

**MINUTES  
CITY COUNCIL MEETING  
October 16, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, October 16, 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, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Eric Knutson; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: City Administrator Lowell Johnson. Absent: Councilmember Brian Frevert.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 4, 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 Sturm made a motion, which was seconded by Councilmember Van Delden, whereas, the Clerk has prepared copies of the Minutes of the meeting of October 2, 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:

**CORRECTIONS TO CLAIMS LIST OF 10/2/12:** Delete State Treasurer of NE, Cat and Dog Registrations - \$610.00

**VARIOUS FUNDS:**

**FISCAL YEAR END CLAIMS 2011/2012:** ALL-AMERICAN PUBLISHING, SE, 289.00; BAKER & TAYLOR BOOKS, SU, 328.45; BLUE DEVIL BOOSTER CLUB, SE, 85.00; BROWN SUPPLY, SU, 6000.29; BROWN TRANSFER, SE, 89.91; CARHART LUMBER COMPANY, SU, 613.63; CHARTWELLS, SE, 5050.00; COPY WRITE, SE, 115.71; DAVE'S DRY CLEANING, SE, 84.00; DUTTON-LAINSON, SE,

471.46; EISENBRAUN & ASSOC., SE, 1114.00; FREDRICKSON OIL, SE, 32.00; FREDRICKSON TYRFIL, SE, 86.00; GEMPLER'S, SU, 129.60; GERHOLD CONCRETE, SU, 6209.00; GREAT PLAINS ONE-CALL, SE, 108.36; HARDING & SHULTZ, SE, 180.57; HAWKINS, SU, 836.39; HELENA CHEMICAL, SU, 47.50; HOFFMAN PLUMBING, SE, 1837.00; INGRAM BOOK CO, SU, 210.03; JOHNSTONE SUPPLY, SU, 150.28; KELLY MEYER, SU, 80.00; KELLY SUPPLY, SU, 473.14; KLEIN ELECTRIC, SU, 5572.78; KTCH, SE, 605.00; LEAGUE OF NEBRASKA MUN, FE, 745.00; MICROFILM IMAGING SYSTEMS, SU, 57.63; MIDSTATES ERECTORS, SU, 117019.00; MUNICIPAL SERVICE, SE, 2946.14; N.E. NNEDD, SE, 2359.97; NPPD, SE, 343286.47; N.E.NE AMERICAN RED CROSS, RE, 29.62; NNPPD, SE, 12418.90; NORTHWEST ELECTRIC, SU, 681.42; ORIENTAL TRADING CO, SU, 25.99; PAPER 101, SU, 1272.50; POWER MONITORS, SU, 8906.03; RANDOM HOUSE, SU, 87.75; SEVERN TRENT, SE, 3026.00; STATE NATIONAL BANK, SE, 57.84; STATE TREASURER OF NE, FE, 591.70; UNITED WAY, RE, 5.00; US BANK, SE, 2359.19; UTILITIES SECTION, FE, 80.00; VAN DIEST SUPPLY, SU, 390.00; WAYNE AUTO PARTS, SU, 206.00; WAYNE HERALD, SE, 2510.73; WESCO, SU, 204.48; WAPA, SE, 25657.66; ZACH OIL, SU, 6562.29; ADVANTAGE TAPE, SE, 225.00; BROWN SUPPLY, SU, 2476.52; HOLIDAY INN OF KEARNEY, SE, 279.80; MURPHY TRACTOR & EQUIPMENT, SE, 736.69

**FISCAL YEAR 2012-2013:** AMERITAS, SE, 2028.55; APWA, FE, 330.00; BANK FIRST, FE, 120.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, SE, 80.00; CITY OF WAYNE, PY, 61595.79; CITY OF WAYNE, RE, 150.55; COMMUNITY HEALTH, RE, 3.00; CITY EMPLOYEE, RE, 166.71; CITY EMPLOYEE, RE, 500.22; ELKHORN PAVING, SE, 24296.90; CITY EMPLOYEE, RE, 25.90; CITY EMPLOYEE, RE, 456.23; ICMA, SE, 5480.70; IRS, TX, 19797.86; CITY EMPLOYEE, RE, 713.81; BETTY MCGUIRE, RE, 200.00; NE DEPT OF REVENUE, TX, 3161.52; CITY EMPLOYEE, RE, 105.90; CITY EMPLOYEE, RE, 874.42; CITY EMPLOYEE, RE, 146.77; SIOUX CITY ENGINEERING, SE, 132081.10; STATE NATIONAL BANK, RE, 5162.50; UTILITIES SECTION, FE, 585.00; WAYNE COUNTY COURT, RE, 400.00; CITY EMPLOYEE, RE, 62.02; ALTEC INDUSTRIES, SU, 104.59; APPEARA, SE, 218.72; CITY EMPLOYEE, RE, 9.60; BENSCOTER PLUMBING, SE, 640.00; CITY EMPLOYEE, RE, 4319.53; BROWN SUPPLY, SU, 391.07; CITY OF NORFOLK, SE, 491.10; CITY OF WAYNE, RE, 100.00; CONSOLIDATED MANAGEMENT, SE, 106.75; CITY EMPLOYEE, RE, 8.78; COVENTRY HEALTH, SE, 22249.80; DAKOTA BUSINESS SYSTEMS, SE, 103.50; DE LAGE LANDEN FINANCIAL, SE, 394.00; DUTTON-LAINSON, SU, 21686.60; EDM PUBLISHERS, SU, 98.78; ELLIS PLUMBING & HEATING, SE, 248.00; EMPLOYERS MUTUAL CASUALTY, RE, 500.00; ENGINEERED CONTROLS, SE, 740.00; EXHAUST PROS, SE, 16.00; FASTENAL, SU, 43.75; FIVE STAR ENTERPRISES, SU, 6.50; GALE GROUP, SU, 25.59; GILL HAULING, SE, 155.00; GLEN'S AUTO BODY, SE, 131.88; GREEN SOURCE, SU, 19.95; HAUFF MID-AMERICAN SPORTS, SU, 113.15; INTERSTATE ALL BATTERY, SU, 143.80; JASON CAROLLO, SE, 115.00; KEPSCO, SU, 12.40; KLEIN ELECTRIC, SE, 8800.00; KRIZ-DAVIS, SU, 506.55; L.G. EVERIST, SU, 559.51; LEAGUE OF NEBRASKA, FE, 400.00; LINDNER CONSTRUCTION, RE, 439.20; LOGAN VALLEY

FOOTBALL, FE, 100.00; MENARDS – NORFOLK, SU, 2286.99; MICHAEL TODD & CO, SU, 156.72; MIDWEST LABORATORIES, SE, 171.20; MOONLIGHT TOWING., SE, 111.83; NNEDD, SE, 1020.00; CITY EMPLOYEE, RE, 74.47; NE LAW ENFORCEMENT, SE, 50.00; NE MUNICIPAL CLERKS ASSOC, FE, 35.00; NE PUBLIC HEALTH, SE, 1857.00; NE SAFETY COUNCIL, SE, 116.40; NEBRASKA U.C. FUND, RE, 10246.67; OLSSON ASSOCIATES, SE, 2105.15; OVERHEAD DOOR COMPANY, SE, 856.25; PITNEY BOWES, SE, 648.00; POLLARD PUMPING, SE, 245.00; PRESTO X, SE, 48.07; PROGRESSIVE BUSINESS PUBL, SU, 299.00; QUILL, SU, 202.48; CITY EMPLOYEE, RE, 162.29; ROSE EQUIPMENT, SE, 1763.85; SKARSHAUG TESTING LAB, SE, 134.71; SOCIETY FOR HUMAN, FE, 180.00; SPARKLING KLEAN, SE, 1848.57; STADIUM SPORTING GOODS, SU, 1782.25; STATE NATIONAL BANK, RE, 200.00; STATE OF NE, SE, 100.00; T & S TRUCKING, SE, 212.64; THOMPSON PUBLISHING GROUP, SU, 438.50; CITY EMPLOYEE, RE, 277.15; TYLER TECHNOLOGIES, SE, 3115.18; UNITED RENTALS, SU, 854.34; UNITED STATES PLASTIC, SU, 196.54; VISIONAIR, SE, 4374.00; WASTE CONNECTIONS, SE, 58.00; WAED, RE, 1000.00; WAYNE COMMUNITY HOUSING, SE, 1495.00; WAYNE HIGH SCHOOL CONCESSIONS, SE, 80.00; WESCO, SU, 7287.64

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.

Paul Lindner, Lindner Construction, was present requesting Council consideration to amending the Housing Incentive Loan Program to include an additional incentive - \$5,000, 3-year, 0% interest loans for renovation of multi-unit housing on a per apartment unit basis. Mr. Lindner is putting together a proposal to gut and renovate an existing 5-unit apartment complex he currently owns at 109 E. 10<sup>th</sup> Street. The current incentive

program is available for new construction; however, he feels there is a lot of need for existing structures.

Councilmember Ley made a motion, which was seconded by Councilmember Berry, approving the request of Paul Lindner, Lindner Construction, to amend the Housing Incentive Loan Program to include an additional incentive — \$5,000, 3-year, 0% interest loans for the renovation of multi-unit housing on a per apartment unit basis. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Lukas Rix and Melissa Urbanec of the WAED Marketing Committee gave a presentation on information they gathered for proposed new “Welcome to Wayne” signs.

Wes Blecke, Executive Director of WAED, was present and advised the Council that the LB840 Sales Tax Advisory Committee met and reviewed an application to Wayne’s Economic Development Program Fund. The applicant, Rainbow World Child Care Center, requested a \$100,000.00 grant. These funds would be used to expand the Rainbow World Child Care Center from a 120 child capacity to a 180 child capacity. The expansion would create a minimum of 6 new jobs (2 FT and 4PT). The Committee met, and the terms the Committee agreed to were a \$25,000 grant and a \$75,000 loan at an interest rate of half of the secured conventional financing.

Melissa Urbanec, representing Rainbow World Child Care Center, was present to answer questions.

Councilmember Alexander made a motion, which was seconded by Councilmember Haase approving the recommendation of the LB840 Sales Tax Advisory Committee to give \$25,000 in the form of a grant and \$75,000 in the form of a 0%

interest loan to Rainbow World Child Care Center to be used to help fund the expansion of their facility. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas (including Mayor Chamberlain), with the exception of Councilmembers Ley and Van Delden who abstained, and Councilmember Sturm who voted Nay, the Mayor declared the motion carried.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen 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 Jim Van Delden, Dale Alexander, Ken Chamberlain, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Eric Knutsen; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Brian Frevert.

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 October 2, 2012, meeting.

Member Van Delden made a motion and Member Chamberlain seconded approving the minutes of the October 2, 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 adopt CDA Resolution 2012-6 recommending approval of a Redevelopment Plan/Contract for Progressive Property

Inspections, LLC — Kelby R. Herman. This is for a market-rate rental duplex which will be built on the property he purchased from the City on First Street.

Member Ley introduced CDA Resolution No. 2012-6 titled as follows and moved for its passage and approval by the Agency:

CDA RESOLUTION NO. 2012-6

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN/CONTRACT FOR PROGRESSIVE PROPERTY INSPECTIONS, LLC.

Member Berry seconded the motion.

On roll call vote, the following Agency Members voted in favor of the motion: Van Delden, Alexander, Chamberlain, Sturm, Ley, Berry, and Brodersen. The following Members voted against the motion: None; the following member was absent: Frevert; and the following members abstained due to a conflict of interest: None. The Chair declared the motion carried.

The next item on the agenda was to consider some administrative lot change proposals on Lots 27–33, Western Ridge II Addition.

Joel Hansen, Zoning Administrator, stated that staff is proposing to adjust the lot lines on the west side of Neihardt Avenue. The lots will be changed from pie shaped to a more uniform shape with a 75' width. This will not change the number of lots.

Member Ley made a motion, which was seconded by Member Sturm, to approve the administrative lot change proposals on Lots 27-33, Western Ridge II Addition. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase advised the CDA that Kelby Herman has withdrawn his offer to purchase Lot 30, Western Ridge II Addition, for the sum of \$5,000.

Member Van Delden made a motion and Member Sturm 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 declared the time was at hand for the public hearing to obtain public comment prior to the consideration of a Resolution approving the Redevelopment Plan, including a redevelopment contract, for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"). The Mayor opened the public hearing and invited all interested persons to be heard.

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 Van Delden introduced Resolution No. 2012-76 and moved for its approval; Councilmember Sturm seconded.

#### RESOLUTION NO. 2012-76

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN/CONTRACT FOR PROGRESSIVE PROPERTY INSPECTIONS, LLC; AND RELATED MATTERS.

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

Administrator Johnson stated the following Resolution would approve the Collective Bargaining Agreement with Wayne Chapter No. 54 Fraternal Order of Police (Police Officers and Dispatchers). This does not include the Police Chief. The contract is for 2 years. The contract will align the police officers and dispatchers with comparability for each of their job descriptions.

Councilmember Alexander introduced Resolution No. 2012-77 and moved for its approval; Councilmember Van Delden seconded.

#### RESOLUTION NO. 2012-77

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WAYNE, NEBRASKA, AND WAYNE CHAPTER NO. 54 FRATERNAL ORDER OF POLICE (2012 – 2014).

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.

Administrator Johnson stated the following Resolution would adopt an interlocal agreement between the City and other Municipal Electric Interest Groups (MEIG) to provide the communication and cost-share structure to discover and share information about cost allocations in our wholesale power rates, to share the cost of the analysis, and to advocate for our municipal customers. Wayne and Central City are the first two cities to join this organization.

Councilmember Ley introduced Resolution No. 2012-78 and moved for its approval; Councilmember Sturm seconded.

#### RESOLUTION NO. 2012-78

A RESOLUTION ADOPTING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WAYNE AND MUNICIPAL ELECTRIC INTERESTS GROUPS

(MEIG).

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

Administrator Johnson stated the following Resolution would amend the schedule of fees and charges to add a \$200 fee for appealing decisions made by the Code Official to the Board of Appeals.

Councilmembers Berry and Brodersen had concerns that this fee might discourage citizens from filing appeals.

Councilmember Sturm introduced Resolution No. 2012-79 and moved for its approval; Councilmember Van Delden seconded.

#### RESOLUTION NO. 2012-79

##### A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Berry and Brodersen who voted Nay, the Mayor declared the motion carried.

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Annual Christmas on Main Street – Parade of Lights on November 29, 2012.

Councilmember Ley introduced Resolution No. 2012-80 and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2012-80

##### A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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

The following Resolution would approve an agreement with Northeast Nebraska Economic Development District to conduct a blight study for “North Central” Wayne. 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. The cost for this blight study will not exceed \$4,300.

Councilmember Sturm introduced Resolution No. 2012-81 and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2012-81

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.

The following Resolution would approve an agreement with Olsson Associates for the Wayne Trail – Phase 2 Project. This is an agreement to complete the design work on both the trail and the underpass and will combine the same into one project.

Councilmember Sturm introduced Resolution No. 2012-82 and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2012-82

A RESOLUTION APPROVING PRELIMINARY ENGINEERING SERVICES AGREEMENT – YK0502 SUPPLEMENTAL AGREEMENT NO. 3 BETWEEN

THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE WAYNE TRAIL - PHASE 2 PROJECT.

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

Administrator Johnson stated the following Ordinance would add a stop sign at Tomar Drive at the east approach of E. 6<sup>th</sup> Street.

Councilmember Brodersen introduced Ordinance 2012-58, and moved for its approval; Councilmember Ley seconded.

ORDINANCE NO. 2012-58

AN ODINANCE AMENDING CHAPTER 78, ARTICLE I, SECTION 78-12 STOP SIGN LOCATIONS; EAST OF MAIN STREET, SOUTH OF SEVENTH STREET; 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 Ley 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 Ley made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2012-58. 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 Benscoter Plumbing & Construction for the Benscoter Addition – Phase I Utility Project in the amount of \$22,513.68. 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. 3 for the Benscoter Addition – Phase I Utility Project in the amount of \$22,513.68 to Benscoter Plumbing & Construction. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the reappointment of Jill Brodersen, Kirk Hochstein and Jeff Ellis to the Board of Appeals. These would be 3 year terms.

Councilmember Sturm made a motion, which was seconded by Councilmember Alexander, approving the reappointment of Jill Brodersen, Kirk Hochstein and Jeff Ellis to the Board of Appeals. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the appointment of Matt Wachter and Bob McBride as an alternate to the Board of Appeals. These would be 3 year terms.

Councilmember Sturm made a motion, which was seconded by Councilmember Alexander, approving the appointment of Matt Wachter and Bob McBride as an Alternate to the Board of Appeals. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the appointment of Melissa Nelson to the Recreation-Leisure Services Commission. This would be a 3 year term.

Councilmember Brodersen made a motion, which was seconded by Councilmember Alexander, approving the appointment of Melissa Nelson to the Recreation-Leisure Services Commission. 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 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 6:50 p.m.