

**MINUTES**  
**CITY COUNCIL MEETING**  
**April 3, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, April 3, 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, 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 March 22, 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 Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of March 20, 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 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:** APPEARA, SE, 104.51; BATTERY SOLUTIONS, SU, 219.90; BLACK HILLS ENERGY, SE, 1786.44; BOMGAARS, SU, 172.96; CENTURYLINK, SE, 417.03; CITY EMPLOYEE, RE, 155.33; CITY EMPLOYEE, RE, 340.47; CITY EMPLOYEE, RE, 3032.99; CITY EMPLOYEE, RE, 273.97; CITY EMPLOYEE, RE, 1156.25; CITY EMPLOYEE, RE, 4153.00; CITY EMPLOYEE, RE, 153.70; CLAUSSEN, HEIDI, SE, 200.00; CORE & MAIN, SU, 1169.68; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 106.64; DEMCO INC, SU, 138.89; DEVAN COLLINS, RE, 250.00; DGR & ASSOCIATES CO, SE, 213.00; ECHO GROUP, SU, 11.31; ESRI, SE, 1625.62; FAIRFIELD INN & SUITES BY MARRIOTT, SE, 379.80; FLOOR MAINTENANCE, SU, 248.15; GARRY POUTRE, RE, 400.00; GROSSENBURG IMPLEMENT, SU, 22.44; HASEMANN, SCOTT, RE, 500.00; HILAND DAIRY, SU, 46.09; ICC, FE, 135.00; ICMA, SE, 9619.44; INTERSTATE BATTERY SYSTEM, SU, 227.90; JAMES RUSK, RE, 150.00; JEO CONSULTING GROUP, SE, 1347.50; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE,

RE, 243.00; KELLY SUPPLY COMPANY, SU, 96.73; KRISTIE MARTIN, RE, 200.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 100.00; LUTT, STEVE, RE, 94.12; MCLAURY ENGINEERING, INC, SE, 875.00; MIDLAND COMPUTER, SE, 2730.00; MIDWEST SERVICE & SALES, SU, 926.13; NE RURAL WATER, FE, 750.00; NORTHEAST NE ECONOMIC DEV DIST, SE, 15.00; OLSSON ASSOCIATES, SE, 102.75; POSTMASTER, SU, 91.62; PROPERTY EXCHANGE PARTNERS, RE, 16400.00; QUALITY 1 GRAPHIC, SU, 100.00; ROBERTSON IMPLEMENT, SU, 20.66; SANDY BROWN, SE, 10.00; SIEVERS FARMS, SE, 1740.00; STADIUM SPORTING GOODS, SU, 1513.00; THE SEED SOURCE, RE, 200.00; TIM REINKE, RE, 427.88; TOM'S BODY & PAINT SHOP, SE, 110.00; VAC – SHACK, SU, 48.64; VAN DIEST SUPPLY, SU, 682.50; VIAERO, SE, 116.80; VOLKMAN PLUMBING & HEAT, SE, 232.00; WESCO, SU, 1151.32; WISNER WEST, SU, 194.24; WOLFE CUSTOM HOMES, RE, 250.00; AMERICAN BROADBAND, SE, 2470.05; AMERITAS, SE, 60.16; AMERITAS, SE, 72.00; AMERITAS, SE, 2272.88; AMERITAS, SE, 86.15; APPEARA, SE, 46.36; ARNIE'S FORD, SU, 506.84; AXON ENTERPRISE, SU, 656.00; BACKFLOW APPARATUS, SU, 1618.00; CARHART LUMBER CO, SU, 138.60; CORE & MAIN, SU, 676.86; COUNTRY NURSERY, SE, 252.00; DEARBORN NATIONAL LIFE, SE, 2411.22; EAKES OFFICE PLUS, SE, 10.79; ED M. FELD EQUIPMENT CO, SU, 114.50; ELECTRIC PUMP, SU, 5888.89; ERIC KLEIN, RE, 100.00; FIRST CONCORD GROUP, SE, 3983.29; FLANAGAN, GABRIEL, RE, 112.86; GILL HAULING, SE, 237.50; GROSSENBURG IMPLEMENT, SU, 292.89; GUARANTEE ROOFING, SE, 216.50; HERITAGE HOMES, SU, 90.61; HILAND DAIRY, SE, 61.80; IIMC, FE, 160.00; IRS, TX, 8896.68; IRS, TX, 2849.48; IRS, TX, 12184.10; MAIN STREET AUTO CARE, SE, 100.00; MAIN STREET AUTO CARE, SE, 100.00; MILLER LAW, SE, 5259.73; NE DEPT OF REVENUE, TX, 3602.49; NEXTERA ENERGY, SE, 14096.94; NIENABER, MIKAYLA, RE, 114.04; NORTHEAST NE INS AGENCY, SE, 77535.00; NORTHEAST POWER, SE, 4110.46; ONE CALL CONCEPTS, SE, 73.89; O'REILLY AUTOMOTIVE STORES, SU, 10.27; RON'S RADIO, SU, 110.70; STATE NEBRASKA BANK, RE, 99.81; SUN RIDGE SYSTEMS, SE, 2956.00; TOM'S BODY & PAINT SHOP, SE, 68.22; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 5448.62; VAKOC CONSTRUCT, SE, 57.21; WAED, SE, 7535.83; WAYNE COUNTRY CLUB, RE, 11074.00

Councilmember Haase made a motion, which was seconded by Councilmember Giese, 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 declared the time was at hand for the public hearing on the Application for Community Development Block Grant Funds on behalf of Greta Smith, d/b/a “The Flower Cellar” located at 221 N. Main Street.

Jeff Christensen, representing Northeast Nebraska Economic Development District, was present to answer questions.

Greta Smith, d/b/a “The Flower Cellar” at 221 N. Main Street (former Flowers & Wine building) is applying for Wayne’s CDBG Funds that will be sub-granted to Northeast Economic Development, Inc. (NED, Inc.) NED, Inc., will then loan the funds to Ms. Smith. Ms. Smith is planning to start her own business, the Flower Cellar, to be located at 221 N. Main Street in Wayne. The Flower Cellar will continue the tradition of offering unique and high quality fresh flowers, wine, gifts and services that have been provided by Flowers & Wine for the last 13 years. She will be purchasing Flowers & Wine inventory, supplies, equipment and lease the building and change the name to “The Flower Cellar.” The total project costs are estimated to be \$71,000 to purchase the equipment, inventory, supplies and a delivery vehicle to start “The Flower Cellar.”

BankFirst and Ms. Smith are requesting that the City of Wayne provide a loan in the amount of \$22,000 towards the project. BankFirst will provide a loan of up to \$31,000, and Wayne Area Economic Development (WAED) will provide \$10,000 for the same, plus a new awning. Greta will provide equity of \$8,000 in cash for the project. The project will create two jobs.

The funds that the City of Wayne will lend for this project will be sub-granted to NED, Inc., as a Non-profit Development Organization (NDO), who will in turn lend the \$22,000 to Ms. Smith for this project. The \$22,000 NDO loan will also have a 10-year term at 4.50% (fixed). Payments will be made to NED, Inc. This is the process approved by the Nebraska Department of Economic Development (DED) to de-federalize CDBG funds in the local communities. NED, Inc. will have a subordinate UCC lien on the business personal property

and will require a life insurance assignment from Ms. Smith for the amount of the loan for the life of the loan. Other funds include \$10,000 from the Wayne Area Economic Development (WAED) with a 10-year term at 0.00% interest. The Northeast RLF Committee was presented information on credit scores, net worth, collateral, and financial information as part of the loan summary discussion and recommends this loan for approval.

Greta Smith was present to answer questions.

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 Eischeid introduced Resolution No. 2018-19 and moved for its approval; Councilmember Giese seconded.

#### RESOLUTION NO. 2018-19

A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) LOAN IN THE AMOUNT OF \$22,000 TO GRETA SMITH, D/B/A THE FLOWER CELLAR, AND SUB-GRANTING CDBG FUNDS TO NEBRASKA ECONOMIC DEVELOPMENT, INC.

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.

Bernie Cevera, Managing Consultant with Guernsey, along with Tom Lutz of Lutz, Daily & Brain, gave a presentation on the results of the 2017 Generation Feasibility Study. It is their belief in order to provide reliable service in the future, the City must plan to replace the generators at the power plant. They are aging past their useful lives. Their presentation summarized the forecast for the fuel mix, reserve capacity, firm capacity and demand for large neighboring utilities in the southwest power pool.

Councilmember Eischeid introduced Ordinance 2018-5, and moved for approval of the third and final 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 Karsky who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2018-6, and moved for approval of the third and final reading thereof; Councilmember Greve 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 Karsky who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2018-7, and moved for approval of the second reading thereof; Councilmember Brodersen 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 Karsky who was absent, the Mayor declared the motion carried.

The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2018-8, and moved for approval of the second reading 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 Karsky who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Discussion regarding both the Auditorium and Fire Hall Rental Agreements took place. City Attorney and staff have had discussions on when a Special Designated License (SDL) for alcohol is required. Much of the discussion turned to City owned facilities. Staff would like to amend the rental agreement to require a SDL if alcohol will be on the premises (whether it is for sale or given away free and brought in by the renter). This is also the opinion of the City Attorney.

City Attorney Miller stated that State Statute prohibits the consumption of alcohol on publicly owned property without prior approval from the governing body. In addition, there is another Statute that states you can do that, but you have to have a licensed person that is actually distributing the alcohol on said premises.

Councilmember Giese introduced Resolution No. 2018-20 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2018-20

A RESOLUTION AMENDING RENTAL AGREEMENT FOR THE USE OF THE CITY AUDITORIUM AND/OR NORTH MEETING ROOM.

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 introduced Resolution No. 2018-21 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2018-21

A RESOLUTION AMENDING RENTAL AGREEMENT FOR THE USE OF THE FIRE HALL MEETING ROOM.

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.

Discussion took place in regarding to amending the schedule of fees – e.g. fence permit, right-of-way permit, pool, etc.

The fee schedule is reviewed from time to time to make sure the City is in line with its peers, as well as to adapt to new rules and regulations. The fee schedule is set by resolution, so the agenda item was for discussion only. Staff discussed the new fence permit fee, adding a right-of-way permit (and eliminating others under this permit — sidewalk, driveway, etc.), and pool passes for additional “family” members on the pass (babysitter, grandparent). Staff was directed to make some amendments to the fees and bring the same back for Council consideration at the next meeting.

Mayor Chamberlain advised the Council that he submitted his resignation to be effective April 15, 2018. He and his family are moving to LeMars, Iowa. Mayor Chamberlain gave three pieces of advice:

- Whoever has the floor, give them respect.
- The Mayor and Council are elected by the people to represent their opinions and their wants, not necessarily ours. They respect our opinion, so there are certain topics that they elect us to make.
- Put yourself out there so people are comfortable talking to you.

He stated it has been an honor to serve the community, Council and staff, and be a part of everything that has taken place over the last 11.5 years.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, to accept the resignation of Mayor Ken Chamberlain effective April 15, 2018. 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 6:56 p.m.