

**MINUTES
CITY COUNCIL MEETING
October 7, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, October 7, 2014, 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, Matt Eischeid, and Jill Brodersen; City Attorney Eric Knutson; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 25, 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 Sievers made a motion, which was seconded by Councilmember Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 16, 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, 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 5/6/14: Delete NE Nebraska Red Cross, Re, \$59.24 (Reissued 9/30/14)

VARIOUS FUNDS:

FISCAL YEAR 2013-2014: ABDO PUBLISHING Co, SU, 126.65; AMAZON.COM, SU, 385.22; AMERITAS, SE, 1904.18; APPEARA, SE, 168.67; ARNIE'S FORD-MERCURY, SE, 65.33; AS CENTRAL SERVICES, SE, 448.00; CITY EMPLOYEE, RE, 101.88; BANK FIRST, FE, 120.00; BLACK HILLS ENERGY, SE, 186.78; BLACKBURN MANUFACTURING, SU, 342.82; BOMGAARS, SU, 3150.63; CITY EMPLOYEE, RE, 208.35; CITY EMPLOYEE, RE, 41.54; CITY EMPLOYEE, RE, 56.75; BROWN PLUMBING, SU, 486.25; BROWN SUPPLY, SU, 932.55; CARROT-

TOP INDUSTRIES, SU, 112.44; CENTURYLINK, SE, 315.26; CHARTWELLS, SE, 6549.18; CHILD SUPPORT, RE, 100.00; CITY OF WAYNE, RE, 600.00; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, FE, 600.00; CITY OF WAYNE, PY, 60606.41; CITY OF WAYNE, RE, 13.84; COMMUNITY HEALTH, RE, 4.00; COUNTRY NURSERY, SE, 6285.00; CREATIVE DISPLAYS, SU, 455.75; DE LAGE LANDEN FINANCIAL, SE, 77.00; DGR & ASSOCIATES, SU, 1496.00; DUGAN BUSINESS FORMS, SU, 517.80; DUTTON-LAINSON, SU, 638.45; EASYPERMIT POSTAGE, SU, 1000.00; ECHO GROUP, SU, 629.48; ED. M FELD EQUIPMENT, SU, 266.00; EMPLOYERS MUTUAL CASUALTY, RE, 254.40; FIRST CONCORD GROUP, SE, 3331.64; FLOOR MAINTENANCE, SU, 596.62; FRANCES POEHLMAN, RE, 500.00; GALE GROUP, SU, 115.65; GEMPLER'S, SU, 228.40; GERHOLD CONCRETE, SU, 1361.91; GROSSENBURG IMPLEMENT, SU, 264.03; H.K. SCHOLZ CO, SE, 1043.50; HTM SALES, SE, 18141.92; HUBER TECHNOLOGY, SU, 240.00; ICMA, SE, 6701.31; INTERSTATE BATTERY, SU, 257.90; IRS, TX, 22566.00; JACK'S UNIFORMS, SU, 6937.41; JEO CONSULTING GROUP, SE, 3122.50; JOHN'S WELDING AND TOOL, SE, 882.36; KATHOL TURF, SE, 609.71; KELLY SUPPLY, SU, 202.67; KRIZ-DAVIS, SU, 154.44; L.G. EVERIST, SU, 1749.44; LAYNE CHRISTENSEN, SE, 1489.05; LUMBERMENS BRICK & SUPPLY, SU, 840.00; LYNN PEAVEY, SU, 549.55; MAIN STREET AUTO CARE, SE, 90.00; MES-MIDAM, SU, 500.00; MICHAEL TODD & CO, SU, 837.50; MUNICIPAL SUPPLY, SU, 2478.07; N.E. NEB ECONOMIC DEV DIS, SE, 75.00; NE NEB INS AGENCY, SE, 1581.00; NE DEPT OF REVENUE, TX, 3210.56; NE PUBLIC HEALTH, SE, 61.00; NE SALT & GRAIN, SU, 1760.85; NEBRASKA HOIST, SU, 145.30; NORFOLK SPORTING GOODS, SU, 44.10; NORTHEAST LIBRARY SYSTEM, FE, 25.00; NORTHEAST NE RED CROSS, RE, 118.48; NNPPD, SE, 4263.00; NWEA, FE, 360.00; OLSSON ASSOCIATES, SE, 1986.53; PAC N SAVE, SU, 267.74; CITY EMPLOYEE, RE, 348.88; PHIL CHALMERS, SE, 250.00; PUSH-PEDAL-PULL, SE, 178.80; QUILL, SU, 33.20; CITY EMPLOYEE, RE, 145.51; SIOUX CITY WINSUPPLY, SU, 76.59; SIOUX SALES CO, SU, 3500.00; SIOUXLAND HYDRAULIC, SU, 313.85; SIOUXLAND TURF PRODUCTS, SU, 1317.00; STADIUM SPORTING GOODS, SE, 658.98; STATE NEBRASKA BANK, RE, 83.63; T & S TRUCKING, SE, 633.28; TOM JACOBSEN, RE, 3500.00; ULINE, SU, 102.96; UNITED WAY, RE, 12.40; US BANK, SU, 3396.25; UTILITIES SECTION, FE, 80.00; VERIZON, SE, 97.97; WAYNE COUNTY CLERK, SE, 138.00; WAYNE COUNTY TREASURER, FE, 459.14; WAYNE HOSPITALITY, RE, 21701.72; WAYNE VETERINARY CLINIC, SE, 350.00; WESCO, SU, 2088.04; CITY EMPLOYEE, RE, 48.14; ZEE MEDICAL SERVICE, SU, 76.68 BAKER & TAYLOR BOOKS, SU, 501.43; BEST BOOKS, SU, 1192.48; BLUE DEVIL BOOSTER CLUB, SU, 85.00; CARHART LUMBER COMPANY, SU, 1824.52; COPY WRITE, SE, 173.78; COUNTRY NURSERY, SU, 250.00; DAVE'S DRY CLEANING, SE, 138.00; DEMCO, SU, 1057.49; EASYPERMIT POSTAGE, SU, 730.29; FREDRICKSON OIL, SE, 28.00; HAUFF MID-AMERICAN SPORTS, SU, 157.75; HAWKINS, SU, 383.54; INGRAM BOOK COMPANY, SU, 838.74; JASON CAROLLO, SE, 140.00; KAY CONTRACTING, SE, 932.50; KLEIN ELECTRIC, SE, 4268.50; LUTT OIL, SE, 8542.78; MARCO, SE, 126.36; MSC INDUSTRIAL, SU, 17.73; MUNICIPAL SUPPLY, SU, 990.19; NE SAFETY COUNCIL, SE, 8.89; NNPPD, SE, 12306.60; ONE

CALL CONCEPTS, SE, 80.80; PIEPER & MILLER, SE, 1729.00; PLUNKETT'S PEST CONTROL, SE, 175.18; QUALITY INN, SE, 271.96; QUALITY 1 GRAPHICS, SU, 490.00; RANDOM HOUSE, SU, 401.25; S & S WILLERS, SU, 1597.67; SD MEYERS, SE, 434.00; SHOPKO, SU, 894.11; STATE NEBRASKA BANK, SE, 61.28; STATE TREASURER OF NE, RE, 643.11; THE GLASS EDGE, SE, 3983.00; TYLER TECHNOLOGIES, SE, 123.75; US BANK, SU, 1696.09; VAKOC CONSTRUCTION, SU, 1745.54; WAED, RE, 7216.66; WAYNE AUTO PARTS, SU, 562.56; WAYNE HERALD, SE, 4429.99; WESCO, SU, 204.48; WAPA, SE, 26711.59

FISCAL YEAR 2014-2015: AMERITAS, SE, 2264.84; BANK FIRST, FE, 90.00; CHILD SUPPORT, RE, 100.00; CITY OF WAYNE, PY, 61907.73; CITY OF WAYNE, RE, 302.12; COMMUNITY HEALTH, RE, 4.00; ICMA, SE, 6752.31; IRS, TX, 22689.98; NE DEPT OF REVENUE, TX, 3190.75; AMERICAN BROADBAND, SE, 2411.90; CITY OF WAYNE, RE, 383.96; DEARBORN NATIONAL LIFE, SE, 92.88; ENGINEERED CONTROLS, SE, 790.00; GILL HAULING, SE, 22.00; CITY EMPLOYEE, RE, 167.08; NORTHEAST NE ENERGY SYSTEM, SE, 12732.00; NE NEB INS AGENCY, SE, 70612.00; PIEPER & MILLER, SE, 429.00; PROVIDENCE MEDICAL CENTER, RE, 10000.00; STATE NEBRASKA BANK, RE, 308.11; VIAERO, SE, 252.13; WAED, RE, 7216.66

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, 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 week of October 5-11, 2014, as "Support Citizens with Intellectual Disabilities Week," and the month of October as "Domestic Violence Awareness Month."

Tom Lee, Administrator, Dr. Mark McCorkindale, and Kari Baldwin, representing Providence Medical Center, Faith Physicians, and Faith Regional Physicians

Services respectively, were present to donate two defibrillators to the City of Wayne for the Summer Sports Complex and Hank Overin Field.

The following ordinance will add prohibited parking areas in the northwest quadrant of the city, more particularly the Western Ridge subdivision, Milo Drive and Pheasant Run Road. This would not allow parking in the cul de sacs.

Mayor Chamberlain read an email received from Sue Denton in favor of the Ordinance.

Nancy Rodriguez, a resident in Western Ridge, did not have any concerns regarding the proposed Ordinance, but had concerns about people speeding in that area.

Councilmember Eischeid introduced Ordinance No. 2014-28, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-28

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, SECTION 78-128 RELATING TO PARKING; PROHIBITED PARKING; NORTHWEST 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following Ordinance will restrict parking midnight to 5:00 a.m. in the Northwest Quadrant of the city, more particularly in the Western Ridge Subdivision.

Councilmember Eischeid introduced Ordinance No. 2014-29, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-29

AN ORDINANCE TO AMEND SECTION 78-129 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Administrator Johnson stated the City's insurance carrier has advised us that they will not pay for a new concrete base at Hank Overin Field. The engineer, Olsson Associates, is recommending that we not build on the old foundation or concrete base. They have stated in their study that the construction of a new grandstand will not likely coincide with the current configuration of the basement foundation. Coupled with the poor condition of the basement and extensive cost to rehabilitate the concrete, they recommend the basement foundation be removed and filled to grade level. The City Attorney's office will do research on the matter to see if the insurance carrier's opinion can be challenged.

The Committee has unanimously decided that they want to make changes and move forward and take the base out. They would like to have a center entrance instead of an entrance at one end. Staff has advised the Committee that there is an amount that EMC will pay the City, which will be based on rebuilding what was there on the same concrete. If we want to change entrances, put in new concrete, etc., anything above that amount will be the City's cost. In the budget that has been prepared, there is nothing in there to fix or enhance that building. Staff has told the Committee the additional improvement costs would depend on donations, and they have agreed to that. In addition,

there is a history of working with Otte Construction, and the Committee would like to continue and maintain that history. The Committee needs to decide what they want the facility to look like and how much more they want to do to the facility.

Mayor Chamberlain stated he thought the Committee had a good understanding that what the City is going to put into this is what we receive for settlement from the insurance company. Anything above what the insurance company is going to pay out will be their responsibility to either fundraise for or get in-kind labor, etc.

Administrator Johnson stated for agenda item no. 8, he would bring Council an actual agreement before approving Otte Construction as the company to design and construct the new grandstand at Hank Overin Field. The item on the agenda should have been for discussion purposes only and not action.

Councilmember Giese made a motion, which was seconded by Councilmember Greve to approve the total demolition of the Overin Field grandstand, including the concrete foundation.

Councilmember Eischeid stated if the intent is to demolish the grandstand, it has to be done without disturbing the concrete, especially if the concrete is an issue with the insurance company. We need to maintain that foundation until we know for sure what the insurance company will do.

Administrator Johnson suggested holding off on these two agenda items for two weeks. In addition, he stated if Council really did not want to put additional monies into this project or the enhancements, and you want it to be fundraised, he would not start the project until the funds are in place, because as soon as you do that, the fundraising seems to stop.

Councilmember Haase stated his experience with insurance is that if the tornado did not do the damage to the foundation, you would not get any money for it.

Councilmember Giese then rescinded his motion; Councilmember Greve rescinded his second.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid to table the matter to demolish the Overin Field grandstand, including concrete foundation until brought back by the City upon further information being presented. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid to table the matter to approve Otte Construction, in partnership with Sand Creek Post & Beam, to design and construct the new grandstand at Overin Field under the same conditions of the previous motion. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing regarding an application for a Retail Class C Liquor License for El Tequila, LLC, d/b/a “Fiesta Brava.”

Luis Abundes, representing El Tequila, LLC, d/b/a “Fiesta Brava”, was present to answer questions.

City Clerk McGuire had not received any comments for or against this public hearing.

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

Councilmember Sievers introduced Resolution No. 2014-82 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-82

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS C LIQUOR LICENSE — EL TEQUILA, LLC, D/B/A “FIESTA BRAVA.”

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 budget amendment request to the Department of Economic Development for Grant #13-CIS-106, a Community Development Block Grant.

Administrator Johnson stated this is needed to amend the use of the grant funds in the Comprehensive Investment and Stabilization Grant for the southeast quadrant of Wayne. The most significant grant award change proposed consists of the reallocation of funds budgeted for housing activities (owner-occupied rehabilitation, housing management, and risk assessment/testing) into the tornado shelter budget. If this is approved, \$85,500 would be moved from the housing activity budget into the tornado shelter activity budget. We are proposing to eliminate the housing activities initially proposed for 13-CIS-106, so that those funds can be used to construct a tornado shelter/public restroom in East Park that better meets target area needs.

City Clerk McGuire had not received any comments for or against this public hearing.

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

Councilmember Muir introduced Resolution No. 2014-83 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-83

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, TO APPROVE AND SUBMIT A CONTRACT AMENDMENT REQUEST BETWEEN THE CITY OF WAYNE AND THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GROUP GRANT #13-CIS-106.

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 the specifications for the purchase of a new “Wheel Loader” and authorize the City Clerk to advertise for bids. The estimated cost is \$217,750 for the wheel loader (which includes a grapple fork). This will come before Council again for approval of the bid. The trade-in value will also be brought before Council.

Todd Hoeman, Street Foreman, and Joel Hansen, Building Inspector, were present to answer questions.

Councilmember Giese introduced Resolution No. 2014-84 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-84

A RESOLUTION APPROVING WHEEL LOADER SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

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 an agreement with JEO Consulting Group, Inc., for the engineering, design, bidding and

limited construction services for the 2014-2015 Wayne Water Tower Repainting Project for a sum not to exceed \$9,950.00. The last time the east water tower was painted was in 2000.

Councilmember Giese introduced Resolution No. 2014-85 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-85

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SERVICES WITH JEO CONSULTING GROUP, INC., FOR THE ENGINEERING, DESIGN, BIDDING AND LIMITED CONSTRUCTION SERVICES FOR THE 2014-2015 WAYNE WATER TOWER REPAINTING PROJECT.

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

Mayor Chamberlain stated he had a request from the Wayne Country Club for Council consideration to amending the Wayne Municipal Code to allow for the sale of alcoholic liquor on Sunday mornings. Recent legislative changes also allow for the “off sale” of alcoholic liquor, beer and wine until 2:00 a.m. Those changes have been brought forward for Council consideration.

After discussion, Councilmember Sievers introduced Ordinance No. 2014-30, and moved for approval thereof, amending only the “on and off sale” of alcoholic liquor on Sunday to 6:00 a.m.; Councilmember Giese seconded.

ORDINANCE NO. 2014-30

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 6 ALCOHOLIC BEVERAGES, SECTION 6-18 HOURS OF SALE; 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. The second reading will take place at the next meeting.

Discussion took place on whether or not to continue or discontinue electric incentives.

Each year the City has budgeted \$75,000 in the Electric Fund to be used as grant incentives for electric utility customers to replace old inefficient lighting systems, add insulation, replace AC units with heat pumps, and replace windows and doors and attic ventilation to help reduce peak electric loads in the summer. Until now, NPPD has reimbursed us for 75% of these incentives. Now that Wayne has given notice to NPPD that we intend to reduce our wholesale power purchases from them by 90% beginning in 2019, they have given Gene Hansen, Electric Production Superintendent, notice they will no longer reimburse those incentives.

Staff will put together some facts for Council to review at the next meeting.

Administrator Johnson stated he had received Change Order No. 3 for \$10,117.65 on the “Highway 15 and 10th Street Intersection Project.” This was to add more sidewalks, replace the portion of the alley entrance on city right-of-way, and cover the grass seeding with a mulch mat to avoid erosion in hard rains. The project engineer has approved the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving Change Order No. 3 for \$10,117.65 for the “Highway 15 and 10th Street Intersection Project.” 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 appointing the following citizens to the Wayne Green team:

Aspen Pflanz, Bonnie Andersen, Christina Bargholz, Edith Zahniser, Jeaney Harris, Joan Sudmann, Joel Hansen, Kathleen Johs, Lois Shelton, Lowell Johnson, Matt Wachter, Monica Snowden, Nick Muir, Sadie Miller Sandy Brown, Scott Brummond, Sherry Dorman, Susan Wells, Todd Hoeman, Barbara Hayford, Michael Hull, and Shizuka Nakayama

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, approving the following citizens to the Wayne Green Team:

Aspen Pflanz, Bonnie Andersen, Christina Bargholz, Edith Zahniser, Jeaney Harris, Joan Sudmann, Joel Hansen, Kathleen Johs, Lois Shelton, Lowell Johnson, Matt Wachter, Monica Snowden, Nick Muir, Sadie Miller Sandy Brown, Scott Brummond, Sherry Dorman, Susan Wells, Todd Hoeman, Barbara Hayford, Michael Hull, and Shizuka Nakayama

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

Concerning Agenda Item No. 19, it was noted that the reason half the cost of the bridge would be the responsibility of the City is that when that property was annexed, it was annexed to the north fence, so the right-of-way is now a city street. Joel Hansen advised the Council that since September 1977, any annexation has to go all the way across any adjacent roads.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, setting the joint meeting date and time with the Wayne County Board of Commissioners and the Wayne Municipal Airport Authority for Tuesday, October 14, 2014, at 5:30 p.m. in the North Meeting Room of the City Auditorium to discuss the bridge north of the airport.

Councilmember Eischeid would not be able to attend the meeting, but wanted someone to convey on his behalf, that if the additional money spent for an engineer (over and above what insurance would cover) was a joint effort, he would be somewhat better about the City having to help cover the cost of, but if it was not, he had an issue with that.

Councilmembers Giese, Ley and Eischeid would not be able to attend this meeting.

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

Discussion took place in regard to purchasing tablets for Council usage. If purchased, these would prevent the need for paper packets for the Council meetings, etc.

B J Woehler was present and asked if Council took the leap to purchase tablets, that they consider installing some type of projector or system in which to put the Council packet on a large screen for the public to view. In addition, he had concerns about the Council sending messages back and forth with tablets and how that would be recorded.

Brian Kesting, Information Technology Specialist, would research and gather information to present at the next meeting.

Discussion took place about being part of a joint letter with the school, which would be sent to the Department of Roads requesting a traffic safety study for the highway crossing by the high school.

Joel Hansen, Street Superintendent, advised the Council that what he has heard back from the Department of Roads is that there is no blanket study. If we are making a request from the Department of Roads, they want specific requests to look at to say nay or yea to.

After discussion, Council wanted the following recommendations made to the Department of Roads for the study:

- Install "prepare to stop when flashing lights" a couple of hundred feet before the stop lights near Sherman Street on Highway 35;
- Install stop lights on the sides of the poles at the Sherman Street stop lights on Highway 35;
- Install school zone flashing lights on both sides of the crosswalk by St. Mary's on Highway 35; and
- Change the speed limits on both the west and east sides of town on Highway 35: Drop from 45 to 35 to 30 (changing the 45 mph speed limit sign to 35 mph and moving the 45 mph speed limit farther out).

B J Woehler asked Council to consider installing sidewalks to Bomgaars.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to approve being part of a joint letter with the School to the Department of Roads with the items Council discussed. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion then took place on making a request to the Department of Roads to change the timing of the traffic lights downtown. This was a request made by Councilmember Giese. He felt there needs to be a sizeable window for traffic to hit both the 2nd and 3rd Street lights without having to stop. In addition, he thought at 10:00 pm., the lights should be changed to blinking yellow lights until 7:00 a.m. Currently, the blinking yellow lights run from midnight to 6:00 a.m.

Councilmembers Brodersen and Sievers had concerns about making this change since the businesses downtown wanted it to remain the same.

Administrator Johnson stated his suggestion to the Department of Roads was to leave the lights alternating as they are now, so they are not either red or green, but add 10

seconds to both of them. The Department of Roads said they would not go 10 seconds, but would go 7 seconds.

Councilmember Giese made a motion to approve the action to make a request to the Department of Roads to change the timing of the traffic lighting downtown to blinking yellow from 10:00 p.m. to 7:00 a.m. and synchronizing the 2nd and 3rd Street lights with an improvement of 7 seconds of green to each light.

With no second being made, Councilmember Giese rescinded his motion.

Councilmember Giese then made a motion, which was seconded by Councilmember Eischeid, to make a request to the Department of Roads to change the timing of the traffic lighting downtown to blinking lights from 11:00 p.m. until 6:00 a.m., with the lights on 2nd and 3rd Streets being synchronized green with an addition of 7 seconds. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers, Ley and Brodersen who voted Nay, the Mayor declared the motion carried.

No action was taken on Agenda Item No. 23 – action regarding Black Hills Energy Franchise Agreement notice. Administrator Johnson just wanted the Council to be aware that the 15-year franchise term was coming up. The agreement will roll in April for an additional five years, unless the City gives them notice, with cause. Staff recommendation is to let the agreement renew.

An ordinance making a recommendation to increase the franchise fees to Black Hills Energy will come before Council at the next meeting. At this time, the monthly franchise fees remitted to the City are as follows: \$2.50 per residential customer, \$5.00

per commercial customer, and \$50.00 per industrial customer. Black Hills has chosen to charges their customers this fee and not take it out of their profits.

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, the Mayor declared the motion carried and the meeting adjourned at 7:46 p.m.