian crossings; \$35,000 will be used for general administration; and \$8,000 will be used for construction management. Local matching funds of \$76,750 and \$76,750 in leveraged funds will be provided by the City of Wayne and will come from the 2nd Street paving and storm sewer project. The total program cost is \$503,500. All activities will be conducted within the LMI target area. All CDBG funds will benefit low-to-moderate income persons in the community. No persons will be displaced as a result of this project.

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 Brodersen introduced Resolution No. 2017-70 and moved for its approval; Councilmember Eischeid seconded the motion.

RESOLUTION NO. 2017-70

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding a Use by Exception Request, specifically for Sec. 152.082 B-3 Neighborhood Commercial District (E) Special Conditions and Conditions for Granting Exceptions (7) Drive-up, Drive-through or Drive-In. The applicant, State Nebraska Bank, wishes to expand the current drive-through location located at 1002 Main Street.

The Planning Commission reviewed this matter at their public hearing on August 7, 2017, and recommended approval thereof, subject to the following "Finding of Fact:"

1. Staff's recommendation;

Joel Hansen, Zoning Administrator, stated that at the Planning Commission's public hearing, one of the neighbors requested that the City Council require the alley to be paved, and that that be made a condition of approving the permit.

It was noted that State Nebraska Bank did not make this request; it was a neighbor.

It was also noted that Matt Ley requested the paving of the alley not be made a condition of this permit.

There was some discussion regarding the exit/entrance onto the property off Main Street, the design and layout of the building and property, and customer parking.

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 Resolution 2017-71, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2017-71

A RESOLUTION APPROVING THE APPLICATION OF STATE NEBRASKA BANK FOR A ZONING USE BY EXCEPTION PERMIT TO EXPAND ITS CURRENT DRIVE-THROUGH LOCATION AT 1002 MAIN STREET.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who abstained due to a conflict of interest, 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 the Amended "Final Plat for the Southview II Addition." The applicants, Brent Pick and Kelby Herman, are seeking the request.

The Final Plat for Southview II Addition is being amended to add a lot. Wayne County has decided to be included in the plat to have a clearer defined lot should they decide to sell the same in the future.

The Planning Commission reviewed the matter at their public hearing on August 7, 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 Brodersen introduced Resolution 2017-72, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2017-72

A RESOLUTION APPROVING THE AMENDED FINAL PLAT FOR THE "SOUTHVIEW II ADDITION" OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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 the Final Plat for the "Grace Acres Addition." The applicant is the City of Wayne.

A plat for the "Grace Acres Addition" has been prepared to better define the area in question and clean up some old tax lots.

The Planning Commission reviewed the matter at their public hearing on August 7, 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 Eischeid introduced Resolution 2017-73, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-73

A RESOLUTION APPROVING THE FINAL PLAT FOR "GRACE ACRES ADDITION" OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

The following matter comes back on the agenda for Council consideration. Alternate #2, which is Rugby Road, would cost \$103,204. Alternate #3, which is paving 4th Street to the fence, would cost \$66,968. Council held off on approving these two alternates to see what public feedback might be, at least on where Rugby Road should go.

The City previously signed an agreement with McLaury Engineering to create a plat of the area around this project and south to the lagoon, etc. Before we have the engineer create this plat, we need to know the intentions of the Council for roads. Although the 1 & 6 Year Street

Improvement Plan was approved at an earlier meeting this year, there is still some uncertainty if the Council wants Rugby Road at the proposed location. No matter if Rugby Road is approved to be paved or not at this meeting, we can still add it to the plat.

Lou Benscoter was present to request that Council approve Alternate 3 to pave/finish 4th Street at this time.

Discussion took place on where Rugby Road should go.

After discussion, Councilmember Giese introduced Resolution No. 2017-74 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-74

A RESOLUTION REJECTING BID ALTERNATE 2 (\$103,204 – RUGBY ROAD) AND ACCEPTING BID ALTERNATE 3 (\$66,968 – EXTEND 4TH STREET) ON THE “4TH STREET PAVING PROJECT.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Greve who voted Nay, the Mayor declared the motion carried.

The following Resolution would allocate \$71,400 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. Last year’s allocation was \$70,669.

Councilmember Giese introduced Resolution No. 2017-75 and moved for its approval, Councilmember Greve seconded.

RESOLUTION NO. 2017-75

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY (\$71,400).

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

The following Resolution would accept the bid of Binswanger Glass to replace the east doors on the front of the City Auditorium for a total cost of \$19,991.

Gene Hansen, Electric Production Superintendent, sought and received three bids to replace the front doors of the City Auditorium. Binswanger Glass had the low bid of \$11,770. Glass Edge was at \$18,988, and Custom Glass, LLC, came in at \$14,500. Mr. Hansen was then asked to get a bid from Binswanger Glass to replace the north and south meeting room front doors, along with the door going to the apartment upstairs. That bid came in at \$8,221, bringing the total project cost to \$19,991. There was \$15,698 placed in this year's budget for this project. There are monies in the Sales Tax Capital Project Fund to cover the \$3,000 difference between what was budgeted and bid.

These doors were refurbished when the auditorium was remodeled several years ago, but it did not change the fact that the doors are antiquated and do not seal up or lock properly.

Council had concerns about whether or not this would have an effect or interfere with the historical designation. Councilmember Brodersen stated she would contact the Nebraska State Historical Society to see if this would have an impact on the historical register designation of the City Auditorium.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid to table action on Resolution No. 2017-76 until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2017-24 and moved for approval of the third and final reading thereof; Councilmember Giese 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, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2017-25 and moved for approval of the third and final reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2017-25

AN ORDINANCE TO AMEND SECTION 78-174 OF TITLE VII TRAFFIC CODE OF THE WAYNE MUNICIPAL COE 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, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, brought forward an ordinance for Council consideration regarding changes to the building codes. He stated the City went through a Building Department review with the ISO in 2016, which takes place every 5 years. The City is currently on the 2006 I-codes. Since we are more than two editions past the latest version (2015), the City's rating has dropped from a 5 to a 9. In order to improve the rating, he is proposing that the City adopt the 2012 I-codes. Most of the other communities in Nebraska are facing the same issue. Norfolk will be adopting the 2012 codes soon, as well. The ISO rating for the Building Department does not affect homeowner's insurance like the ISO rating for the Fire Department, but it can have an impact if we ever have a house that requires flood insurance. The ISO has contacted Mr. Hansen and given the City until the middle of September to adopt newer codes in order to raise our rating. This is an extension from a March deadline.

Mr. Hansen also attended a Nebraska Code Officials Association quarterly meeting in June where communities discussed potential amendments, insertions, and deletions they proposed to the 2012 I-codes, and he has incorporated many of those in this ordinance. Major items include:

- The removal of the requirements for sprinklers in one- and two-family dwellings, fire protection on the bottom of floor joists in basements of one- and two-family dwellings;
- Adding penalties of \$500 per day for violations,
- Reducing the size of accessory buildings that can be built without a permit from 120 square feet to 64 square feet; and

- Removing the residential chapter of the energy code and replacing it with a prescriptive list of R-values along with the option to use Res-check as is currently done as a deviation that can be approved by the Building Inspector.

The replacement of the energy code matches what is currently done in Norfolk and will eliminate the need for costly door tests and the need to install mechanical ventilation in each home.

Councilmember Eischeid introduced Ordinance 2017-29, and moved for its approval; Councilmember Brodersen seconded.

ORDINANCE NO. 2017-29

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.15 BUILDING CODE; BUILDING PERMITS; SECTION 150.16 ELECTRICAL CODE; SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; SECTION 150.18 PLUMBING CODE; PLUMBERS; SECTION 150.19 MECHANICAL CODE; SECTION 150.31 PROPERTY MAINTENANCE CODE; SECTION 150.32 ENERGY CONSERVATION CODE; AND SECTION 150.33 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

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.

JEO Consulting Group, Inc., presented Application for Payment No. 16 (Final) for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project” for \$38,569.00 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 Brodersen made a motion, which was seconded by Councilmember Giese, approving Application for Payment No. 16 (Final) for \$38,569.00 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, the Mayor declared the motion carried.

Councilmember Brodersen requested that agenda item no. 29 - Action to consider allowing adult beverages for an event called “Bressler Fest” to be held at Bressler Park on September 10, 17, 24 and October 1, 2017, from 6:00 p.m. to 8:00 p.m. be pulled from the agenda.

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 7:18 p.m.