

**MINUTES
CITY COUNCIL MEETING
July 17, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, July 17, 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 July 5, 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 Buck, to approve the minutes of the meeting of July 3, 2018, and to waive the reading of said minutes.

Council President Giese stated he would like incorporated into the minutes the comments/discussion by Corby Schweers, representing Josie Broders – Beaumont Event Center, regarding the City being an “at-risk lender.”

With that said, Councilmember Haase made a motion, which was seconded by Councilmember Buck, to approve the minutes, as amended. 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: ALTEC INDUSTRIES, INC., SU, 185.65; AMERITAS, SE, 95.38; AMERITAS, SE, 2377.36; AMERITAS, SE, 72.00; AMERITAS, SE, 60.16; APPEARA, SE, 97.73; BAKER & TAYLOR BOOKS, SU, 605.16; BELT, CHANELLE, RE, 25.00; BOMGAARS, SU, 1602.73; BORDER STATES INDUSTRIES, SU, 2913.88; BROWN, SANDY, RE, 58.62; CAMPBELL, STU, SU, 28.72; CARHART LUMBER COMPANY, SU, 356.81; CARLO, CASEY, RE, 82.90; CHAVEZ, DIEGO, RE, 77.22; CITY EMPLOYEE, RE, 172.40; CITY OF WAYNE, PY, 89640.90; COPY WRITE PUBLISHING, SE, 145.32; CORE & MAIN LP, SU, 6160.69; FLOOR MAINTENANCE, SU, 442.74; GALE/CENGAGE LEARNING, SU, 74.07; GARVEY, TAYLOR, RE, 275.00; GLOVER, COURTNEY, RE, 98.57; GONZALEZ, JOSE, RE, 52.38; GRADUATE LINCOLN, SE, 446.00; HAWKINS, INC, SU, 951.78; HEARTLAND FIRE PROTECTION, SE, 127.00; HILAND DAIRY, SE, 57.14; HOMESTEAD HOMES, RE, 100.00; INGRAM LIBRARY SERVICES, SU, 451.01; IRS, TX, 3.12; IRS, TX, 13.32; IRS, TX, 11934.10; IRS, TX, 15366.88; IRS, TX, 3593.86; JMB CONTRACTING, RE, 100.00; JOHN'S WELDING AND TOOL, SU, 314.70; KAY PARK REC CORP, SU, 6983.00; KLAMETH, BENJAMIN, RE, 47.61; KNOEPFLER CHEVROLET, SU, 471.44; KTCH AM/FM RADIO, SE, 788.00; LEAGUE OF NEBRASKA MUNICIPALITIES, SE, 890.00; LUTT OIL, SU, 5071.70; MAIN STREET AUTO CARE, SE, 100.00; MAIN STREET AUTO CARE, SU, 389.78; MAIN STREET AUTO CARE, SE, 100.00; MATHESON-LINWELD, SU, 42.60; MAXNET SECURITY, SE, 2290.50; MAXNET SECURITY, SE, -2,290.50; MILLER LAW, RE, 3.31; NE DEPT OF REVENUE, TX, 4715.35; NEXTERA ENERGY, SE, 15425.81; NNEDD, SE, 1075.67; OCC BUILDERS, SE, 28639.00; ODEYS INC, SU, 733.00; OVERDRIVE, INC, SU, 310.85; PAC N SAVE, SE, 555.87; PECENA, ASHLYN, RE, 13.17; PENGUIN RANDOM HOUSE, SU, 142.50; PITNEY BOWES, SE, 253.85; PRITCHARD, JUSTIN, RE, 221.95; QUALITY FOOD CENTER, SU, 176.17; S & S WILLERS, SU, 605.64; SHOPKO, SU, 395.99; STAPLES, SU, 140.58; STATE NEBRASKA BANK-PETTY CASH, RE, 300.00; STECHER, JODY, RE, 129.40; T & R ELECTRIC, SU, 405.00; TYLER TECHNOLOGIES, SE, 5145.00; VERIZON, SE, 317.53; WASTE CONNECTIONS, SE, 272.36; WATSON, MICHELLE, RE, 47.33; WAYNE COMMUNITY SCHOOLS, RE, 100.00; WAYNE COUNTY CLERK, SE, 20.00; WAYNE HERALD, SE, 608.95; WAYNE HERALD, SE, 494.00; WAYNE VETERINARY CLINIC, SE, 347.00; WAPA, SE, 19178.16; WISNER WEST, SU, 37.27; WIXON, DAVID, RE, 4.77; APPEARA, SE, 58.11; BARONE SECURITY SYSTEMS, SE, 1152.00; BATTERY SOLUTIONS, SU, 199.81; BROWN SUPPLY, SU, 2986.00; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 386.78; CITY EMPLOYEE, RE, 37.71; CORE & MAIN LP, SU, 320.00; CROUCH RECREATIONAL DESIGN, SE, 27000.50; DAVE'S DRY CLEANING, SE, 81.00; DEARBORN NATIONAL LIFE, SE, 2,350.26; DEMCO, SU, 432.20; DODGE COUNTY, RE, 300.00; GROSSENBURG IMPLEMENT, SU, 22.54; HAUFF MID-AMERICAN SPORTS, SU, 206.22; HAWKINS, INC, SU, 5381.17; HILAND DAIRY, SE, 85.60; ITRON, SE, 3921.90; LUTT OIL, SU, 17.55; MARCO TECHNOLOGIES, SE, 175.82; MAXNET SECURITY, SE, 0.50; MAXNET SECURITY, SE, -0.50; MIDWEST LABORATORIES, SE, 294.00; MILLER, MITCH, RE, 100.00; MILLER, SUZANNE, RE, 500.00; NE AIR FILTER, SU, 51.02; NPPD, SE, 400773.66; POLLARD PUMPING, SE, 305.00; RODRIGUEZ, NANCY, SE, 35.00; RUWE, JOSH, RE, 100.00; SPARKLING KLEAN, SE, 3037.11; ST OF NE-CHARITABLE GAMING DIVISION, TX, 1604.00; STADIUM SPORTING GOODS, SU, 2000.00; STATE NEBRASKA BANK-PETTY CASH, RE, 96.86; UNITED HEALTHCARE, SE, 36485.74; US FOODSERVICE, SE,

918.68; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY COURT, RE, 150.00; ZIMCO SUPPLY, SU, 85.00

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.

Luke Virgil, Director of Wayne Area Economic Development, presented the semi-annual report of the LB 840 activity.

Council President Giese stated the time was at hand for the public hearing to consider the Planning Commission's recommendation concerning the Final Plat for the "Southview III Addition." The applicant for the request is the City of Wayne.

The Planning Commission reviewed the matter at their public hearing on July 2, 2018, and forwarded a recommendation to approve the same subject to the following "Finding of Fact:"

- Consistency with the Comprehensive plan and the current and future land use maps.

Joel Hansen, Street and Planning Director, stated this property is owned by Doug Pierson. This would allow him to sell a portion of the drainage area (Outlot A) that is located along the west and south side of Southview II Addition to the City of Wayne.

Doug Pierson was present to answer questions.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Council President Giese closed the public hearing.

Councilmember Eischeid introduced Resolution 2018-39, and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2018-39

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

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.

Council President Giese declared the time was at hand for the public hearing on the annexation of certain real estate – the Southview III Addition.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Council President Giese closed the public hearing.

Councilmember Eischeid introduced Ordinance No. 2018-21, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2018-21

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE SOUTHWEST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE – SOUTHVIEV III ADDITION.

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 second reading will take place at the next meeting.

The following Resolution is a requirement by the Nebraska Department of Transportation when a State highway will be closed for a celebration/parade. This Resolution pertains to the Wayne State College Homecoming Parade and Band Day on Saturday, September 29, 2018.

Sarah Gunion, Student Activities Coordinator at Wayne State College, was present to answer questions. She is requesting to close Main Street, between 1st and 12th Streets, on Saturday, September 29, 2018, from 8:00 a.m. to 11:00 a.m. for the WSC Homecoming/Band Day Parade.

Councilmember Eischeid introduced Resolution No. 2018-40 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2018-40

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF TRANSPORTATIONS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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.

Jon Mooberry, Project Manager with JEO Consulting Group, Inc., was present and stated three bids were received on the "Wayne 2018 Pedestrian Curb Ramp Project." The low bidder on the project was I & A Construction of Sioux City, IA, in the amount of \$168,483.61. The engineer's estimate was \$237,000. After reviewing the bids, he was recommending that the project be awarded to the low bidder, I & A Construction. Their start date would be in the spring of 2019. This was not a concern of the Project Manager. With the amount of work to do, there should not be a problem with them getting the same accomplished by the completion date – November, 2019.

Councilmember Eischeid introduced Resolution 2018-41, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2018-41

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "WAYNE 2018 PEDESTRIAN CURB RAMP PROJECT" TO I & A CONSTRUCTION IN THE AMOUNT OF \$168,483.61.

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. 2018-19, and moved for approval of the second reading thereof; Councilmember Greve 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.

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 No. 2018-20, and moved for approval of the second reading 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.

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.

Administrator Blecke stated that even though Wayne is moving away from Nebraska Public Power District (NPPD) on the energy side of electricity, the City still receives this energy over/through NPPD's system. This is an agreement to use NPPD's system, including the substation around the Emerson area, to transmit energy from NPPD's substation onto the Northeast power lines feeding the City. This same type of agreement (in some form) with NPPD has been signed by both Northeast and the City of Wakefield. The City will continue to pay NPPD for this use.

Councilmember Eischeid introduced Ordinance No. 2018-22, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2018-22

AN ORDINANCE APPROVING TRANSMISSION SUBSTATION SERVICE AGREEMENT BETWEEN THE CITY OF WAYNE, NEBRASKA, AND NEBRASKA PUBLIC POWER DISTRICT.

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 second reading will take place at the next meeting.

Change Order No. 2 (Final) has been received from A & R Construction Co. for the “4th Street Paving Project,” which is a decrease of \$62,987.77. The engineer on the project has approved the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, approving Change Order No. 2 (Final), which is a decrease of \$62,987.77 on the “4th Street Paving Project” to A & R Construction Co. 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. 5 Final) has been received from A & R Construction Co. for the “4th Street Paving Project” for \$68,588.64. The engineer on the project has approved the same.

Councilmember Muir made a motion, which was seconded by Councilmember Buck, approving Pay Application No. 5 (Final) for \$68,588.64 to A & R Construction Co. for the “4th Street Paving 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.

Council President Giese stated the time was at hand for the public hearing on the application for a Retail Class C (Beer, Wine, Distilled Spirits, On and Off Sale) Liquor License for the Johnnie Byrd Brewing Company located at 117 W. 2nd Street.

Greg Ptacek has made an application for a Class C Liquor License. If approved, Johnnie Byrd Brewing Company will hold both a Class LK Liquor License (Craft Brewery with Catering) and a Class C Liquor License (On and Off Sale Beer, Wine and Distilled Spirits).

City Clerk McGuire had not received any comments for or against this public hearing.

There being no public comments, Council President Giese closed the public hearing.

Councilmember Muir introduced Resolution No. 2018-38 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2018-38

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS C LIQUOR LICENSE — JOHNNIE BYRD BREWING COMPANY.

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 Muir 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 6:11 p.m.