

**MINUTES
CITY COUNCIL MEETING
September 5, 2017**

The Wayne City Council met in regular session at City Hall on Tuesday, September 5, 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 24, 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 meetings of August 15 and 29, 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: ALTONA FINISHING, SE, 2406.60; AMAZON.COM, SU, 606.93; AMERICAN BROADBAND, SE, 990.00; AMERICAN PUBLIC POWER ASSOCIATION, FE, 1493.97; AMERITAS, SE, 64.11; AMERITAS, SE, 2201.76; AMERITAS, SE, 84.44; AMERITAS, SE, 72.00; CITY EMPLOYEE, RE, 7760.00; APPEARA, SE, 141.57; ARNIE'S FORD, SE, 1029.67; BEHLEN MFG, SU, 1558.00; BENSCOTER INC, RE, 250.00; BINSWANGER GLASS, SE, 2510.00; BLACK HILLS ENERGY, SE, 299.91; BLUE CROSS BLUE SHIELD, SE, 36414.87; BOMGAARS, SU, 987.20; BROWN SUPPLY, SU, 1374.97; BSN SPORTS, INC, SU, 808.91; CARHART LUMBER, SU, 517.32; CARISSA SOKOL, RE, 150.00; CARROLL DISTRIBUTING, SU, 296.09; CENTURYLINK, SE, 416.59; CHAMBERLAIN, KEN, RE, 41.73; CHEMQUEST, SE, 595.00; CITY EMPLOYEE, RE, 1365.20; CITY EMPLOYEE, RE, 16.25; CITY EMPLOYEE, RE, 1588.98; CITY EMPLOYEE, RE, 492.56; CITY EMPLOYEE, RE, 42.94; CITY EMPLOYEE, RE, 1899.80; CITY EMPLOYEE, RE, 96.03; CITY EMPLOYEE, RE, 486.08; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, RE, 1164.79; COMMUNITY HEALTH, RE, 3.00; COMMUNITY HEALTH, RE, 3.00; DANKO EMERGENCY EQUIPMENT, SU, 4393.55; DAS STATE

ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 89.44; DGR & ASSOCIATES CO, SE, 1333.26; DISCOUNT PLAYGROUND SUPPLY, SU, 2417.25; DUGAN BUSINESS FORMS, SU, 548.50; ECHO GROUP, SU, 62.16; ERIKSEN CONSTRUCTION, SE, 38569.00; FIRST CONCORD GROUP, SE, 2694.16; FLOOR MAINTENANCE, SU, 477.14; FRAHM, KODY, RE, 153.29; GARVIN, CALEB, RE, 39.62; GEMPLER'S INC, SU, 42.99; GERHOLD CONCRETE, SE, 1947.50; GROSSENBURG IMPLEMENT, SU, 47.81; HART, APRIL, RE, 4.52; HAWKINS, INC, SU, 18.70; HILAND DAIRY, SU, 41.97; HILAND DAIRY, SE, 72.11; HILAND DAIRY, SE, 76.96; HP INC, SU, 19.75; HTM SALES, SE, 1981.67; HYDRO OPTIMIZATION, SE, 150.00; ICMA, SE, 10980.02; ICMA, SE, 9487.39; INTERSTATE ALL BATTERY, SU, 318.15; IRS, TX, 3953.72; IRS, TX, 15242.64; IRS, TX, 16905.32; JASON SEARS, RE, 8.13; JEO CONSULTING GROUP, SE, 700.00; JUAN, FEDERICO, RE, 124.79; K.C. PETERSON CONSTRUCTION, RE, 250.00; KALEENA HEITHOLD, RE, 30.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KELLY SUPPLY COMPANY, SU, 466.57; KRIZ-DAVIS, RE, 27.82; LAURA ZAVALA, RE, 150.00; LEE, ARMANDO, RE, 62.91; LOUIS BENSCOTER, RE, 2738.45; LOUIS BENSCOTER, RE, 250.00; LUCAS THOMPSON, RE, 100.00; MSC INDUSTRIAL, SU, 170.49; NAIDENOFF, ANDREY, RE, 84.67; NAPA OF WAYNE, SU, 110.49; NE DEPT OF REVENUE, TX, 5075.88; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 262.00; NE SAFETY COUNCIL, FE, 10.00; NLA, FE, 255.00; NORTHEAST NE ECONOMIC DEV DIST, SE, 60.00; NORTHEAST NE INS AGENCY, SE, 46.00; NORTHWEST ELECTRIC, SU, 244.42; OCC BUILDERS, RE, 250.00; OCC BUILDERS, SE, 4931.00; ONE OFFICE SOLUTION, SU, 1220.00; PLUNKETT'S PEST CONTROL, SE, 88.58; POLLARD PUMPING, SE, 195.00; REHAB SYSTEMS, SE, 1375.00; RESCO, SU, 722.26; ROBERT WOEHLE & SONS, SE, 10539.31; ROBERT WOEHLE & SONS, SE, 3897.41; ROBERT WOEHLE & SONS, SE, 4640.00; ROBERT WOEHLE & SONS, SE, 9469.33; SIGNS BY TOMORROW, SU, 162.00; STAPLES ADVANTAGE, SU, 136.33; STEECE, KRISTINA, RE, 8.60; TOM'S BODY & PAINT SHOP, SE, 2024.00; UNITED WAY, RE, 10.00; US BANK, SU, 4975.97; UTILITY EQUIPMENT CO, SU, 1503.70; VERIZON, SE, 92.90; WAED, FE, 477.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE SWIM TEAM, RE, 2121.25; WINDOM RIDGE, RE, 1169.25; ZEE MEDICAL SERVICE, SU, 142.60; AM CONSERVATION GROUP, SU, 297.57; AMERICAN BROADBAND, SE, 1511.84; AMERITAS, SE, 92.73; AMERITAS, SE, 56.54; AMERITAS, SE, 72.00; AMERITAS, SE, 2407.14; APPEARA, SE, 60.65; AUTO ANATOMY ALTERNATIVES, SE, 48.91; BARONE SECURITY SYSTEMS, SE, 138.00; CITY EMPLOYEE, RE, 44.97; CITY EMPLOYEE, RE, 1102.37; CITY EMPLOYEE, RE, -44.97; CITY OF WAYNE, PY, 74222.57; COPY WRITE, SU, 269.32; GALE/CENGAGE LEARNING, SU, 98.76; GARNER, SEAN, RE, 98.73; GILL HAULING, SE, 170.50; GROSSENBURG IMPLEMENT, SU, 61.62; HAUFF MID-AMERICAN SPORTS, SU, 28.40; HD SUPPLY WATERWORKS, SU, 779.00; HOMETOWN LEASING, SE, 412.86; IRS, TX, 2911.46; IRS, TX, 10585.35; IRS, TX, 12448.70; JACK'S UNIFORMS, SU, 1124.00; KAUP SEED & FERTILIZER, SU, 337.50; KULHANEK, TUCKER, RE, 43.81; MATHESON-LINWELD, SU, 33.89; MILLER LAW, SE, 5256.57; MILO MEYER CONSTRUCTION, SU, 142.56; MUFFIN MORRIS, RE, 415.20; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 500.00; NE DEPT OF REVENUE, TX, 3504.86; NORTHEAST POWER, SE, 4260.00; ONE CALL CONCEPTS, SE, 92.55; ORIENTAL TRADING CO, SU, 77.76; PAC N SAVE, SU, 190.49; PAC N SAVE, SU, 228.54; SHOPKO, SU, 52.77; SIOUX CITY JOURNAL, SE, 437.60; SKARSHAUG TESTING LAB, SE, 617.70; SOUTHEAST LIBRARY SYSTEM, FE, 160.00; STAPLES ADVANTAGE, SU, 70.29; THREE RIVERS LIBRARY SYSTEM, FE, 10.00; TYLER TECHNOLOGIES, SE, 200.00; UTILITIES SECTION, FE, 180.00; VIAERO, SE, 137.25; WASTE CONNECTIONS, SE, 140.80; WAED, SE, 7216.66; WAYNE COUNTY CLERK, SE, 20.00; WAYNE HERALD, SE, 737.00; WAPA, SE, 22871.26; ZIMCO SUPPLY, SU, 780.00

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, 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.

Heather Headley, who was present, will become the new Library Director on October 2, 2017. She will replace Lauran Lofgren who is retiring.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the appointment of Heather Headley as Library Director. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain proclaimed the month of September as “National Senior Center Month.”

Sarah Gunion, Student Activities Coordinator at Wayne State College, was present requesting Council consideration to allowing them to have a fireworks display behind the football stadium for “Family Day” on Saturday, September 9, 2017.

Phil Monahan, Fire Chief, stated he inspected the area and he did not have any concerns.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving the request of Christen Dalaviris, Director of Student Activities at Wayne State College, to have the fireworks display at Wayne State College after the “Family Day” football game on Saturday, September 9, 2017. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Bryce Meyer, Recreation Director, was present to discuss his proposal to reduce hours at the Wayne Community Activity Center. His recommendations were as follows:

May 1st through Labor Day (Pool Season)

Monday through Friday: 5:30 a.m. to 9:00 p.m.

Saturday: 8:00 a.m. to 9:00 p.m.

Sunday: 12:30 p.m. to 9:00 p.m.

Labor Day through May 1st (Non-Pool Season)

Monday through Friday: 5:30 a.m. to 9:00 p.m.

Saturday: 8:00 a.m. to 6:00 p.m.

Sunday: 12:30 p.m. to 6:00 p.m.

Mr. Meyer stated the reason he is recommending this change is the lack of traffic in the facility after these hours.

Councilmember Buck suggested keeping the hours the same whether it be during the pool season or during the non-pool season to cause less confusion to the public. Councilmember Eischeid disagreed.

Mayor Chamberlain was not in favor of changing/reducing the hours.

Councilmember Eischeid suggesting keeping track of the number of people using the facility after the hour of 8:00 p.m. for a couple of months or until the end of the year, which would be able to back up or support closing the facility earlier.

After discussion, the consensus was to keep track of the number of people using the facility in the evening and bring back a report to the Council at the first meeting in January.

Phil Monahan, Fire Chief, introduced Randall Robertson and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, approving the membership application of Randall Robertson to the Wayne Volunteer Fire Department. 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 regarding an application for a Retail Class LK (Craft Brewery/Catering) Liquor License for Johnnie Byrd Brewing Company (Greg Ptacek) located at 117 W. 2nd Street.

Greg Ptacek was present to answer questions. He stated the fence around the outdoor beer garden/patio would be similar in height to that of the 4th Jug (36”).

When asked, Council did not have any concern about the height of the fence.

Marlen Chinn, Police Chief, advised the Council that the Liquor Commission has removed any height requirements as far as it being a state regulation and placed that burden upon the local governing bodies.

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

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

Councilmember Sievers introduced Resolution No. 2017-78 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2017-78

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS LK LIQUOR LICENSE — JOHNNIE BYRD BREWING COMPANY.

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 on the proposed FY 2017-2018 budget.

The total of the FY 2017-2018 budget is \$35,651,740. The property tax proposal for the General Fund operation is \$793,321.67, which compares to the 2016 tax asking of \$751,837.50. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$894,321.67 or \$.410485 per \$100 of property valuation. The valuation in the

community, as reported by the County Assessor for 2017 is \$217,869,565, which is up \$9,139,795 from last year.

Finance Director Nancy Braden stated these numbers are based on the final numbers set at the budget work session. With the changes Council made, the General Fund reserves were increased by \$184,640. The mill levy is the same as last year.

Councilmember Giese discussed the contribution to Wayne Area Economic Development. His recommendation was to increase their request by the 5% of the original base allocation approved in 2005, and not by \$20,000 as recommended by previous City Administrator Lowell Johnson. The general operations' amount would be \$80,430 (increase of \$3,830).

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

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

Councilmember Brodersen introduced Resolution 2017-79, and moved for its approval as amended; Councilmember Giese seconded

RESOLUTION NO. 2017-79

A RESOLUTION TO ADOPT THE 2017-2018 BUDGET FOR THE CITY OF WAYNE.

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 regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.44995 per hundred dollars of property value is included. The levy equates to a tax request of \$980,402. Last year's general tax levy was \$.409303 per hundred dollars of valuation; this year it is \$.410485, excluding the airport.

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

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

The following Resolution would approve the final property tax request of \$894,321.67.

This Resolution does not include the airport levy.

Councilmember Giese introduced Resolution 2017-80, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2017-80

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY 2017-2018.

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

Councilmember Giese introduced Ordinance 2017-30, and moved for its approval; Councilmember Brodersen seconded.

ORDINANCE NO. 2017-30

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; 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 Giese made a motion and Councilmember Brodersen seconded 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 and Councilmember Brodersen seconded to move for final approval of Ordinance No. 2017-30. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not spent and are not expected to be spent for capital improvements. Cities are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase. This increases our base number we can use for our restricted fund revenues.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, approving the allowable 1% increase in base limitation of the restricted funds budget. 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 and award the contract on the “City Auditorium Door Replacement Project” to Binswanger Glass for the sum of \$19,991. This agenda item was tabled from the last meeting. Councilmember Brodersen contacted the Nebraska State Historical Society to see if changing the doors on the City Auditorium would have a negative effect on the historical designation of the building. She received a response advising us that we can do whatever needs to be done, and that they (the Historical Society) do not go out of their way to remove properties from the National Register unless they have been moved or demolished. The recommendation of City Staff and Councilmember Brodersen is to approve the bid from Binswanger Glass, which would also include the beveled glass, and the bronze color.

Councilmember Sievers introduced Resolution No. 2017-76 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-76

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “CITY AUDITORIUM DOOR REPLACEMENT PROJECT” TO BINSWANGER GLASS FOR \$19,991.00.

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

The following Resolution would approve Supplemental Agreement No. 7 to the Professional Service Agreement for Preliminary Engineering Services between the City of Wayne and Olsson Associates, Inc. for the Wayne Trail – Phase 2 Project. This supplemental agreement was prepared to allow NDOR to cover 80% of the additional engineering costs to redesign the trail, including the re-writing of legal descriptions. Every time there is a change in this project, a new Supplemental Agreement must be signed between the City, the Engineer and NDOR. This additional work increases the total agreement amount with Olsson Associates from \$151,021.50 to \$168,217.46.

Councilmember Eischeid introduced Resolution No. 2017-81 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-81

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF PRELIMINARY ENGINEERING SERVICES AGREEMENT SUPPLEMENTAL AGREEMENT NO. 7 BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES, INC. RELATING TO THE WAYNE TRAIL – PHASE 2 PROJECT STPB-90(4) (INCREASE OF \$17,195.96).

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

Jim Frank, CEO of Providence Medical Center (PMC), presented an updated contract for ambulance services between the City and PMC. They worked with their attorney to develop a more formalized contract. It has the same terms as were proposed in the original agreement, but expands on the obligations of PMC and the City, in addition to including the other provisions in the document. He noted that the agreement was also being presented to the Rural Fire Board.

Councilmember Eischeid introduced Resolution No. 2017-82 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-82

A RESOLUTION APPROVING AGREEMENT FOR AMBULANCE SERVICE BETWEEN THE CITY OF WAYNE, NEBRASKA, AND PROVIDENCE MEDICAL CENTER.

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

Councilmember Sievers introduced Ordinance 2017-29, and moved for approval of the second reading thereof; Councilmember Giese 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 third and final reading will take place at the next meeting.

The Board of Trustees of the Nebraska State Colleges quitclaimed the “old armory property” over to the City on June 16, 2017. This was one of the “College Obligations” that was outlined in the interlocal agreement approved on May 2, 2017. The CRA is not under the same restrictions as the City when selling property, but pays property tax on real estate. The property is legally described as Lots 22, 23, and 24, Block 10, College Hill Addition to the City of Wayne, Wayne County, Nebraska. The three lots together total approximately 75’x150’ in size.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen to transfer the former “Old Armory Property” (previously owned by Wayne State College) to the Community Redevelopment Authority – Lots 22, 23, and 24, Block 10, College Hill Addition to 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.

Administrator Blecke gave an update of the joint meeting that took place between the City of Wayne, Northeast Power and the City of Wakefield on August 29, 2017.

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 6:45 p.m.