

**MINUTES
CITY COUNCIL MEETING
March 20, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, March 20, 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, Terri Buck, Jason Karsky, Matt Eischeid, and Jill Brodersen; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jennifer Sievers.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 8, 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 Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of March 6, 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 Sievers 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: APPEARA, SE, 46.76; BACKFLOW APPARATUS, SU, 792.85; BAKER & TAYLOR BOOKS, SU, 844.01; BAKER, ISAAC, RE, 79.74; BARONE SECURITY SYSTEMS, SE, 138.00; BATTERY SOLUTIONS, SU, 109.95; BRIAN PLANTZ, RE, 200.00; CARDENAS, MARIBEL, RE, 1.36; CITY EMPLOYEE, RE, 1425.22; CITY EMPLOYEE, RE, 191.66; CITY EMPLOYEE, RE, 424.41; CITY EMPLOYEE, RE, 211.23; CITY EMPLOYEE, RE, 403.01; CITY EMPLOYEE, RE, 1363.42; CITY EMPLOYEE, RE, 106.98; CITY OF WAYNE, RE, 1666.67; CITY OF WAYNE, PY, 72136.13; CLARK EQUIPMENT COMPANY, SU, 50049.03; CUMING CO. COURT, RE, 300.00; DANKO EMERGENCY EQUIPMENT, SU, 105.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 67.73; DAVE'S DRY CLEANING, SE, 63.00; DEARBORN NATIONAL LIFE, SE, 2410.14; DUTTON-LAINSON COMPANY, SU, 850.88; ECHO GROUP, SU, 234.01; FLOOR MAINTENANCE, SU, 844.58; GROSSENBURG IMPLEMENT, SU, 26.59; HILAND DAIRY, SE, 80.95;

ICMA, SE, 9698.29; INGRAM LIBRARY SERVICES, SU, 587.54; INTERSTATE BATTERY SYSTEM, SU, 245.24; JACK'S UNIFORMS, SU, 614.24; JENKINS, JACI, RE, 102.74; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KTCH, SE, 644.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 1500.00; LUNDAHL, EARL, FE, 350.00; METERING & TECHNOLOGY SOLUTIONS, SU, 2910.28; MIDWEST LABORATORIES, SE, 161.50; NE SALT & GRAIN CO, SU, 1,790.58; NPPD, SE, 317929.86; NICOLE WEHRER, RE, 500.00; NORFOLK DAILY NEWS, SE, 75.00; NNEDD, SE, 1320.00; NORTHEAST NEBRASKA NEWS, SU, 32.00; NORTHEAST POWER, SE, 31.01; OLLIS BOOK CORP/OLYMPIA BOOK CO, SU, 94.19; ORIENTAL TRADING CO, SU, 103.39; OVERDRIVE, INC, SU, 363.83; PITNEY BOWES, SE, 1497.56; QUALITY 1 GRAPHIC, SU, 125.00; QUALITY FOOD CENTER, SU, 100.09; ROBBIE GAMBLE, RE, 92.18; ROBERT WOehler & SONS, SE, 600.00; SHOPKO, SU, 82.95; SPARKLING KLEAN, SE, 3674.95; STAPLES ADVANTAGE, SU, 36.25; STATE NEBRASKA BANK & TRUST, RE, 950.00; SUNSET LAW ENFORCEMENT, SU, 2571.42; UTILITIES SECTION, FE, 480.00; VERIZON, SE, 317.98; WAYNE AUTO PARTS, SU, 818.84; WAYNE COUNTY CLERK, SE, 16.00; WAYNE COUNTY COURT, RE, -300.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 2060.85; WAYNE HERALD, SU, 48.00; AMAZON.COM, SU, 304.88; AMERICAN BACKFLOW, FE, 75.00; AMERITAS, SE, 60.16; AMERITAS, SE, 2536.00; AMERITAS, SE, 126.31; AMERITAS, SE, 72.00; APPEARA, SE, 54.00; BORDER STATES INDUSTRIES, SU, 27510.72; BROWN PLUMBING, SE, 134.15; BSN SPORTS, SU, 280.00; C. H. GUERNSEY & COMPANY, SE, 672.00; CITIZENS STATE BANK, RE, 4901.60; CORE & MAIN, SU, 436.51; CORNERSTONE LLC, RE, 250.00; COURTNEY MAAS, RE, 74.58; CRESCENT ELECTRIC SUPPLY, SU, 117.45; EAKES OFFICE PLUS, SE, 326.22; ECHO GROUP, SU, 136.09; GALE/CENGAGE LEARNING, SU, 59.48; HAWKINS, SU, 956.78; HILAND DAIRY, SU, 43.33; IRS, TX, 12445.16; IRS, TX, 9254.09; IRS, TX, 2910.56; MARCO TECHNOLOGIES, SE, 169.61; MCLAURY ENGINEERING, SE, 236.00; NE DEPT OF REVENUE, TX, 3727.84; NE DEPT OF TRANSPORTATION, FE, 5.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 108.00; NORFOLK DAILY NEWS, SU, 159.00; NORTHEAST POWER, SE, 12842.38; STAPLES ADVANTAGE, SU, 352.63; UNITED HEALTHCARE, SE, 35527.48; USA BLUE BOOK, SU, 351.08; WAYNE RENTALS, RE, 973.18; WESCO, SU, 115.56; WESTERN RIDGE III, RE, 10442.78; WINDOM RIDGE, RE, 3033.99; ZEE MEDICAL SERVICE, SU, 102.95

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, with the exception of Councilmember Sievers 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.

Phil Monahan, Fire Chief, introduced Dennis Mosley 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 Haase, approving the membership application of Dennis Mosely to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Rusty Parker, representing the Wayne Country & Golf Club, was present concerning their application for an addition to their liquor license premises. They are requesting Council approval to having the new description read as follows: **two-story clubhouse approximately 48'x48' including the entire golf course of approximately 165 acres.** Mr. Parker noted that once the clubhouse addition is completed, they would again be back before Council requesting an amendment to the description on the liquor license premises.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving the Application for Addition to Liquor License Premises – Wayne Country & Golf Club (new description to read: two-story clubhouse approximately 48'x48' including the entire golf course of approximately 165 acres). Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the appointment of Galen Wiser to the Civil Service Commission.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the appointment of Galen Wisner to the Civil Service Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the appointment of Deb Finn to the Civil Service Commission.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the appointment of Deb Finn to the Civil Service Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Pam Adams, Marketing Manager/Account Executive, Shane Morris, Network Operations Manager, and Cory Sandoz, Supervisor, of American Broadband updated the Council on current services provided to the City of Wayne and gave a report of planned network upgrades to provide higher speeds for residential and business customers.

Mayor Chamberlain declared the time was at hand for the public hearing regarding the submittal of a grant application for the purchase of an additional handi-van.

The Wayne Senior Center is submitting a grant application to the State of Nebraska Department of Roads (NDOR) for funds to purchase a seven-passenger Dodge van. This vehicle will replace the 2008 seven-passenger Chevy Uplander van. The total cost of the van is \$23,000, of which the Federal share is 80% or \$18,400, State share is 10% or \$2,300 and the City's share is 10% or \$2,300. Any maintenance done to this new van after it is purchased will be paid for 100% by the NDOR. The 2008 handi-van will be put up for sealed bids or offers, and the City will be able to keep anything under \$5,000.

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 Giese introduced Resolution 2018-16, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2018-16

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS FOR THE PURCHASE OF A HANDI-VAN.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, 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 a request to rezone property (Lot 2, Benscoter Addition PUD Replat 2) from B-1 Highway Business to R-4 Residential. The applicant for the rezoning request is Lou Benscoter.

The Planning Commission reviewed the matter at their public hearing on March 5, 2018, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

Lou Benscoter was present to answer questions. He noted that all zoning around this property is R-4, which is the reason for the R-4 request, even though he plans on putting in single-family housing. Designating it as R-1 would have been spot zoning.

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 Brodersen introduced Ordinance No. 2018-7, and moved for approval thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2018-7

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF PROPERTY LEGALLY DESCRIBED AS LOT 2, BENSCOTER

ADDITION PUD REPLAT 2, WAYNE COUNTY, NEBRASKA, FROM B-1 HIGHWAY BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation concerning the Final Plat for the "Southwest Addition." The applicant for the request is the City of Wayne.

The Planning Commission reviewed the matter at their public hearing on March 5, 2018, and forwarded a recommendation to approve the same subject to the following "Finding of Fact:"

- Staff's recommendation.

This plat will allow two of the property owners south of Victor Park to swap some small parts of their property. It will also allow the City to obtain the property on which lies the south driveway and the trailhead. In exchange for this, the City is creating an outlot along the north edge of the property, which we will grant the property owner to the west an easement in order to create a future access, which could someday become a city street, if necessary, for development behind the park.

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 Eischeid introduced Resolution 2018-17, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2018-17

A RESOLUTION APPROVING THE FINAL PLAT FOR THE "SOUTHWEST ADDITION" OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, 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 in regard to amending the Wayne Municipal Code, Title XV Land Usage, Section 152.131 Fences and Screens.

The Planning Commission reviewed this matter at their public hearing on March 5, 2018, and forwarded a recommendation to approve the same subject to the following "Finding of Fact:"

- Staff's recommendation.

Section 152.131 is proposed to be amended as follows:

§ 152.131 FENCES AND SCREENS.

Except as otherwise specifically provided in this chapter and in other codes and regulations, the following regulations shall apply to the construction of fences and screening.

(A) No **non-agricultural** fence shall be constructed **without a permit and no fence or screen may be constructed** which will constitute a traffic hazard.

(B) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

(C) Any fence which is designed or constructed with one side being a finished side, or more visually appealing than the other side, shall be built with that side facing the neighboring properties and street.

(D) (1) Fences separating residential land uses shall not exceed six feet in height.

(2) Fences separating residential and non-residential land uses or between two non-residential land uses shall not exceed eight feet in height.

(E) No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than eight feet; however, the Board of Adjustment may, by granting a variance, authorize the construction of a fence higher than eight feet if the Board of Adjustment finds the public welfare is preserved.

(F) Where fences, screens or obstructions are constructed to ~~obstruct~~ **prohibit** view of ~~obstacles such as garbage cans, air conditioners, open storage and similar uses,~~ **from one side of the fence, screen, or obstruction to the other side, 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~~ when a sidewalk exists on the adjacent terrace. No such screen or fence shall be located within 20 feet of the back of the curb of the adjacent street. The placement of a future sidewalk in the adjacent terrace shall require such screen or fence to be removed from the front yard.

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 Eischeid introduced Ordinance No. 2018-8, and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2018-8

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING, SPECIFICALLY SECTION 152.131 FENCES AND SCREENS; 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 Sievers who was absent, the Mayor declared the motion carried.

The second reading will take place at the next meeting.

Councilmember Giese introduced Ordinance 2018-3, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2018-3

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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, 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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Giese a motion, which was seconded by Councilmember Eischeid, to move for final approval of Ordinance No. 2018-3. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2018-4, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2018-4

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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, 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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Eischeid a motion, which was seconded by Councilmember Brodersen, to move for final approval of Ordinance No. 2018-4. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Councilmember Brodersen introduced Ordinance 2018-5, and moved for approval of the second reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2018-5

AN ORDINANCE DIRECTING THE SALE OF LOTS 22, 23, AND 24, BLOCK 10, COLLEGE HILL ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO THE COMMUNITY REDEVELOPMENT AUTHORITY.

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

Councilmember Brodersen introduced Ordinance 2018-6, and moved for approval of the second reading thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2018-6

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE V PUBLIC WORKS, CHAPTER 53 WATER SYSTEM, SECTION 53.038 APPROVAL; 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 Sievers who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Blecke stated the following Resolution would approve JEO Consulting Group as the engineer on the CIS Grant No. 16-CD-108 – ADA Curb Ramp Project.

A Committee was put together to review the Requests for Qualifications (RFQ) for an engineer to oversee the CIS Grant No. 16-CD-108 – ADA Curb Ramp Project. Six RFQ's were received, and the Committee, along with Jan Merrill of the Northeast Nebraska Economic Development District, reviewed, discussed, and scored those proposals, and are recommending the firm of JEO Consulting Group be approved as the engineer on this project.

Councilmember Giese introduced Resolution 2018-18, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2018-18

A RESOLUTION APPOINTING JEO CONSULTING GROUP AS THE SPECIAL ENGINEER TO BE USED ON THE ADA CURB RAMP PROJECT WHICH IS IN CONJUNCTION WITH CDBG COMPREHENSIVE INVESTMENT AND STABILIZATION GRANT NO. 16-CD-108.

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to enter into executive session to discuss personnel matters (City Administrator evaluation), to protect the needless injury to the reputation of the City Administrator, and to allow Attorney Miller and City Clerk McGuire to also be in attendance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried, and executive session began at 6:11 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session relates to the evaluation of the City Administrator.

Councilmember Brodersen made a motion, which was seconded by Councilmember Haase, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried, and open session resumed at 6:37 p.m.

Councilmember Giese made a motion, which was seconded by Councilmember Buck, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:37 p.m.