

**MINUTES
CITY COUNCIL MEETING
June 19, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, June 19, 2018, at 5:30 o'clock P.M.

Council President Cale Giese called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Rod Greve, Jon Haase, Terri Buck, Jason Karsky, Matt Eischeid and Nick Muir; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Mayor Jill Brodersen and Councilmember Jennifer Sievers.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 7, 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.

Council President Giese 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.

Councilmember Haase made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of June 5, 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 as amended (change the spelling of Terry to Terri and indicate City Clerk McGuire as being absent). Council President Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Council President 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, 1200.23; ALVARADO, AWILMARY, RE, 129.23; AMERITAS, SE, 70.74; AMERITAS, SE, 2522.50; AMERITAS, SE, 97.43; AMERITAS, SE, 72.00; APPEARA, SE, 229.35; BARONE SECURITY SYSTEMS, SE, 144.00; BIGOTT, BRITTANY, RE, 71.39; BOMGAARS, SU, 2245.64; BORDER STATES INDUSTRIES, SU, 90.95; CARHART LUMBER COMPANY, SU, 405.42; CARROT-TOP INDUSTRIES, SU, 191.59; CHRISTIANSEN CONSTRUCTION, SU, 32.03; CITY EMPLOYEE, RE, 32.02; CITY EMPLOYEE, RE, 782.81; CIVICPLUS, FE, 24875.00; COPY WRITE PUBLISHING, SU, 141.89; CULVER, ALEXIS, RE, 107.56; DAS STATE ACCTG-CENTRAL FINANCE, SE, 67.73; DAVE'S DRY CLEANING, SE, 60.00; DEARBORN NATIONAL LIFE, SE, 2413.52; DOES, RYAN, RE, 190.33; ED M. FELD EQUIPMENT, SU, 261.20; ELECTRONIC ENGINEERING, SE, 210.00; ENDICOTT, ADAM, RE, 50.00; FIVE STAR ENTERPRISES, SU, 15.60; FLOOR MAINTENANCE, SU, 669.29; GRAMLICH, ROY, RE, 100.00; GROSSENBURG IMPLEMENT, SU, 445.32; HELENA AGRI-ENTERPRISES, SU, 145.50; HHS REGULATION & LICENSURE, FE, 115.00; HILAND DAIRY, SE, 106.11; HOFFART, BREANNA, RE, 145.71; HRBEK, ALEC, RE, 192.24; ICMA, SE, 9788.40; IMUS, KRAVEN, RE, 35.55; INTERSTATE ALL BATTERY, SU, 49.90; IRS, TX, 3290.36; IRS, TX, 10194.48; IRS, TX, 14069.66; JACK'S UNIFORMS, SU, 281.95; JANES, DAVID, RE, 31.18; JEO CONSULTING GROUP, SE, 14998.50; JMB CONTRACTING, RE, 500.00; JOHN'S WELDING AND TOOL, SU, 332.51; JOHNSON, CHERYL, RE, 200.00; KARIAN PETERSON POWER LINE CONTRACTING, SE, 86257.39; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KTCH AM/FM RADIO, SE, 288.00; LEAVER, DEANNA, RE, 60.87; LUTT OIL, SU, 5662.60; MATHESON-LINWELD, SU, 44.02; MAXNET SECURITY, SE, 2290.50; MIDWEST LABORATORIES, SE, 191.00; MORENO, BLANCA, RE, 101.06; NE AIR FILTER, SU, 319.16; NE DEPT OF ENVIRONMENTAL QUALITY, SE, 259.74; NE DEPT OF REVENUE, TX, 4119.54; NE HARVESTORE, SU, 42.68; NE LAW ENFORCEMENT, SE, 20.00; NEBRASKA JOURNAL LEADER, SE, 61.00; NPPD, SE, 314061.31; NEXTERA ENERGY, SE, 14302.19; NIENABER, JACOB, RE, 99.95; NORFOLK DAILY NEWS, SE, 88.00; OCONNOR, KACIE, RE, 76.35; O'REILLY AUTOMOTIVE STORES, SU, 18.30; PITNEY BOWES, SE, 1497.56; PSYCHOLOGICAL RESOURCES, SE, 270.00; QUALITY FOOD CENTER, SU, 197.01; RONHOVDE, ANNE, RE, 25.00; SHOPKO, SU, 17.99; SPARKLING KLEAN, SE, 3369.35; SPIEKER, PAIGE, FE, 400.00; STADIUM SPORTING GOODS, SU, 138.00; STAPPERT, ANGELIQUE, RE, 119.10; STATE NEBRASKA BANK & TRUST, RE, 25487.50; STATE NEBRASKA BANK & TRUST, RE, 87650.00; STATE NEBRASKA BANK & TRUST, RE, 165627.50; STATE NEBRASKA BANK & TRUST, RE, 45745.00; STATE NEBRASKA BANK-PETTY CASH, RE, 96.55; STENKA, JOSHUA, RE, 125.75; SULLIVAN, KRISTY, RE, 35.00; SUPERCIRCUITS, SU, 775.00; TOMPKINS, LORETA, RE, 171.94; TORRES, DULCE, RE, 68.43; TRACY, GUNNER, RE, 93.52; TYLER TECHNOLOGIES, FE, 138.00; US FOODSERVICE, SE, 1142.68; VANDERBEEK, MARY, RE, 94.87; VAZQUEZ, ANDRES, RE, 43.47; VERIZON, SE, 317.53; VICTOR, KATHERINE, RE, 200.00; WAYNE AUTO PARTS, SU, 197.94; WAYNE COMMUNITY HOUSING, RE, 2000.00; WAYNE FIREWORKS COMMITTEE, RE, 2000.00; WAYNE HERALD, SE, 1959.13; WAYNE HERALD, SU, 48.00; WAYNE VETERINARY CLINIC, SE, 154.00; WESCO, SU, 353.10; WILLERS, NATHAN, RE, 84.26; WISNER WEST, SU, 130.50; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 75.00; AEROMOD, SU, 123.76; ANSTINE, BRYCE, RE, 300.00; ARC-HEALTH & SAFETY, SU, 1312.54; BAKER & TAYLOR BOOKS, SU, 936.77; BEBEE, TIMOTHY J. & LESLIE A., RE, 3076.61; BERGFELD, KAITLYN, RE, 300.00; BLECKE, WILLIAM, RE, 50.00; BREATHING AIR SYSTEMS, SU, 322.55; BSN SPORTS, SU, 99.75; C. H. GUERNSEY & COMPANY, SE, 448.00; CITY EMPLOYEE, RE, 371.78; COPY WRITE PUBLISHING, SU, 48.88; COUNTRY NURSERY, SU, 370.00; DAVIS, JASON, RE, 150.00; DEMCO SOFTWARE, SU, 1000.00;

DGR & ASSOCIATES, SE, 1304.89; DUTTON-LAINSON, SU, 401.26; EAKES OFFICE PLUS, SE, 184.47; ELECTRONIC ENGINEERING, SU, 32.00; FIRST CONCORD GROUP, RE, 134.98; FOURTH GENERATION FAMILY LIMITED, RE, 13711.54; GALE/CENGAGE LEARNING, SU, 18.85; GERHOLD CONCRETE, SU, 188.76; GROSSENBURG IMPLEMENT, SU, 359.49; HAUFF MID-AMERICAN SPORTS, SU, 305.04; HAWKINS, SU, 153.88; HEADLEY, DAVID, RE, 228.89; HILAND DAIRY, SU, 51.24; HISTORY NEBRASKA, SU, 32.00; HUBER TECHNOLOGY, SU, 255.00; INGRAM LIBRARY SERVICES, SU, 570.13; ISLAND SPRINKLER SUPPLY, SU, 470.79; JMB CONTRACTING, RE, 100.00; JORGENSEN, KEN, RE, 2909.50; KELLY SUPPLY COMPANY, SU, 97.90; LOVE SIGNS, RE, 100.00; LUCAS, MANUELA, RE, 150.00; MAIN STREET AUTO CARE, SE, 100.00; MAIN STREET AUTO CARE, SE, 1228.96; MARCO TECHNOLOGIES, SE, 175.82; MARTENSEN, SARAH, RE, 96.03; MERIT MECHANICAL, SE, 2876.00; MILLER, HENRY, RE, 29.79; MILLER, SHELBY, RE, 35.00; MORATAYA, FREDY, RE, 150.00; MUNTER, TARA, RE, 300.00; NAPA, RE, 177.99; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SU, 710.00; NORTHEAST POWER, SE, 12842.38; PEMBERTON, HEATHER, RE, 60.15; PENGUIN RANDOM HOUSE, SU, 60.00; PETERSON, CARTER, RE, 1398.46; POLLARD PUMPING, SE, 275.00; RAGLAND, WALTER, RE, 71.42; REEG, BETTY S. REVOCABLE TRUST, RE, 2796.91; RON'S RADIO, SU, 52.50; RUBENDALL, ISAAC, RE, 177.19; S & S WILLERS, SE, 1224.93; SITZMAN, ADDIE, RE, 300.00; STADIUM SPORTING GOODS, SU, 62.50; STRAND, RUSSELL, RE, 99.75; SUING, KOTY, RE, 100.94; TOMPKINS, RODNEY R. IRREVOCABLE TRUST, RE, 2796.91; TRI AIR TESTING, SE, 392.20; UNITED HEALTHCARE, SE, 36192.08; WIGMAN COMPANY, SE, 469.64

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, to approve the claims. Council President Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Council President declared the motion carried.

Greg Ptacek, Owner of Johnnie Byrd Brewing Company, was present requesting Council consideration to approving his Application for Addition to Liquor License. The new description would be: Single-story building approximately 87' x 44,' including outdoor area approximately 30' x 34'.

Discussion was had on a fence to enclose the "beer garden." Mr. Ptacek presented two options; the first was a 4' - 6' wire fence and the second was a 4' - 6' wooden planter box fence.

Marlen Chinn, Police Chief, advised the council that there is no set standard required by the State Liquor Commission. They put the restrictions back on the local governing body. The main purpose for fencing is not only to contain the people, but it is also for the establishment's

employee's so they know where the people have to stay. Another purpose for a fence is to keep anything from being handed through, over, out or in.

Councilmember Eischeid stated he did not have any issue with what the owner does with a fence, just that the owner has to police the same.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, approving the Application for Addition to Liquor License – Johnnie Byrd Brewing Company at 117 W. 2nd Street for the outdoor area with the stipulation that the railing be a minimum of 36" in height, with the new description being: Single-story building approximately 87' x 44,' including outdoor area approximately 30' x 34.' Council President Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Council President declared the motion carried.

Monica Snowden, representing the Wayne Farmer's Market, was present requesting Council consideration to closing 2nd Street from the alley to Pearl Street for the Wayne Farmers' Market Grand Opening on July 11th from 5:00 p.m. to 9:00 p.m. and on July 14th (Chicken Days) from 8:30 a.m. to 2:00 p.m. Ms. Snowden asked the opening time on Wednesday, July 11th, be changed from 5:00 p.m. to 4:30 p.m. which would give the vendors time to set up.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving the request to close 2nd Street from the alley to Pearl Street for the Wayne Farmers' Market Grand Opening on July 11th from 4:30 p.m. to 9:00 p.m. and on July 14th (Chicken Days) from 8:30 a.m. to 2:00 p.m. Council President Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Council President declared the motion carried.

Discussion took place regarding the condition of the property that is better known as the "Girl Scout Cabin."

Administrator Blecke stated that the City Council discussed the future of the Girl Scout Cabin at their retreat in January. At the meeting on March 6th, the Council approved the retreat

goals, but moved the Girl Scout Cabin item from the 5-year list to the 1-year list. A title search was conducted on the property and it has been determined there is no separate deed for the cabin itself; therefore it goes with the land which the City owns. The same pictures presented at the retreat were included in the packet. Staff feels that in the best interests of the public and for safety reasons, something needs to be done with the structure. Staff is recommending that an environmental assessment be done on the property and that staff be directed to solicit bids on the razing of the structure.

Judy Krueger and Kris Kinzie, Girl Scout Leaders, advised the Council that the Girl Scouts have not used the cabin for a couple of years now. However, they do have a lot of supplies, etc. still left in the cabin. They would like to have some time to go through those items and would also like somewhere to store the things they decide to keep. In addition, they would like consideration being given to providing them with a meeting place. Some of the Girl Scouts would like to have a few of the stones from the chimney as a remembrance/keepsake.

Administrator Blecke advised them that they could leave anything they do not want in the cabin to be demolished with the structure. The City will help them find spots to store the other things in the interim, but not in perpetuity.

Joel Hansen, Street and Planning Director, stated for the record that the issues with this building have nothing to do with the upkeep or maintenance over the years by the Girl Scouts. The main safety concerns are the roof sagging and the foundation. It is just deterioration due to age. There is no neglect or negligence on behalf of the Girl Scouts.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, directing city staff to obtain an environmental assessment on what is known as the "Girl Scout Cabin" and to solicit bids for razing the structure. Council President Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Council President declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2018-17, and moved for approval of the second reading thereof; Councilmember Buck seconded.

ORDINANCE NO. 2018-17

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE V PUBLIC WORKS, CHAPTER 50 SOLID WASTE MANAGEMENT, SECTION 50.04 DISPOSAL; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Muir introduced Ordinance 2018-18, and moved for approval of the second reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2018-18

AN ORDINANCE APPROVING AMENDMENT NO. 3 TO THE POWER PURCHASE AGREEMENT BETWEEN THE CITY OF WAYNE, NEBRASKA, AND COTTONWOOD WIND PROJECT, LLC.

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

The following Resolution would accept the proposal of Crouch Recreation for \$61,001 for the “Versacourt Play Area Project” up by the old pool.

The City received a \$30,000 reimbursable grant from the NRD to assist in funding this project at the old swimming pool park (old tennis court area). The project would include a “Versacourt/flexcourt” material covering the entire concrete slab and provide 2 full-sized basketball courts (4 new goals) with 2 pickle ball courts (2 sets of nets and support sleeves) on one basketball court, and 1 volleyball court (net and support sleeves) on the other court. The space between the courts would be marked for hopscotch and 4-square. Staff has met with representatives on site from all three companies submitting bids for the project. This would be

the first step in revitalizing this park/swimming pool property. Of the three firms submitting proposals, Crouch Recreation was the lowest price.

There is a 16-year warranty on the product, and it comes with a 25-30 year life expectancy.

Councilmember Eischeid introduced Resolution 2018-36, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2018-36

A RESOLUTION ACCEPTING PROPOSAL AND AWARDED CONTRACT ON THE “VERSACOURT PLAY AREA PROJECT” TO CROUCH RECREATION FOR \$61,001.00.

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

DGR Engineering presented Pay Estimate No. 3 for the “Electric Meter Cutover West Inner and East Inner Conversion Electric Distribution Project” for \$7,327.58 to Klein Electric, Inc. They have found the work to date completed in accordance with the plans and specifications, and recommend approval of the same.

Councilmember Muir made a motion, which was seconded by Councilmember Buck, approving Pay Estimate No. 3 for \$7,327.58 to Klein Electric, Inc., for the “Electric Meter Cutover West Inner and East Inner Conversion Electric Distribution Project.” Council President Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Council President declared the motion carried.

A pay request (No. 2) has been received from OCC Builders, LLC, for the “Wayne Golf & Country Club Clubhouse Improvement Project” for \$25,167. The architect on the project has approved the same. This will be paid from the donations. They are not using any of the LB840 funds yet.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, approving Pay Application No. 2 for \$25,167 to OCC Builders, LLC, for the “Wayne Golf & Country Club Clubhouse Improvement Project.” Council President Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Council President declared the motion carried.

Councilmember Greve made a motion, which was seconded by Councilmember Eischeid, to adjourn the meeting. Council President Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Council President declared the motion carried and the meeting adjourned at 6:15 p.m.