

**MINUTES
CITY COUNCIL MEETING
March 4, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, March 4, 2014, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Matt Eischeid and Jill Brodersen; City Attorney Eric Knutsen; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 20, 2014, 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 February 18, 2014, 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 Councilmembers Giese and Ley 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: AMERICAN BROADBAND, SE, 2327.59; AMERITAS, SE, 2125.71; APPEARA, SE, 213.20; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, SE, 120.00; BARNES & NOBLE, SU, 15.19; BLACK HILLS ENERGY, SE, 2111.50; BLUE DEVIL BOOSTER CLUB, SE, 50.00; BOMGAARS, SU, 834.44; CENTURYLINK, SE, 313.49; CHEMQUEST, SU, 3245.00; CHILD SUPPORT, RE, 100.00; CITY OF WAYNE, RE, 5.00; CITY OF WAYNE, PY, 69963.74; CLEAN TO A

T, SE, 1300.00; COMMUNITY HEALTH, RE, 4.00; COOPORTUNITY HEALTH, SE, 30942.44; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 92.88; DEMCO, SU, 106.96; DGR & ASSOCIATES, SE, 178.00; DUTTON-LAINSON, SU, 138.99; CITY EMPLOYEE, RE, 39.44; FIRST CONCORD GROUP, SE, 3863.94; FLOOR MAINTENANCE, SU, 131.55; GEMPLER'S, SU, 103.30; H.K. SCHOLZ, SE, 4170.36; HEWLETT-PACKARD, SU, 2724.52; HILLYARD/SIOUX FALLS, SU, 165.62; HOLIDAY INN OF KEARNEY, SE, 99.72; HOMETOWN LEASING, SE, 73.51; HTM SALES, SE, 1567.87; ICMA, SE, 7292.49; IRS, TX, 25702.79; JEO CONSULTING GROUP, SE, 1225.00; CITY EMPLOYEE, RE, 77.40; KRIZ-DAVIS, SU, 1582.36; MIRIAN AGUIRRE, SE, 150.00; MSC INDUSTRIAL, SU, 364.29; CITY EMPLOYEE, RE, 218.27; NE AIR FILTER, SU, 220.48; NE DEPT OF HEALTH, FE, 80.00; NE DEPT OF REVENUE, TX, 3632.76; NE PUBLIC HEALTH, SE, 1042.00; NPPD, SE, 303796.97; NORFOLK WINNELSON, SU, 105.20; NOVELTY MACHINE & SUPPLY, SU, 73.15; OVERDRIVE, SU, 225.79; OVERHEAD DOOR COMPANY, SE, 311.10; CITY EMPLOYEE, RE, 1281.20; QUILL, SU, 236.16; SINCLAIR/DAYLIGHT DONUT, SU, 344.80; STATE FARM INSURANCE, FE, 563.00; STATE NEBRASKA BANK, RE, 98.15; TASTE OF HOME, SU, 31.98; THE GLASS EDGE, SE, 6007.00; TYLER TECHNOLOGIES, SE, 200.00; UTILITIES SECTION, FE, 225.00; VERIZON, SE, 287.06; VIAERO, SE, 244.97; WAYNE AIRPORT, RE, 24710.00; WAED, RE, 5070.00; WAYNE COMMUNITY SCHOOLS, RE, 2608.25; WESCO, SU, 313.12; WISNER WEST, SU, 104.50; ADVANCED CONSULTING, SE, 1123.75; BACKFLOW APPARATUS, SU, 923.20; BIG T ENTERPRISES, SU, 151.65; CHAPMAN METERING, SE, 3238.75; CITY OF WAYNE, RE, 35.00; CITY OF WAYNE, SE, 180.00; CITY OF WAYNE, RE, 241.68; EASYPERMIT POSTAGE, SU, 767.78; ECHO GROUP, SU, 56.19; ED. M FELD EQUIPMENT, SE, 427.00; GILL HAULING, SE, 155.00; GROSSENBURG IMPLEMENT, SU, 586.45; JOHNNY P LEMPKE, SE, 40.00; KELLY SUPPLY, SU, 446.25; KEN PROKOP, SE, 30.00; MIRIAN AGUIRRE, SE, 100.00; NEBRASKA DEPARTMENT OF AG, FE, 90.00; NNPPD, SE, 5651.00; O'REILLY AUTOMOTIVE STORE, SU, 21.99; ONE CALL CONCEPTS, SE, 15.15; CITY EMPLOYEE, RE, 3.35; PETERSON INDUSTRIAL ENGINE, SE, 3247.50; PIEPER & MILLER, SE, 6999.00; PLUNKETT'S PEST CONTROL, SE, 43.26; PRESTO X, SE, 56.65; QUILL, SU, 13.94; SOOLAND BOBCAT, SU, 194.37; VERIZON, SE, 102.10; WAYNE COUNTY CLERK, SE, 84.00; WAYNE HERALD, SE, 1457.00; WESCO, SU, 239.63; WISNER WEST, SU, 30.25

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

Councilmember Giese arrived at 5:31 p.m.

Alex Koch, Recreation Services Director, advised the Council that he received only one bid on the “Summer Sports Complex Field Relocation Project.” The lone bid was from Odeys of Omaha, NE, in the amount of \$71,500. The south two fields will be completed by May, with the two north fields being completed by June 1st.

Councilmember Eischeid introduced Resolution 2014-22 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2014-22

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE “SUMMER SPORTS COMPLEX FIELD RELOCATION PROJECT.”

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

Alex Koch, Recreation Services Director, then updated the Council on the Summer Sports Complex Project. The intent is to light all four fields at this time.

Discussion took place regarding two change orders submitted by Robert Woehler & Sons Construction regarding the Chief’s Way Sanitary Sewer Project. Change Order No. 2 in the amount of \$3,723.50 was for expenses incurred due to the engineer using

four year old locate information to design the project. The old locate information did not pick up the high pressure gas main underneath Logan Creek on the south side of the highway. Therefore, anyone who bid on the plans did not include anything for potholing to find this line. The gas company knew where the line was, but did not know how deep it was. Olsson & Associates has denied that there was anything wrong, and that this was a legitimate cost of the project. The Woehlers' position is that this should have been noted on the plans so that all of the bidders could have acknowledged that cost. We are bypassing the engineer's recommendation, at the recommendation of the City Attorney, to avoid the cost of arbitration. Administrator Johnson stated he and staff would determine some amount to subtract from the next bill received from Olsson & Associates to recover some of the cost of this error.

A policy change being made is to have a pre-bid conference with all utilities and the engineer being present to review and approve the plans.

Administrator Johnson noted for Council that a cost that was not in their packet is that of the Woehlers' which amounted to approximately \$1,200. Johnson was going to ask the Council to at least consider this amount at the next council meeting because that is a cost the City would have had either way. He had asked Mr. Woehler to list that out so that the City has the full disclosure of all the costs that were involved in that Change Order.

BJ Woehler was present to answer questions.

Councilmember Muir made a motion, which was seconded by Councilmember Giese approving Change Order No. 2 in the amount of \$3,723.50 to Robert Woehler & Sons' Construction for the Chief's Way Sanitary Sewer Project. Mayor Chamberlain

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

Change Order No. 3 in the amount of \$2,710.05 was for potholing incurred by Horizontal Boring (\$2,031) and delay time incurred by Robert Woehler & Sons' Construction (\$679.05) to find the American Broadband fiber lines that were not on the plans. American Broadband is willing to help cover some of the costs of this Change Order.

The cost for the delay time that was incurred by the Woehlers shows the total picture of what we're negotiating. Council can so choose whether or not they want to pay that additional amount, but that was part of the total costs out there.

Councilmember Muir made a motion, which was seconded by Councilmember Brodersen approving Change Order No. 3 in the amount of \$2,710.05 to Robert Woehler & Sons' Construction for the Chief's Way Sanitary Sewer Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Wes Blecke, Director of Wayne Area Economic Development, was present and advised the Council that the LB840 Sales Tax Advisory Committee met to review and make recommendations on two LB840 requests. On the first application, the Committee reviewed the request by Ken Jorgensen for a \$125,000, 0% interest loan and a \$125,000 performance based loan (total \$250,000) to build a sports bar and bottle shop. After review and discussion, the Committee recommended a \$250,000 loan for 15 years at 0% interest. The total project cost is estimated to be \$1,800,000.

Ken Jorgensen was present to answer questions. He advised the Council he would have a minimum of 20 full-time equivalent employees. He did not have any objection to the recommendation of the LB840 Sales Tax Advisory Committee.

Councilmembers Brodersen and Muir thought the \$250,000, 0% interest loan was generous.

Councilmember Eischeid had concerns about picking and choosing who receives 0% interest and who receives 3% interest loans.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving a \$125,000 performance based grant (20 full-time equivalent employees for 15 years) and a \$125,000, 0% interest loan for 10 years for a total of \$250,000 for Ken Jorgensen to be used to build a sports bar and bottle shop.

Councilmember Brodersen opined her position was not to make a decision that is different than the Sales Tax Advisory Committee, and thought the Council should take their recommendation rather than going above and beyond and using the taxpayer's money in a way that, for some reason, the Committee did not see fit.

Councilmember Giese stated he was uncomfortable at this point and time setting the performance based grant without any input from the Sales Tax Advisory Committee, to which Councilmember Muir agreed.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, and Councilmembers Giese, Muir and Brodersen who voted Nay, the Mayor declared the motion failed.

Councilmember Brodersen then made a motion, which was seconded by Councilmember Giese approving the recommendation of the LB840 Sales Tax Advisory

Committee to approve a \$250,000, 0% loan for 15 years for Ken Jorgensen to build a sports bar and bottle shop. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent and Councilmember Haase who voted Nay, the Mayor declared the motion carried.

On the second application, the Committee reviewed a request by Pat Garvin (Innovative Protectives, Inc.) for a \$40,000 loan to rebuild a shop and storage building destroyed by the tornado. With five members of the Committee present, they recommended a \$40,000 loan for 15 years at 0% interest.

Pat Garvin was present to answer questions.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, approving the recommendation of the LB840 Sales Tax Advisory Committee to approve a \$40,000, 0% interest loan for 15 years for Pat Garvin (Innovative Protectives, Inc.) to rebuild a shop and storage building destroyed by the tornado. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, 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 Ley 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. 2013-1 (Milo Drive) and declared the public hearing open.

Administrator Johnson reviewed the assessment process for the Council. Johnson recommended that Line 33X in the amount of \$5,805, one-half thereof or \$2,902.50 only be assessed to the property owners because it was created by a failure of the engineer to include in the drawings the wyes that come off the sewer line. Olsson & Associates agreed to pay the mobilization cost of bringing the contractor back to install the wyes. This amount will be deducted from the final payment to Olsson & Associates.

Joel Hansen, Street Superintendent, stated that the original plan showed two wyes. Meyer/Pick then asked for two additional wyes, so he thought there was a little bit of a change that would have been a cost to the developers. A lot of this was a timing issue. Originally, the City hired Olsson & Associates to do the project because Tipton Holdings, who was building the Dollar General Store, advised us that they were having Olsson & Associates do their site plan. Our thought was we were going to avoid the issue we had with Bomgaars – which was to have one engineer design the whole project. Halfway through, Tipton Holdings, without telling the City, decided to no longer work with Olsson's, but to hire their own architect in Kansas City. That is where we lost the communication we were hoping for. The plans were then ready to approve at the Council meeting. Mr. Meyer looked at the plans about two hours before the meeting and noticed that something was not right with the elevation. Olsson's frantically worked to get us something before 5:00 that day, and that is where we lost site of the fact that Olsson's, when they changed the elevation, had taken those stubs out and didn't put them back in.

Councilmember Brodersen opined she was surprised that the contractors didn't notice the wyes were missing. She receives calls from contractors all the time, and this just surprised her.

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.

The assessments will be set at 3.5% interest for 15 years.

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

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Street Improvement District No. 2013-1, the Mayor declared the hearing closed.

Councilmember Brodersen introduced Resolution 2014-20 and moved for its approval, with the exception of Line 33X to reduce the total \$5,805 allocation down to \$2,902.50 to the property owners for the extra construction work; Councilmember Eischeid seconded.

RESOLUTION NO. 2014-20

A RESOLUTION MAKING ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NO. 2013-1 (MILO DRIVE).

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

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

Joel Hansen, Street Superintendent, stated three bids were received on the “Highway 15 & 10th Street Intersection Project.” The engineer has reviewed the bids and recommends that the project be awarded to the lowest bidder, Robert Woehler & Sons Construction, Inc., of Wayne, NE, in the amount of \$73,760.00. The high bid was \$96,754.10. The engineer’s estimate was \$76,000.00. Approval of the same must be conditioned upon the project being approved by the Nebraska Department of Roads.

Councilmember Eischeid, while not questioning their work, questioned the experience of the contractor that got the bid on this project (their business is a utility contractor – water & sewer) and the differentiation of prices between his cost and the other bidders. To him, if the City is going to be spending the money, we need to put the money towards a company that paves roads – that is their job. He wouldn’t hire a finished carpenter to pour concrete for him.

Mr. Woehler stated that they put different money in different places. Different kinds of contractors (utility/paving, etc.) all do this type of work. It just happens to be that this is such a small project that none of the big contractors wanted it. He was trying to give the City a low and fair number because he figured the contractors were going to be coming in pretty high. This is not out of their scope – they do this type of work all the time. His company does not pave blocks, but they do pave streets.

Councilmember Giese stated there must be an art to bidding because going through these bids, logically, they don’t make any sense. The rates, etc., between the three companies are so far off on every single item.

Councilmember Sievers liked the fact that a local contractor was the low bidder.

Councilmember Brodersen introduced Resolution No. 2014-21 and moved for its approval subject to the project being approved by the Nebraska Department of Roads; Councilmember Sievers seconded.

RESOLUTION NO. 2014-21

A RESOLUTION ACCEPTING BID AND AWARDDING CONTRACT ON THE
“HIGHWAY 15 & 10TH STREET INTERSECTION PROJECT.”

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

Administrator Johnson stated the following Resolution provides the legal descriptions to sell the property to Mid Plains Grain, LLC, for the expansion of the elevator site. Johnson had a commercial appraisal done on the property so that the City would have a value to go by. The next step will be to get a purchase agreement prepared between the City and Mid Plains Grain to sell the property.

Councilmember Sievers introduced Resolution 2014-11, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-11

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT
FOR THE GIESE SECOND ADDITION.

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

Councilmember Giese introduced Ordinance 2014-5, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2014-5

AN ORDINANCE AMENDING ORDINANCE NO. 2014-3 BY CHANGING THE AGENCY KNOWN AS THE “COMMUNITY DEVELOPMENT AGENCY” TO THE “COMMUNITY REDEVELOPMENT AUTHORITY” AND PROVIDING FOR THE FUNCTIONING AND POWERS OF SUCH AGENCY.

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

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

Councilmember Sievers made a motion and Councilmember Brodersen seconded to move for final approval of Ordinance No. 2014-5. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Muir brought Ordinance No. 2013-50 back for reconsideration. This is the ordinance that would annex the Williams Form, Woehler, Airport and Pacific Coast properties. The motion to approve the third and final reading failed at the last meeting with a 4-1 vote.

Councilmember Muir introduced Ordinance 2014-6, and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2014-6

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

Councilmember Eischeid opined again that he thought the Pacific Coast property should be omitted from the ordinance to give the potential buyer(s) options.

Councilmember Muir stated he would agree with that if there wasn't about \$50,000 worth of work laying on that piece of property (removal of the septic systems and the concrete). He wants a potential buyer to be able to have another tool in their pocket to be able to clean that up if they are interested in it.

In response to Councilmember Eischeid's question, Joel Hansen responded that he did not know whether or not the DEQ had a timeline for removing the septic systems; however, he did share that he had a gentlemen in his office who was going to bid on removing the concrete out there.

Councilmember Eischeid thought the Council was rushing into potential problems that we don't really need to deal with right now.

Administrator Johnson stated the building is now gone off the Pacific Coast site, and we have a blight study hanging out there. There are people who want to take the concrete and soon. If someone comes in and removes the concrete, then there is not much blight left out there, which then takes away the ability for tax increment financing. This is what happened with Kelby Herman's commercial subdivision. In his need to get people into business, he cleaned up the property before the blight study was started, and

he did not realize what he did to himself. If the Council is so inclined to want to take the Pacific Coast property out and reintroduce a different ordinance, you are setting a whole new set of time clocks.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, and Councilmembers Eischeid and Brodersen who voted Nay, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following Ordinance would annex the Herman Commercial Subdivision.

Councilmember Muir introduced Ordinance 2014-7, and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2014-7

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Mayor Chamberlain presented a couple of proposals to increasing the salaries for the Mayor and Councilmembers. One proposal was to keep the salary the same and then be paid on a per diem basis (\$25/hr with a maximum of 3 hours per day) for attending meetings outside the normal council meetings, retreat, budget sessions, etc., or to just increase the base, or a combination of both. This did not need to be acted upon tonight. Any changes cannot take effect until after the next general election.

Councilmember Sievers was not in favor of the per diem proposal and suggested or recommended increasing the base of each by \$1,500. Councilmember Brodersen agreed.

City Clerk McGuire stated the last time the Mayor and Council salaries were increased was 2006. The Mayor was at \$3,000 and then increased to \$4,500; the Council was at \$2,000 and then increased to \$3,000.

BJ Woehler spoke in favor of increasing the salaries for both the Mayor and Council, because he noted that if all of their salaries were combined, it still wouldn't equal the salary of one County Commissioner.

Councilmember Sievers made a motion to table action on Ordinance No. 2014-8 until the next meeting and Councilmember Brodersen seconded and to get a comparison of salaries similar to what we do with the city employees. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

No action was taken on Resolution 2013-129 – making findings and declaring portions of the City of Wayne to be blighted and substandard pursuant to the Nebraska Community Development Act – Industrial Drive East Area, or on Resolution 2014-5 approving Memorandum of Understanding with Robert Woehler & Sons, Inc., to enter into a tax increment financing agreement for site preparation and new construction.

Councilmember Eischeid introduced Ordinance 2014-2 and moved for approval of the third and final reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2014-2

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE: SECTION 78-126 RELATING TO PARKING; PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY; SECTION 78-128 RELATING TO PARKING; PROHIBITED PARKING; NORTHWEST QUADRANT OF THE CITY; SECTION 78-130 PROHIBITED PARKING; SOUTHEAST QUADRANT OF THE CITY; AND SECTION 78-132 PROHIBITED PARKING, SOUTHWEST 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 Ley who was absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would approve a Memorandum of Understanding with Southwest Renewable Resources, and the cities of Wakefield and South Sioux City and Northeast Nebraska Public Power District and authorize him to negotiate a contract for production and delivery of power from a 25 MW renewable fuel plant to be constructed in Dakota County. We reserved the option, in the Big Rivers' contract, to purchase up to 15% of our wholesale power each year from a renewable source.

Southwest has asked us to sign the MOU to indicate interest by the elected officials and not just the staff before they retain engineering services to develop details of the proposal. The purpose of the MOU is to find out who is interested in moving forward in the discovery process, but is not binding and does not create a cost obligation for the City of Wayne.

When the Big Rivers' contract ends in 2026, we will be able to contract for any amount of renewables or other power source we want, without restriction, while using our power plant as a backup.

Councilmember Giese introduced Resolution No. 2014-23 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-23

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF WAYNE, WAKEFIELD, SOUTH SIOUX CITY, AND NORTHEAST NEBRASKA PUBLIC POWER DISTRICT AND SOUTHWEST RENEWABLE RESOURCES.

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

Administrator Johnson stated he is working with Todd Hegwer on a power purchase agreement with a 25-year fixed guarantee with NextEra out of Tulsa, Oklahoma. NextEra generates wind turbine power. This wind power plant is being built right now. The proposed price range is better than both NPPD and the Big Rivers' current pricing and can still be locked in for 25 years. Further negotiations will likely require us to sign a non-disclosure agreement to proceed and also an agreement with Mr. Hegwer for his professional services to evaluate the contract on our behalf.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers authorizing the City Administrator to negotiate a 25-year power purchase agreement for production and delivery of wind power. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would approve a memorandum of Understanding with Pollina Corporate Real Estate, Inc., to solicit investors for the development of the renewable fuel plant to be constructed in Dakota County.

Councilmember Eischeid introduced Resolution No. 2014-24 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-24

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF WAYNE, WAKEFIELD AND SOUTH SIOUX CITY AND POLLINA CORPORATE REAL ESTATE, INC., AN ILLINOIS CORPORATION.

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

Councilmember Giese 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 Ley who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:45 p.m.