

**MINUTES  
CITY COUNCIL MEETING  
January 17, 2017**

The Wayne City Council met in regular session at the Wayne Senior Center on Tuesday, January 17, 2017, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Rod Greve, Jennifer Sievers, Nick Muir, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese and Jon Haase.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 5, 2017, 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.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of January 3, 2017, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** ALTONA FINISHING INC., SE, 6372.08; ALVAREZ, ROSA, RE, 168.58; AMERICAN BROADBAND, SE, 900.00; AMERITAS, SE, 81.91; AMERITAS, SE, 72.00; AMERITAS, SE, 2956.08; AMERITAS, SE, 131.51; APPEARA, SE, 69.67; AWWA, FE, 300.00; BAKER & TAYLOR BOOKS, SU, 513.73; BARCO MUN PRODUCTS, SU, 3200.00; BENSCOTER INC, RE, 250.00; BLUE CROSS BLUE SHIELD, SE, 34279.40; BRUHA, ALEXIS, RE, 54.13; BUDERUS, PATRICK, RE, 138.40; CALE, MIKAELA, RE, 153.89; CERTIFIED TESTING SERVICES, SE, 270.00; CHARTWELLS, SE, 4282.70; CITY EMPLOYEE, RE, 215.10; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 252.71; CITY EMPLOYEE, RE, 93.42; CITY EMPLOYEE, RE, 293.56; CITY OF WAYNE, PY, 71083.78; CLASSEN, ELYSSA, RE, 135.05; COMMUNITY HEALTH, RE, 3.00; CONTINENTAL FIRE SPRINKLER CO, SE, 215.00; COPY WRITE, SE, 200.41; CORNERSTONE LLC, RE, 250.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 71.16; DAVE'S DRY CLEANING, SE, 30.00; DEARBORN NATIONAL LIFE, SE, 2156.21; DEMCO,

SU, 244.44; DUTTON-LAINSON, SU, 347.76; ECHO GROUP, SU, 20.32; FIRST UNITED METHODIST CHURCH, RE, 2762.50; FLOOR MAINTENANCE, SU, 45.91; FREDRICK BRUNO, RE, 55.00; FREDRICKSON OIL, SE, 14.00; GARCIA, ALFREDO, RE, 50.58; GERHOLD CONCRETE, SU, 11.87; GROENKE, MCKENZIE, RE, 11.53; GROSSENBURG IMPLEMENT, SU, 1.42; HARPHAM, COLE, RE, 31.37; HAUFF MID-AMERICAN SPORTS, SU, 1325.00; HEIKES AUTOMOTIVE, SE, 467.43; HEINE, ASHLEY, RE, 300.00; HERMAN, KELBY, RE, 100.00; HOMETOWN LEASING, SE, 412.86; HTM SALES, SU, 6081.54; ICMA, SE, 8344.35; INGRAM BOOK CO, SU, 333.84; IRS, TX, 12204.69; IRS, TX, 2936.42; IRS, TX, 12555.42; JANKE, PAYTON, RE, 95.03; JOHNSON, ZACK, RE, 180.38; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KATHY BOUREK, RE, 500.00; KELLY SUPPLY COMPANY, SU, 139.44; KEPKO ENGRAVING, SU, 27.82; KRIZ-DAVIS, SU, 240.75; KRUSE, JOSHUA, RE, 129.43; KTCH, SE, 644.00; LARSEN, JONATHAN, RE, 300.00; LAWSON PRODUCTS, SU, 398.71; LEE, MARISSA, RE, 150.82; LEE, QUINNEKA, RE, 18.83; LUTT OIL, SU, 3563.81; MARCO INC, SE, 180.64; MATHESON-LINWELD, SU, 18.60; MCLAURY ENGINEER, SE, 8155.00; MESSERSCHMIDT, RYAN, RE, 300.00; MEYER, HANNAH, RE, 208.31; MIDWEST LABORATORIES, SE, 161.50; MIKE WURDEMAN, RE, 100.00; MSC INDUSTRIAL, SU, 302.56; NE CODE OFFICIAL ASSOCIATION, FE, 130.00; NE CODE OFFICIAL ASSOCIATION, FE, 115.00; NE DEPT OF REVENUE, TX, 102.46; NE DEPT OF REVENUE, TX, 4004.77; NE SAFETY COUNCIL, SE, 9.73; NUSS, CHRIS, RE, 113.64; OLVERA, JESUS, RE, 0.80; O'REILLY AUTOMOTIVE STORES, SU, 5.69; PAC N SAVE, SU, 38.39; PAC N SAVE, SU, 347.48; PAUL, COURTNEY, RE, 96.52; PENALOZA, GABRIELA, RE, 41.91; PENGUIN RANDOM HOUSE, SU, 216.75; PITNEY BOWES, SE, 253.85; POSTMASTER, FE, 138.00; QUALITY FOOD, SU, 175.64; QUALITY FOOD, SU, 33.31; QUILL, SU, 57.95; RADER, KAILEY, RE, 190.36; RESCO, SU, 432.82; ROBERT WOHLER & SONS, SE, 647.50; ROEBER, FAYEMARIE, RE, 49.84; ROSBERG, LEANNA, RE, 139.15; RUBENDALL, RANDY, RE, 54.30; SHARP CONSTRUCTION, RE, 250.00; SHOPKO, SU, 176.55; SPARKLING KLEAN, SE, 3623.73; STATE NEBRASKA BANK-PETTY CASH, RE, 107.08; SYLVIA RUHL, RE, 150.00; TATUM, RYLEE, RE, 132.14; THE DIAMOND CENTER/FLOWERS & WINE, SU, 6.90; TRI AIR TESTING, SE, 495.00; TYLER TECHNOLOGIES, SE, 2770.44; UNITED WAY, RE, 5.00; VIAERO, SE, 132.19; WAYNE AREA CHAMBER OF COMMERCE, FE, 250.00; WAYNE COUNTY CLERK, SE, 88.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE COUNTY TREASURER, SE, 1383.20; WEBER, JENNA, RE, 83.42; WESCO, SU, 693.36; WAPA, SE, 29959.21; WIETFELD, KALE, RE, 23.57; WISNER WEST, SU, 90.02; WORTMANN, MARIA, RE, 86.86; Y & Y LAWN SERVICE, SE, 380.00; ZACH HEATING & COOLING, SU, 57.00; ABERNETHY, SANDRA, RE, 15.59; ADVANCED CONSULTING ENGINEERING SERVICES, SE, 3953.75; ALL-AMERICAN PUBLISHING, SE, 274.00; BOARD OF EXAMINERS – COUNTY, FE, 10.00; BRODERSON, JILL, SE, 59.75; CARHART LUMBER CO, SU, 597.78; DROST, MAKENZIE, RE, 301.06; DUTTON-LAINSON, SU, 3410.31; ECHO GROUP, SU, 236.63; EZRA BRODERSON, SE, 300.00; HTM SALES, SU, 517.80; JOHN'S WELDING AND TOOL, SE, 69.00; KIRKPATRICK, KATIE, RE, 214.62; KL, LLC, RE, 165.00; KRIZ-DAVIS, SU, 172.35; LAWSON PRODUCTS, SU, 448.26; LAYNE CHRISTENSEN, SU, 16137.16; MARATHON PRESS, SU, 1573.12; MILLER LAW, SE, 5416.67; NNEDD, SE, 70000.00; NE EXPRESSWAYS, RE, 883.44; NE PLANNING & ZONING ASSOC, FE, 40.00; NNPPD, SE, 365.46; PROPERTY EXCHANGE PARTNERS, RE, 500.00; RIBEIRO, NATALIE, RE, 11.91; ST OF NE-CHARITABLE GAMING DIVISION, TX, 1244.00; STADIUM SPORTING GOODS, SU, 159.00; STAPLES ADVANTAGE, SU, 91.20; STATE NEBRASKA BANK & TRUST, FE, 40.00; WAED, SE, 7216.66; WAYNE AUTO PARTS, SU, 921.74; WAYNE HERALD, SE, 652.00; WAYNE HERALD, SE, 592.43; WAYNE HERALD, SE, 187.50

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

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the Wayne Senior Center 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.

Phil Monahan, Fire Chief, was present to request Council consideration to approving the Wayne Volunteer Fire Department Application for Membership of Don Johnson.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, approving the Wayne Volunteer Fire Department Application for Membership of Don Johnson. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2016-17, and moved for approval of the third and final reading thereof; Councilmember Brodersen seconded.

#### ORDINANCE NO. 2016-17

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF THE UTILITY EASEMENTS ON PROPERTY LOCATED IN THE KARDELL INDUSTRIAL PARK NO. 2 SUBDIVISION, AND IN THE 2<sup>ND</sup> REPLAT OF TOMPKINS INDUSTRIAL TRACT #1 SUBDIVISION.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2016-18, and moved for approval of the third and final reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2016-18

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 14 ANIMALS, ARTICLE I IN GENERAL, SECTION 14-7 BANNED FROM CITY; TO REPEAL CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried.

The following Ordinance relates to a request from Tom Jacobsen to vacate the north-south alley adjacent to Lots 1 through 12, Block 5, College Hill First Addition to the City of Wayne, Wayne County, Nebraska. He wants to put in a parking lot to serve his apartments in the area. This alley is not used. The City has a water main running down this alley and will reserve a utility easement for future use.

Councilmember Sievers introduced Ordinance 2017-1, and moved for approval thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2017-1

AN ORDINANCE APPROVING THE VACATION OF AN ALLEY LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, DESCRIBED AS THE NORTH-SOUTH ALLEY ADJACENT TO LOTS 1-12, BLOCK 5, COLLEGE HILL FIRST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following ordinance will amend the Wayne Municipal Code, Article VI Snow Plow Alert, Section 78-282 Parking on City Streets. The wording of the current code is confusing, contradictory, and not needed. The amendment would read as follows:

**Sec. 78-282. PARKING ON CITY STREETS**

(a) Whenever the City Administrator or designate finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by a weather service, of snow, sleet or freezing rain, that weather conditions will make it necessary that motor vehicle traffic will be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the City Administrator or designate shall put into effect a parking prohibition on all city streets as necessary by declaring a snow plow alert or weather emergency.

(b) ~~Notwithstanding the provisions of subsection (a) of this section, a parking prohibition shall automatically go into effect on any part of any city street until terminated pursuant to section 78-285, upon which there has been an accumulation of snow and ice of three inches or more for one hour or more between the hours of 7 am and 10 pm of any day.~~

(c) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the City Administrator or designate in accordance with this chapter. ~~except any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded from this prohibition.~~ While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a city street to which it applies. This prohibition shall remain in effect for the duration of the storm and/or until removed.

Councilmember Sievers introduced Ordinance 2017-2, and moved for approval thereof;

Councilmember Muir seconded.

#### ORDINANCE NO. 2017-2

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE VI. SNOW PLOW ALERT BY AMENDING SECTION 78-282 PARKING ON CITY STREETS.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent and Councilmember Eischeid who voted Nay, the Mayor declared the motion failed. The second reading will take place at the next meeting.

Tim Sutton, Electric Line Supervisor, was present to review the bids received on the “Electric Distribution Project — Furnishing Electric Materials for the West Inner and East Inner Conversion Project.” Bids were received and reviewed by the project engineer. Their recommendations regarding the awards were as follows:

**Proposal No. 1 – Primary Power Cable:**

<u>Bidder</u>	<u>Amount</u>
Wesco Sioux City, IA 51101	\$150,360.00

**Proposal No. 2 – Padmount Switches:**

<u>Bidder</u>	<u>Amount</u>
Kriz-Davis Co Fremont, NE 68025	\$ 82,047.00

**Proposal No. 3 – Three Phase (30) Padmount Distribution Transformers:**

<u>Bidder</u>	<u>Amount</u>
Resco Ankeny, IA 50021	\$ 16,780.00

**Proposal No. 4 – Single Phase (10) Padmount Distribution Transformers :**

<u>Bidder</u>	<u>Amount</u>
Resco Ankeny, IA 50021	\$ 61,260.00

Councilmember Sievers introduced Resolution No. 2017-2 and moved for its approval; Councilmember Greve seconded the motion.

RESOLUTION NO. 2017-2

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “ELECTRIC DISTRIBUTION PROJECT — FURNISHING ELECTRIC MATERIALS FOR THE WEST INNER AND EAST INNER CONVERSION PROJECT.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried.

Administrator Johnson stated one bid was received on the “City Hall Carpet Replacement Project.” The said bid was submitted by PCF, LLC, for \$7,987.00. The bid specs were sent to three local vendors.

Councilmember Eischeid question the need for a higher priced carpet than what was selected for the Community Activity Center.

Councilmember Brodersen stated when she chose this particular carpet for the billing office, she chose a little higher quality. The price difference is about \$500 more to have a nicer carpet. In addition, she noted that the carpet in the entryway was added onto this office remodel, as well as a few other upgrades/repairs to the building.

Councilmember Greve introduced Resolution No. 2017-3 and moved for its approval; Councilmember Brodersen seconded the motion.

#### RESOLUTION NO. 2017-3

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “CITY HALL CARPET REPLACEMENT PROJECT.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, and Councilmember Eischeid who voted Nay, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would formally accept the CDBG No. 16-CD-008, which will reserve \$26,400 for Wayne to use for a planning grant that would prepare a long-term plan for public and private improvements in eligible residential areas of Wayne. The final plan would make Wayne eligible for \$750,000 in future grants for neighborhood improvement projects in eligible residential areas of Wayne.

Councilmember Muir introduced Resolution No. 2017-4 and moved for its approval; Councilmember Greve seconded the motion.

#### RESOLUTION NO. 2017-4

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO REQUEST COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried.

Administrator Johnson stated the planning grant above requires the community to “leverage” the grant funds with a local improvement project to assist qualified homeowners.

The minimum value required for the leverage is \$12,600. The leverage letter, if approved, will exceed the required amount and establish a trial loan program to finance and install energy saving home improvements that will use the savings in energy costs to repay the loans through the residential utility bill.

Councilmember Muir made a motion, which was seconded by Councilmember Brodersen, approving the “Leverage Letter.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following appointments to the LB840 Loan Committee: Galen Wiser (retired banker), Angie Fredrickson (Director of Finance at Wayne State College), and Jim Frank (Director at Providence Medical Center and CPA).

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving the appointment of Galen Wiser, Angie Fredrickson, and Jim Frank to the LB840 Loan Committee. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried.

Mayor Chamberlain stated he has received Administrator Johnson’s letter of intent to retire July 31, 2017. He will begin to put together a search committee and will take input and recommendations from the Council.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to begin advertising for the position of City Administrator. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being

all Yeas, with the exception of Councilmembers Giese and Haase who were absent, the Mayor declared the motion carried and the meeting adjourned at 6:17 p.m.