

**MINUTES
CITY COUNCIL MEETING
February 6, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, February 6, 2018, 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, and Jill Brodersen; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 25, 2018, 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 January 16, 2018, 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 Eischeid 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: ADVANCED CONSULTING ENGINEERING SERVICES, SE, 452.86; AM CONSERVATION GROUP, SU, 1133.18; AMANDA HAWTHORNE, RE, 75.00; AMAZON.COM, SU, 307.76; AMERICAN BROADBAND, SE, 2473.00; AMERITAS, SE, 58.36; AMERITAS, SE, 3076.40; AMERITAS, SE, 135.38; AMERITAS, SE, 72.00; APPEARA, SE, 149.73; ARBOR DAY FOUNDATION, FE, 100.00; ARC-HEALTH & SAFETY, SU, 168.00; ARNIE'S FORD, SE, 2530.89; BATTERY SOLUTIONS, SU, 109.95; BLACK HILLS ENERGY, SE, 1924.52; BOGNER, ANDREA, RE, 150.00; BOMGAARS, SU, 100.38; BROOKDALE WAYNE, RE, 150.00; BROWN SUPPLY, SU, 3013.53; C. H. GUERNSEY & COMPANY, SE, 330.00; CENTURYLINK, SE, 417.03; CITIZENS STATE BANK, RE, 3523.33; CITY EMPLOYEE, RE, 24.08; CITY EMPLOYEE, RE, 591.00; CITY EMPLOYEE, RE, 157.95; CITY EMPLOYEE, RE, 125.37; CITY EMPLOYEE, RE, 17.51; CITY EMPLOYEE, RE, 17.51; CITY EMPLOYEE, RE, 197.53; CITY EMPLOYEE, RE, 271.58; CITY EMPLOYEE, RE, 2671.74; CITY EMPLOYEE, RE, 221.12; CITY OF WAYNE, PY,

71996.90; CITY OF WAYNE, PY, 73414.49; COLONIAL RESEARCH, SU, 153.80; CREATIVE INSTINCT, SU, 900.00; CRESCENT ELECTRIC SUPPLY, SU, 160.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 99.76; DGR & ASSOCIATES, SE, 1677.80; ECHO GROUP, SU, 1128.09; FIRST CONCORD, SE, 2688.86; FLOOR MAINTENANCE, SU, 278.67; FLOOR MAINTENANCE, SU, 131.57; GEMPLER'S, SU, 291.20; GILL HAULING, SE, 1457.30; GOVERNMENTAL ACCOUNTING, SU, 265.00; HACH COMPANY, SU, 40.78; HAWKINS, SU, 1087.10; HERNANDEZ, JULIETA, RE, 150.00; HILAND DAIRY, SU, 39.65; HILAND DAIRY, SU, 82.68; ICMA, SE, 9297.64; ICMA, SE, 9655.52; IOWA PUMP WORKS, SU, 2990.37; IRS, TX, 13075.30; IRS, TX, 12252.16; IRS, TX, 3057.88; KARIAN PETERSON POWER LINE CONTRACTING, SE, 415.04; KARIAN PETERSON POWER LINE CONTRACTING, SE, 34991.85; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KRIZ-DAVIS, SU, 283.32; MAIN STREET AUTO CARE, SE, 100.00; MARRIOTT HOTELS, SE, 768.00; MCLAURY ENGINEERING, SE, 3258.00; MICHAEL TODD & CO, SU, 335.15; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 150.00; NE DEPT OF REVENUE, TX, 4018.37; NE PLANNING & ZONING ASSOC, FE, 40.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SU, 911.00; NE SALT & GRAIN, SU, 1845.85; NEXTERA ENERGY, SE, 1183.18; NICHOLS, RILEY, RE, 46.46; NOVA FITNESS EQUIPMENT, SU, 9720.16; OFFICE SYSTEMS COMPANY, SE, 379.85; REZURRECTED ROD & KUSTOM, SE, 27.82; SHEEHAN, PATRICK, RE, 86.12; SIMONS-SCHILLIM, JENNIFER, RE, 77.65; STATE NEBRASKA BANK-PETTY CASH, RE, 107.45; SUEHL, BRANDON, RE, 43.86; THE 4TH JUG, RE, 6222.22; THRASHER, RE, 100.00; TITUS, JAIME, RE, 300.00; UNITED HEALTHCARE, SE, 33141.36; VIAERO, SE, 116.80; WAYNE AUTO PARTS, SU, 776.55; WAYNE COUNTY TREASURER, SE, 1169.50; WAYNE RENTALS, RE, 15590.70; WESCO, SU, 28.09; WILSON, JESSICA, RE, 18.33; WISNER WEST, SU, 71.76; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 10500.00; AMERITAS, SE, 58.15; AMERITAS, SE, 2704.76; AMERITAS, SE, 72.00; AMERITAS, SE, 104.61; APPEARA, SE, 45.72; BOMGAARS, SU, 1314.64; CARHART LUMBER, SU, 660.21; CARROT-TOP INDUSTRIES, SU, 338.91; CHEMQUEST, SE, 595.00; COPY WRITE, SE, 277.88; CRAFTS, INC., SE, 6241.00; CRESCENT ELECTRIC, SU, 335.11; EASYPERMIT POSTAGE, SU, 1808.54; ECHO GROUP, SU, 537.87; ED M. FELD EQUIPMENT, SU, 28.32; FAITH REGIONAL PHYSICIAN SERV., SE, 39.50; FLOOR MAINTENANCE, SU, 379.76; GILL HAULING, SE, 237.50; GODFATHERS PIZZA, SU, 98.17; HAWKINS, INC, SU, 348.41; HILAND DAIRY, SE, 66.99; HOLIDAY INN OF KEARNEY, SE, 783.60; HOMETOWN LEASING, SE, 412.86; HR DIRECT, SU, 789.90; IRS, TX, 12870.38; IRS, TX, 3010.04; IRS, TX, 9829.15; JOHNSON HARDWARE, SU, 141.42; KRIZ-DAVIS, SU, 211.32; LUTT OIL, SU, 6766.54; LYNN PEAVEY CO, SU, 42.80; MIDWEST LABORATORIES, SE, 161.50; MIDWEST SERVICE & SALES, SU, 640.00; MILLER LAW, SE, 5259.73; MUNICIPAL SUPPLY INC, SU, 389.36; MURPHY TRACTOR & EQUIPMENT, SU, 616.08; NANCY BRADEN, SE, 6000.00; N.E. NEB CLERKS ASSOCIATION, FE, 20.00; NE AIR FILTER, SU, 207.03; NE DEPT OF LABOR, SE, 120.00; NE DEPT OF REVENUE, TX, 3969.81; NE RURAL WATER, FE, 275.00; NORTHEAST POWER, SE, 5113.20; NORTHEAST TIRE SERVICE, SU, 8791.76; NWOD, FE, 15.00; ONE CALL CONCEPTS, SE, 13.20; O'REILLY AUTOMOTIVE STORES, SU, 89.99; PAC N SAVE, SU, 154.92; PAC N SAVE, SU, 2666.00; QUALITY FOOD CENTER, SU, 13.70; RON'S RADIO, SU, 486.45; SHOPKO, SU, 126.08; SKARSHAUG TESTING LAB, SE, 206.75; STADIUM SPORTING GOODS, SU, 296.00; TOM'S BODY & PAINT SHOP, SE, 936.00; TRI AIR TESTING, SE, 271.80; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 7129.62; US FOODSERVICE, SE, 841.65; UTILITIES SECTION, FE, 2220.00; WAED, SE, 7535.83; WAYNE AUTO PARTS, SU, 518.84; WAYNE COMMUNITY SCHOOLS, RE, 8216.25; WAYNE COUNTY CLERK, SE, 44.00; WAYNE COUNTY CLERK, SE, 5.00; WAYNE HERALD, SE, 302.00; WAYNE

VETERINARY CLINIC, SE, 14.00; WAPA, SE, 19596.24; WINTER EQUIPMENT COMPANY, SU, 2880.00

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, with the exception of Councilmember Eischeid 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.

Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), was present requesting Council consideration to closing off a portion of East 10th Street from Angel Avenue to Hillside Drive for an electric vehicle power drive rally on Saturday, May 5th, from 8:00 a.m. until 5:00 p.m.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, approving the request of Anthony Cantrell, on behalf of the Wayne High School, and in conjunction with EVERON (Electric Vehicle Energy Research of Nebraska), to close off a part of East 10th Street from Angel Avenue to Hillside Drive for an electric vehicle power drive rally on Saturday, May 5th, from 8:00 a.m. until 5:00 p.m. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Meagan Weaver, Director of Wayne Community Housing Corporation, and Luke Virgil, Director of Wayne Area Economic Development, gave a presentation on workforce housing and on LB 518. They reiterated the fact that last year, the State Legislature allocated \$7 million from the Nebraska Affordable Housing Trust Fund to be granted to communities to provide workforce

housing. It does require a dollar for dollar match. In addition, there are no low-to-moderate income restrictions, and the monies could be used for new construction or owner occupied rehab, etc. The parameter for new construction is a maximum amount of \$275,000 per structure. If it is a rental unit, the maximum amount per unit allowed is \$200,000. We can request up to a \$1 million dollars, but that million would have to be matched locally. The deadline for submitting the grant application is March 30th. They have been communicating with several employers in the community in an attempt to secure additional funding to be used for the grant application. The funds have to be expended within 24 months. In addition, if the green light is given to them on the application, they have 60 days in which to collect the funds/money.

Kelby Herman, a local developer, told the council that he is working with several other communities to secure LB 518 funds and is familiar with the process. He is currently working on a \$3 million dollar range project in Wayne that is "shovel ready," which would be an asset when submitting the grant application.

Ms. Weaver stated that while Mr. Herman has projects ready, she would like to have other projects ready, too. They would like to see at least \$200,000-\$300,000 from the City, with them trying to match as much as they can from private businesses. This grant will help the true middle class because there are no income requirements.

Councilmember Giese recommended doing a match up to a certain dollar amount and then once that is matched, to revisit the matter again.

The LB 518 funds are granted to each city and loaned to the respective entities, such as a developer or home owner/buyer. As the money from these loans are repaid, they would become part of a revolving loan fund, which could then be used for additional housing needs.

After discussion, Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving a \$200,000 commitment/contribution, with an additional potential \$200,000 in a \$1 for \$1 match from private business.

Councilmember Giese opined he thought this was a little bit strong coming out of the gate.

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

This matter will be revisited at the next council meeting.

Mayor Chamberlain stated the time was at hand for the public hearing on the application for a Retail Class CK (On and off sale, Beer, Wine, and Distilled Spirits) Liquor License for the Wayne Area Event Center, Inc., d/b/a “Beaumont Event & Concert Hall” located at 2611 N. Highway 15.

Josie Broders was present to answer questions.

Police Chief Marlen Chinn expressed concern and clarification on the “bar & grill patio” and the “outdoor event patio” spaces in her application, and the need for fencing for areas that are determined to be either beer gardens and/or garden cafes. After discussion, it was determined that both of these areas would be considered as “garden cafes,” since both areas will be serving food, and that the shrubs or landscaping could be used as the barriers in these areas.

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. 2018-6 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2018-6

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS CK LIQUOR LICENSE — WAYNE AREA EVENT CENTER, INC., D/B/A “BEAUMONT EVENT & CONCERT HALL.”

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

Mayor Chamberlain declared the time was at hand for the public hearing on the One and Six Year Street Improvement Program.

Joel Hansen, Street Superintendent, presented the One and Six Year Street Improvement Program. This is a yearly requirement to receive Highway Allocation Funds from the Nebraska Department of Roads. He noted that just because a project is in the One and Six Year Street Improvement Plan does not mean the project has to be done that year. However, if the City would want to do a project that is not in the One and Six Year Street Improvement Plan, another public hearing would have to be held to amend the plan.

Upcoming projects, which include some carry-over projects from previous year(s), include the following:

<u>Project Number</u>	<u>Project Year</u>	<u>Improvement</u>	<u>Estimated Cost</u>
M – 617(123)	2018	E 2 nd Street from ½ block west of Main Street to Nebraska Street – 600’ Reconstruct Concrete Paving, Curb & Gutter	\$385,000
M – 617(91)	2018	Trail & Pedestrian Underpass on W 7 th Street Located between CAC and Oak Drive	\$1,672,738
M – 617(116)	2018	W 7 th Street from Haas Avenue to Pheasant Run – 1,650’ Storm Drainage & Sidewalk	\$110,000
M – 617(119)	2018	S Windom Street from 232’ S of Folk Street to 333’ S of Folk Street Construct Concrete Paving, Curb and Gutter – 101’	\$25,000
M – 617(120)	2018	Northern Ridge Drive from Highway 15 to W 21 st Street – 1,800’ Construct Concrete Paving, Curb & Gutter, & Storm Drainage	\$400,000
M – 617(117)	2019	Nebraska Street from E 2 nd Street to E 7 th Street – 2,000’ Construct Concrete Paving, Curb & Gutter, Storm Drainage and Sidewalks	\$850,000
M – 617(107)	2019	Clark Street & S Pearl Street – 745’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$180,000
M – 617(115)	2020	W 3 rd Street from Oak Drive to 250’ E of Oak Drive – 250’ Construct Concrete Paving, Curb & Gutter	\$ 70,000
M – 617(126)	2020	West Downtown Alley from W 1 st to W 4 th Street – 950’ Reconstruct Concrete Paving & Storm Sewer	\$250,000
M – 617(104)	2021	S Lincoln Street from W 1 st Street to 300’ S of W 1 st Street - 300’	\$ 90,000

		Construct Concrete Paving, Curb & Gutter	
M – 617(114)	2021	W 2 nd Street from Blaine Street to 360' E of Blaine Street – 380' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$105,000

M – 617(98)	2022	Sherman Street from W 5 th Street to W 6 th Street – 300' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 90,000
M – 617(113)	2022	Sherman Street from W 3 rd Street to W 4 th Street – 300' Construct Concrete Paving, Curb & Gutter	\$ 80,000

M – 617(112)	2023	Lagoon Streets – 2,500' Construct Concrete Paving	\$700,000
M – 617(89)	2023	Lage Subdivision – South of Fairgrounds Avenue – 900' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$175,000

Mr. Hansen advised the Council that Pine Heights Road and E 10th Street would be placed on the one and six next year. Mayor Chamberlain also stated Circle Drive needed to be put on this list.

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 Sievers introduced Resolution 2018-7 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2018-7

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM.

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

Administrator Blecke advised the Council that four bids were received on the “2nd Street Storm Sewer Improvement Project” on January 25, 2018. The engineer has reviewed the same and is recommending that the project be awarded to the low bidder, Robert Woehler & Sons Construction, Inc., for \$384,910.00 (Base Bid), which represents the cost to put the original

street bricks back in place. The alternate bid in the amount of \$32,410.00 is in lieu of the amount in the “Construct Brick Paving” line item. The adjustment would be a reduction of \$27,780 off the Base Bid and would not put the original bricks back (concrete paving instead).

Councilmember Giese introduced Resolution 2018-8, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2018-8

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “2ND STREET STORM SEWER IMPROVEMENT PROJECT” TO ROBERT WOehler & SONS CONSTRUCTION, INC., FOR \$384,910.00 (BASE BID).

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

Administrator Blecke stated the following Resolution is an annual requirement to obtain funding from the Nebraska Department of Roads to help pay for the operating costs of the local public transportation system (handi-van).

Councilmember Brodersen introduced Resolution 2018-9, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2018-9

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS FOR THE OPERATION OF THE WAYNE PUBLIC TRANSPORTATION SYSTEM.

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

Diane Bertand, Senior Center Coordinator, requested Council consideration to approving the submission of the Senior Center Budget to the Northeast Nebraska Area Agency on Aging. The Senior Center must apply for State funding for the meal program, and Council must approve the budget to be submitted to the Northeast Nebraska Area Agency on Aging. In addition, she requested Council action on acceptance of the new fiscal year Service Awards that

have been awarded by the Area Agency and approval of any revisions made during the fiscal year to the Service Awards

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the submission of the Wayne Senior Center's Fiscal Year 2019 detailed plan of operation and budget to the Northeast Nebraska Area Agency on Aging; acceptance of new fiscal year Service Awards that have been awarded by the Area Agency; and approval of any revisions made during the fiscal year to the Service Awards. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

The following Resolution would approve Supplemental Agreement No. 1 to the Professional Service Engineering Agreement between the City of Wayne and Olsson Associates, Inc., for the Wayne Trail – Phase 2 Project. This Supplemental Agreement is for engineering services to revise the environmental documentation to reflect the project design changes (accommodation of 3 new driveways along Grainland Road, a new parking lot and trail connection near the new city pool located adjacent to the Community Activity Center, and a new curb ramp near the intersection of NE Highway 15 and E. 14th Street). This work will involve completion of the CE Re-evaluation form and associated document coordination. The estimated total fee for these services is \$6,571.50.

Councilmember Sievers introduced Resolution No. 2018-10 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2018-10

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICE ENGINEERING AGREEMENT SUPPLEMENTAL NO. 1 BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES, INC. RELATING TO THE WAYNE TRAIL – PHASE 2 PROJECT STPB-90(4).

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

The following Resolution would approve an agreement with Verizon Wireless who is requesting to place 4 small cell structures around Wayne State College in the city's right-of-way. The term of the agreement is 10 years, and the price per tower/pole is \$150 per pole per year. We will be metering every pole separately. Verizon is purchasing the poles, and the City will be erecting them.

Councilmember Giese introduced Resolution 2018-11, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2018-11

A RESOLUTION APPROVING SMALL CELL MASTER LICENSE AGREEMENT BETWEEN THE CITY OF WAYNE AND ALLTEL COMMUNICATIONS OF NEBRASKA, LLC, D/B/A VERIZON WIRELESS.

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

Councilmember Brodersen introduced Ordinance 2018-1, and moved for approval of the third and final reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2018-1

AN ORDINANCE AMENDING THE ZONING MAP BY CHANGING THE EXTRATERRITORIAL JURISDICTION.

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

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the appointment of Councilmember Buck to the Audit Committee. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid 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 Eischeid who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:56 p.m.