

**MINUTES
CITY COUNCIL MEETING
August 6, 2013**

The Wayne City Council met in regular session at City Hall on Tuesday, August 6, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Kaki Ley, and Matt Eischeid, City Attorney Amy Miller, City Administrator Lowell Johnson, and City Clerk Betty McGuire. Absent: Councilmember Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 25, 2013, 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 Sievers, whereas, the Clerk has prepared copies of the Minutes of the meeting of July 16, 2013, 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, with the exception of Councilmember Brodersen 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: AMAZON, SU, 160.20; AMERICAN BROADBAND, SE, 2585.39; AMERICAN PATRIOT PICTURES, SU, 19.99; AMERITAS, SE, 2019.88; APPEARA, SE, 140.68; ARCADIAN MARKSMANSHIP, FE, 100.00; AS CENTRAL SERVICES, SE, 448.00; ASCAP, FE, 11.00; BANK FIRST, FE, 120.00; CITY EMPLOYEE, RE, 134.52; BLACK HILLS ENERGY, SE, 753.74; BLUE CROSS BLUE SHIELD, SE, 24234.52; BOMGAARS, SU, 2.89; BROGIE, ED, RE, 500.00;

BROWN SUPPLY, SU, 1180.21; CITY OF WAYNE, RE, 103.87; CENTURYLINK, SE, 314.27; CHEMQUEST, SE, 595.00; CITY OF WAYNE, RE, 600.00; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, PY, 68572.60; CITY OF WAYNE, RE, 160.00; CITY OF WAYNE, RE, 25.00; CITY OF WAYNE, RE, 126.35; CLEAN TO A T, SE, 975.00; COMMUNITY HEALTH, RE, 4.00; CONNECTING POINT, FE, 1533.75; DAKOTA BUSINESS SYSTEMS, SE, 104.50; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 227.04; DGR & ASSOCIATES, SU, 546.00; DICK BROWN, SU, 12.00; CITY EMPLOYEE, RE, 75.04; DONNA JACOBSEN, SU, 46.99; DOUG & TOM SCHMIT, RE, 408.00; DUTTON-LAINSON, SU, 485.91; ECHO GROUP, SU, 1264.63; ED. M FELD EQUIPMENT, SU, 1725.00; ELECTRIC INNOVATIONS, SE, 550.00; ELKHORN FENCE, SU, 3484.00; FASTENAL, SU, 12.12; FIRST CONCORD GROUP, RE, 3701.94; FLOOR MAINTENANCE, SU, 242.36; GAYLORD BROS, SU, 131.46; GERHOLD CONCRETE, SU, 136.05; GROSSENBURG IMPLEMENT, SU, 107.88; CITY EMPLOYEE, RE, 1000.00; CITY EMPLOYEE, RE, 285.42; HAWKINS, SU, 1314.84; HOMETOWN LEASING, SE, 73.51; ICMA, SE, 6272.87; IRS, TX, 24171.04; IRS-DEPT OF TREASURY, TX, 40.00; JANE LUBBERSTEDT, RE, 500.00; JOHNNY P LEMPKE, SE, 73.00; CITY EMPLOYEE, SU, 150.00; CITY EMPLOYEE, RE, 258.31; KRIZ-DAVIS, SU, 12354.00; KTCH, SE, 80.00; LANGEMEIER, WAYNE, RE, 36.00; LIBRARY LANDSCAPE ACCOUNT, RE, 157.51; LORDAR, INC, SE, 109.00; MARK AHMANN, RE, 500.00; MARK HEITHOLD, RE, 150.00; MIKE TOWNE, SE, 3900.00; NE DEPT OF REVENUE, TX, 3240.95; NE LIBRARY COMMISSION, SE, 1133.00; NE PUBLIC HEALTH, SE, 338.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 4411.00; OLSSON ASSOCIATES, SE, 2996.96; OVERDRIVE, INC, E, 2000.00; CITY EMPLOYEE, RE, 709.86; PHYLLIS HIX, RE, 100.00; PIEPER & MILLER, SE, 4420.00; POLLARD PUMPING, SE, 990.00; PROGRESSIVE PROPERTIES, RE, 130000.00; QUILL, SU, 249.28; REHAB SYSTEMS, SE, 14490.00; SCOTT HOHENTHANER, FE, 500.00; SIOUXLAND TURF PRODUCTS, SU, 1800.00; SKARSHAUG TESTING LAB, SE, 399.90; STADIUM SPORTING GOODS, SU, 775.00; STANLEY PETROLEUM, SU, 17.20; TOM ADAMSON, SU, 8.00; TOM'S BODY & PAINT SHOP, SE, 1035.45; UNITED WAY, RE, 12.40; US BANK, SU, 1049.84; VERIZON, SE, 328.91; VIAERO, SE, 245.57; VOLKMAN PLUMBING & HEAT, SE, 592.21; WAED, RE, 2672.77; WAYNE HERALD, SE, 1228.98; WAYNE ROTARY, FE, 40.00; WESCO, SU, 703.45; WILLIAM SHARPE, RE, 50.00; ZEE MEDICAL SERVICE, SU, 719.32; APPEARA, SE, 67.31; BOMGAARS, SU, 690.38; BROWN SUPPLY, SU, 264.68; CERTIFIED TESTING SERVICE, SE, 255.20; CHARTWELLS, SE, 5815.29; CONTINENTAL FIRE SPRINKLER, SE, 210.00; COPY WRITE, SE, 409.21; DAVE UHER TRUCKING, SE, 75.00; ENGINE SYSTEMS, SE, 5879.80; FLOOR MAINTENANCE, SU, 94.86; GILL HAULING, SE, 155.00; H.K. SCHOLZ CO, SE, 11600.00; HAWKINS, INC, SU, 1619.81; HEIKES AUTOMOTIVE, SE, 47.93; HELENA CHEMICAL, SU, 285.00; IMPACT SPECIALTIES, SE, 539.50; INTERSTATE ELECTRIC MOTOR, SE, 7857.33; JASON CAROLLO, SE, 180.00; KAY PARK REC CORP, SU, 1258.50; THRASHER BASEMENT SYSTEMS, RE, 100.00; MULTIMEDIA SALES & MARKET, SE, 390.00; ONE CALL CONCEPTS, SE, 79.55; PLUNKETT'S PEST CONTROL, SE, 95.18; TAK, INC, SE, 93.00; THE RADAR SHOP, SE, 112.50; VAN DIEST SUPPLY, SU, 141.23; WASTE

CONNECTIONS, SE, 59.60; WAYNE COUNTY CLERK, SE, 224.00; WAYNE GROCERY, SU, 36.78; WAYNE HERALD, SU, 46.00; WAYNE VETERINARY CLINIC, SE, 343.00; WESTERN ENVIRONMENTAL, SU, 313.87; ZEE MEDICAL SERVICE, SU, 56.95

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, 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.

Mayor Chamberlain declared the time was at hand for the public hearing on the “Blight and Substandard Area Determination” for Tax Lot 17-18-63 PT SE1/4NW1/4 Wayne Tracts 18-26-4, Tax Lot 65 PT S1/2NW1/4 Wayne Tracts 12-26-4, and Fletcher & Feeders Subdivision Block 2 (tax lot 427800). The public street areas and street right-of-ways included are South Windom Street and Fairgrounds Avenue. The area which contains five grain bins is excluded from the area.

Breck Giese, owner of the property in this blighted and substandard area, presented to the Council his plans for tearing down the elevators at this location. Declaring this area blighted and substandard will make the same eligible for tax increment financing.

Northeast Nebraska Economic Development District prepared the blight study.

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 Sievers introduced Resolution 2013-71, and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2013-71

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, with the exception of Councilmember Brodersen who was absent and Councilmember Giese who abstained, the Mayor declared the motion carried.

Ken Jorgensen presented his plans for a sports bar/grill to be constructed on the property east of McDonalds; his offer to purchase the railroad right-of-way and relocate the existing trail; and his offer to purchase a small triangular piece of property at the east end of 6th Street to continue the street into his property. His intent is to use tax increment financing for this project. Mr. Jorgensen is preparing detailed plans and wants a sense of the Council regarding the tax increment financing before proceeding with the cost of design. Mr. Jorgensen hopes to start on the project this fall. No action was taken on the matter.

Mayor Chamberlain declared the time was at hand for the public hearing to amend the One and Six Year Street Improvement Plan for the extension of Hillside Drive.

Joel Hansen, Certified Street Superintendent, was present to answer questions, and stated Mr. Jorgensen's plans for this area is what prompted the need to amend the One & Six Year Street Improvement Plan. The State of Nebraska will not grant an access permit for a private drive, but they will grant one for a public access. The Department of Roads would approve that if it was 25' deep into the lot. We will ask that Mr. Jorgensen include that in his plat – to dedicate a street to the City of Wayne (60' wide and 25' deep and lines up with Hillside Drive to the north).

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 Sievers introduced Resolution 2013-72, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2013-72

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM AS AMENDED TO ADD THE EXTENSION OF HILLSIDE DRIVE.

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

Councilmember Ley made a motion and Councilmember Muir seconded to adjourn as Mayor and City Council and reconvene as the Board of Equalization. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Street Improvement District No. 2011-1 and declared the public hearing open.

Administrator Johnson reviewed the assessment process for the Council.

Leann Ritter with Advanced Consulting Engineering Services was present to review the paving, sanitary sewer, and water assessments as prepared by their office.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District. There were none.

It was noted that Brian and Amy Bowers have an agricultural deferment on the assessments.

City Clerk McGuire had not received any written objections to these assessments.

The assessments will be spread out over a period of 15 years at 3.50% interest.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Street Improvement District No. 2011-1, the Mayor declared the hearing closed.

Councilmember Muir introduced Resolution 2013-73 and moved for its approval, and then amended the same to include the terms to be a 15-year loan, with an interest rate of 3.5%; Councilmember Sievers seconded and then seconded the amendment.

RESOLUTION NO. 2013-73

A RESOLUTION MAKING ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NO. 2011-1.

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

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Sanitary Sewer Extension District No. 2011-1 and declared the public hearing open.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District.

City Clerk McGuire had not received any written objections to these assessments.

The assessments will be spread out over a period of 15 years at 3.50% interest.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Sanitary Sewer Extension District No. 2011-1, the Mayor declared the hearing closed.

Councilmember Muir introduced Resolution 2013-74 and moved for its approval, with the said terms being a 15-year loan, with an interest rate of 3.5%; Councilmember Sievers seconded.

RESOLUTION NO. 2013-74

A RESOLUTION MAKING ASSESSMENTS IN SANITARY SEWER EXTENSION DISTRICT NO. 2011-1.

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

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Water Extension District No. 2011-1 and declared the public hearing open.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District.

City Clerk McGuire had not received any written objections to these assessments.

The assessments will be spread out over a period of 15 years at 3.50% interest.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Water Extension District No. 2011-1, the Mayor declared the hearing closed.

Councilmember Muir introduced Resolution 2013-75 and moved for its approval, with the said terms being a 15-year loan, with an interest rate of 3.5%; Councilmember Ley seconded.

RESOLUTION NO. 2013-75

A RESOLUTION MAKING ASSESSMENTS IN WATER EXTENSION DISTRICT NO. 2011-1.

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

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn as the Board of Equalization and reconvene as Mayor and City Council. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who as absent, the Mayor declared the motion carried.

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, Julie Cull, d/b/a Geno's Steakhouse, requested a \$37,000 low-interest loan. These funds will be used to assist in the renovation and remodel of the steakhouse, including new flooring, exterior windows,

new siding, and other improvements. The Committee met, and the terms the Committee agreed to include a ten-year note at 3% interest (or whatever the City is currently charging interest to the Wayne Economic Development program fund). The Committee also suggested that payments from the fund be made directly to the contractor(s) completing the work.

Initially this request came to the Committee for \$42,000 for a \$65,000 project. Mr. Blecke had some communication with the financial institution that they were working through to make sure that they, in fact, did request conventional financing. The applicant did and was receiving \$5,000 from the bank, which is why the amount was reduced to \$37,000.

Al Thompson, representing Julie Cull, was present to answer questions.

Councilmember Ley made a motion, which was seconded by Councilmember Sievers, approving the recommendation of the LB840 Sales Tax Advisory Committee for a \$37,000 low-interest loan, being a ten-year note at 3% interest to Julie Cull, d/b/a Geno's Steakhouse, with payments from the fund being made directly to the applicant upon receipt of invoices. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

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 applicants, Dale and Debbie Paulson, d/b/a Paulson Construction, requested a \$39,750 low-interest loan. These funds will be used to assist in relocating the current business to within the City limits of Wayne,

buying a downtown building, expanding into the equipment rental business and make some property updates (roof, electrical, etc.) The Committee met, and the terms the Committee agreed to include a ten-year note at 3% interest (or whatever the City is currently charging interest to the Wayne Economic Development program Fund).

Dale and Debbie Paulson were present to answer questions.

Joel Hansen, Zoning Administrator, stated the area in which this building is located is zoned properly for what the Paulsons want to use it for.

Councilmember Giese made a motion, which was seconded by Councilmember Greve approving the recommendation of the LB840 Sales Tax Advisory Committee for a \$39,750 low interest loan, the same being a ten-year note at 3% interest to Dale and Debbie Paulson, d/b/a Paulson Construction, with said funds being used to assist in relocating the current business to within the City limits of Wayne, buying a downtown building, expanding into the equipment rental business and making some property updates (roof, electrical, etc.), with payments from the fund being made directly to the applicants upon receipt of invoices.

BJ Woehler had concerns about the zoning and the businesses Paulson Construction might be conducting in this building.

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

Chad Sebade presented his proposal to construct a 3-plex apartment house at 4th and Nebraska Streets. Before spending \$5,000 to have Attorney Bacon prepare the tax increment financing documents, Mr. Sebade wanted to get a sense of whether or not the

Council would approve TIF for the project. The project should generate about \$50,000 in TIF funding, less the \$5,000 legal fees for the TIF documents. Those monies would be used for the purchase and/or demolition of the property. He also provided the architectural drawings for Council to look it. Mayor Chamberlain advised him that there was a committee that would review those drawings with him.

The following ordinance would amend Section 34-61 Growth Permitted; Control and Maintenance to coincide with State Statutes. So far this year, approximately 120 mowing notices have been sent out by certified mail to property owners who didn't mow and the grass and/or weed height exceeded 12 inches. Our current notification process has long delays and is costly. This proposal is lawful by State law effective September 6th, and is intended to expedite the notice and enforcement process and lower the cost of enforcement to the taxpayers.

Councilmember Giese introduced Ordinance 2013-34, and moved for its approval; Councilmember Ley seconded.

ORDINANCE NO. 2013-34

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II, SECTION 34-61 GROWTH PERMITTED; CONTROL AND MAINTENANCE; 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 Brodersen who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following Resolution would amend the Schedule of Fees to increase the fee for mowing from \$90 per hour, with a minimum of 1 hour, to \$300 per hour, with a minimum of 1 hour.

Councilmember Giese introduced Resolution No. 2013-76 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-76

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 Councilmember Brodersen who was absent, the Mayor declared the motion carried.

The following Resolution would direct the City Clerk to file a lien against 908 Circle Drive for the cost of work hired by the City to abate a violation of City Code after proper notice was given to the property owner.

Councilmember Sievers introduced Resolution No. 2013-77 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2013-77

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON LOT 9, MCPHERRAN'S ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 908 CIRCLE DRIVE, WAYNE, NEBRASKA.

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

Joel Hansen, Street Superintendent, advised the Council that the following three ordinances will establish new parking regulations on 10th Street. These will prohibit parking anytime on the south side of 10th Street from Main Street to Hillside Drive, and allow daytime parking on the north side, except along the Willow Bowl. Staff requested

the three reading requirement of these ordinances be waived so that the signs can be installed before the students return for classes.

Councilmember Muir introduced Ordinance 2013-36, and moved for its approval; Councilmember Ley seconded.

ORDINANCE NO. 2013-36

AN ORDINANCE TO AMEND SECTION 78-126 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY; 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 Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Muir 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, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Muir made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2013-36. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Ley introduced Ordinance 2013-37, and moved for its approval; Councilmember Muir seconded.

ORDINANCE NO. 2013-37

AN ORDINANCE TO AMEND SECTION 78-127 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Giese recommended changing this section of the street from no parking midnight to 5:00 a.m. to no parking 3:30 a.m. to 5:30 a.m.

Councilmember Ley amended her motion to introduce Ordinance 2013-37, and moved for its approval with the change that this section of the street have restricted parking from 3:30 a.m. until 5:30 a.m.; Councilmember Muir seconded.

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

Councilmember Ley made a motion and Councilmember Sievers 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 Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Ley made a motion and Councilmember Sievers seconded to move for final approval of Ordinance No. 2013-37. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Muir introduced Ordinance 2013-38, and moved for its approval; Councilmember Giese seconded.

ORDINANCE NO. 2013-38

AN ORDINANCE TO AMEND SECTION 78-134 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING TIME LIMITS OF 30 MINUTES AND ONE HOUR; LOCATION; 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 Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Muir made a motion and Councilmember Giese 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 Brodersen who was absent, the Mayor declared the motion carried.

Councilmember Muir made a motion and Councilmember Giese seconded to move for final approval of Ordinance No. 2013-38. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Joel Hansen, Street Superintendent, updated the Council on a change order for the 10th Street, Main to Windom Improvement Project. This concerns a driveway slope on Circle Drive. If the contractor replaces the concrete as per the plans, the slope on the new driveway will be close to a 20% slope. Previously the slope was approximately 12%. They are proposing to redo this which will produce a slope of approximately 14% at a cost of about \$7,000. We have not received a formal change order as of this date. This is just for informational purposes only.

Joel Hansen, Street Superintendent, stated the following Change Order is a deduct of \$94.42, which is a result of changing the construction of an 8" live tap to the existing main rather than a wet tap, tee, valves and miscellaneous items on the 10th Street, Main to Windom Improvement Project.

Councilmember Muir made a motion, which was seconded by Councilmember Ley, approving Change Order No. 1 on the 10th Street Main to Windom Improvement Project for a deduct of \$94.42. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

A pay request has been received from Steve Harris Construction, Inc., for the 10th Street, Main to Windom Improvement Project in the amount of \$228,645.07. The engineer on the project has approved the same.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, approving Pay Application No. 3 in the amount of \$228,645.07 to Steve Harris Construction, Inc., for the 10th Street, Main to Windom Improvement Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Council set Monday, August 19, 2013, at 4:00 p.m. in the Council Chambers as the date to have their budget work sessions.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, 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, with the

exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried.

Chair Haase called the meeting of the Community Development Agency to order. Those in attendance were: Members Cale Giese, Rod Greve, Jennifer Sievers, Ken Chamberlain, Nick Muir, Kaki Ley and Matt Eischeid, City Attorney Amy Miller, City Administrator Lowell Johnson, and City Clerk Betty McGuire. Absent: Member Jill Brodersen.

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.

Member Sievers made a motion, which was seconded by Member Chamberlain, to approve the minutes of the July 2, 2013, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Brodersen who was absent, the Chair declared the motion carried.

The next item on the agenda was to take action on approving \$15,000 for the completion of the enclosure of the storm drain system on both sides of Haas Avenue where it crosses the drainage ditch coming from the north in the Western Ridge Subdivision.

Member Chamberlain made a motion, which was seconded by Member Ley, approving \$15,000 for the completion of the enclosure of the storm drain system on both sides of Haas Avenue where it crosses the drainage ditch coming from the north in the Western Ridge Subdivision. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Chair declared the motion carried.

Member Giese made a motion, which was seconded by Member Muir, 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, with the exception of Councilmember Brodersen who was absent, the Chair declared the motion carried.

Councilmember Muir made a motion, which was seconded by Councilmember Ley, to enter into executive session to discuss staff's recommendation to request the State Patrol to investigate fraudulent use of LB840 funds, and to allow Kate Jorgensen, Attorney, Attorney Miller, Police Chief Chinn, Finance Director Braden, Administrator Johnson and City Clerk McGuire to be in attendance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried, and executive session began at 7:30 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session relates to staff's recommendation to request the State Patrol to investigate fraudulent use of LB840 funds.

Councilmember Muir made a motion, which was seconded by Councilmember Ley, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, with the exception of Councilmember Brodersen who was absent, and open session resumed at 7:45 p.m.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, directing staff to request a State Patrol investigation of fraudulent use of LB840 funds. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, with the exception of Councilmember Brodersen

who was absent, and Councilmember Eischeid who abstained, the Mayor declared the motion carried.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:46 p.m.