

**MINUTES
CITY COUNCIL MEETING
September 18, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, September 18, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Dale Alexander, Doug Sturm, Kaki Ley, and Kathy Berry; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Jon Haase and Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 6, 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 Van Delden made a motion, which was seconded by Councilmember Sturm, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 4, 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:

CORRECTION TO CLAIMS LIST OF AUGUST 7, 2012: DELETE REHAB SYSTEMS, SU, 5750.00

VARIOUS FUNDS: AMERICAN LIBRARY ASSOC, FE, 185.00; AMERITAS, SE, 1990.25; APPEARA, SE, 216.25; ARNIE'S FORD-MERCURY, SU, 188.32; AVENTURE, SE, 3000.00; BAKER & TAYLOR BOOKS, SU, 989.56; BANK FIRST, FE, 120.00; BARONE SECURITY SYSTEMS, SE, 266.00; CITY EMPLOYEE, RE, 219.94; CARHART LUMBER CO, SU, 496.03; CARROLL DISTRIBUTING, SU, 818.84; CHARTWELLS, SE, 6180.25; CHEMQUEST, SU, 4565.00; CITY OF

WAYNE, RE, 250.00; CITY OF WAYNE, PY, 59640.46; CLAYTON ERWIN, RE, 30.00; COMMUNITY HEALTH, RE, 3.00; COPY WRITE, SE, 165.83; CITY EMPLOYEE, RE, 8.78; DAVE'S DRY CLEANING, SE, 144.00; DEMCO, SU, 111.54; DOESCHER APPLIANCE, SE, 89.00; CITY EMPLOYEE, RE, 41.54; DUTTON-LAINSON, SU, 1656.35; EASYPERMIT POSTAGE, SU, 1691.59; ECHO GROUP, SU, 116.87; CITY EMPLOYEE, RE, 42.74; ELECTRIC FIXTURE, SU, 2124.91; ELLIS PLUMBING & HEATING, SE, 238.47; FLOOR MAINTENANCE, SU, 142.85; FORT DEARBORN LIFE, SE, 1513.16; GAYLORD BROS, SU, 143.62; GERHOLD CONCRETE, SU, 352.08; GREAT PLAINS ONE-CALL, SE, 62.08; CITY EMPLOYEE, RE, 117.14; HARDING & SHULTZ, SE, 36017.31; HIRERIGHT SOLUTION, SE, 40.00; ICMA, SE 5318.37; INGRAM BOOK CO, SU, 699.66; IRS, TX, 19423.55; JASON CAROLLO, SE, 140.00; JEO CONSULTING GROUP, SE, 4132.50; JOHN'S WELDING AND TOOL, SE, 47.40; JOYCE REEG, RE, 500.00; KELLY SUPPLY, SU, 316.65; KTCH, SE, 845.00; MAIN STREET AUTO CARE, SE, 90.00; MERIT MECHANICAL, SE, 4648.00; MIDSTATES ERECTORS, SE, 151160.00; MIDWEST LABORATORIES, SE, 376.55; MOONLIGHT TOWING, SE, 138.45; 330.00; NE DEPT OF ENVIRONMENTAL, FE, 500.00; NE DEPT OF REVENUE, TX, 3110.75; NE MAIN STREET, FE, 30.00; NE PUBLIC HEALTH, SE, 882.00; NNPPD, SE, 12408.90; OLSSON ASSOCIATES, SE, 1065.11; PAULSON CONSTRUCTION, SE, 2489.00; PEPSI-COLA, SU, 93.10; PRESTO X, SE, 84.13; QUALIFICATION TARGETS, SU, 141.60; RANDOM HOUSE, SU, 495.73; CITY EMPLOYEE, RE, 292.70; ROBERTSON IMPLEMENT, SU, 717.08; S & S WILLERS, SU, 793.79; SGP SERVICES, SE, 459.30; SIOUX CITY JOURNAL, SU, 194.99; SPARKLING KLEAN, SE, 1202.86; STADIUM SPORTING GOODS, SU, 234.00; STATE NATIONAL BANK, SE, 59.84; STATE NATIONAL BANK, RE, 78353.75; CITY EMPLOYEE, RE, 3424.55; CITY EMPLOYEE, RE, 189.98; VAN DIEST SUPPLY, SU, 2024.00; WAYNE COUNTY CLERK, SE, 119.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE GROCERY, SU, 6.25; WAYNE HERALD, SE, 1613.72; WAYNE VETERINARY CLINIC, SE, 14.00; WESCO, SU, 8801.96; WEST DES MOINES, FE, 14.99; WAPA, SE, 32333.96; ZACH HEATING & COOLING, SE, 120.00; ZACH OIL COMPANY, SU, 5123.47; AMAZON.COM, LLC DVD'S 521.94; CITY EMPLOYEE, RE, 2977.78; CITIZENS NATIONAL BANK, RE, 3343.34; CITY OF NORFOLK, SE, 491.10; CITY OF NORFOLK, SE, 1500.00; CITY OF WAYNE, RE, 725.63; CITY OF WAYNE, RE, 25.00; CONSOLIDATED MANAGEMENT, SE, 190.25; COVENTRY HEALTH, SE, 20584.24; DAKOTA BUSINESS SYSTEMS, SE, 103.50; DE LAGE LANDEN FINANCIAL, SE, 394.00; CITY EMPLOYEE, RE, 1308.10; GEMPLER'S, SU, 69.90; GERHOLD CONCRETE, SE, 1698.56; CITY EMPLOYEE, RE, 47.66; HOA SOLUTIONS, SU, 98.00; JACK'S UNIFORMS, SU, 52.90; JASON CAROLLO, SE, 30.00; CITY EMPLOYEE, RE, 94.15; KRIZ-DAVIS, SU, 447.30; MAIN STREET AUTO CARE, SE, 94.79; CITY EMPLOYEE, RE, 505.95; NPPD, SE, 368148.31; PITNEY BOWES, SU, 648.00; CITY EMPLOYEE, RE, 66.49; PROVIDENCE MEDICAL CENTER, SE, 234.00; QUILL, SU, 20.89; REHAB SYSTEMS, SE, 5750.00; ROBERT WOehler & SONS, SE, 23140.50; RON'S RADIO, SE, 1764.00; SIOUX CITY/SIOUX FALLS, SU, 172.66; STADIUM SPORTING GOODS, SE, 85.50; TOM'S BODY & PAINT SHOP, SE,

790.73; UNITED RENTALS, SU, 817.75; VOSS LIGHTING, SU, 337.62; WAED, RE, 6383.33; WAYNE COUNTY COURT, RE, 450.00

Councilmember Sturm made a motion and Councilmember Ley 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.

Councilmember Brodersen arrived at 5:32 p.m.

Josh Piersanti, along with Matt Hepworth, Wayne State College Professors, gave a presentation on the photo restoration project that the students did last year on behalf of the City, along with showcasing the photos that were restored.

The following Resolution would approve an agreement with Northeast Nebraska Economic Development District to conduct a blight study for the “Middle East Wayne Redevelopment Area.” Once the study is completed and the redevelopment plan has been reviewed by the Planning Commission and approved by the CDA and Council, tax increment financing will be available to developers on a case-by-case basis.

Councilmember Sturm introduced Resolution No. 2012-72 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-72

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SERVICES WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) TO CONDUCT A BLIGHT STUDY IN THE CITY OF WAYNE.

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

Roger Protzman, JEO Consulting Group, stated that two bids were received on the 2012 Lagoon Sludge Removal and Application Project. The low bidder for the project was DRT Biosolids from Bloomer, Wisconsin. This is the same contractor that completed the work last year. The bidding specifications dictated that the total cost of the project be \$175,000.00, and the contractors were bidding for the lowest unit price of dry tons to be removed. DRT Biosolids submitted a bid of \$90.00 per dry ton which is \$6.00 lower than last year. This equates to 1944.4 dry tons being removed. Mr. Protzman requested that the award of the project be contingent upon NDEQ's acceptance of the contract documents.

Garry Poutre, Superintendent of Public Works & Utilities, stated that the landowner agreements are in place for applying the sludge.

Councilmember Brodersen introduced Resolution No. 2012-73 and moved for its approval, with the same being contingent upon NDEQ's acceptance of the contract documents; Councilmember Ley seconded.

RESOLUTION NO. 2012-73

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE "2012 LAGOON SLUDGE REMOVAL AND APPLICATION PROJECT."

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 approve Change Order No. 6 for the 2009-2010 Wastewater Treatment Facility Improvement Project which is a net decrease of \$3,363.99. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Roger Protzman, JEO Consulting Group, stated that the final pay request has been received from Eriksen Construction Company for the Wastewater Treatment Plant Project in the amount of \$59,145.10. Mr. Protzman asked that final payment be made contingent upon the electrical sub-contractor providing the as-built drawings to JEO.

Councilmember Ley made a motion and Councilmember Sturm seconded approving Application for Payment No. 18 (Final) for the Wastewater Treatment Plant Project in the amount of \$59,145.10 to Eriksen Construction Company, with the same being contingent upon receiving the as-built drawings from the electrical sub-contractor. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A request was made by Greg VanderWeil in regard to allowing them to close off the east end of 10th Street from Providence Road to Hillside Avenue for an electric vehicle rally on Saturday, October 6, 2012. OPPD and NPPD will be providing the required \$1,000,000 liability insurance coverage and naming the City as an additional insured.

Councilmember Brodersen made a motion, which was seconded by Councilmember Alexander, approving the request of Greg VanderWeil to close off the east end of 10th Street from Providence Road to Hillside Avenue for an electric vehicle

rally on Saturday, October 6, 2012, with the stipulation that proof of \$1,000,000 liability insurance and naming the City as an additional insured be provided to the City prior to the time of the event. 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. 2012-28 and moved for approval of the third and final reading thereof; Councilmember Van Delden 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.

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

Councilmember Van Delden introduced Ordinance 2012-53, and moved for approval of the second reading thereof; Councilmember Ley 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.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Frevert introduced Ordinance 2012-54, and moved for approval of the second reading thereof; Councilmember Sturm 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 third and final reading will take place at the next meeting.

Alex Koch, Recreation Services Director, was present requesting Council consideration to allowing him to replace the carpet in the fitness room at the Community Activity Center with a standard heavy duty rubber floor covering. The rubber flooring has a 20-30 year life expectancy. The estimated cost is \$12,212.17. Mr. Koch estimates the labor to install the flooring will be somewhere in the neighborhood of \$2,000 - \$4,000.

Administrator Johnson stated the project costs will be paid out of the construction fund reserve which still has about \$140,000 in it.

Councilmember Alexander made a motion, which was seconded by Councilmember Frevert, approving the request to replace the carpet in the Community Activity Center fitness room with padded flooring, and to use construction fund reserves to pay for the same. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson brought forward a proposal from Kelby Herman concerning the incentive loan program. Rather than the \$20,000 short-term construction

loan incentive, Mr. Herman suggested a 3-year, 0% interest loan of \$5,000 per market rate single-family home or per apartment unit. It was noted that the monies used for this incentive program are being borrowed from the Electric Fund.

During discussion, it was determined that this additional incentive would have a 3-year payback time period or be required to be paid back upon the sale of the house/apartment complex, whichever occurred first. In addition, this would be an “either or deal” – a person could either do the short-term loan of \$20,000 or the long-term loan of \$5,000, but not both.

Mayor Chamberlain recommended that this be a \$160,000 pool, with those two options being able to be used for the loans.

Administrator Johnson suggested not limiting the number of loans a builder could make application for. If you have contractors that want to build apartments or houses, why would we care how many incentives they apply for? Once the \$160,000 is loaned out, if there is more interest, more money could be borrowed from the Electric Fund to continue the program.

Councilmember Sturm made a motion, which was seconded by Councilmember Frevert, amending the incentive loan program of \$160,000.00 set aside from the Electric Fund to include a \$5,000.00, 3-year (or until the same is sold, whichever occurs first), 0% interest loan per market rate apartment unit or per single-family market rate home. 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, which was seconded by Councilmember Alexander, 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 6:22 p.m.