

**MINUTES
CITY COUNCIL MEETING
September 4, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, September 4, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Jim Van Delden, Jon Haase, Dale Alexander, Kaki Ley, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert, Doug Sturm, and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 23, 2012, 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 Haase made a motion, which was seconded by Councilmember Van Delden, whereas, the Clerk has prepared copies of the Minutes of the meeting of August 21, 2012, 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ADVANCED CONSULTING, SE, 1900.00; AMERICAN BROADBAND, SE, 2205.55; AMERITAS, SE, 1893.32; APPEARA, SE, 164.16; ARCADIAN MARKSMANSHIP, FE, 100.00; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, SE, 120.00; BLACK HILLS ENERGY, SE, 276.10; CITY EMPLOYEE, RE, 257.00; BOMGAARS, SU, 1232.97; CITY EMPLOYEE, RE, 3710.91; BROWN SUPPLY, SU, 556.20; BSN SPORTS, SU, 582.12; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 105.00; CITY OF WAYNE,

PY, 68068.70; CITY OF WAYNE, RE, 161.08; COMMUNITY HEALTH, RE, 3.00; DIXON CO CLERK'S OFFICE, FE, 5.50; CITY EMPLOYEE, RE, 9.89; ECHO GROUP, SU, 172.68; ECOLAB, SU, 223.52; EGAN SUPPLY, SE, 6550.49; ERMA BARKER, SE, 45.00; FASTENAL, SU, 55.36; FIRST CONCORD GROUP, SE, 3102.18; FLOOR MAINTENANCE, SU, 151.06; FREDRICKSON OIL, SU, 841.79; GROSSENBURG IMPLEMENT, SU, 923.82; CITY EMPLOYEE, RE, 80.27; CITY EMPLOYEE, RE, 394.72; HD SUPPLY WATERWORKS, SU, 4492.94; CITY EMPLOYEE, RE, 14.78; ICMA, SE, 5296.11; IRS, TX, 26261.44; JACK'S UNIFORMS, SU, 638.75; JEO CONSULTING GROUP, SE, 1708.00; JIM MITCHELL, RE, 50.00; CITY EMPLOYEE, RE, 461.30; JORGENSEN LAW OFFICE, SE, 1637.50; L.G. EVERIST, SU, 519.72; LAW ENFORCEMENT SERVICES, SE, 270.00; LOIS HALL, RE, 464.67; CITY EMPLOYEE, RE, 54.06; MATT EISCHEID, RE, 200.00; MCGUIRE & NORBY, SE, 5314.60; MERCY MEDICAL CLINIC, SE, 58.00; MICHAEL TODD & CO, SU, 446.25; MIKE TOWNE, SE, 1100.00; MOONLIGHT TOWING, SE, 111.83; CITY EMPLOYEE, RE, 5.72; NE DEPT OF REVENUE, TX, 3181.49; NE DEPT OF ROADS, SE, 4557.74; NE SAFETY COUNCIL, SE, 11.41; N.E.NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 5122.00; PIEPER & MILLER, SE, 6298.00; POSTMASTER, SU, 543.93; PUSH-PEDAL-PULL, SE, 749.70; QUILL, SU, 339.33; SOLBERG MANUFACTURING, SE, 1085.81; STADIUM SPORTING GOODS, SU, 191.50; STANLEY STEAMER, SE, 375.00; CITY EMPLOYEE, RE, 150.00; TYLER TECHNOLOGIES, SE, 14870.91; UNITED WAY, RE, 10.00; US BANK, SU, 3830.93; VERIZON, SE, 102.07; VIAERO, SE, 169.34; WAYNE AUTO PARTS, SU, 215.64; WAYNE COMMUNITY HOUSING, SE, 805.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE GREENHOUSE, RE, 108.00; WESCO, SU, 649.65; BROWN SUPPLY, SU, 615.29; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 151.90; CITY OF WAYNE, RE, 717.02; CONSOLIDATED MANAGEMENT, SE, 69.75; DE LAGE LANDEN FINANCIAL, SE, 77.00; CITY EMPLOYEE, RE, 104.46; ELLIS PLUMBING & HEATING, SE, 1528.52; FLOOR MAINTENANCE, SU, 39.90; GILL HAULING, SE, 155.00; HAWKINS, SU, 3018.93; HEIKES AUTOMOTIVE, SE, 742.50; HELENA CHEMICAL, SU, 234.00; JUDITH A. JANSSEN, SE, 605.65; KAY CONTRACTING, SE, 90.00; L.G. EVERIST, SU, 178.37; NE LAW ENFORCEMENT, FE, 80.00; NE NEB INS AGENCY, SE, 50.00; OLSSON ASSOCIATES, SE, 2707.42; PAC N SAVE, SU, 27.23; PLUNKETT'S PEST CONTROL, SE, 188.86; SIOUXLAND TURF PRODUCTS, SU, 847.00; STADIUM SPORTING GOODS, SU, 1704.00; STATE NATIONAL BANK, RE, 429.56; WASTE CONNECTIONS, SE, 58.00

Councilmember Ley made a motion and Councilmember Brodersen seconded to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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 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.

The following Resolution would approve the plans, specifications and estimate of cost for the “2012 Sludge Removal and Application Project”. The project will be the same as last year, with the exception that the bid advertisement will be for contractors to remove \$175,000.00 worth of sludge from the lagoon. The sludge will likely be pumped directly from the lagoon to a truck that is in a field that will knife the sludge directly into the ground. Bids are to be received on September 13th at 2:00 p.m. JEO is the engineer on the project, and their engineering fees are \$27,500 (approved last May). The plan is to take out enough sludge this time to abandon the lagoon. The lagoon can be abandoned with an average of 6” of sludge left on the bottom.

Councilmember Alexander introduced Resolution No. 2012-63 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-63

A RESOLUTION APPROVING, RATIFYING AND CONFIRMING THE HIRING OF SPECIAL ENGINEERS AND APPROVING PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE 2012 SLUDGE REMOVAL PROJECT.

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

Councilmember Sturm arrived at 5:35 p.m.

Mayor Chamberlain stated the time was at hand for the public hearing regarding an application for a Retail Class D Liquor License for Shopko Stores Operating Co., LLC d/b/a “Shopko Hometown 670.”

Dan Wibben, representing Shopko, was present to answer questions.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further public comments, Mayor Chamberlain closed the public hearing.

Councilmember Alexander introduced Resolution No. 2012-64 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2012-64

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS D LIQUOR LICENSE — SHOPKO STORES OPERATING CO., LLC, D/B/A “SHOPKO HOMETOWN 670”.

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to amending Section 90-90-714(b)(1) Physical Appearance, Performance Standards for Industrial Uses.

Joel Hansen, Zoning Administrator, advised the Council that since they tabled amendments to the zoning code in regard to industrial uses until January, 2013, he would recommend that this item also be tabled since it pertains to concrete crushing in the I-1 District.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen, to table action on Ordinance No. 2012-41 Amending the Wayne Municipal Code, Section 90-714(b)(1) Physical Appearance, Performance Standards for Industrial Uses, until the second Council meeting in January, 2013. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-203(1) Permitted Accessory Uses and Structures in the R-1 Residential Zoning District.

Joel Hansen, Zoning Administrator, stated the following public hearings pertain to the size restriction on accessory structures in residential districts. Originally, the Council placed a limit of 1,064 square feet. It became apparent that we have some very large residential lots where larger buildings would be more acceptable, such as in Muhs Acres or other areas around the outskirts of Wayne. In 2010, the code was amended to create a cap of 7% of the lot area up to 3,000 square feet and create a use by exception that would allow up to 4,000 sq. ft. The proposed changes would remove the 3,000 sq. ft. cap and the use by exception, leaving 7% of the lot area or 1,064 sq. ft, whichever is greater, as the maximum size of all accessory structures. This means even on smaller lots, they can still build up to the 1,064 sq. ft, and on larger lots, they can exceed that up to 7% of the lot area. This topic was brought forward regarding Private Recreation Building that was proposed by Kelby Herman.

Councilmember Frevert arrived at 5:44 p.m.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Sturm introduced Ordinance 2012-42, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2012-42

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-203(1) PERMITTED ACCESSORY USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Further discussion took place on the matter. Consensus was to keep the language as is which would allow more local control over what is being built.

Mayor Chamberlain stated the motion, and the result of roll call being three Yeas (Van Delden, Haase and Brodersen), and four Nays (Frevert, Alexander, Sturm, and Ley), the Mayor declared the motion failed.

The following Ordinance would amend Wayne Municipal Code Section 2-50 Restriction on other Employment or Elective Office as follows:

- a. The mayor and members of the council shall hold no other elective or appointive office or employment with the city, except that if a current member of council obtains employment with the city, he/she may be authorized to complete his/her current term of service upon a majority vote of all other elected council members.**

This would give the Council the authority to decide whether or not a Councilmember can complete their term if they become an employee of the City. Each situation would be decided on a case-by-case basis.

Councilmember Alexander introduced Ordinance 2012-41, and moved for its approval; Councilmember Brodersen seconded.

ORDINANCE NO. 2012-41

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 2, ARTICLE II. COUNCIL BY AMENDING SECTION 2-50 RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE; TO PROVIDE FOR THE REPEAL OF 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 Councilmember Sturm who abstained, the Mayor declared the motion carried.

Councilmember Alexander made a motion and Councilmember Frevert seconded 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 Councilmember Sturm who abstained, the Mayor declared the motion carried.

Councilmember Alexander made a motion and Councilmember Frevert seconded to move for final approval of Ordinance No. 2012-41. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who abstained, the Mayor declared the motion carried.

Councilmember Frevert made a motion, which was seconded by Councilmember Van Delden to allow Councilmember Sturm to finish his current term which ends December 4, 2012. Mayor Chamberlain stated the motion, and the result of roll call

being all Yeas, with the exception of Councilmember Sturm who abstained and Councilmember Haase who voted Nay, the Mayor declared the motion carried.

In regard to the agenda item to accept the resignation of Councilmember Sturm (First Ward), the same died for lack of a motion.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-205(12) Exceptions in the R-1 Residential Zoning District.

Joel Hansen, Zoning Administrator, stated since the Council did not pass the previous Ordinance, his recommendation was to not amend this section of the code as recommended by the Planning Commission. Mr. Hansen also advised the Council that in Nebraska, if someone requests a use by exception, the same cannot be denied. Conditions could be placed on the use, but it cannot be denied. Adjoining neighbors can come and voice their opinion at a meeting, but it does not give the Council the authority to reject that permit.

If the Council would approve this ordinance, it would take away the ability to apply for a use by exception permit.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Sturm introduced Ordinance 2012-43, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2012-43

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-

205(12) EXCEPTIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Nays, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-233(1) Permitted Accessory Uses and Structures in the R-2 Residential Zoning District.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Ley introduced Ordinance 2012-44, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2012-44

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-233(1) PERMITTED ACCESSORY USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Nays, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-235(8) Exceptions in the R-2 Residential Zoning District.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Sturm introduced Ordinance 2012-45, and moved for its approval; Councilmember Frevert seconded.

ORDINANCE NO. 2012-45

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-235(8) EXCEPTIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Nays, with the exception of Councilmember Van Delden who voted Yea, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-263(1) Permitted Accessory Uses and Structures in the R-3 Residential Zoning District.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Frevert introduced Ordinance 2012-46, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2012-46

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-263(1) PERMITTED ACCESSORY USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Nays, with the exception of Councilmember Alexander who voted Yea, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-265(10) Exceptions in the R-3 Residential Zoning District.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Frevert introduced Ordinance 2012-47, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2012-47

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-265(10) EXCEPTIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Nays, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-293(2) Permitted Accessory Uses and Structures in the R-4 Residential Zoning District.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Sturm introduced Ordinance 2012-48, and moved for its approval; Councilmember Ley seconded.

ORDINANCE NO. 2012-48

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-293(2) PERMITTED ACCESSORY USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Nays, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-294(b)(2) Permitted Conditional Uses in the R-4 Residential Zoning District.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Frevert introduced Ordinance 2012-49, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2012-49

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-294(b)(2) PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Nays, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-315(7) Special Exception Uses in the R-5 Residential Zoning District.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Ordinance 2012-50 died for lack of a motion.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-703(e) Accessory Uses.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Ordinance 2012-51 died for lack of a motion.

Mayor Chamberlain declared the time was at hand for the public hearing on the proposed FY2012-2013 budget.

The total of the FY2012-2013 budget is \$28,195,917. The property tax proposal for the General Fund operation is \$651,961, which compares to the 2011 tax asking of \$651,961. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$744,210.48 or \$.411612 per \$100 of property valuation. The valuation in the community, as reported by the County Assessor for 2012 is \$180,803,972, which is up \$1,148,416 from last year.

It was noted that a request has been received from Grossenburg Implement to extend sewer service to their location on E. Highway 35. The intent is also to connect the airport to the city sewer system if they cannot hook into the septic system. The costs for these projects can either come out of reserves, or Council can make a motion to include monies for these two projects in this budget.

City Clerk McGuire had not received any communication for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Ley introduced Ordinance 2012-52, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2012-52

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Sturm made a motion and Councilmember Ley seconded 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, the Mayor declared the motion carried.

Councilmember Ley made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2012-52. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not spent and are not expected to be spent for capital improvements. Cities are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase. This increases our base number we can use for our restricted fund revenues.

Councilmember Sturm made a motion, which was seconded by Councilmember Ley, approving the allowable 1% increase in base limitation of the restricted funds budget. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Resolution 2012-65, and moved for its approval with the amendment that the sewer extension projects for the Airport and Grossenburg Implement be included in the 2012-2013 budget; Councilmember Ley seconded

RESOLUTION NO. 2012-65

A RESOLUTION TO ADOPT THE 2012-2013 BUDGET FOR THE CITY OF WAYNE.

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

Mayor Chamberlain declared the time was at hand for the public hearing regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.452963 per hundred dollars of property value is included. The levy equates to a tax request of \$818,975.52. Last year's tax levy was \$.409312 per hundred dollars of valuation; this year it is \$.411612, excluding the airport.

City Clerk McGuire had not received any communication for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

The following Resolution would approve the final property tax request of \$744,210.48. This Resolution does not include the airport levy.

Councilmember Sturm introduced Resolution 2012-66, and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2012-66

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY2012-2013.

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

Finance Director, Nancy Braden, distributed and reviewed a spreadsheet showing the projects and potential projects funded by the city sales tax.

Councilmember Ley made a motion, which was seconded by Councilmember Sturm, approving the capital project's city sales tax budget. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Ordinance 2012-28 which would adopt a “Code of Decorum” was brought forward for the second reading.

Lou Bencoter, representing Bencoter Development, spoke in favor of Council approving this ordinance.

Councilmember Sturm introduced Ordinance No. 2012-28 and moved for approval of the second reading thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2012-28

AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 2, ARTICLE II. COUNCIL, DIVISION 1. GENERALLY, BY ADDING SECTION 2-51 CODE OF DECORUM; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Ley suggested the following changes:

- Having an attendance requirement for the Mayor as well as the Councilmembers.
- Changing the wording in Paragraph 9 - Councilmembers to read: Councilmembers should use best efforts to attend all regular meetings. It is expected that in a calendar year, Councilmembers shall not be absent more than (1) 8 regular meetings (one-third of the meetings), or (2) 5 consecutive meetings.
- Delete the wording “based upon authority and recognized standards” in no. 21 of Mayor.

Councilmember Sturm opined he wanted to leave the statutory language regarding 5 absences in the ordinance.

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

Councilmember Sturm introduced Ordinance No. 2012-36 and moved for approval of the second reading thereof as amended; Councilmember Frevert seconded.

ORDINANCE NO. 2012-36

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE STATE COLLEGE HOMECOMING ACTIVITIES (September 27th, 28th, and 29th).

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

Councilmember Sturm made a motion and Councilmember Frevert seconded 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, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Frevert seconded to move for final approval of Ordinance No. 2012-36. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm left the meeting at 6:52 p.m.

Administrator Johnson stated the following Resolutions and Ordinances pertain to the sale of two city owned vacant lots to Kelby Herman.

Councilmember Ley introduced Resolution No. 2012-67 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-67

A RESOLUTION AUTHORIZING THE SALE OF LOT 4, AND 8' OF THE VACATED ALLEY, BLOCK 7, NORTH ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

Councilmember Alexander introduced Ordinance 2012-53, and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2012-53

AN ORDINANCE DIRECTING THE SALE OF LOT 4, AND 8' OF THE VACATED ALLEY, BLOCK 7, NORTH ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

Administrator Johnson stated Mr. Herman had proposed a \$5,000 per apartment unit, zero percent interest, 2-year loan which was not brought before you at the last meeting. This was included in Mr. Herman's proposal that was brought to him. This is a substitute or an addition to the \$20,000 construction loan that the City has approved and limited to two per contractor. This proposal is an alternative that could be used for both single-family homes and apartments. This might be of real value for those contractors that are on the fence about building apartments. This matter will be placed on the next agenda for Council consideration.

Mayor Chamberlain 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 Frevert introduced Resolution No. 2012-68 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-68

A RESOLUTION AUTHORIZING THE SALE OF THE EAST 48' OF THE WEST 100' OF LOTS 4, 5, AND 6, BLOCK 24, ORIGINAL TOWN OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

Councilmember Alexander introduced Ordinance 2012-54, and moved for approval thereof; Councilmember Frevert seconded.

ORDINANCE NO. 2012-54

AN ORDINANCE DIRECTING THE SALE OF THE EAST 48' OF THE WEST 100' OF LOTS 4, 5, AND 6, BLOCK 24, ORIGINAL TOWN OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

The following Resolutions pertain to the emergency civil defense siren grant. Because we failed to meet the deadline, we need to rescind the previous resolution that authorized staff to make application for the grant, and then pass a new resolution authorizing staff to make application for the grant.

Councilmember Alexander introduced Resolution No. 2012-69 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-69

A RESOLUTION RESCINDING COUNCIL ACTION ON RESOLUTION 2012-33 REGARDING THE APPLICATION FOR ASSISTANCE FROM THE NEBRASKA EMERGENCY MANAGEMENT AGENCY – HAZARD MITIGATION GRANT PROGRAM FOR THE PURPOSE OF PURCHASING AND REPLACING THE EMERGENCY CIVIL DEFENSE SIRENS.

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

Councilmember Alexander introduced Resolution No. 2012-70 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-70

A RESOLUTION TO APPLY FOR ASSISTANCE FROM THE NEBRASKA EMERGENCY MANAGEMENT AGENCY – HAZARD MITIGATION GRANT PROGRAM FOR THE PURPOSE OF PURCHASING AND REPLACING THE EMERGENCY CIVIL DEFENSE SIRENS.

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

The following Resolution would restore two-way traffic to 4th Street between Sherman and School View Drive and to School View Drive between 4th Street and 5th Street.

Councilmember Alexander introduced Resolution No. 2012-71 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-71

A RESOLUTION AMENDING ONE-WAY AND TWO-WAY TRAFFIC IN THE CITY OF WAYNE, NEBRASKA

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

Administrator Johnson presented the job description for the Leisure Services Coordinator position. It was noted that it should state that it is a part-time position.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen, approving the Leisure Services Coordinator job description, as amended. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Frevert made a motion, which was seconded by Councilmember Haase, authorizing the City Administrator to temporarily pay out Police Dispatcher vacation leave in the amount over the accrual limit at current wage rates. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion, which was seconded by Councilmember Brodersen, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:15 p.m.