

**MINUTES
CITY COUNCIL MEETING
September 17, 2019**

The Wayne City Council met in regular session at City Hall on Tuesday, September 17, 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, Jennifer Sievers, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Jon Haase.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 5, 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.

Councilmember Sievers made a motion, which was seconded by Councilmember Karsky, to approve the minutes of the meeting of September 3, 2019, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase 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: ACTIVE NETWORK, FE, 802.50; AMERICAN UNDERGROUND SUPPLY, SU, 11474.16; AMERITAS, SE, 2899.22; AMERITAS, SE, 72.00; AMERITAS, SE, 88.91; AMERITAS, SE, 94.48; APPEARA, SE, 94.28; AXON ENTERPRISE, SU, 675.00;

BAKER & TAYLOR BOOKS, SU, 974.74; BAKER & TAYLOR BOOKS, SU, 37.31; BIG RIVERS ELECTRIC CORPORATION, SE, 247810.79; CERTIFIED TESTING SERVICES, SE, 69.00; CHAMPION PROPERTIES, RE, 250.00; CITY EMPLOYEE, RE, 2032.48; CITY EMPLOYEE, RE, 29.29; CITY EMPLOYEE, RE, 54.78; CITY EMPLOYEE, RE, 270.93; CITY EMPLOYEE, RE, 56.50; CITY EMPLOYEE, RE, 277.75; CITY EMPLOYEE, RE, 148.73; CITY EMPLOYEE, RE, 60.00; CITY EMPLOYEE, RE, 212.45; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, PY, 76196.06; CITY OF WAYNE, RE, 415.59; COPY WRITE PUBLISHING, SU, 332.10; COTTONWOOD WIND PROJECT, SE, 9516.00; CREAMER, WARREN, RE, 100.00; CREDIT MANAGEMENT SERVICES, RE, 181.95; DANKO EMERGENCY EQUIPMENT, SU, 58.00; DAVE'S DRY CLEANING, SE, 90.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2497.62; DITCH WITCH UNDERCON, SU, 767.55; EAKES OFFICE PLUS, SE, 196.59; ECHO GROUP, SU, 167.57; ED M. FELD EQUIPMENT, SU, 483.30; FAITH REGIONAL PHYSICIAN SERV, SE, 60.00; FLOOR MAINTENANCE, SU, 354.37; GERHOLD CONCRETE, SU, 4764.81; GODFATHERS PIZZA, SU, 79.95; GROSSENBURG IMPLEMENT, SU, 149.10; HAWKINS, SU, 2722.40; HILAND DAIRY, SE, 67.90; HILL, MONTANA, RE, VOID 5/29/19-150.00; HILL, MONTANA, RE, 150.00; HYPERION, SE, 81.00; ICMA, SE, 7976.88; INGRAM LIBRARY SERVICES, SU, 1018.86; IOWA PUMP WORKS, SE, 7194.37; IRS, TX, 3011.84; IRS, TX, 12878.02; IRS, TX, 9712.38; ISLAND SPRINKLER SUPPLY, SU, 203.53; KELLY SUPPLY COMPANY, SU, 1061.94; KLEIN ELECTRIC, SE, 23877.24; KNUST, KEN, RE, 1200.00; LUTT OIL, SU, 5369.01; LYNN PEAVEY, SU, 198.75; MARCO INC, SE, 126.36; MATHESON-LINWELD, SU, 23.56; MICHAEL TODD & CO, SU, 589.13; MIDWEST LABORATORIES, SE, 184.00; MUNICIPAL SUPPLY, SU, 99.05; NE DEPT OF REVENUE, TX, 4016.07; NE LAW ENFORCEMENT, SE, 52.00; NPPD, SE, 37877.36; NORFOLK DAILY NEWS, SE, 40.00; NOVA FITNESS EQUIPMENT, SU, 53.76; OCC BUILDERS, SE, 1270.00; ODEYS INC, SU, 1454.00; ONE CALL CONCEPTS, SE, 97.25; OVERDRIVE, INC, SU, 434.94; PAC N SAVE, SU, 832.97; PAC N SAVE, SU, 27.73; PENGUIN RANDOM HOUSE, SU, 378.75; PITNEY BOWES, SE, 1497.56; PLUNKETT'S PEST CONTROL, SE, 189.46; POLLARD PUMPING, SE, 250.00; QUALITY FOOD CENTER, SU, 120.40; RDG PLANNING & DESIGN, SE, 310.00; SANDRY FIRE SUPPLY, SU, 841.29; SEBADE CONSTRUCTION, SE, 680.00; STADIUM SPORTING GOODS, SU, 92.00; STAPLES, SU, 243.55; STATE NEBRASKA BANK & TRUST, SE, 44.88; STATE NEBRASKA BANK-PETTY CASH, RE, 100.00; STATE NEBRASKA BANK-PETTY CASH, RE, 98.90; TOTAL GRAPHICS, SU, 1290.00; TYLER TECHNOLOGIES, SE, 200.00; US FOODSERVICE, SU, 980.62; VERIZON, SE, 320.83; VERIZON, SE, -318.73; WAYNE AUTO PARTS, SU, 226.65; WAYNE COUNTY CLERK, SE, 108.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 937.59; WAYNE HERALD, SE, 584.00; WESCO, SU, 96.30; WAPA, SE, 19486.44; WISNER WEST, SU, 232.74; WITT, DUANE, RE, 100.00; WORLDPAY INTERGRATES PAYMENTS, SE, 189.40; AMAZON.COM, SU, 1626.00; APPEARA, SE, 48.50; ARC-HEALTH & SAFETY, SE, 300.00; CAREER TRACK, FE, 99.00; CITY EMPLOYEE, RE, 48.13; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 118.25; CITY OF WAYNE, RE, 20.67; CONSOLIDATED MANAGEMENT, SE, 8.74; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; DEMCO SOFTWARE, SU, 1000.00; DUTTON-LAINSON, SU, 369.16; ENGINEERED CONTROLS, SE, 2230.00; FREDRICKSON OIL, SU, 498.00; GALE/CENGAGE LEARNING, SU, 911.53; GERHOLD CONCRETE, SU, 1974.25; GRAHAM TIRE SIOUX CITY, SU, 1652.00; GROSSENBURG IMPLEMENT, SU, 6.85; HILAND DAIRY, SE, 91.31; HILAND DAIRY, SE, 85.51; JACK'S UNIFORMS, SU, 99.90; LESEBERG MASONRY & CONST, SE, 4805.00; MARCO TECHNOLOGIES, SE, 182.96; MID PLAINS GRAIN, RE, 6152.89; MIDWEST TAPE, SU, 295.95; MIDWEST TURF & IRRIGATION, SE, 1424.83; MZRB LLC, RE, 2760.17; NE LIBRARY ASSOCIATION, SU, 26.60; ROBERT WOehler & SONS, SE, 4859.78; SEBADE HOUSING LLC, RE, 4233.15; UTILITIES SECTION, FE, 135.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE HOSPITALITY, RE, 19338.51; WESCO, SU, 8337.44

Councilmember Sievers made a motion, which was seconded by Councilmember Buck, to approve the claims.

After discussion, Councilmember Sievers amended her motion, which was seconded by Councilmember Buck, to approve the claims, with the exception of the claim to Leseberg Masonry & Construction for \$4,805.00 and the claim to Midwest Turf & Irrigation for \$1,424.83. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, and Councilmember Woehler who abstained, the Mayor declared the motion carried.

Jenna Vilkas who lives at 1018 Angel Avenue was present requesting Council consideration to approving her Animal Permit Application to have 2-4 chickens (hens) inside city limits. She is a member of the American Country 4-H Club. She would keep the chickens from January until fair time. She has contacted her neighbors. They also have a fence around their yard to contain the chickens.

Councilmember Sievers, who is a neighbor to Jenna, stated she has visited with Jenna and has told her that she does not feel chickens should be allowed inside city limits. However, because Jenna is home-schooled, Councilmember Sievers would feel comfortable approving this based on the fact that it would be for educational purposes. She was comparing it to the School requesting and being granted the opportunity to have a rabbit inside city limits. In addition, she liked the fact that this would only be for a short period of time.

Councilmember Karsky, as well as Councilmembers Spieker and Eischeid were concerned about setting a precedent if this is approved.

Mayor Giese responded that each would be handled on a case-by-case basis. He did not think by approving this would be setting a precedent.

Melissa Meyer, Jenna's 4-H Leader, was present to support Jenna in her request.

Councilmember Brodersen spoke in favor of the permit.

Councilmember Karsky stated he (as well as all Councilmembers) was contacted by a constituent who was against this animal permit.

Councilmember Spieker stated he was concerned about the next person making a request for ten chickens and not doing as good a job taking care of them.

Clara Osten, who raises chickens, was present to speak in favor of the request and to address some of the statements/concerns the person who emailed the Council had. In her opinion, Jenna has done an awesome job in her research, and she felt this would be a good opportunity for her.

Councilmember Brodersen noted that the person who wrote the email to Council was previously in favor of having chickens inside city limits.

All Councilmembers commended Jenna on her effort to obtain permission to have chickens inside city limits.

In addition, Councilmember Karsky noted he had talked to one of Jenna's neighbors and she had nothing but wonderful things to say about Jenna and her family and she was completely in support of Jenna's request.

Attorney Miller addressed "setting a precedent." She noted if you delineate reasons and parameters in the motion, you would not be setting a precedent if you were to deny an animal permit application that did not have the same reasons or parameters.

Councilmember Sievers noted she was not in favor of allowing chickens inside city limits full-time, but she would be in favor if certain parameters were set.

City Clerk McGuire sent letters to the neighbors. She had not received any communication, for or against, this matter.

Councilmember Sievers made a motion approving the Animal Permit Application of Jenna Vilkas who resides at 1018 Angel Avenue, with the following conditions:

- Maximum of 4 chickens (hens);
- This being for a one-time basis; and

- The timeframe being January of 2020 until one week after the 2020 Wayne County Fair.

Councilmember Woehler seconded. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Spieker, Buck, Karsky and Eischeid who voted Nay, and Councilmember Haase who was absent, the Mayor declared the motion failed.

Phill Monahan, Fire Chief, introduced Matt Gross and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Eischeid made a motion, which was seconded by Councilmember Spieker, approving the membership application of Matt Gross to the Wayne Volunteer Fire Department. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried.

Phill Monahan, Fire Chief, introduced Tanner Hopkins and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the membership application of Tanner Hopkins to the Wayne Volunteer Fire Department. Mayor Giese stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried.

City Clerk McGuire stated that she received a Corporate Manager Application for Douglas L. Manz on behalf of BaHa, Inc., d/b/a The Rain Tree, from the Nebraska Liquor Control Commission. Council may approve, deny, or make no local recommendation on the matter.

Councilmember Eischeid made a motion, which was seconded by Councilmember Woehler, approving the State of Nebraska Liquor Control Commission Manager Application of Douglas L. Manz on behalf of BaHa, Inc., d/b/a The Rain Tree. Mayor Giese stated the motion,

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

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

Councilmember Haase arrived at 6:16 p.m.

Joel Hansen, Street and Planning Director, stated the Planning Commission held a public hearing on September 9, 2019, and approved the same with the "Findings of Fact" being Consistency with the Comprehensive Plan and the current and future land use maps, and staff's recommendation.

Mr. Hansen noted that before the plat can be filed without County approval, Council must consider annexing the property that is outside city limits. If the Council would decide not to annex, then the plat will have to be amended to include County approval.

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.

Councilmember Eischeid introduced Resolution 2019-54, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2019-54

A RESOLUTION APPROVING THE FINAL 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, the Mayor declared the motion carried.

Administrator Blecke stated that the City sought requests for proposals for engineering services for the "2019 Trail Repair Project" and received three back. This is for the part of the trail that collapsed because of the flood this spring. Staff reviewed the same and are

recommending the firm of Leo A Daley, Omaha, NE, as the engineer for the “2019 Trail Repair Project” for \$55,000. The other proposals came from JEO Consulting Group, Inc., - \$130,000 and Kaw Valley Engineering, Junction City, KS - \$28,300 (plus an additional \$750/construction day – estimated 90-120 days, which would be an additional \$67,500-\$90,000).

Councilmember Eischeid introduced Resolution 2019-55, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2019-55

A RESOLUTION APPOINTING LEO A DALY AS THE SPECIAL ENGINEER TO BE USED ON THE “2019 TRAIL REPAIR PROJECT” FOR \$55,000.

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

Administrator Blecke stated Nebraska Statutes require cities to document services or products received for city funds expended. The previous agreement with WAED had a specific dollar amount therein — \$76,600, which has been paid to WAED since 2005. Since, 2017, the amount requested has increased 5% each year. This amended/updated agreement has been reworded to state that the City will contribute towards the undertaking of the efforts noted in Section 1 annually through the budget process, rather than identifying a specific amount.

Councilmember Sievers introduced Resolution 2019-56, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2019-56

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF WAYNE AND WAYNE AREA ECONOMIC DEVELOPMENT.

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

Councilmember Sievers introduced Ordinance No. 2019-11, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2019-11

AN ORDINANCE APPROVING THE VACATION OF AN ALLEY LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, DESCRIBED AS THE EAST-WEST ALLEY LYING BETWEEN LOTS 9 AND 10, BLOCK 9, ORIGINAL TOWN OF WAYNE, WAYNE COUNTY, NEBRASKA.

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

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

Councilmember Spieker made a motion, which was seconded by Councilmember Eischeid, to move for final approval of Ordinance No. 2019-11. Mayor Giese 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 XV Land Usage, Chapter 153 Airport Zoning, Section 153.01 Location, Boundaries, Zones and Height Restrictions; Section 153.02 Location Sketch and Zoning Map; Section 153.03 Permits Required; Exceptions; Application Forms; Permit Fees; Section 153.04 Non-Conforming Structures; Section 153.05 Marking Non-Conforming Structures; Section 153.06 Administrative Agency; and Section 153.07 Zoning Board of Adjustment. This is the second reading.

Administrator Blecke and Joel Hansen, Street and Planning Director, recommended the following amendments to the ordinance:

1. Insert the Drawing No. in Section 153.02: ZN-LCG-19.
2. Strike Section the following Sections:
 - 153.03 Permits Required, Exceptions; Application Forms; Permit Fees
 - 153.06 Administrative Agency
 - 153.07 Zoning Board of Adjustment

Councilmember Brodersen introduced Ordinance 2019-14, and moved for approval of the second reading thereof as amended:

1. Insert the Drawing No. in Section 153.02: ZN-LCG-19.
2. Strike Section the following Sections:
 - 153.03 Permits Required, Exceptions; Application Forms; Permit Fees
 - 153.06 Administrative Agency
 - 153.07 Zoning Board of Adjustment;

Councilmember Sievers seconded.

ORDINANCE NO. 2019-14

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 153 AIRPORT ZONING, SECTION 153.01 LOCATION, BOUNDARIES, ZONES AND HEIGHT RESTRICTIONS; SECTION 153.02 LOCATION SKETCH AND ZONING MAP; SECTION 153.03 NON-CONFORMING STRUCTURES; AND SECTION 153.04 MARKING NON-CONFORMING STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to move for final approval of Ordinance No. 2019-14. 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 Change Order No. 3 for an increase of \$640.00, which represents balancing final quantities on the “Wayne 2018 Pedestrian Curb Ramp Project.”

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 3 for the “2018 Pedestrian Curb Ramp Project,” for an increase of \$640.00. 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. 4 on the “Wayne 2018 Pedestrian Curb Ramps – CDBG No. 16-CD-108 Project” for \$61,512.24 to I & A Construction, LLP.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Contractor’s Application for Payment No. 4 for \$61,512.24 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.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 6:40 p.m.