

**MINUTES
CITY COUNCIL MEETING
September 19, 2017**

The Wayne City Council met in regular session at City Hall on Tuesday, September 19, 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 September 7, 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 Brodersen, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 5, 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: APPEARA, SE, 58.55; BAKER & TAYLOR BOOKS, SU, 898.09; BOK FINANCIAL, RE, 300414.17; BRIAN GOODWIN, SE, 50.00; BROWN SUPPLY, SU, 3699.42; CITY EMPLOYEE, RE, 88.70; CITY EMPLOYEE, RE, 136.63; CITY EMPLOYEE, RE, 160.65; COMMUNITY HEALTH, RE, 3.00; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 21275.79; COPY WRITE, SU, 22.00; CORE & MAIN LP, SU, 2079.14; DANKO EMERGENCY EQUIPMENT, SU, 10.70; DAVE'S DRY CLEANING, SE, 78.00; DUTTON-LAINSON, SU, 315.66; EASYPERMIT POSTAGE, SU, 785.29; ECHO GROUP, SU, 45.72; FLOOR MAINTENANCE, SU, 268.69; GERHOLD CONCRETE, SU, 1679.50; GROSSENBURG IMPLEMENT, SU, 31.44; HAWKINS, INC, SU, 199.50; HEIKES AUTOMOTIVE, SE, 2968.39; HILAND DAIRY, SU, 60.70; HUBER TECHNOLOGY, SU, 465.00; ICMA, SE, 9502.56; INGRAM LIBRARY SERVICES, SU, 518.32; JJ ZUMBIENNEN, SE, 50.00; JOHN'S WELDING AND TOOL, SE, 285.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KELLY SUPPLY CO, SU, 30.02; KIM KUCERA, SE, 10.00; KRIZ-DAVIS, SU, 535.00; KTCH, SE, 556.00; L.G. EVERIST, SU, 675.27; LAQUINTA INNS & SUITES, SE, 91.00; LUTT OIL, SU, 4242.72; MAIN STREET AUTO CARE, SE,

100.00; MARCO, SE, 126.36; MATHESON-LINWELD, SU, 20.15; METERING & TECHNOLOGY SOLUTIONS, SU, 327.38; MIDWEST LABORATORIES, INC, SE, 2226.00; NE MOSQUITO, FE, 100.00; NE SAFETY COUNCIL, FE, 491.40; NeRPA, FE, 250.00; NORFOLK DAILY NEWS, SE, 37.50; NORFOLK SPORTING GOODS, SE, 44.25; NORTHEAST NE ECONOMIC DEV DIST, SE, 1214.16; NORTHEAST NE INS AGENCY, SE, 238.00; NORTHEAST POWER, RE, 440.21; NORTHEAST TIRE SERVICE, SE, 239.69; NSVFA, FE, 540.00; NSVFA, FE, 74.00; PAC N SAVE, SE, 300.20; PEERLESS WIPING CLOTH, SU, 320.00; PENGUIN RANDOM HOUSE, SU, 120.00; PITNEY BOWES, SE, 1497.56; QUALITY FOOD, SE, 330.75; ROSE, DAN, RE, 100.00; S & S WILLERS, SU, 305.96; SANDRY FIRE SUPPLY, SU, 754.00; SPARKLING KLEAN, SE, 3731.59; STADIUM SPORTING GOODS, SU, 584.00; STATE NEBRASKA BANK & TRUST, RE, 101725.00; SUPERCIRCUITS, SU, 775.31; T & S TRUCKING, SE, 219.60; THE RADAR SHOP, SE, 129.00; TITAN MACHINERY, SU, 283.84; US FOODSERVICE, SE, 498.75; VAKOC CONSTRUCT, SE, 1750.75; VAN DIEST SUPPLY, SE, 476.10; VERIZON, SE, 523.12; WAED, SE, 7216.66; WAYNE HERALD, SE, 1870.37; WAYNE SWIM TEAM, RE, 716.79; WAYNE VETERINARY CLINIC, SE, 168.00; WESCO, SU, 17289.06; AM CONSERVATION GROUP, SU, 297.57; AMERICAN BROADBAND, SE, 1,511.84; 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, SE, 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 Greve, 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.

Councilmember Giese introduced Ordinance 2017-29, and moved for approval of the third and final reading thereof; Councilmember Eischeid 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.

Phil Monahan, Fire Chief, requested Council consideration to approving the membership application of Joseph Burrows to the Wayne Volunteer Fire Department.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, to approve the membership application of Joseph Burrows 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.

Phil Monahan, Fire Chief, requested Council consideration to approving the membership application of Courtney Kamler to the Wayne Volunteer Fire Department.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to approve the membership application of Courtney Kamler 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.

Phil Monahan, Fire Chief, was present and stated he had obtained three proposals for the purchase of 11 air packs and accessories for the Fire Department. These air packs have a 15-year warranty. He recommended that the Council approve the low bid from Feld Fire for the sum of \$65,450. He noted that the Rural Fire District would also be purchasing 11 air packs from Feld Fire.

Councilmember Sievers introduced Resolution No. 2017-83 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2017-83

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF AIR PACKS FOR THE WAYNE VOLUNTEER FIRE DEPARTMENT — FELD FIRE FOR \$65,450.00.

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

Brian Hass who lives at 705 W. 3rd Street (corner lot) was present asking for Council consideration to waiving the requirements of Section 152.131 Fences and Screens, specifically subsection (E):

Sec. 152.131 (E): Where fences, screens or obstructions are constructed to obstruct view of obstacles such as garbage cans, air conditioners, open storage and similar uses, fences or screens shall not exceed the height specified for residential and non-residential areas; and, further, no such screen or fence shall be located in the front yard, or in the side yard, except the obstruction may be constructed in the side yards; providing, it is located between the rear property lines and the front building lines of the principal structure.

Mr. Hass explained that he installed a privacy fence on his property in the spring. He had contacted someone at City Hall who told him as long as the fence was a privacy fence, that it was under 6' in height, and that it was on his property, no permit was needed, nor were there any other restrictions. He was also informed that it would be best if he had his property surveyed to make sure the fence was on his property, which he did. He was not aware of the fact that when he installed the fence that it had to stay in line with the house. He did take precautions

to make sure visibility was not a problem. It was noted that there is no sidewalk on the north side of his house.

Discussion took place regarding the fence being in his front yard because his address is on 3rd Street, rather than on Blaine Street. However, Mr. Hass enters and exits his home on the east side of the house or on Blaine Street.

When the question was asked, Joel Hansen, Zoning Administrator, explained he noticed the fence when he was across the street on a complaint.

A suggestion was for Council to do the same as they did with Brad Wieland last year on his privacy fence.

Another suggestion was to amend the City Code to require a building permit for fences, which would then require Mr. Hansen to review and inspect the same. Mr. Hansen stated the City Code does not recognize the front of the house. The code recognizes front yards, and it treats both sides of a corner lot the same.

Councilmember Eischeid thought that going forward, to put in a fence should require a building permit. It is too bad that Mr. Hass called City Hall, was told he did not need a permit, spent a lot of money on the fence, and then come to find out it is in the wrong spot.

Mayor Chamberlain stated if Brian's address were on 3rd Street, we would not be having this discussion.

Councilmember Karsky stated he was more hung up on the City fielding the calls.

Mr. Hansen stated that the City Code does allow fences in front yards, just not privacy fences that you cannot see through. He advised the Council that Brian's situation is essentially the same as Brad Wieland's situation.

Another suggestion was to amend the ordinance so that fences have the same requirements as campers.

Mr. Hansen stated he has the authority to change the address from 3rd Street to Blaine Street. If this request is not approved, Mr. Hansen would send Mr. Hass a notice giving him a timeline (30-60 days) to remove the fence.

Councilmember Giese stated if we let this matter die for lack of a motion, Mr. Hass will receive a notice that he will have to do something and then we can amend or create a new ordinance to exclude his house, and he will have his address changed by then.

Since no motion was made on the matter, said agenda item died for lack of a motion.

Mr. Hansen stated he would probably give Mr. Hass a six-month deadline because it is going to take some time for this to go through the Planning Commission.

Mayor Chamberlain asked that an ordinance for the building permit requirements be brought forward to make that change.

Kim McLaury of McLaury Engineering, Inc., was present to review Change Order No. 1 on the “4th Street Paving Project.” The description for this change order is:

1. Rerouting the storm sewer along Tomar Drive;
2. Increasing the pipe size of mainline storm sewer along 4th Street to 42”; and
3. Eliminating the bio-swale east of Tomar Drive and north of 4th Street. In addition, there will be no change in time for this change order.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving Change Order No. 1 for the “4th Street Paving Project,” which is a decrease in the amount of \$98,441.99 to A & R Construction Co. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Kim McLaury of McLaury Engineering, Inc., presented Contractor’s Application for Payment No. 1 on the “4th Street Paving Project” for \$52,531.65 to A & R Construction Co.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving Contractor’s Application for Payment No. 1 for \$52,531.65 to A & R Construction Co., for the “4th Street Paving Project.” 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 enter into executive session to receive an update on pending litigation regarding the electric distribution contract (to protect the public interest), and to allow the following persons to be in attendance: City Administrator Blecke, City Clerk McGuire, Attorney Miller, Police Chief Chinn, Electric Distribution Superintendent Sutton, and City Planner Hansen. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 6:22 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session pertains to being updated on pending litigation regarding the electric distribution contract.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 6:45 p.m.

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.