

**MINUTES
CITY COUNCIL MEETING
October 16, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, October 16, 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, Terri Buck, Jason Karsky, Nick Muir; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 4, 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 Haase made a motion, which was seconded by Councilmember Sievers, to approve the minutes of the meeting of October 2, 2018, and to waive the reading of said minutes. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid 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:

2017-2018: ACE REFRIGERATION CO, SU, 5402.50; ARLT, NICK, SE, 140.00; BOMGAARS, SU, 2,214.36; BORDER STATES INDUSTRIES, SU, 169.47; CERTIFIED TESTING SERVICES, SE, 2919.50; COPY WRITE PUBLISHING, SE, 183.45; COPY WRITE PUBLISHING, SE, 481.93; DAVE'S DRY CLEANING, SE, 69.00; DE NORA WATER

TECHNOLOGIES, SU, 538.24; EASYPERMIT POSTAGE, SU, 1958.61; ED M. FELD EQUIPMENT, SU, 131.95; EMPLOYERS MUTUAL CASUALTY, SE, 538.54; EUSE, ALEX, SE, 75.00; FAITH REGIONAL PHYSICIAN SERVICES, SE, 30.00; FREDRICKSON OIL, SU, 211.80; GILL HAULING, SE, 200.00; HEIKES AUTOMOTIVE, SE, 251.45; INDUSTRIAL CHEM LABS & SERVICES, SU, 1166.21; INGRAM LIBRARY SERVICES, SU, 1320.56; KALLHOFF, KYLE, SE, 195.00; KLEIN ELECTRIC, SE, 39350.49; KTCH, SE, 507.00; LUTT OIL, SU, 5913.75; MARCO, SE, 126.36; MATHESON-LINWELD, SE, 42.60; MATTESON, JOSEPH, SE, 225.00; NE LIBRARY COM, SE, 1143.00; NEXTERA ENERGY, SE, 15251.53; NORFOLK DAILY NEWS, SE, 266.00; ONE CALL CONCEPTS, SE, 58.29; PAC N SAVE, SU, 17.42; PAC N SAVE, SU, 865.87; PENGUIN RANDOM HOUSE, SU, 414.75; QUALITY FOOD CENTER, SU, 17.63; ROBERT WOehler & SONS, SE, 216679.49; ROTH, TRENT, SE, 105.00; S & S WILLERS, SE, 1276.30; SHOPKO, SU, 149.98; SKARSHAUG TESTING LAB, SE, 1.00; TEI LANDMARK AUDIO, SU, 277.53; TITAN MACHINERY, SU, 690.22; TYLER TECHNOLOGIES, SE, 62.50; US BANK, SU, 20273.11; US FOODSERVICE, SU, 1348.97; VAKOC CONSTRUCT, SU, 15.17; VAN DIEST SUPPLY, SU, 170.80; WAYNE AUTO PARTS, SU, 906.72; WAYNE COUNTY CLERK, SE, 88.00; WAYNE HERALD, SE, 595.00; WAYNE HERALD, SE, 272.00; WAYNE HERALD, SE, 836.00; WAYNE HERALD, SE, 2372.24; WAYNE VETERINARY CLINIC, SE, 128.00; WISNER WEST, SU, 191.93; ZAMZOW, RILEY, SE, 140.00; ZARATE, STEVEN, SE, 30.00

2017-2018: ARNIE'S FORD, SU, 31121.00; CITY OF WAYNE, RE, 164.97; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 31031.00; HAWKINS, SU, 2021.42; KTCH, SE, 594.00; MIDWEST LABORATORIES, SE, 297.50; NE SALT & GRAIN, SU, 1887.73; QUALITY FOOD CENTER, SU, 122.70; SAFE TRANSPORTATION TRAINING SPECIALIST, SU, 1262.60; ST OF NE-CHARITABLE GAMING DIVISION, TX, 978.00; TYLER TECHNOLOGIES, SE, 2100.00; WAYNE HERALD, SE, 595.00

2017-2018: ACES, SE, 3500.00; AMAZON.COM, SU, 2058.01; BAKER & TAYLOR BOOKS, SU, 1127.59; COMMUNITY REDEVELOPMENT AUTHORITY, RE, 30031.00; COMMUNITY REDEVELOPMENT AUTHORITY, RE, -31,031.00; MIDWEST TAPE, SU, 404.88; NPPD, SE, 381475.56; NORTHEAST POWER, SE, 13417.72; POLLARD PUMPING, SE, 225.00; RAINBOW PRINTING, SU, 475.00; SENECA COMPANIES, SE, 7670.00; STATE TREASURER OF NE, FE, 5.07; WATSON LABEL PRODUCTS, SU, 384.80; WAYNE STATER, SE, 160.00

2018-2019: AMERICAN BROADBAND, SE, 2506.88; APPEARA, SE, 101.84; BORDER STATES INDUSTRIES, SU, 191.70; CITY EMPLOYEE, RE, 163.22; CITY EMPLOYEE, RE, 406.58; CITY EMPLOYEE, RE, 135.15; CITY EMPLOYEE, RE, 236.35; CITY EMPLOYEE, RE, 150.00; CITY OF NORFOLK, RE, 1500.00; CITY OF WAYNE, PY, 73848.64; CITY OF WAYNE, RE, 394.71; CITY OF WAYNE, RE, 409.00; DEARBORN NATIONAL LIFE, SE, 2434.92; EUSE, ALEX, SE, 15.00; FLETCHER, IRENE, RE, 409.00; FLOOR MAINTENANCE, SU, 373.74; HILAND DAIRY, SE, 40.27; ICMA, SE, 9629.67; KALLHOFF, KYLE, SE, 15.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; MATTESON, JOSEPH, SE, 45.00; NE DEPT OF ENVIRONMENTAL QUALITY, FE, 150.00; PITNEY BOWES, SE, 253.85; ROTH, TRENT, SE, 30.00; STADIUM SPORTING GOODS, SU, 116.00; STAPLES, SU, 40.73; TITAN MACHINERY, SU, 625.67; VERIZON, SE, 317.08; WASTE CONNECTIONS, SE, 128.14

2018-2019: ACES, SE, 875.00; AMERITAS, SE, 60.16; AMERITAS, SE, 2402.20; AMERITAS, SE, 89.74; AMERITAS, SE, 72.00; BUGS BOWS, SU, 546.00; CITY OF WAYNE, RE, 354.82; CITY OF WAYNE, RE, 150.00; CORE & MAIN, SU, 1229.68; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; FIREMAN'S ASSOCIATION, FE, 5000.00;

GALE/CENGAGE LEARNING, SU, 124.10; GERHOLD CONCRETE, SU, 100.00; HAMMONS, SHARON, RE, -150.00; HAWKINS, SU, 558.71; INTERSTATE BATTERY SYSTEM, SU, 229.90; IRS, TX, 9248.52; IRS, TX, 2917.00; IRS, TX, 12472.58; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 163.00; MARCO, SE, 175.82; MARRIOTT HOTELS, FE, 714.00; NE DEPT OF REVENUE, TX, 3778.25; NE LIBRARY COM, FE, 800.00; OVERDRIVE, SU, 709.87; PROGRESSIVE PROPERTIES, RE, 7013.22; PROGRESSIVE PROPERTIES, RE, 2532.72; PROGRESSIVE PROPERTIES, RE, 8033.57; RODRIGUEZ, NANCY, SE, 17.50; SPARKLING KLEAN, SE, 3075.87; WESCO, SU, 590.64; WESTERN RIDGE III, RE, 8469.30

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

Lukas Rix, representing Rustic Treasures, was present requesting Council consideration to allowing his business to spray paint a path (daisies) from the back of the Rustic Treasures' building (alley) to the side door entrance of the Mineshaft Mall. They want to push traffic in the right direction out the back entrance of Rustic Treasures. The path will start inside of the Rustic Treasures' store.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, approving the request of Lukas Rix, d/b/a Rustic Treasures, to spray paint a path from the back of Rustic Treasures (alley) to the side door of the Mineshaft Mall. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Annual Christmas on Main Celebration/Annual Parade of Lights to be held on Thursday, November 15, 2018.

Irene Fletcher, representing Wayne Area Economic Development, was present to answer questions.

Councilmember Sievers introduced Resolution No. 2018-57 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2018-57

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

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

Irene Fletcher, representing Wayne Area Economic Development, was requesting Council consideration to prohibit parking on Main Street in the 200 block of Main Street from 5:30 p.m. until 8:00 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, November 15th.

Councilmember Giese made a motion, which was seconded by Councilmember Buck, approving the request of Wayne Area Economic Development to prohibit parking on Main Street in the 200 block of Main Street from 5:30 p.m. until 8:00 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, November 15th. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2018-26 and moved for approval of the third and final reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2018-26

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF PROPERTY OR AREA KNOWN AS SOUTHVIEW III ADDITION LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP TWENTY-SIX NORTH, RANGE THREE, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, FROM A-1 AGRICULTURAL DISTRICT TO R-2 RESIDENTIAL DISTRICT.

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

Councilmember Giese introduced Ordinance No. 2018-27, and moved for approval of the second reading thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2018-27

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY ADDING A SECTION PARKS – CAMPGROUND RULES AND REGULATIONS; AND RENUMBERING THE FOLLOWING SECTION; 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 Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to move for final approval of Ordinance No. 2018-27. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who was absent, the Mayor declared the motion carried.

Marlen Chinn, Police Chief, stated the following ordinance would amend Wayne Municipal Code Title VII Traffic Code, Sec. 78-137 Prohibited Terrace Parking as follows:

§ 78-137 PROHIBITED TERRACE PARKING.

(A) In residential areas only, it shall be unlawful for any person to park, or leave standing any recreational equipment including, but not limited to, camper, boat or other similar recreational equipment upon any terrace parking space. Any vehicle found in violation of this section is subject to a fine in accordance with § 78-122 of this chapter and the vehicle is subject to impoundment.

(B) In residential areas only, it shall be ~~un~~lawful for any person to park, or leave standing any pickup, automobile or motorcycle parked upon any **improved** terrace parking. ~~any~~ **No** commercial vehicles, utility trailers, construction or agricultural equipment, **boats, campers, recreational equipment**, straight trucks, or step vans **shall be allowed on terrace parking.**

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL VEHICLE. A commercially licensed motor vehicle that has commercial decals and/or a federal DOT number on the vehicle that is configured with accessories, including, but not limited to, those that hold materials, ladders, signs, storage space, tool access or delivery accessories, and/or have tandem axles or dual wheels and are used for the conduct of commercial business.

TERRACE PARKING. The use of any portion of the right-of-way of any street **located behind the back of the curb** for the parking of motor vehicles. Such parked vehicles shall not extend over any sidewalk and shall not present a traffic hazard.

Councilmember Eischeid arrived at 5:51 p.m.

Councilmember Sievers introduced Ordinance No. 2018-28, and moved for approval thereof, as amended (adding the word “improved” to section B and the other changes noted therein); Councilmember Giese seconded.

ORDINANCE NO. 2018-28

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, APPENDIX - TRAFFIC AND VEHICLES, SECTION 78-137 PROHIBITED TERRACE PARKING; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, to move for final approval of Ordinance No. 2018-28. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following ordinance would amend Wayne Municipal Code Title IX General Regulations, Chapter 91 Streets, Sidewalks and other Public Places, Sec. 91.026 Kept Clean as follows:

§91.026 KEPT CLEAN.

(A) *Generally.* It shall be unlawful for any person, business, association, corporation or organization of any kind, who owns, occupies, leases or controls any property within the corporate city limits upon which a sidewalk has been constructed to allow an accumulation of snow, or ice, dirt, or rock, or gravel on said sidewalk abutting said property at any time. In the event of a snow or ice storm said sidewalks shall be cleaned of snow and ice 24 hours after the city completes snow removal of the street adjacent to said sidewalk. Placing snow removed from sidewalks onto the paved portion of any municipal street is prohibited.

(B) *Exceptions.*

(1) In locations where the street surface between the curbs exceeds 40 feet and where the improvements on any such abutting property are located so as to leave the owner nowhere else to place the removed snow; in this exception, the snow or ice needs to be removed within 12 hours of any snowfall necessitating the City Street Department to remove said snow from the public streets, and such snow or ice will be placed **on the paved street not less more** than one foot from the curb line. **In such locations, any area between the sidewalk and the street which has been improved with pavement or pavers and that is not used for parking, shall be considered to be part of the sidewalk.**

(2) (a) If, after proper notice is given, the tenant or property owner, whichever is applicable, fails to remove said snow, or ice, dirt, or rock, or gravel, the city shall cause the removal of said snow, or ice, dirt, or rock, or gravel within three days of the property being posted, or the tenant or owner being personally served, or within five days of such notice being mailed by first class mail. The tenant or property owner will be billed for the costs incurred to remove said snow, or ice, dirt, or rock, or gravel.

(b) If the costs are not paid within two months, the City Clerk shall cause a lien to be placed upon the property in the form of a special assessment.

This is a result of staff running into issues with snow removal last winter, and will address the issues of piling snow on the brick pavers.

Councilmember Sievers introduced Ordinance No. 2018-29, and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2018-29

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 91.026 KEPT CLEAN; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

A pay request (No. 6) has been received from OCC Builders, LLC, for the “Wayne Golf & Country Club Clubhouse Improvement Project” for \$53,762. The architect on the project has approved the same.

Councilmember Sievers made a motion, which was seconded by Councilmember Buck, approving Pay Application No. 6 for \$53,762 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, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, to enter into executive session to discuss a real estate matter — setting a sale price on City-owned railroad right-of-way property (11.37 acres per the County Assessor), and to allow the following persons to be in attendance: City Administrator Blecke, City Clerk McGuire, City Attorney Miller, Police Chief Chinn, and Street and Planning Director Hansen. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 5:59 p.m.

Mayor Brodersen again stated that the matter to be discussed in executive session pertains to setting a sale price on City-owned railroad right-of-way property (11.37 acres per the County Assessor).

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to resume open session. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 6:21 p.m.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, setting the sale price on the city-owned railroad right-of-way property at \$15,000. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid 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, the Mayor declared the motion carried and the meeting adjourned at 6:22 p.m.