

**MINUTES
CITY COUNCIL MEETING
May 7, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, May 7, 2019, at 5:30 o'clock P.M.

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

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 25, 2019, 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 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 Brodersen made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meeting of April 16, 2019, and to waive the reading thereof. Mayor Giese 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: ACES, SE, 901.25; AMAZON, SU, 377.84; AMERICAN BROADBAND, SE, 2472.45; AMERITAS, SE, 89.96; AMERITAS, SE, 72.00; AMERITAS, SE, 2547.66; AMERITAS, 81.29; APPEARA, SE, 34.21; APPEARA, SE, 47.20; BATTERIES PLUS, SU, 50.33; BATTERY SOLUTIONS, SU, 219.90; BEEHIVE INDUSTRIES, SE, 3600.00; BIG RIVERS ELECTRIC CORPORATION, SE, 201535.33; BLACK HILLS ENERGY, SE, 799.59;

BOMGAARS, SU, 1759.60; BORDER STATES INDUSTRIES, SU, 441.38; CARROT-TOP INDUSTRIES, SU, 411.96; CBS-REPORTING, SE, 450.00; CENTURYLINK, SE, 420.41; CITY EMPLOYEE, RE, 365.29; CITY OF WAYNE, PY, 72902.95; CITY OF WAYNE, RE, 725.26; CITY OF WAYNE, RE, 2594.70; COLONIAL RESEARCH, SU, 105.20; COUNTRY NURSERY, SE, 53.50; DANKO EMERGENCY EQUIPMENT, SU, 25.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 99.76; ECHO GROUP, SU, 305.01; ECHO GROUP, SU, 98.92; ED M. FELD EQUIPMENT, SU, 371.60; ELLIS HOME SERVICES, SE, 509.29; FIRE CATT, SE, 3946.95; FIRST CONCORD GROUP, SE, 2841.76; CITY EMPLOYEE, RE, 2594.70; FLOOR MAINTENANCE, SU, 793.28; GALE/CENGAGE LEARNING, SU, 98.76; GERHOLD CONCRETE, SU, 3219.58; GODFATHERS PIZZA, SU, 89.83; GROSSENBURG IMPLEMENT, SU, 288.50; GROSSENBURG IMPLEMENT, SU, 456.96; HILAND DAIRY, SE, 48.57; HILAND DAIRY, SE, 52.94; HOLIDAY INN EXPRESS-GI, SE, 258.00; HOMETOWN LEASING, SE, 433.87; ICMA, FE, 720.02; ICMA, RE, 9930.42; INTERSTATE BATTERY SYSTEM, SU, 211.90; IOWA PUMP WORKS, SU, 553.82; IRS, TX, 2949.78; IRS, TX, 9371.08; IRS, TX, 12613.12; ISLAND SPRINKLER SUPPLY, SE, 151.17; JECH, LEAH, RE, 25.00; JOHN'S WELDING AND TOOL, SE, 61.90; KELLY SUPPLY COMPANY, SU, 734.92; MARCO TECH, SE, 123.84; METERING & TECHNOLOGY SOLUTIONS, SU, 3169.25; MILLER LAW, SE, 5416.67; MILO MEYER CONSTRUCTION, SE, 3680.00; MSC INDUSTRIAL, SU, 34.38; NE AIR FILTER, SU, 131.30; NE DEPT OF REVENUE, TX, 3867.30; NE DEPT OF TRANSPORTATION, SE, 1000.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 368.00; NNEDD, SE, 1170.00; NORTHEAST POWER, SE, 19346.48; NORTHEAST POWER, SE, 5255.00; NOVA FITNESS EQUIPMENT, SE, 104.00; QUALITY FOOD CENTER, SU, 13.68; RASMUSSEN AIR & GAS ENERGY, SU, 5328.21; REPCO MARKETING, SU, 45.30; SELECT APPLIANCE, SE 121.45; SHELLY FEHRINGER, RE, 150.00; STADIUM SPORTING GOODS, SU, 82.00; STAPLES, SU, 117.14; STATE NEBRASKA BANK & TRUST, RE, 16656.07; STATE NEBRASKA BANK & TRUST, RE, 57088.75; STEFFEN TRUCK EQUIPMENT, SU, 381.26; TOTAL GRAPHICS, SU, 3282.00; TYLER TECHNOLOGIES, SE, 200.00; ULINE, SU, 38.82; US BANK, SE, 7302.60; US FOODSERVICE, SU, 1213.81; VALLEY DRIVE PROPERTIES, RE, 100.00; VAN DIEST SUPPLY, SU, 731.25; VILLAGE OF PENDER, SU, 1200.00; WAED, SE, 7871.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE COUNTY COURT, RE, 300.00; WESCO, SU, 966.21; WIGMAN COMPANY, SU, 103.28; WISNER WEST, SU, 182.31; WRECK-AMENDED TOWING & RECOVERY, SE, 200.00; WSC MEN'S SOCCER CLUB, SE, 500.00; WSC WOMEN'S SOCCER, SE, 1000.00; APX, SU, 144.77; AUTO ANATOMY ALTERNATIVES, SE, 888.10; CITY EMPLOYEE, RE, 2872.06; CITY OF PONCA, RE, 13425.22; CITY OF WEST POINT, RE, 19484.95; CITY OF WISNER, RE, 2030.41; CORE & MAIN LP, SU, 4513.12; DUTTON-LAINSON COMPANY, SU, 1759.46; EAKES OFFICE PLUS, SE, 30.00; EASYPERMIT POSTAGE, SU, 836.14; ECHO GROUP, SU, 72.60; ETS, SE, 2882.86; F & M BANK, RE, 726439.64; GERHOLD CONCRETE, SU, 1042.75; GONZALEZ, ANGEL, SE, 17.50; HAWKINS, SU, 872.50; HELENA AGRI-ENTERPRISES, SU, 2120.00; HILAND DAIRY, SU, 8.26; IOWA PUMP WORKS, SU, 89.94; LINDNER CONST, SU, 686.25; NE AIR FILTER, SU, 320.20; NPPD, SE, 27349.82; ONE CALL CONCEPTS, SE, 100.97; O'REILLY AUTOMOTIVE STORES, SU, 22.38; PAC N SAVE, SU, 973.29; PITNEY BOWES, SE, 253.85; PLUNKETT'S PEST CONTROL, SE, 280.36; PONCA RURAL FIRE BOARD, RE, 3213.74; PROGRESSIVE BUILDERS, RE, 250.00; RON'S RADIO, SU, 135.10; S & S WILLERS, SU, 300.08; STATE NEBRASKA BANK & TRUST, SE, 46.32; STATE NEBRASKA BANK & TRUST, RE, 474.42; STATE NEBRASKA BANK & TRUST, RE, 759516.67; STATE NEBRASKA BANK & TRUST, RE, 804036.67; VERIZON, SE, 636.56; VIAERO, SE, 67.12; VILLAGE OF WINSIDE, RE, 4295.64; WAYNE VETERINARY CLINIC, SE, 112.00; WAPA, SE, 18447.78; WORDPAY, SE, 152.93

Councilmember Brodersen made a motion, which was seconded by Councilmember Woehler, to approve the claims. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The Mayor proclaimed the week of May 19th – May 25th as “National Public Works’ Week.”

Mayor Giese declared the time was at hand for the public hearing to consider the Planning Commission’s recommendation regarding the “Preliminary Plat for Southeast Addition.” The applicant for the request is the City of Wayne.

This matter was tabled or continued from the meeting of April 2nd due to the lateness of the plat being prepared. The City Council has expressed an interest in selling/developing the land along the newly paved 4th Street. This preliminary plat starts the conversation of how it wants to develop this area.

Joel Hansen, Street and Planning Director, stated that the Planning Commission held a public hearing on May 6, 2019, and approved the same with the “Finding of Fact” being staff’s recommendation. This passed on a 5-1 vote. He reviewed the proposed preliminary plat for the Council. He noted that once the final plat is approved, the next step would be to rezone the property. At this time, it is zoned industrial. The plat subdivides the land into legal tracts that can then be sold. Otherwise, it would have to be sold in 10-acre tracts. He noted that this plat could be changed at any time.

Chele Meisenbach, who was the dissenting vote on the Planning Commission, spoke against the passage of the Preliminary Plat. She did not feel it was the right time to plat this property. She thought the City needed to give some of this development a little more time.

Councilmember Sievers agreed.

Mr. Hansen stated when you start looking around the community where someone can build a large apartment complex, you have the lot south of the Cobblestone Hotel and you have

one lot east of Northstar on 14th Street. Those are the only two available lots at this time. He addressed the parking issue at the sports complex. The parking is not supposed to be on the edge of the road; it is supposed to be in the complex parking lot.

Councilmember Woehler stated he had concerns with plotting a road through this area.

Mr. Hansen advised the Council that this area is zoned R-4. In addition, he stated that the State of Nebraska would provide signage off the highway to the Complex.

Councilmember Buck suggested having the Lagoon Committee start meeting again. BJ Woehler, who was present, also asked the Council to let the Lagoon Committee meet to bring ideas forward and start the planning process.

Councilmember Eischeid thought the lagoon had to be cleaned out or gone and that they needed to start with a clean slate before they starting planning everything in that area. If people do not like the plan City staff has put together, then they need to come up with something different.

Administrator Blecke stated the City has a half million-dollar investment in 4th Street. The purpose of this was to try to get development in that area and still have plenty of area for other recreation fields. The lower rugby fields never get used for recreation. They are only used for the college club rugby. This is developable land, and staff was thinking of this well before a developer came to the City. If you want to leave this property as is, then leave it as is. Staff is just giving recommendations from their standpoint and from whom they talk to through development.

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 Giese closed the public hearing.

Mr. Hansen noted that the entire south half of 4th Street is on unplatted city property. It is not dedicated as a right-of-way and that is what this preliminary plat is attempting to do.

Platting a street does not guarantee you will pave it or build it. It is just saying that this is dedicated if you do decide to build it.

Administrator Blecke stated many steps have to take place before any development can take place down there.

Councilmember Sievers introduced Resolution 2019-21, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2019-21

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR THE “SOUTHEAST ADDITION” OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Woehler and Brodersen who voted Nay, the Mayor declared the motion carried.

Administrator Blecke stated the following Resolution would approve an agreement with Certified Testing Services, Inc., for concrete/construction materials testing for the “2018 Wayne Pedestrian Curb Ramp Project” – CDBG No. 16-CD-108. The fee of approximately \$6,000 to \$8,000 is for conducting 15 concrete tests with cylinder breaks. This is not a lump sum proposal. Certified Testing Services will only bill us for work completed.

Councilmember Sievers introduced Resolution No. 2019-25 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2019-25

A RESOLUTION APPROVING AGREEMENT WITH CERTIFIED TESTING SERVICES, INC., FOR CONSTRUCTION MATERIALS TESTING SERVICES FOR THE “2018 WAYNE PEDESTRIAN CURB RAMP PROJECT” – CDBG NO. 16-CD-108.

Administrator Blecke stated that the City sought and received “Requests for Proposals” for engineering consulting services from the following four engineering firms for the “North Transmission Water Main Project:”

- ♦ JEO Consulting Group, Inc. – Basic Fee \$110,000 and \$11,000 for additional services needed for the “Drinking Water State Revolving Fund” should the City utilize this funding for the project - \$121,000.
- ♦ Olsson - \$139,300
- ♦ Leo A Daly - \$162,000
- ♦ Schemmer - \$307,200

Staff reviewed the proposals and are recommending that JEO Consulting Group, Inc., be approved/appointed as the special engineer for the above referred to project.

Roger Protzman representing JEO Consulting Group, Inc., was present to answer questions.

Administrator Blecke also noted that Mr. Protzman was the firm that brought up the State Revolving Loan Fund to staff. He has had a conversation with the State and by going through the State Revolving Loan Fund, you can receive a partial forgiveness of 12% on this project. Depending upon what the project comes in at, we could see a \$300,000 or better grant on this project.

Councilmember Eischeid introduced Resolution 2019-26, and moved for its approval; Councilmember Spieker seconded.

RESOLUTION NO. 2019-26

A RESOLUTION APPOINTING JEO CONSULTING GROUP, INC., AS THE SPECIAL ENGINEER TO BE USED ON THE “TRANSMISSION WATER MAIN FROM NORTH WELL FIELD TO CITY LIMITS PROJECT” FOR THE AMOUNT OF \$121,000.

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

Joel Hansen, Street and Planning Director, stated that the following two ordinances pertain to prohibited parking and restricted parking on South Sherman Street. Our current ordinances stop the parking restrictions at Grainland Road. The amendment will take the parking restrictions to the “city limits.”

Councilmember Spieker introduced Ordinance No. 2019-4, and moved for approval thereof; Councilmember Buck seconded.

ORDINANCE NO. 2019-4

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – PROHIBITIONS AND ENFORCEMENT, SECTION 78-132 PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese 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.

Councilmember Spieker introduced Ordinance No. 2019-5, and moved for approval thereof; Councilmember Buck seconded.

ORDINANCE NO. 2019-5

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – PROHIBITIONS AND ENFORCEMENT, SECTION 78-133 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Giese 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.

BJ Woehler was present to request permission to place a retaining wall in the City of Wayne right-of-way pursuant to Sec. 91-078 (B) of the Wayne Municipal Code.

Joel Hansen, Street and Planning Director, stated that Robert Woehler & Sons Construction obtained a building permit to add onto their building. They have added roof drains that drain out to the City storm sewer. They would now like to add a retaining wall that will be partially in the City's right-of-way and will require future sidewalk to go out against the street. Therefore, according to City Code, they need Council approval to first build a retaining wall structure in the City's right-of-way, and second, to force the sidewalk to be placed along the back of the street on the lot next to their building rather than the location prescribed by the Code. This is basically a request to allow Mr. Woehler to encroach into the City's right-of-way.

Mr. Hansen stated his concern is the potential for opening a Pandora's Box. If approved, how do you deny another person?

Mr. Woehler stated there are other areas in the City that encroach into the City's right-of-way.

Mr. Blecke stated his concern is that when you put things in the right-of-way, you have to work around it when there is a project.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving the request to place a retaining wall, as per Option B, in the City of Wayne right-of-way pursuant to Sec. 91-078 (B) of the Wayne Municipal Code, with the understanding that Robert Woehler & Sons Construction will sign some form of an agreement that if the retaining wall needs to be removed, it will be at the property owner's expense. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Woehler who abstained, the Mayor declared the motion carried.

Joel Hansen, Street and Planning Director, reviewed the second part of the Standard Specifications for Construction of Water, Sewer, Storm Sewer and Paving book. This was a discussion item only.

Councilmember Sievers made a motion, which was seconded by Councilmember Spieker, to adjourn the meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:02 p.m.