

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

The Wayne City Council met in regular session at City Hall on Tuesday, December 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 November 23, 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.

Mayor Chamberlain noted for the public that those up for re-election in 2018 are: Mayor Ken Chamberlain and Councilmembers Rod Greve (Ward 1), Matt Eischeid (Ward 2), Jason Karsky (Ward 3) and Jill Brodersen (Ward 4). Mayor Chamberlain also stated he would not be seeking a third term as Mayor. Councilmember Brodersen stated she would be seeking a third term. Councilmembers Eischeid, Karsky and Greve stated they are assuming they will be seeking re-election.

Councilmember Sievers made a motion, which was seconded by Councilmember Buck whereas, the Clerk has prepared copies of the Minutes of the meeting of November 21, 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:** A & R CONSTRUCTION, SE, 185548.48; ABUNDES, JOSE, RE, - 282.89; ABUNDES, JOSE, RE, 282.89; AMERITAS, SE, 53.95; AMERITAS, SE, 4592.04; AMERITAS, SE, 181.39; AMERITAS, SE, 72.00; APPEARA, SE, 163.62; BLACK HILLS

ENERGY, SE, 818.01; BLUE CROSS BLUE SHIELD, SE, 35411.29; BLUE DEVIL BOOSTER CLUB, SE, 85.00; CENTER FOR EDUCATION, SU, 254.95; CENTURYLINK, SE, 416.89; CITY EMPLOYEE, RE, 161.94; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 60.28; CITY EMPLOYEE, RE, 362.02; CITY EMPLOYEE, RE, 169.51; CITY OF WAYNE, PY, 79796.25; CLAUSSEN & SONS IRRIG., SE, 76.47; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 106.64; DISPLAY SALES, SU, 739.00; ED M. FELD EQUIPMENT, SU, 66020.00; FIRST CONCORD GROUP, SE, 2725.38; FLOOR MAINTENANCE, SU, 105.12; GARNETT, TYLER, RE, 55.87; GARNETT, TYLER, RE, -55.87; GERHOLD CONCRETE, SE, 734.15; GROSSENBURG IMPLEMENT, SU, 115.00; HERITAGE INDUSTRIES, SU, 115.00; HILAND DAIRY, SE, 50.74; HILAND DAIRY, SE, 73.19; ICMA, SE, 9052.34; IRS, TX, 17538.98; IRS, TX, 4390.18; IRS, TX, 18772.66; JACK'S UNIFORMS, SU, 71.85; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KRIZ-DAVIS, SU, 168.69; MARTHA ANCUNANDA, RE, -150.00; MCCORMICK DRAIN SERVICE, SE, 220.00; METERING & TECHNOLOGY SOLUTIONS, SU, 861.45; MUNICIPAL SUPPLY, SU, 670.42; NE DEPT OF REVENUE, TX, 3994.05; NNEDD, 1624.26; NORTHEAST POWER, SE, 12842.38; O'KEEFE ELEVATOR COMPANY, SE, 1797.46; OLGA CALRALES, RE, 150.00; OVERDRIVE, SU, 347.06; PENRO CONSTRUCTION, SE, 130807.41; REYES, KARLA, RE, 174.28; SCHWARTE, KRISTIN, RE, 186.56; SKARSHAUG TESTING LAB, SE, 203.55; STATE NEBRASKA BANK & TRUST, RE, 4625.00; THOMAS, PAUL, RE, 113.06; US BANK, SU, 6775.31; VIAERO, SE, 116.65; WAYNE COUNTRY CLUB, RE, 100.00; WESCO, SU, 875.13; WISNER WEST, SU, 201.92; ZIMCO SUPPLY, SU, 57.00; ACTIVE NETWORK, SU, 8090.72; AMERICAN BROADBAND, SE, 2471.05; ARNIE'S FORD, SE, 69.88; CARHART LUMBER CO, SU, 194.97; CITY EMPLOYEE, RE, 80.55; CITY EMPLOYEE, RE, 466.94; CITY EMPLOYEE, RE, 24.08; CIVICPLUS, FE, 4612.12; COPY WRITE PUBLISHING, SE, 12.74; DIANE WURDINGER, RE, 500.00; EAKES OFFICE PLUS, SE, 186.79; EASYPERMIT POSTAGE, SU, 667.14; FAIR MANUFACTURING, SU, 50.44; FAITH REGIONAL PHYSICIAN SERV., SE, 30.00; FIREMAN'S ASSOCIATION, RE, -5,000.00; FIREMAN'S ASSOCIATION, RE, 5000.00; GILL HAULING, SE, 237.50; HILAND DAIRY, SE, 124.51; HUBER TECHNOLOGY, SU, 260.00; JMB CONTRACTING, RE, 250.00; JOHNSON HARDWARE, SU, 99.15; JORGENSEN CONCRETE & CONSTRUCTION, SE, 600.00; KRIZ-DAVIS, SU, 505.04; LUTT OIL, SU, 4138.45; MARCO, SE, 126.36; MATT PARROTT, SU, 252.60; MILLER LAW, SE, 5256.57; NE DEPT OF LABOR, SE, 24.00; NORTHEAST POWER, SE, 4373.00; ONE CALL CONCEPTS, SE, 112.26; PAC N SAVE, SU, 326.25; PAC N SAVE, SU, 448.72; PENGUIN RANDOM HOUSE, SU, 101.50; PLUNKETT'S PEST CONTROL, SE, 41.60; PROGRESSIVE PROPERTIES, RE, 250.00; SCOTT BRUENING, RE, 500.00; SHOPKO, SU, 130.86; STADIUM SPORTING GOODS, SU, 132.00; STAPLES ADVANTAGE, SU, 240.86; TYLER TECHNOLOGIES, SE, 200.00; US FOODSERVICE, SE, 697.45; WAED, SE, 7535.83; WAYNE AUTO PARTS, SU, 242.24; WAYNE COUNTY CLERK, SE, 302.00; WAYNE HERALD, SE, 285.00; WAYNE HERALD, SE, 400.00; WAYNE STATE COLLEGE, RE, 250000.00; WAYNE VETERINARY CLINIC, SE, 70.00; WAPA, SE, 22560.72

Councilmember Haase made a motion, which was seconded by Councilmember Brodersen, 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.

Mayor Chamberlain moved Agenda Item No. 15 – action on possible change order for dirt removal on the 4<sup>th</sup> Street Paving Project forward for consideration.

Joel Hansen, Street Superintendent explained that there was an error made on this project. A lot of dirt needed to be moved off the street in order to be able to pave it. The excess dirt was supposed to have been moved onto the farm field on the north side of that road. However, nobody had talked to the property owner ahead of time and the corn had already been planted. The property owner did not want the City to cover 5 acres of corn with dirt.

Lou Bencoter, who is the owner of the property on the north side of the road, agreed to let us pile the excess dirt on his property temporarily. We are now at a point where we need to do something with the dirt. Mr. Hansen was unsure as to whether or not a change order was necessary to do that. Mr. Hansen talked with Steve Meyer, who was the sub-contractor for that project, and they looked at several options. The least expensive option they looked at was to let Lou Bencoter take the additional dirt and use it on his own property.

Mr. Meyer thought he could move the dirt this week if the matter is approved tonight.

Lou Bencoter was present. He advised that he could use a substantial amount of the dirt on his lot south of the Cobblestone Hotel. With what he has planned to build there, this would make it a lot more suitable to do that. He could take everything that is east of Tomar Drive and probably part of the big pile that is west of Tomar Drive. The remainder could go on the south side of 4<sup>th</sup> Street.

There is about 7500 cu yards of dirt to spread out. Again, Mr. Hansen noted that working with Mr. Bencoter is the cheapest alternative the City has. He noted that Steve Meyer's bid was a sum not to exceed \$12,000, and that amount would be the worst-case scenario.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, authorizing Steve Meyer to move the dirt on the existing lot that the dirt sits for an amount not to exceed \$12,000 on the 4<sup>th</sup> Street Paving Project. 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 “Notice of intent to release funds for the Villa Wayne Capital Improvement Project – Wayne Housing Authority.”

Trine McBride, Executive Director of the Wayne Housing Authority, was present to explain the program and the reason for the public hearing. This will be an annual event. She advised the Council that the Housing Authority has been awarded capital funds for improvements to the Villa Wayne. As in the past, HUD is requiring the City to hold a public hearing and obtain Council approval to determine compliance with the environmental review process for the Authority’s five-year capital improvement plan, which was completed by the Northeast Nebraska Economic Development District in 2014. The Housing Authority will receive \$34,000 annually, which equates to \$170,000 total over the five-year grant period. Since 2008, they have received close to \$450,000 in capital improvement funds. These funds will be used to replace existing flooring, plumbing, electrical, appliances, irrigation system and a boiler system for building #7. No persons will be displaced as a result of these capital improvements.

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 made a motion, which was seconded by Councilmember Eischeid, approving the “Request for Release of Funds and Certification” on behalf of the Villa Wayne Capital Improvement Project/Wayne Housing Authority and authorizing the Mayor to sign the same. 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 "Re-Plat for Southview II Addition, Lots 1, 2, 3, 16, 17, and 18." The applicants, Brent Pick and Kelby Herman, are seeking the request.

Joel Hansen, Zoning Administrator, stated that the re-plat involves moving the street. The developers slid the south end of S. Sherman Street east to create more room on Lot 1 to get the building site away from the existing ditch that goes through there.

The Planning Commission reviewed the matter at their public hearing on December 4, 2017, and forwarded a recommendation to approve the same subject to the following "Finding of Fact:"

- Consistency with the Comprehensive Plan and the current and future land use maps.

Brent Pick was present to answer questions.

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 Giese introduced Resolution 2017-100, and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2017-100

A RESOLUTION APPROVING THE RE-PLAT OF THE SOUTHVIEW II ADDITION, LOTS 1, 2, 3, 16, 17 AND 18.

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

Brent Pick was present requesting Council consideration to waiving the open burning ban per Wayne Municipal Code Sec. 97.08.

Phil Monahan, Fire Chief, was present and explained that Brent Pick and Kelby Herman want to burn down an old elevator that sits on the property they are developing on S. Sherman

Street. This would be a training exercise. Because of the process that needs to take place, the burn would not take place until March or April, 2018.

Mayor Chamberlain stated this would be a unique opportunity for the fire department to train on a tall structure.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving the request of Kelby Herman and Brent Pick to waive the open burning ban per Wayne Municipal Code Sec. 97.08. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Street Superintendent, advised the Council that the contractor has completed work on the East 4th Street, Tomar Drive, and Mando Drive paving project. Staff will meet with the engineer to create a punch list of the miscellaneous items needed to final out the project. Seeding will take place next spring due to the weather conditions changing as we enter winter. At this time, East 4th street has been graded going east from the end of the new paving across to the City limits, which is the east side of the county maintenance yard. The County has an easement through the property east of them to Centennial Road and have improved the surface with rock. The City Code states as follows:

§ 151.072 STREETS.

(C) *Street surfacing.*

(2) Requirements for paving, including curb and gutter, may be waived at the request of the subdivider in the case of a subdivision wherein all of the lots in the subdivision have a minimum frontage width of 300 feet or more, subject to the approval of the City Engineer. Streets in such subdivisions shall have a crushed rock or gravel surface, which meets the specifications of the city.

In the Pace Addition, all of the lots have a frontage of at least 300 feet. Thus, the City could choose to allow East 4th Street in this area to be opened to traffic as a gravel street. Staff recommendation is to allow East 4th Street to be opened to traffic in the Pace Addition as a gravel street, with the understanding that paving improvements will be required if there is any future development on the lots adjacent to this street.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, allowing East 4<sup>th</sup> Street to be opened to traffic in the Pace Addition as a gravel street, with the understanding that paving improvements will be required if there is any future development on the lots adjacent to this street, and in addition, that after several months of monitoring traffic, that yield or stop signs be erected if needed. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution will approve the Service/Consultant Agreement between the City and Northeast Nebraska Economic Development District for the general administration of Community Development Block Grant 16-CD-108 for a sum not to exceed \$35,000. The City was notified on November 8<sup>th</sup> that it was awarded up to \$350,000 to be used for improvements in defined low-to-moderate income residential neighborhoods, including sidewalk and infrastructure improvements. We identified in our previous notice and resolution the same will be used to install approximately 175 ADA ramps at pedestrian crossings. Local matching funds of \$76,750 and \$76,750 in leveraged funds will be provided by the City and will come from the 2<sup>nd</sup> Street paving and storm sewer project.

Councilmember Giese introduced Resolution No. 2017-101 and moved for its approval; Councilmember Greve seconded the motion.

#### RESOLUTION NO. 2017-101

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) FOR THE GENERAL ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (16-CD-108).

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

Councilmember Brodersen introduced Ordinance 2017-33, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

#### ORDINANCE NO. 2017-33

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, SECTION 78-130 PROHIBITED PARKING; SOUTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND 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 Brodersen introduced Ordinance 2017-34, and moved for approval of the third and final reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2017-34

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, SECTION 78-131 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND 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 Brodersen introduced Ordinance 2017-35, and moved for approval of the second reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2017-35

AN ORDINANCE APPROVING AMENDMENT NO. 2 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, the Mayor declared the motion carried.

Councilmember Brodersen made a motion and Councilmember Giese 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 Brodersen made a motion and Councilmember Giese seconded to move for final approval of Ordinance No. 2017-35. 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 reappointing County Commissioner Randy Larson to the Wayne Community Redevelopment Authority.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of Randy Larson to the Wayne Community Redevelopment Authority. 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 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 6:13 p.m.