

**MINUTES
CITY COUNCIL MEETING
November 20, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, November 20, 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, Matt Eischeid, and Nick Muir; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on November 8, 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 November 6, 2018, and to waive the reading thereof. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ABATE OF NEBRASKA, RE, 200.00; AMERITAS, SE, 100.77; AMERITAS, SE, 2608.06; AMERITAS, SE, 60.16; AMERITAS, SE, 72.00; APPEARA, SE, 90.93; ARC-HEALTH & SAFETY, SE, 1148.00; BAKER & TAYLOR BOOKS, SU, 1304.27; BARONE SECURITY SYSTEMS, SE, 105.96; BENSCOTER INC, RE, 500.00; BENSCOTER INC, RE, 250.00; ROWN SUPPLY, SU, 1305.00; BROWN, SANDY, RE, 138.43; CARHART LUMBER COMPANY, RE, 1840.00; CERTIFIED TESTING SERVICES, SE, 1479.50; CITY EMPLOYEE, RE, 31.00; CITY EMPLOYEE, RE, 17.00; CITY EMPLOYEE, RE, 150.00; CITY

EMPLOYEE, RE, 100.00; CITY OF WAYNE, PY, 72527.73; CITY OF WAYNE, RE, 168.22; COPY WRITE, SE, 215.25; CORE & MAIN LP, SU, 5014.90; DANKO EMERGENCY EQUIPMENT, SU, 95.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; DEARBORN NATIONAL LIFE, SE, 2434.92; DORCEY, SHANNON, RE, 500.00; DUTTON-LAINSON COMPANY, SU, 123.06; ECHO GROUP, SU, 99.54; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 1586.77; ELLIS HOME SERVICES, SE, 957.86; ENVIRONMENTAL SERVICES, SE, 1014.00; FASTENAL, SU, 138.80; FLOOR MAINTENANCE, SU, 332.22; GERHOLD CONCRETE, SU, 1050.02; HILAND DAIRY, SE, 93.20; HOLIDAY INN OF KEARNEY, SE, 419.80; ICMA, SE, 9632.70; IRS, TX, 12515.48; IRS, TX, 9517.38; IRS, TX, 2927.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KELLY SUPPLY COMPANY, SU, 237.54; KEPSCO ENGRAVING, SU, 23.74; KTCH, SE, 550.00; LUTT OIL, SU, 5771.06; MARCO, SE, 126.36; MATHESON-LINWELD, SU, 44.02; MIDWEST LABORATORIES, SE, 172.00; MIDWEST TAPE LL, SU, 229.90; NE DEPT OF REVENUE, TX, 3847.39; NEXTERA ENERGY, SE, 14875.71; NORFOLK DAILY NEWS, SE, 88.00; OCC BUILDERS, SE, 65851.00; OVERDRIVE, SU, 346.91; PENGUIN RANDOM HOUSE, SU, 234.00; PITNEY BOWES, SE, 253.85; PLUNKETT'S PEST CONTROL, SE, 31.20; PROVIDENCE MEDICAL CENTER, SE, 225.00; QUALITY 1 GRAPHIC, SU, 20.00; QUALITY FOOD CENTER, SU, 386.14; RESCO, SU, 701.98; ROBERT WOHLER & SONS, SE, 76978.54; S & S WILLERS, SU, 555.48; SHOPKO, SU, 147.95; SIEVERS, SHARLENE, RE, 100.00; SOKOL, LARRY, RE, 100.00; SPARKLING KLEAN, SE, 3012.11; STADIUM SPORTING GOODS, SE, 30.00; STAPLES, SU, 256.00; US FOODSERVICE, SU, 1062.64; VERIZON, SE, 318.08; W.T. COX SUBSCRIPTIONS, SU, 1658.52; WAED, SE, 5000.00; WAYNE HERALD, SE, 70.50; WAYNE HERALD, SE, 48.00; ACTIVE NETWORK, SU, 7673.40; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 516.40; AMAZON, SU, 436.90; B G REPAIR, SU, 157.05; BEBEE, TIMOTHY J. & LESLIE A., RE, 3076.60; BOMGAARS, SU, 351.53; CITY EMPLOYEE, RE, 152.90; CITY EMPLOYEE, RE, 361.42; DAYCLOUD STUDIOS, SE, 3600.00; DEMCO, SU, 240.23; EAKES OFFICE PLUS, SU, 1416.35; ECHO GROUP, SU, 142.00; ELECTRONIC ENGINEERING, SU, 194.95; FISCHER FOR NEBRASKA, RE, 200.00; FLOOR MAINTENANCE, SU, 174.45; FOURTH GENERATION FAMILY, RE, 12665.13; GALE/CENGAGE LEARNING, SU, 222.86; GERHOLD CONCRETE, SU, 700.00; HAUFF MID-AMERICAN SPORTS, SU, 345.43; HILAND DAIRY, SE, 20.89; HUNDERTMARK CLEANING SYSTEMS, SU, 71.17; JORGENSEN, KEN, RE, 1849.50; MARCO TECHNOLOGIES, SE, 175.82; NE LAW ENFORCEMENT, SU, 20.00; NE LIBRARY COM, SE, 750.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 152.00; NPPD, SE, 276298.58; NORTHEAST POWER, SE, 13417.72; OVERDRIVE, SU, 101.00; PETERSON, CARTER, RE, 1398.46; QUALITY 1 GRAPHIC, SU, SU, 80.00; REEG, BETTY S. Revocable Trust, RE, 2796.91; STAPLES, SU, 265.45; STEFFEN TRUCK EQUIPMENT, SU, 23.49; TOMPKINS, RODNEY R. Irrevocable Trust, RE, 2796.91; WAYNE HERALD, SE, 1568.87; WESCO, SU, 299.60

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, the Mayor declared the motion carried.

Mayor Brodersen stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the zoning text, specifically the B-2 Central Business District, Section 152.081(L) Permitted Conditional Uses. The applicant,

Dylan Ellis, seeks to allow vehicle towing in the B-2 Central Business District as a permitted conditional use.

Joel Hansen, Street and Planning Director, advised the Council that Mr. Ellis had purchased a building in the B-2 District with the intent to open a vehicle towing business. He did not realize at the time of the purchase that vehicle towing was not a permitted use in the B-2 District.

The Planning Commission reviewed this matter at their public hearing on November 5, 2018, and forwarded a recommendation to approve the same, with the following conditions:

- (a) Provided that, vehicles shall only be stored on-site, pending settlement or legal disposition of vehicles by insurance carrier and/or owner;
- (b) All towed and stored vehicles shall be stored inside a building;
- (c) No demolition of towed or stored vehicles shall be allowed; and
- (d) All stored vehicles shall be owned by persons other than the towing service owner/operator and/or landowner,

and with the “Finding of Fact” being staff’s recommendation.

The conditions above come directly from the existing language in the B-1 and B-3 districts. It was noted that the vehicles would be inside the building.

Dylan Ellis 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, Mayor Brodersen closed the public hearing.

Councilmember Sievers introduced Ordinance No. 2018-32, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2018-32

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.081 — B-2 CENTRAL BUSINESS DISTRICT, SUBSECTION (L) PERMITTED CONDITIONAL USES; 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 Karsky, 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 Buck, to move for final approval of Ordinance No. 2018-32. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2018-29, and moved for approval of the third and final reading 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 City has received the Annual Renewal Maintenance Agreement from the State of Nebraska Department of Transportation. This is their standard form of renewal agreement. However, in this agreement, we are agreeing to pay NDOR \$2,100.00 per lane mile or \$4,935.00 in 2019 for the surface maintenance on 2.35 lane miles of highway through Wayne. Last year, it was \$1,575 per lane mile, totaling \$3,701.25.

Councilmember Giese made a motion, which was seconded by Councilmember Karsky, approving the Annual Renewal Maintenance Agreement (2018) with the State of Nebraska Department of Transportation. 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, setting January 2nd as the first Council meeting date in January, 2019. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Friday, January 18th and Saturday, January 19th were set as the Council Retreat dates in 2019.

Advanced Consulting Engineering Services presented Contractor's Application for Payment No. 5 (Final) on the "2nd Street Storm Sewer Improvement Project" for \$46,756.75 to Robert Woehler & Sons Construction Company, Inc. However, there was also a Change Order with the Pay Application that was not placed on the agenda. Therefore, Council was advised to deduct the change order amount (\$18,250) from the final pay application and approve that amount (\$28,506.75). The Final Pay Application and the Change Order will be placed on the next agenda. In addition, staff advised Council that they would have the engineer at the meeting to provide an explanation on the Change Order.

Councilmember Muir made a motion, which was seconded by Councilmember Buck, approving Contractor's Application for Payment No. 5 for \$28,506.75 to Robert Woehler & Sons Construction Company, Inc., for the "2nd Street Storm Sewer Improvement Project." Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution would approve the Service/Consultant Agreement between the City and Northeast Nebraska Economic Development District for the general administration of Community Development Block Grant 16-CD-208 (Phase II Year 2) for a sum not to exceed \$35,000. The City was notified on November 14th that it was awarded up to the amount of \$475,000 to be used for improvements in defined low-to-moderate income residential neighborhoods, including street and storm sewer improvements on Nebraska Street between 2nd and 7th Streets.

Councilmember Giese introduced Resolution No. 2018-66 and moved for its approval;
Councilmember Greve seconded the motion.

RESOLUTION NO. 2018-66

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) FOR THE GENERAL ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (16-CD-208 – Phase II Year 2).

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 Sievers, to enter into executive session to discuss a personnel matter (the appointment of Amy Miller as City Attorney and her Retainer Agreement), so as to prevent the needless injury to the reputation of the individual (City Attorney) who has not requested a public hearing, and to allow City Administrator Blecke and City Clerk McGuire to be in attendance. 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 5:56 p.m.

Mayor Brodersen again stated the matter to be discussed in executive session relates to the appointment and retainer agreement of Amy Miller, City Attorney.

Councilmember Eischeid 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 6:44 p.m.

Councilmember Giese introduced Resolution 2018-65, and moved for its approval;
Councilmember Sievers seconded.

RESOLUTION NO. 2018-65

A RESOLUTION APPROVING THE APPOINTMENT OF AMY K. MILLER AS CITY ATTORNEY AND RETAINER AGREEMENT.

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 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 6:45 p.m.