

**MINUTES
CITY COUNCIL MEETING
October 3, 2017**

The Wayne City Council met in regular session at City Hall on Tuesday, October 3, 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, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jason Karsky.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 21, 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 September 19, 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 Karsky 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: A & R CONSTRUCTION, SE, 52531.65; APPEARA, SE, 46.76; APPEARA, SE, 48.05; ARC-HEALTH & SAFETY, SE, 27.00; BILL LOCKE CONSTRUCTION, SE, 5560.00; BLACK HILLS ENERGY, SE, 309.02; BOMGAARS, SU, 2159.39; BSN SPORTS, SU, 223.90; CARROLL DISTRIBUTING, SU, 681.02; CENTURYLINK, SE, 416.59; CITY EMPLOYEE, RE, 237.66; CITY EMPLOYEE, RE, 82.89; CITY EMPLOYEE, RE, 8.54; CITY EMPLOYEE, RE, 74.93; CITY EMPLOYEE, RE, 23.30; CITY OF WAYNE, PY, 74296.89; CLAUSSEN, HEATHER, SE, 300.00; COMMUNITY HEALTH, RE, 3.00; CONTINENTAL FIRE SPRINKLER, SE, 215.00; CUMMINS CENTRAL POWER, SE, 908.60; DANKO EMERGENCY EQUIPMENT, SU, 5.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 2177.07; DEB BRODERS, RE, 150.00; DEMCO, SU, 161.12; DUTTON-LAINSON, SU, 191.54; EAKES OFFICE, SE, 1784.16; ECHO GROUP, SU, 258.35; ED M. FELD EQUIPMENT, SU, 478.25; FAITH REGIONAL PHYSICIAN SERV, SE, 30.00; FIVE STAR ENTERPRISES, SU, 15.57;

FLOOR MAINTENANCE, SU, 347.76; FLOOR MAINTENANCE, SU, 230.00; GERHOLD CONCRETE, SU, 7322.40; GROSSENBURG IMPLEMENT, SU, 2.07; HILAND DAIRY, SE, 128.77; HILAND DAIRY, SE, 57.09; ICMA, SE, 9505.52; INTOXIMETERS, SU, 2747.50; JEO CONSULTING GROUP, SE, 1558.75; JOHN'S WELDING AND TOOL, SE, 249.22; KARIAN PETERSON POWER LINE CONTRACTING, SE, 55153.25; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KRIZ-DAVIS, SU, 391.43; KRUSE, LANCE, RE, 186.87; KTCH, SE, 88.00; LAQUINTA INNS & SUITES, SE, 659.70; LAUREL RECREATION, FE, 150.00; MAIN STREET AUTO CARE, SE, 936.39; METERING & TECHNOLOGY SOLUTIONS, SU, 2911.44; MOTOROLA SOLUTIONS, SU, 179302.00; NAPA OF WAYNE, SU, 237.36; NPPD, SE, 381690.37; NICK MUIR, RE, 250.00; NLA, FE, 255.00; NLA, FE, 170.00; NLA, RE, -255.00; NNEDD, SE, 12579.81; NORTHEAST POWER, SE, 12842.38; OLSSON ASSOCIATES, SE, 445.25; QUALITY 1 GRAPHIC, SU, 60.00; RESCO, SU, 816.48; SKARSHAUG TESTING LAB, SE, 203.38; STADIUM SPORTING GOODS, SU, 12.00; STAPLES ADVANTAGE, SU, 35.31; STATE NEBRASKA BANK, RE, 100.00; TITAN MACHINERY, SU, 283.84; ULINE, SU, 201.49; UNITED WAY, RE, 5.00; US BANK, SU, 3630.27; US FOODSERVICE, SE, 553.47; VAKOC CONSTRUCT, SE, 1008.99; VIAERO, SE, 110.39; WAYNE COMMUNITY SCHOOLS, FE, 200.00; WESCO, SU, 693.36; WISNER WEST, SU, 72.95; WRIEDT PROPERTIES; RE, 100.00; AMERITAS, SE, 56.54; AMERITAS, SE, 2382.30; AMERITAS, SE, 84.44; AMERITAS, SE, 72.00; APPEARA, SE, 60.65; CARHART LUMBER, SU, 750.27; CITY EMPLOYEE, RE, 161.94; CLARITUS, SU, 62.54; CONTINENTAL FIRE SPRINKLER CO, SE, 489.00; ED M. FELD EQUIPMENT CO, SE, 162.00; GERHOLD CONCRETE, SU, 1900.00; GRIES, KYLIE, RE, -41.56; HOLLAND, CURTIS, RE, -10.51; IBRAHIM, ABU, RE, 44.50; IRS, TX, 10461.24; IRS, TX, 2850.38; IRS, TX, 12187.76; KAUP SEED & FERTILIZER, SU, 16.25; KRIZ-DAVIS, SU, 802.50; KRUSE, LANCE, RE, -186.87; KUCHTA, KODY, RE, -91.27; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 987.00; LIENEMANN, LAUREN, RE, -4.05; MICHAEL DAEHNKE, RE, 100.00; MIDWEST SERVICE & SALES, SU, 9718.50; MORUA, PRESLEY, RE, -123.04; NAPA OF WAYNE, SU, -237.36; NE DEPT OF REVENUE, TX, 3481.92; NICK HOCHSTEIN, RE, 100.00; SCHULTZ, STEVEN, RE, -25.20; STAPLES ADVANTAGE, SU, 284.47; STATE NEBRASKA BANK-PETTY CASH, RE, 140.77; STATE NEBRASKA BANK-PETTY CASH, RE, 275.30; THE RADAR SHOP, SU, 450.00; TITAN MACHINERY, SU, -283.84; WAYNE COMMUNITY SCHOOLS, RE, 3793.00; BLUE CROSS BLUE SHIELD, SE, 36414.87; DEARBORN NATIONAL LIFE, SE, 89.44; ENGINEERED CONTROLS, SE, 2098.00; MILLER LAW, SE, 5256.57; NORTHEAST NE INS AGENCY, SE, 73178.00; WAED, SE, 7535.83

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 Karsky 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.

Mayor Chamberlain requested Council consideration to the appointment of Michelle Harder as Finance Director. She will begin duties on November 1, 2017. Nancy Braden, the current Finance Director, will resign on December 31, 2017.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, approving the appointment of Michelle Harder as Finance Director. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Alice Johnson, Lee Larsen, and Pat Jenkins Rohde, members of the Wayne Area Association of Retired School Personnel, presented the city with a facsimile check in the amount of \$81,544.92, which represents the amount of money that their volunteer hours would be worth to the Wayne community/area (3,378 hrs. @ \$24/hr.), according to the National Bureau of Vital Statistics.

Mayor Chamberlain stated the time was at hand for the public hearing on the application for a Retail Class C (Beer, Wine, Distilled Spirits, On and Off Sale) Liquor License for Jerrae and David Braun, d/b/a "Udder Delights" located at 209 E. 7th Street.

Jerrae and David Braun were present to answer questions. They want to sell alcohol infused ice cream, in addition to some beer.

Marlen Chinn, Police Chief, advised the Council that the Liquor Commission has removed any fencing height requirements, as far as it being a state regulation, and placed that burden upon the local governing bodies. The Council will need to decide if the 2-ft wall around the fire pit outside is enough of a barrier, because a barrier is required for any outside area that is licensed. The outside area was the only concern he had.

Councilmember Eischeid stated there is somewhat of a barrier there, and he would assume that the Brauns know the regulations and the laws. The people that work there need to

know that there are regulations you need to adhere to, and if there are violations, or if the City gets called because people are out in the alley, the license could be changed to inside only.

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 Giese introduced Resolution No. 2017-84 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-84

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS C LIQUOR LICENSE — JERRAE AND DAVID BRAUN, D/B/A “UDDER DELIGHTS.”

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

Bryce Meyer, Recreation Director, reviewed the four bids he received on the LED message center sign for the Community Activity Center. The Recreation-Leisure Services Commission met and are recommending, as well as Mr. Meyer, that the bid be awarded to Tri-City for \$21,201. The Tri-City sign was color. They did not give a quote for monochrome. \$20,000 was budgeted for this purchase. The additional cost could come out of the construction fund for the Community Activity Center.

Council had concerns that the bids could not be compared “apples to apples.”

After a lengthy discussion, Councilmember Giese made a motion to table action on Resolution 2017-85 until Mr. Meyer could gather more information for the Council (warranty information, color vs. non-color, etc.); Councilmember Brodersen seconded. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

The following Resolution would approve a “Facility Use Agreement” with the American Red Cross for use of the City Auditorium and the Community Activity Center during times of a disaster.

Councilmember Brodersen introduced Resolution No. 2017-86 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2017-86

A RESOLUTION APPROVING A FACILITY USE AGREEMENT BETWEEN THE CITY OF WAYNE AND THE AMERICAN NATIONAL RED CROSS

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

The following two Resolutions would direct the City Clerk to file a lien against 616 Sherman Street and 120 W. 9th Street for the cost of work hired by the City to abate violations of City Code after proper notices were given to the property owner.

Councilmember Eischeid introduced Resolution No. 2017-87 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2017-87

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON TAX LOT 74, PT N1/2NE1/4, WAYNE TRACTS 13-26-3, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 616 SHERMAN STREET, WAYNE, NEBRASKA.

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

Councilmember Eischeid introduced Resolution No. 2017-88 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2017-88

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 80’ OF THE SOUTH 100’ OF LOT 3, BLOCK 1, BRITTON & BRESSLER’S ADDITION TO THE CITY OF WAYNE, WAYNE

COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 120 W. 9th STREET, WAYNE, NEBRASKA.

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

The following ordinance will bring Section 34.01 (D) of the Wayne Municipal Code in line with State Statutes. Those changes are as follows:

§ 34.01 AIRPORT AUTHORITY.

(D) Any vacancy on **such the** Board, ~~resulting other than from expiration of a term of office~~, shall be filled by ~~temporary~~ appointment by the Mayor, with the approval of the Council, ~~until a successor can be elected at the next general city election~~, to serve the unexpired portion, ~~if any~~, of the term. A member of **such the** Board may be removed from office for incompetence, neglect of duty or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the Council, in the District Court of the county **in which such city is located.**

Councilmember Giese introduced Ordinance 2017-31, and moved for approval thereof; Councilmember Buck seconded.

ORDINANCE NO. 2017-31

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE III ADMINISTRATION, CHAPTER 34 CITY ORGANIZATIONS, SECTION 34.01 AIRPORT AUTHORITY, SUBSECTION (D); 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 Karsky who was absent, the Mayor declared the motion carried.

The second reading will take place at the next meeting.

The following Ordinance would approve Amendment No. 1 to the Power Purchase Agreement between the City of Wayne and Cottonwood Wind Project, LLC. Due to an engineering modification, NextEra is changing Northeast/Wayne's turbine string to 17.08 MW (from 17.38 MW). This will not affect Wayne's 2.38 MW, but it does affect the proportions of the string allocated to each entity, which is the reason for the amendment. Bernie Cevera with

Guernsey, consultant for the City, has reviewed the agreement and recommends approving the same.

Councilmember Giese introduced Ordinance 2017-32, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2017-32

AN ORDINANCE APPROVING AMENDMENT NO. 1 TO THE POWER PURCHASE AGREEMENT BETWEEN THE CITY OF WAYNE, NEBRASKA, AND COTTONWOOD WIND PROJECT, LLC.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

DGR Engineering presented Pay Estimate No. 3 for the “West Inner and East Inner Conversion Electric Distribution Project” for \$19,444.37 to Karian Peterson Powerline Contracting, LLC. 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 Eischeid, approving Pay Estimate No. 3 for \$19,444.37 to Karian Peterson Powerline Contracting, LLC for the “West Inner and East Inner Conversion Electric Distribution Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Since no one was present regarding Agenda Item No. 14, Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to table action on the request of Nolan Kruse to build two park benches north of the main entrance at the Library as a memorial for Donna Liska for an Eagle Scout Project and requesting city bricks and gravel for said project until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, 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, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:23 p.m.