

**CITY COUNCIL MEETING**  
**July 3, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, July 3, 2018, at 5:30 o'clock P.M.

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

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 21, 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.

Mayor Brodersen 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, she 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 Eischeid made a motion, which was seconded by Councilmember Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of June 19, 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 Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** AMAZON.COM, LLC, SU, 942.58; AMERITAS, SE, 2356.36; AMERITAS, SE, 72.00; AMERITAS, SE, 113.46; AMERITAS, SE, 60.16; APPEARA, SE,

132.77; ASCAP, FE, 10.50; BARTLETT, TERESA, RE, 384.21; BORDER STATES INDUSTRIES, SU, 1262.35; BROWN SUPPLY, SU, 653.00; BUSH, SAVANNAH, RE, -111.95; CENTURYLINK, SE, 416.83; CITY EMPLOYEE, RE, 49.16; CITY OF WAYNE, PY, 85049.76; CITY OF WAYNE, PY- 6/7/18, 82595.51; CLAUSSEN & SONS IRRIG, SE, 128.25; CRAFTS INC, SE, 564.80; CRESCENT ELECTRIC SUPPLY, SU, 486.89; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 110.08; DEMCO, SU, 411.66; DUTTON-LAINSON, SU, 1585.31; ECHO GROUP, SU, 92.69; EICKHOFF, SHELBY, RE, -73.53; EICKHOFF, SHELBY, RE, 73.53; FIRST CONCORD GROUP, SE, 2688.86; FLOOR MAINTENANCE, SU, 379.36; FREDRICKSON OIL, SE, 20.00; GALE/CENGAGE LEARNING, SU, 76.02; GERHOLD CONCRETE, SU, 31.46; GROSSENBURG IMPLEMENT, SU, 75.72; HAUFF MID-AMERICAN SPORTS, SU, 407.42; HAWKINS, SU, 3471.67; HELENA AGRI-ENTERPRISES, SU, 242.50; HILAND DAIRY, SE, 95.98; ICMA, SE, 9817.41; INTERNATIONAL PUBLIC MANAGEMENT, SU, 134.00; INTERSTATE BATTERY SYSTEM, SU, 117.95; IRS, TX, 10069.36; IRS, TX, 3363.18; IRS, TX, 14380.42; JEO CONSULTING GROUP, SE, 10548.00; JOHNSON HARDWARE, SU, 79.33; KARIAN PETERSON POWER LINE CONTRACTING, SE, 4587.96; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KELLY SUPPLY COMPANY, SU, 1045.43; KLEIN ELECTRIC, SE, 7327.58; KNIFE RIVER MIDWEST, SU, 1577.80; LOUIS BENSCHOTER, RE, 250.00; METERING & TECHNOLOGY SOLUTIONS, SU, 860.15; MILLER LAW, SE, 5259.73; NE AIR FILTER, SU, 105.63; NE DEPT OF REVENUE, TX, 4057.85; NORTHEAST NE INS AGENCY, SE, 86441.00; NOVA FITNESS EQUIPMENT, SE, 375.45; NWOD, FE, 15.00; OCC BUILDERS, SE, 25167.00; ODEYS INC, SU, 1026.00; PEERLESS WIPING CLOTH, SU, 252.00; POTTS, CAROL, RE, 150.00; POULSEN, JEREMY, RE, 60.00; PROGRESSIVE PROPERTIES, RE, 250.00; PROGRESSIVE PROPERTIES, RE, 250.00; PROPERTY EXCHANGE, RE, 179.92; RESCO, SU, 744.37; SKARSHAUG TESTING, SE, 206.63; STAPLES, SU, 101.98; STATE NEBRASKA BANK-PETTY CASH, RE, 187.16; US BANK, SU, 7088.79; VAKOC CONSTRUCT, SE, 124.38; VIAERO, SE, 116.55; WAHLTEK, SE, 910.00; WAED, RE, 7535.83; WAED, RE, 200.00; WESCO, SU, 1022.92; WIEBELHAUS, JAMES, RE, 100.00; WIGMAN COMPANY, SU, 88.20; WINNING FINISH, SE, 175.00; WISNER WEST, SU, 155.41; AMERICAN BROADBAND, SE, 2539.39; AXON ENTERPRISE, SU, 320.00; BLACK HILLS ENERGY, SE, 374.11; BORDER STATES INDUSTRIES, SU, 441.92; BROWN WEGHER CONST, RE, 113.14; BSN SPORTS, SU, 176.00; COPY WRITE, SE, 374.56; COUNTRY NURSERY, SU, 150.00; DUTTON-LAINSON, SU, 152.48; EASYPERMIT POSTAGE, SU, 1803.28; FREDRICKSON OIL, SE, 16.00; GERHOLD CONCRETE, SU, 48.75; GILL HAULING, SE, 237.50; GRANQUIST, JIM & CONNIE, SE, 300.00; GROSSENBURG IMPLEMENT, SU, 782.89; HEIKES AUTOMOTIVE, SE, 76.00; HILAND DAIRY, SE, 37.64; HOMETOWN LEASING, SE, 409.53; LAWYER, MICHELLE, RE, 35.00; MARCO, SE, 126.36; MCCORINDALE, MARK, RE, 100.00; NORTHEAST POWER, SE, 6200.00; NOVELTY MACHINE & SUPPLY, SU, 721.44; ODEYS, SU, 229.90; ONE CALL CONCEPTS, SE, 99.03; OVERHEAD DOOR, SE, 233.50; PAVEMENT STENCIL COMPANY, SU, 195.00; PLUNKETT'S PEST CONTROL, SE, 182.18; QUALITY FOOD CENTER, SU, 18.59; RISINGER, MATT, RE, 100.00; RR DONNELLEY, SE, 61.13; RUHTER, PARKER, RE, 65.35; SPIEKER, PAIGE, FE, 300.00; STAPLES, INC, SU, 126.99; STATE NEBRASKA BANK-PETTY CASH, RE, -187.16; TIGHE, JACK, RE, 51.71; TOM'S BODY & PAINT SHOP, SU, 77.00; TYLER TECHNOLOGIES, SE, 200.00; ZIMCO SUPPLY, SU, 820.00

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, to approve the claims. Mayor Brodersen stated the motion, and the result of roll call

being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Mayor Brodersen requested Council consideration to approving the appointment of Kim Endicott to the Library Board. She will replace Joel Ankeny, whose term expired June 30, 2018. If appointed, Kim's term will expire June 30, 2022.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, to approve the appointment of Kim Endicott to the Library Board (term expiring June 30, 2022). Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Luke Virgil, Director of Wayne Area Economic Development, was present and advised the Council that the LB840 Sales Tax Advisory Committee met to review and make a recommendation on a request to amend the terms of the original LB840 Loan to the Wayne Area Event Center, Inc./Josie Broders, from a \$350,000 loan with terms of 3% interest and a 10-year repayment period to the following:

- A \$350,000 loan;
- Defer principal payments for 3 years, but requiring interest payments throughout the deferment period;
- Changing the loan repayment period from 10 years to 15 years;
- Deferment period would be from March 1, 2018, to February 28, 2021;
- Repayment period for both principal and interest would begin on March 1, 2021; and
- Final payment will be due March 1, 2035.

Josie Broders and Corby Schweers, representing Elkhorn Valley Bank & Trust, were present to answer questions.

It was noted that the first payment was due on March 1, 2018. Notices were sent to Ms. Broders, but no response was received from Ms. Broders. Councilmember Eischeid stated what concerns the Council is the lack of communication. The dialog needs to improve. The City has been very supportive of this project.

Mr. Schweers stated he would like the Council to give Ms. Broders until November to get the interest caught up because this would give her time to pay it out of normal cash flow/normal proceeds from running the business. He would prefer the first interest payment be deferred until November 1, 2018. He noted he was not involved with this project at the beginning and would not have requested a payment at this point on the project. He thought the financial numbers looked better than projected, but asked that they be given until November to make the first interest payment. There is a time-frame they need to get through.

In addition, Mr. Schweers reminded Council that the City is not a bank and is an at-risk lender with these types of projects. The City is taking second positions, doing investment capital and gap type financing. This is the type of structure his bank would have asked for at the beginning, because as an at-risk lender, you are doing some things that the normal bank cannot do. An at-risk lender does not take or does not get the same exact terms as a pure financier. That is part of helping things get going.

Attorney Miller stated she would be in contact with Ms. Broders and Mr. Schweers to prepare the amended contract, once approved.

After discussion, Councilmember Giese made a motion, which was seconded by Councilmember Karsky, approving the recommendation of the LB840 Sales Tax Advisory Committee to amend the terms of the original LB840 Loan to the Wayne Area Event Center, Inc./Josie Broders, from a \$350,000 loan with terms of 3% interest and a 10-year repayment period to the following:

- A \$350,000 loan;
- Defer principal payments for 3 years, but requiring interest payments throughout the deferment period, with the first deferred interest payment being delayed until November 1, 2018;
- Changing the loan repayment period from 10 years to 15 years;
- Deferment period would be from March 1, 2018, to February 28, 2021;
- Repayment period for principal and interest would begin on March 1, 2021; and
- Final payment would be due March 1, 2035.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent and Councilmember Sievers who voted Nay, the Mayor declared the motion carried.

Luke Virgil, Executive Director of Wayne Area Economic Development, was present requesting Council consideration to allowing them to have a fireworks display on Friday, July 13, 2018, for the Henoween Celebration on the Rugby Fields by the Wayne Softball Complex.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the request of Luke Virgil, Executive Director of Wayne Area Economic Development, allowing them to have a fireworks display on Friday, July 13, 2018, for the Henoween Celebration on the Rugby Fields by the Wayne Softball Complex. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Matt Eischeid, on behalf of the Wayne Senior Baseball Association, was requesting Council consideration to closing Windom Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets on Saturday, July 28<sup>th</sup> from 8:00 a.m. to 10:00 p.m.; Sunday, July 29<sup>th</sup> from 8:00 a.m. to 10:00 p.m.; Monday, July 30<sup>th</sup> from 11:00 a.m. to 10:00 p.m.; Tuesday, July 31<sup>st</sup> from 2:00 p.m. to 10:00 p.m.; and Wednesday, August 1<sup>st</sup> from 3:00 p.m. to 10:00 p.m. for the Senior State Baseball Tournament.

After discussion, Councilmember Giese made a motion, which was seconded by Councilmember Haase, approving the request to close Windom Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets on Saturday, July 28<sup>th</sup> from 8:00 a.m. to 10:00 p.m.; Sunday, July 29<sup>th</sup> from 8:00 a.m. to 10:00 p.m.; Monday, July 30<sup>th</sup> from 11:00 a.m. to 10:00 p.m.; Tuesday, July 31<sup>st</sup> from 2:00 p.m. to 10:00 p.m.; and Wednesday, August 1<sup>st</sup> from 3:00 p.m. to 10:00 p.m. for the Senior State Baseball Tournament. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Administrator Blecke stated the City has been discussing the drainage ditch along the west and south side of the Southview II Addition with Kelby Herman and Doug Pierson. Mr. Pierson is willing to sell some property to enlarge the ditch and reroute it to create a better drainage for the area, which drains Grainland Road from the hill west of Blaine Street down to South Sherman Street. In order to split his property to sell it, this requires a plat. Before the Council can give final approval to a plat, the land must be requested to be annexed by the owner. Water and sewer have already been extended to the edge of this property with the Southview II Addition. The annexation request is the first step in a multi-step process to ultimately own the drainage area. The public hearing would be held on July 17, 2018, at or about 5:30 p.m.

Councilmember Sievers introduced Resolution 2018-37, and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2018-37

A RESOLUTION ACCEPTING A PLAN TO EXTEND CITY SERVICES AND SETTING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AREA TO THE CITY OF WAYNE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2018-17, and moved for approval of the third and final reading thereof; Councilmember Haase 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.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance 2018-18, and moved for approval of the third and final reading thereof; Councilmember Haase 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.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Administrator Blecke stated the following Ordinances would amend Wayne Municipal Code Sections 78-126 and 78-127 regarding the parking by Sunnyview Park. He explained that when the parking was added on the north side of Sunnyview Park with the paving of East 10th Street, the ordinances were drafted to prohibit parking on that side of the street. This action will remove that section of the street from the prohibited parking section of the code and place it in the restricted section, thus preventing overnight parking. We currently have a person parking overnight in this area. This will hopefully address this issue and make them use our campground instead. No other parks have off street parking other than the old swimming pool park.

Councilmember Eischeid introduced Ordinance No. 2018-19, and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2018-19

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 78 PARKING, SECTION 78-126 PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Giese introduced Ordinance No. 2018-20, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2018-20

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 78 PARKING, SECTION 78-127 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

A pay request (No. 3) has been received from OCC Builders, LLC, for the “Wayne Golf & Country Club Clubhouse Improvement Project” for \$28,639. The architect on the project has approved the same.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, approving Pay Application No. 3 for \$28,639 to OCC Builders, LLC, for the “Wayne Golf & Country Club Clubhouse Improvement Project.” Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, setting the budget work session date for Tuesday, August 7<sup>th</sup>, after the regularly scheduled Council meeting. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried.

Councilmember Haase made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Buck and Muir who were absent, the Mayor declared the motion carried and the meeting adjourned at 6:25 p.m.