

**MINUTES
CITY COUNCIL MEETING
October 2, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, October 2, 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, Jon Haase, Dale Alexander, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: City Administrator Lowell Johnson.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 29, 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 Frevert, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 18, 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:

FISCAL YEAR END CLAIMS 2011/2012: ALTEC INDUSTRIES, SU, 548.32; AMERITAS, SE, 1914.33; APPEARA, SE, 164.16; ARNIE'S FORD-MERCURY, SE, 1433.69; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, SE, 120.00; CITY EMPLOYEE, RE, 354.35; BLACK HILLS ENERGY, SE, 227.33; BOMGAARS, SU, 16.65; CITY EMPLOYEE, RE, 186.07; BROWN SUPPLY, SU, 1155.24; BROWN TRAFFIC PRODUCTS, SU, 97.00; CENTURYLINK, SE, 310.93; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 556.11; CITY OF

WAYNE, PY, 61104.44; COMMUNITY HEALTH, RE, 3.00; CONSOLIDATED MANAGEMENT, SE, 106.75; CITY EMPLOYEE, RE, 76.45; DE LAGE LANDEN FINANCIAL, SE, 77.00; CITY EMPLOYEE, RE, 53.87; ENERGY FEDERATION, SU, 425.88; ERIKSEN CONSTRUCTION, SE, 59145.10; FIRST CONCORD GROUP, SE, 3102.18; GERHOLD CONCRETE, SU, 2,095.94; H.K. SCHOLZ CO, SE, 37168.50; HEIKES AUTOMOTIVE, SE, 47.93; ICMA, SE, 5498.25; IRS, TX, 19921.10; JEO CONSULTING GROUP, SE, 2276.00; JOSEPH G SMITH, SU, 20.47; MAIN STREET AUTO CARE, SE, 90.00; MCGUIRE & NORBY, SE, 363.27; CITY EMPLOYEE, RE, 113.23; NE DEPT OF REVENUE, TX, 3,186.44; NE DEPT OF ROADS, SE, 500.00; NE SALT & GRAIN, SU, 1641.06; NORTHEAST COMM COLLEGE, SE, 19.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 5152.00; OLSSON ASSOCIATES, SE, 1022.39; RON'S RADIO, SE, 181.00; ROSE EQUIPMENT, SU, 3519.02; CITY EMPLOYEE, RE, 127.32; SEVERN TRENT, SU, 1076.01; STADIUM SPORTING GOODS, SU, 780.00; STATE NATIONAL BANK, RE, 101.70; STEFFEN, SU, 33.22; UNITED WAY, RE, 10.00; VERIZON, SE, 219.94; VIAERO, SE, 172.08; WAED, RE, 1489.52; WAYNE AUTO PARTS, SU, 428.02; WAYNE SENIOR CENTER, RE, 50.00; AMERICAN BROADBAND, SE, 1440.22; BOMGAARS, SU, 3026.45; CARLSON HOME & AUTO, SU, 94.50; CITY OF NORFOLK, SE, 206.70; CITY OF WAYNE, RE, 100.00; CONSOLIDATED MANAGEMENT, SE, 106.75; COPY WRITE, SU, 318.43; DCL AMERICA, SU, 21166.00; DUTTON-LAINSON, SU, 997.46; EAKES OFFICE PLUS, SE, 58.91; EASYPERMIT POSTAGE, SU, 1692.70; ECHO GROUP, SU, 188.29; ED. M FELD EQUIPMENT, SU, 140.00; ELECTRIC FIXTURE, SU, 361.65; ELECTRONIC ENGINEERING, SE, 8275.00; FLOOR MAINTENANCE, SU, 726.22; GROSSENBURG IMPLEMENT, SU, 76.96; HEIKES AUTOMOTIVE, SE, 69.23; JASON CAROLLO, SE, 140.00; JOHN'S WELDING AND TOOL, SU, 104.04; CITY OF WAYNE, SE, 600.00; MIKE TOWNE, SE, 1800.00; PAC N SAVE, SU, 156.83; PIEPER & MILLER, SE, 6968.00; S & S WILLERS, SU, 1214.99; STADIUM SPORTING GOODS, SU, 380.00; STATE NATIONAL BANK, RE, 295.43; STATE TREASURER OF NE, RE, 610.00; T & S TRUCKING, SE, 540.00; CITY EMPLOYEE, RE, 919.98; ULTRAMAX AMMUNITION, SU, 2254.00; UNITED RENTALS, SU, 210.00; VERIZON, SE, 102.07; WAYNE COMMUNITY SCHOOLS, RE, 2346.50; WAYNE COUNTY CLERK, SE, 11.00; WAYNE VETERINARY CLINIC, SE, 210.00; WESCO, SU, 3189.47; CITY EMPLOYEE, RE, 60.00; **FISCAL YEAR 2012-2013:** AMERICAN BROADBAND, SE, 770.00; CITY EMPLOYEE, RE, 130.96; CITY OF WAYNE, RE, 536.14; CADET BOOSTERS, FE, 240.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, SE, 40.00; CITY OF WAYNE, RE, 690.71; FORT DEARBORN, SE, 1565.20; FORT DEARBORN, SE, 116.96; NE DEPT OF ROADS, FE, 500.00; NORTHEAST NE INS AGENCY, SE, 58224.50; CITY EMPLOYEE, RE, 13.12; TACO'S AND MORE, RE, 160.00; WAED, RE, 6383.33; WAYNE COUNTY COURT, RE, 600.00

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 two ordinances come as a result of a request from the Wayne Public Schools and staff. The first ordinance will eliminate the parking restrictions (7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m. – old Elementary School) on the north side of 5th Street from Sherman Street to School View Drive, and on the west side of Douglas Street from West 4th Street to West 3rd Street. The second ordinance will restrict parking from 7:00 a.m. to 9:00 a.m. on the west side of Douglas Street from the north line of West 4th Street to the north line of West 3rd Street (Middle & Elementary School).

Marlen Chinn, Police Sergeant, and Jill Pickinpaugh, Principal of the Wayne Elementary and Middle School, were present to answer questions.

Councilmember Brodersen introduced Ordinance 2012-55, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2012-55

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, PARKING, SECTION 78-142 RESTRICTED PARKING FROM 7:00 A.M. TO 9:00 A.M. AND FROM 3:00 P.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND 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 Sturm made a motion and Councilmember Alexander 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 Alexander seconded to move for final approval of Ordinance No. 2012-55. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander introduced Ordinance 2012-56, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2012-56

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, PARKING, BY ADDING SECTION 78-143 RESTRICTED PARKING FROM 7:00 A.M. TO 9:00 A.M., MONDAY THROUGH FRIDAY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND 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 Alexander made a motion and Councilmember Sturm 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 Alexander made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2012-56. 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 on the “Blight and Substandard Area Determination” for Boyle’s First Addition — Lot 2 and Boyle’s Second Addition Lots 1, 2, 3, and 4, and Lot 1 Admin Subdivision of Boyle’s Outlot, a/k/a “Angel Acres.”

Lou Bencoter, owner of the property, was present to answer questions. The reason for declaring this area blighted and substandard is to make it eligible for TIF financing. He has been approached by an individual who wants to do a project in this area. He also has another project in mind that fits the current zoning regulations in that area. Mr. Bencoter would use TIF to pave the street in this development. If all goes as planned, he hopes to start digging a basement this fall.

Jeff Christensen of Northeast Nebraska Economic Development District, who prepared the Blight and Substandard Determination Study for the area, was present to answer questions.

No written or oral comments had been received by the City Clerk’s Office concerning the public hearing.

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

Councilmember Sturm introduced Resolution 2012-74, and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-74

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, MAKING FINDINGS AND DECLARING PORTIONS OF THE CITY TO BE BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT.

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

Mayor Chamberlain stated the following Resolution would approve an agreement with Northeast Nebraska Economic Development District to assist the City in processing new revolving loan fund loans from this point forward, using the City's existing guidelines/policies, to meet HUD's national objectives and to ensure that Federal rules and regulations are followed to meet the CDBG ED RLF guidelines that they are anticipating DED will follow at this time.

Jeff Christensen of Northeast Nebraska Economic Development District was present to answer questions.

Councilmember Brodersen introduced Resolution No. 2012-75 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-75

A RESOLUTION APPROVING SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT TO ASSIST THE CITY WITH MEETING HUD'S NATIONAL OBJECTIVES AND ENSURING COMPLIANCE OF ALL CDBG ED RLF ACTIVITIES AND REGULATIONS.

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

Councilmember Ley introduced Ordinance 2012-53, and moved for approval of the third and final reading thereof; Councilmember Sturm 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.

Councilmember Sturm introduced Ordinance 2012-54, and moved for approval of the third and final reading thereof; Councilmember Brodersen 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.

Joel Hansen, Building Inspector, stated following ordinance will amend municipal code to allow for the enforcement of persons removing, destroying or defacing any notices posted by the Building Inspector upon any structure in regard to the code adopted by Section 18-242. It addition, it also has a provision regarding penalties for said violation.

This comes as a result of someone constantly removing a notice that has been posted on a structure that has been deemed unsafe.

The order for this particular property was issued on September 5th, and Mr. Hansen has been to this property every day since replacing the placard that the owner keeps removing from the building. Because this is an unsafe building, we do not want people thinking they can go into the building.

The penalty for removing the notice will be up to 7 days in jail, a \$500.00 fine, or both.

Councilmember Sturm introduced Ordinance 2012-57, and moved for its approval; Councilmember Frevert seconded.

ORDINANCE NO. 2012-57

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 18, ARTICLE VI, UNSAFE BUILDINGS, BY ADDING SECTION 18-246 VIOLATIONS AND PENALTIES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND 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 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 Sturm made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2012-57. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A pay request has been received from Sioux City Engineering Company for the Benscoter Addition – Phase I Paving Project in the amount of \$132,081.10. The engineer on the project has approved the same.

Councilmember Sturm made a motion, which was seconded by Councilmember Ley, approving Application for Payment No. 2 for the Benscoter Addition – Phase I Paving Project in the amount of \$132,081.10 to Sioux City Engineering Company. 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 Sturm, to recess as Council and convene as the Community

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

Chair Haase called the meeting of the Community Development Agency to order. Those in attendance were: Members Brian Frevert, Jim Van Delden, Dale Alexander, Ken Chamberlain, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Chair Haase 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.

The next item on the CDA agenda was to approve the minutes of the August 7, 2012, meeting.

Member Chamberlain made a motion and Member Sturm seconded approving the minutes of the August 7, 2012, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the agenda was to consider and take action on a request by Lou Bencoter to relinquish ownership of Lot 4, Western Ridge II Addition back to the Community Development Agency. Mr. Bencoter will forfeit the \$100 down payment and will pay all real estate taxes accrued on the lot to date.

Lou Bencoter was present to address any questions the CDA had.

Member Chamberlain made a motion, which was seconded by Member Sturm to approve the request of Lou Bencoter to relinquish ownership of Lot 4, Western Ridge II Addition back to the Community Development Agency. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Ley made a motion and Member Brodersen seconded to adjourn as the Community Development Agency and reconvene as Council. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Mayor Chamberlain requested Council consideration to approving his appointment of Marlen Chinn as Police Chief.

Councilmember Ley made a motion, which was seconded by Councilmember Sturm approving the appointment of Marlen Chinn as Police Chief. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Van Delden 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 6:04 p.m.