

**MINUTES
CITY COUNCIL MEETING
July 16, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, July 16, 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 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 July 3, 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 southwest 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.

Police Chief Marlen Chinn introduced Police Officer Drew Marshall to the Mayor and Council. He was hired in February, 2019.

Councilmember Sievers made a motion, which was seconded by Councilmember Spieker, to approve the minutes of the meeting of July 2, 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: ALTEC INDUSTRIES, SU, 612.92; AMERICAN UNDERGROUND SUPPLY, SU, 441.35; AMERITAS, SE, 80.09; AMERITAS, SE, 88.26; AMERITAS, SE, 2556.70; AMERITAS, SE, 72.00; APPEARA, SE, 112.38; B & B PAINTING, SE, 2160.00; BIG

STATE INDUSTRIAL SUPPLY, SU, 146.51; BROWN SUPPLY, SU, 284.94; CITY EMPLOYEE, RE, 60.00; CITY EMPLOYEE, RE, 128.72; CITY EMPLOYEE, RE, 300.00; CITY OF WAYNE, PY, 84768.91; CITY OF WAYNE, RE, 158.43; COPY WRITE PUBLISHING, SE, 320.77; DAVE'S DRY CLEANING, SE, 99.00; EASYPERMIT POSTAGE, SU, 1059.03; ED M. FELD EQUIPMENT, SE, 1300.00; EMPLOYERS MUTUAL CASUALTY, RE, 599.55; ENVIRONMENTAL ANALYSIS SOUTH, SE, 470.00; ESRI, FE, 1350.00; ETS CORPORATION, SE, 44.92; ETS CORPORATION, SE, 17.05; FAITH REGIONAL PHYSICIAN SERVICES, SE, 150.00; GEMPLER'S, SU, 144.98; GERHOLD CONCRETE, SU, 2351.22; HAWKINS, SU, 958.31; HILAND DAIRY, SE, 62.67; HORIZON CONSTRUCTION, RE, 100.00; ICMA, SE, 7915.72; IRS, TX, 13928.90; IRS, TX, 9726.56; IRS, TX, 3257.62; JEO CONSULTING GROUP, SE, 545.70; JMB CONTRACTING, RE, 100.00; JOHN'S WELDING AND TOOL, SU, 73.47; KAUP, BILL, RE, 100.00; KTCH, SE, 378.00; LUTT OIL, SU, 5401.16; MARCO, SE, 126.36; MATHESON-LINWELD, SU, 22.80; MERCHANT SERVICES, SE, 857.51; MERCHANT SERVICES, SE, 772.63; MERCHANT SERVICES, SE, 23.36; MIDWEST LABORATORIES, SE, 882.00; NE AIR FILTER, SU, 109.17; NE DEPT OF REVENUE, TX, 4011.81; NE POWER REVIEW BOARD, SE, 975.74; NPPD, SE, 38010.54; PAC N SAVE, SU, 143.45; PAC N SAVE, SU, 699.36; PENGUIN RANDOM HOUSE, SU, 56.25; PITNEY BOWES, SE, 253.85; PUMP HOOK & PLACEMENT, SE, 593.75; QUALITY 1 GRAPHIC, SU, 75.00; QUALITY FOOD CENTER, SU, 85.42; REHAB SYSTEMS, SE, 1710.00; TYLER TECHNOLOGIES, SE, 1373.75; VERIZON, SE, 317.83; WAYNE AUTO PARTS, SU, 371.13; WAYNE COUNTY CLERK, SE, 208.00; WAYNE HERALD, SE, 1076.67; WAYNE HERALD, SE, 436.00; WAYNE VETERINARY CLINIC, SE, 252.00; WINNING FINISH, SE, 75.00; WISNER WEST, SU, 165.05; WORLDPAY INTERGRATES PAYMENTS, SE, 278.25; WRECK-AMENDED TOWING & RECOVERY, SE, 100.00; ZACH HEATING & COOLING, SU, 249.50; AMAZON, SU, 275.28; AMERICAN LIBRARY ASSOC, FE, 185.00; BAKER & TAYLOR BOOKS, SU, 1168.05; BARRY, MIKE, RE, 100.00; BENSCOTER, LOUIS, RE, 250.00; BROWN PLUMBING, SE, 4813.45; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, RE, 766.46; COTTONWOOD WIND PROJECT, SE, 13349.96; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; FLOOR MAINTENANCE, SU, 335.28; GALE/CENGAGE LEARNING, SU, 1140.67; GOTTULA, ALAN, RE, 500.00; HAWKINS, SU, 2344.22; HEIKES AUTOMOTIVE, SE, 125.00; INGRAM LIBRARY SERVICES, SU, 666.62; MARCO TECHNOLOGIES, SE, 182.96; MIDWEST TAPE, SU, 111.98; NEW PIG CORPORATION, SU, 326.84; POLLARD PUMPING, SE, 250.00; RDG PLANNING & DESIGN, SE, 4340.00; S & S WILLERS, SU, 308.50; SD MYERS, SE, 2953.00

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

Silas Mark, a Wayne Eagle Scout, was present requesting Council consideration to allowing him to move the fire pit from the "Old Girl Scout Cabin" property to Bressler Park for his Eagle Scout Project.

Lowell Heggemeyer, Park and Recreation Director, was also present to answer questions. He noted that there would be a hydrant very close to the location of the fire pit in Bressler Park.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, approving the request of Silas Mark, a Wayne Eagle Scout, to allowing him to move the fire pit from the “Old Girl Scout Cabin” property to Bressler Park for his Eagle Scout Project. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Attorney Miller stated the second reading of Ordinance No. 2019-8 was tabled at the last meeting so that Councilmembers could email her with suggestions/recommendations. She received only one email. It was decided at the agenda meeting that the issues regarding golf carts and lawn mowers would be in a separate ordinance because ATV’s and UTV’s are governed by State Statute; golf carts and lawn mowers are not. She reviewed the changes she made after the first reading was approved.

Councilmember Eischeid stated the Council has been deliberating this for several meetings. It would be so much easier if we would just repeal the ordinance. We only have two that are registered with the city.

Councilmember Karsky stated if this ordinance is not repealed, there is still police discretion if someone is unsafe or messing around. Full enforcement of the law is a myth.

A few of the suggested changes to the said ordinance are as follows:

- The operator of any ATV, or any UTV without a factory-installed roll cage, must wear a protective helmet that meets the motorcycle helmet standards of the state.
- All drivers and passengers of UTV’s must wear safety belts if installed.
- The operator must be at least 17 years of age.

After discussion, Attorney Miller stated she would make the suggested changes and bring the same forward at the next meeting for consideration.

Councilmember Brodersen introduced Ordinance No. 2019-8, and moved for approval of the second reading thereof with the following amendments thereto:

1. The operator must be at least 17 years of age.

2. The operator of any ATV, or any UTV without a factory-installed roll cage, must wear a protective helmet that meets the motorcycle helmet standards of the state.

Councilmember Buck seconded.

ORDINANCE NO. 2019-8

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – ALL-TERRAIN AND UTILITY VEHICLES; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who voted Nay, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Blecke stated the following Resolution would approve the preliminary plans, specifications and estimates relating to the Wayne Trail Phase 2 Project STPB-90(4).

Councilmember Brodersen introduced Resolution No. 2019-42 and moved for its approval thereof; Councilmember Karsky seconded.

RESOLUTION NO. 2019-42

A RESOLUTION APPROVING THE PRELIMINARY PLANS, SPECIFICATIONS, AND ESTIMATES RELATING TO THE WAYNE TRAIL – PHASE 2 PROJECT STPB-90(4).

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

Discussion took place regarding golf carts and lawn mowers being allowed on city streets. Mr. Blecke had obtained several sample ordinances from other communities. Staff favored the ordinance that Seward passed/adopted.

Scott Meisenbach spoke regarding the subject of allowing lawn mowers on streets and how the same might affect his lawn mowing business.

Attorney Miller was directed to prepare an ordinance (following that of Seward's) for review at the next meeting. Council was asked to email Attorney Miller or Administrator Blecke with any comments regarding this matter.

Councilmember Spieker made a motion, which was seconded by Councilmember Buck, to set the budget work sessions on the following dates: Mini-Retreat on July 30th at 5:00 p.m. (General Fund Budgets) and remaining budgets (Electric, Water and Sewer) at the August 6th Council meeting. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Jon Mooberry with JEO Consulting Group, Inc., presented Contractor's Application for Payment No. 3 on the "Wayne 2018 Pedestrian Curb Ramps – CDBG No. 16-CD-108 Project" for \$52,182.53 to I & A Construction, LLP.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving Contractor's Application for Payment No. 3 for \$52,182.53 to I & A Construction, LLP, for the "Wayne 2018 Pedestrian Curb Ramps – CDBG No. 16-CD-108 Project." Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place regarding fireworks. Administrator Blecke stated he would like to add the language that the Mayor, in his/her discretion, can/may allow fireworks to be discharged on July 5th if inclement weather would prohibit them from being discharged on July 4th.

Mayor Giese stated he received one complaint that the discharge period (days allowed) was too long.

Phil Monahan, Fire Chief, stated he would like to see less days.

An ordinance would be brought back for Council consideration at the next meeting.

Councilmember Haase left the meeting at 7:00 p.m.

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, with the exception of Councilmember Haase who had left the meeting, the Mayor declared the motion carried and the meeting adjourned at 7:01 p.m.