

**MINUTES  
CITY COUNCIL MEETING  
May 1, 2018**

The Wayne City Council met in regular session at City Hall on Tuesday, May 1, 2018, at 5:30 o'clock P.M.

Mayor 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, Jason Karsky, and Matt Eischeid; City Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire. Absent: Councilmember Terri Buck.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 19, 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.

Mayor Brodersen requested Council consideration to the appointment of Nick Muir as Councilmember for Ward 4.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving the mayoral appointment of Nick Muir as Councilmember for Ward 4. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Attorney Miller then gave the Oath of Office to Nick Muir as Councilmember for Ward 4.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of April 17, 2018, 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 Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck 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:** ALTONA FINISHING, SE, 510.00; AMAZON.COM, SU, 581.01; APPEARA, SE, 56.21; BACON, HALEY, RE, 172.90; BARRAGAN, ROSA, RE, 137.55; BATTERY SOLUTIONS, SU, 109.95; BOMGAARS, SU, 1186.69; BORDER STATES INDUSTRIES, SU, 418.97; C. H. GUERNSEY & COMPANY, SE, 3118.90; CENTER POINT, SU, 79.38; CENTURYLINK, SE, 416.83; CITY EMPLOYEE, RE, 17.87; CITY EMPLOYEE, RE, 3053.27; CITY EMPLOYEE, RE, 74.00; CITY EMPLOYEE, RE, -69.99; CITY EMPLOYEE, RE, 274.68; CITY EMPLOYEE, RE, 479.92; CLARITUS, SU, 166.58; COLONIAL RESEARCH, SU, 149.40; CORE & MAIN, SU, 1039.25; DANKO EMERGENCY EQUIPMENT, SU, 4085.00; DEARBORN NATIONAL LIFE, SE, 113.52; DONALD SIMMONS, RE, -4.00; ED M. FELD EQUIPMENT, SU, 151.00; ELLIS HOME SERVICES, SE, 314.06; FLOOR MAINTENANCE, SU, 404.28; FREDRICKSON OIL, SU, 202.40; GALE/CENGAGE LEARNING, SU, 16.89; GANSEBOM, SEAN, RE, 43.95; GROSSENBURG IMPLEMENT, SU, 256.60; HILAND DAIRY, SE, 148.94; HOMETOWN LEASING, SE, 70.18; HTM SALES, SU, 889.46; ICMA, SE, 9798.66; JACK'S UNIFORMS, SU, 201.84; JEO CONSULTING GROUP, SU, 8013.50; JWC ENVIRONMENT, SE, 6000.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KAVANAGH, GLEN, RE, 59.94; L.G. EVERIST, SU, 2070.19; MAIN STREET AUTO CARE, SE, 400.00; MARCO TECHNOLOGIES, SE, 99.76; MARTIN, SHANE, RE, 150.00; METERING & TECHNOLOGY SOLUTIONS, SU, 2912.28; MZRB LLC, RE, 100.00; NE DEPT OF TRANSPORTATION, SE, 13273.08; NE DHHS, FE, 678.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 390.00; NNEDD, SE, 690.00; NORTHEAST POWER, SE, 12842.38; NORTHWEST ELECTRIC, SU, 333.47; NWOD, FE, 15.00; PROVIDENCE MEDICAL CENTER, RE, 250.00; SANDS, ALEXIS, RE, 124.58; SIOUX CITY JOURNAL, SU, 376.82; STADIUM SPORTING GOODS, SU, 80.00; STATE NEBRASKA BANK & TRUST, RE, 57726.25; STATE NEBRASKA BANK-PETTY CASH, RE, 99.38; T & S TRUCKING, SE, 1102.16; THE RETROFIT COMPANIES, SE, 111.05; TINA ZACARIAS, RE, 115.90; TOM'S BODY & PAINT SHOP, SE, 267.00; UNITED HEALTHCARE, SE, 35048.35; VAKOC CONSTRUCT, SU, 61.21; WAYNE AUTO PARTS, SU, 615.06; WAYNE COMMUNITY HOUSING, SE, 1640.00; WAYNE COUNTY CLERK, SE, 16.00; WAYNE HERALD, SE, 355.00; WAYNE HERALD, SE, 2323.30; WAYNE STATE COLLEGE, SE, 250000.00; WAYNE VET'S CLUB, RE, 350.00; WESCO, SU, 818.55; WOehler TRAILER COURT, RE, 837.00; ZIMCO SUPPLY, SU, 440.00; ZVACEK CONSTRUCTION, SU, 1350.00; AMERITAS, SE, 60.16; AMERITAS, SE, 2421.18; AMERITAS, SE, 72.00; AMERITAS, SE, 106.92; APPEARA, SE, 48.30; BLACK HILLS ENERGY, SE, 1600.48; BORDER STATES INDUSTRIES, SU, 1273.64; CHAMBERLAIN, KEN, RE, 10.00; CITY OF PONCA, RE, 15032.24; CITY OF WAYNE, PY, 73388.20; CITY OF WEST POINT, RE, 21817.34; CITY OF WISNER, RE, 2273.45; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN NATIONAL LIFE, SE, 2411.22; DUTTON-LAINSON CO, SU, 269.58; ECHO GROUP, SU, 61.84; ED M. FELD

EQUIPMENT, SU, 690.00; FAIRFIELD INN & SUITES, SE, 930.00; FIRST CONCORD GROUP, SE, 2688.86; GENO'S STEAKHOUSE, SE, 1536.00; GROSSENBURG IMPLEMENT, SU, 138.62; HELENA AGRI-ENTERPRISES, SU, 48.50; HOMETOWN LEASING, SE, 409.53; HTM SALES, SU, 12.80; HYTREK LAWN, SE, 700.00; IRS, TX, 0.58; IRS, TX, 2.52; IRS, TX, 13079.62; IRS, TX, 9987.08; IRS, TX, 3059.06; JOHN ETTER, RE, 60.00; KEPCO, SU, 29.04; LORA HEITHOLD, RE, 70.00; MAIN STREET AUTO CARE, SE, 100.00; MAIN STREET AUTO CARE, SE, 100.00; MELISSA DOBBINS, RE, 60.00; MILLER LAW, SE, 5259.73; MILO MEYER CONSTRUCTION, RE, 6240.00; NE DEPT OF REVENUE, TX, 4107.25; NE LAW ENFORCEMENT, FE, 50.00; PONCA RURAL FIRE BOARD, RE, 3598.43; SHARP CONSTRUCTION, RE, 250.00; STADIUM SPORTING GOODS, SU, 407.00; STAPLES, SU, 96.29; VIAERO, SE, 116.55; VILLAGE OF WINSIDE, RE, 4809.84; WAED, SE, 7535.83; WIGMAN COMPANY, SU, 812.18

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

City Clerk McGuire advised the Council she had received a Manager Application on behalf of Nathan M. Malcom for the Shopko Stores Operating Co. LLC, d/b/a "Shopko Hometown #670." Council can either approve, deny or make no recommendation to the Nebraska Liquor Control Commission.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the Manager Application on behalf of Nathan M. Malcom for the Shopko Stores Operating Co. LLC, d/b/a "Shopko Hometown #670." Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Phil Monahan, Fire Chief, was present requesting Council consideration to waiving the open burning ban per Wayne Municipal Code Sec. 97.08 so that the Fire Department can burn down a house north of Great Dane on or about June 10<sup>th</sup> or June 24<sup>th</sup>. They also would like to close E. 14<sup>th</sup> Street from Rainbow World (Vintage Hill Drive) to Centennial Road during that time (6:00 a.m. to about 3:00 p.m.).

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the request of Phil Monahan, Fire Chief, to waive the open burning ban per Wayne Municipal Code Sec. 97.08, and allowing city staff to close E. 14<sup>th</sup> Street from Rainbow World (Vintage Hill Drive) to Centennial Road from 6:00 a.m. to 3:00 p.m. on either June 10<sup>th</sup> or June 24<sup>th</sup>. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Friday, July 13<sup>th</sup>, the Committee is requesting the closure of the following streets from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to the alley between 3<sup>rd</sup> and 4<sup>th</sup> Streets; 2<sup>nd</sup> and 3<sup>rd</sup> Streets from Pearl to the alley east of Main Street; and that 3<sup>rd</sup> Street from the alley west of Main Street to Pearl Street be dedicated to handicap parking.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the request of the Chicken Show Committee to close the following streets on Friday, July 13<sup>th</sup> from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to the alley between 3<sup>rd</sup> and 4<sup>th</sup> Streets; 2<sup>nd</sup> and 3<sup>rd</sup> Streets from Pearl to the alley east of Main Street; and that 3<sup>rd</sup> Street from the alley west of Main Street to Pearl Street be dedicated to handicap parking. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 14<sup>th</sup>, the Committee is requesting the closure of the following streets from 6:00 a.m. until 5:00 p.m., for the Annual Chicken Show Celebration in Bressler Park: 10<sup>th</sup> Street from Lincoln Street to Douglas Street; Lincoln and Douglas Streets from 10<sup>th</sup> Street to 8<sup>th</sup> Street. The intersections at 10<sup>th</sup> and Douglas and 10<sup>th</sup> and Lincoln Streets and 9<sup>th</sup> and Lincoln Streets are also requested to be closed.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, approving the request of the Chicken Show Committee to close the following streets on Saturday, July 14<sup>th</sup> from 6:00 a.m. until 5:00 p.m. for the annual Chicken Show celebration in Bressler Park: 10<sup>th</sup> Street from Lincoln Street to Douglas Street; Lincoln and Douglas Streets from 10<sup>th</sup> Street to 8<sup>th</sup> Street; and the intersections at 10<sup>th</sup> and Douglas and 10<sup>th</sup> and Lincoln Streets, and 9<sup>th</sup> and Lincoln Streets. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 14<sup>th</sup> for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10<sup>th</sup> Street to 7<sup>th</sup> Street will also be used for the parade.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, approving the request of the Chicken Show Committee to close the following streets on Saturday, July 14<sup>th</sup> for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Resolution No. 2018-24 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2018-24

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS (HENOWEEN AND WAYNE CHICKEN SHOW).

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

Administrator Blecke stated that one proposal was received for the Operation Agreement for the Transfer Station, and that was from Gill Hauling. Both Leonard and Bernie Gill were present to answer questions. They have agreed to everything in the request for proposal, with the exception that they would like to be able to charge for taking recycling in the future. In addition, they have increased their monthly payment to the City from \$1,000 to \$1,500.

Scott with Van's Sanitation and Recycling out of LeMars, Iowa, explained why there might need to be a charge for recycling in the future. It is not uncommon for facilities to charge for recycling. He started the facility five years ago. At that time, they ran the facility only 2.5 days per week. They are now up to 7 days per week. Gill is bringing in five, sometimes six, loads per week.

Mr. Gill stated in 2017, they picked up approximately 210 tons of recycling and in 2016, that number was 115 tons. They have seen a large increase from the City of Wayne in recyclables. Handling recyclables is expensive. He gave the Wayne Green Team a lot of credit for promoting recycling, but he thought what everybody had to understand was that recycling is no longer free, nor can it be free. They will continue doing business as usual for the next 30 days, but sometime between now and the next 30 days, they have to have further discussions before approving a contract. The City of Wayne has done a very good job at promoting recycling; in fact, too good a job. The City could make recycling mandatory, which would cut down on the confusion at the transfer station, at least on Friday and Saturday. He suggested a

minimum of \$1.00 per transaction at the transfer station, whether it is somebody who wants to bring in recycling in a small bag or in a 50-gallon barrel.

Councilmember Giese stated he thought the Council wanted to see two different proposals. One, continuing down the same path as they have been going where they charge for recycling, and the other being where the trash service would subsidize the need to charge a fee at the transfer station.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, to table action on Resolution No. 2018-25 until the June 5<sup>th</sup> council meeting. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2018-9, and moved for approval of the second reading thereof; Councilmember Greve seconded.

#### ORDINANCE NO. 2018-9

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, SECTION 78-96 LOCATION RESERVED FOR HANDICAPPED PARKING; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2018-10, and moved for approval of the second reading thereof; Councilmember Greve seconded.

#### ORDINANCE NO. 2018-10

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 91.030 CONSTRUCTION BY OWNER; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Giese introduced Ordinance No. 2018-11, and moved for approval of the second reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2018-11

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 91.052 DRIVEWAY PERMITS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2018-12, and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2018-12

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 91.076 PERMIT REQUIRED; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Giese introduced Ordinance No. 2018-13, and moved for approval of the second reading thereof as amended; Councilmember Haase seconded.

ORDINANCE NO. 2018-13

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 91.078 DIGGING IN STREET; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2018-14, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2018-14

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 91.080 SURETY BOND; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Amy Miller, City Attorney, advised the Council that the Civil Service Commission has reviewed and made amendments to their Rules and Regulations. The last amendment was in 2012. State Statutes require that anything that deals with complaints, discharge, demotion and procedures be approved by ordinance by the governing body. The same is identified as Article V in their Rules and Regulations. Attorney Miller has reviewed the amendments with Chief Chinn and they, as well as the Civil Service Commission, are recommending approval thereof.

Attorney Miller, after review of the proposed ordinance, had some additional changes, and those were highlighted in blue.

Councilmember Giese introduced Ordinance No. 2018-15, and moved for approval thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2018-15

AN ORDINANCE AMENDING CIVIL SERVICE RULES AND REGULATIONS, SPECIFICALLY THE PROVISION RELATING TO DEMOTIONS, SUSPENSIONS AND DISCHARGE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Giese made a motion and Councilmember Haase seconded 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, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, to move for final approval of Ordinance No. 2018-15. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Buck who was absent, 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, with the exception of Councilmember Buck who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:54 p.m.