

**MINUTES
CITY COUNCIL MEETING
February 2, 2010**

The Wayne City Council met in regular session at City Hall on Tuesday, February 2, 2010, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Doug Sturm, Kaki Ley, Kathy Berry and Ken Chamberlain; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Dale Alexander.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 21, 2009, 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 and seconded by Councilmember Ley, whereas the Clerk has prepared copies of the Minutes of the meeting of January 19, 2010, 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 Shelton 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:

ADDITIONS AND CORRECTIONS TO CLAIMS LIST OF JANUARY 19, 2010:

ADD CITY OF WAYNE, RE, 293.03

VARIOUS FUNDS: AHERN CO., SE, 315.00; AMERITAS, RE, 2202.27; APPEARA, SU, 69.68; ARNIE'S FORD-MERCURY, SU, 134.75; AS CENTRAL SERVICES, SE, 448.00; BAIRD, HOLM, McEACHEN, SE, 2500.00; BANK FIRST, RE, 310.00; BAUER UNDERGROUND, SU, 260.00; BLUE DEVIL BOOSTER CLUB, FE, 75.00; BOMGAARS, SU, 4.59; CARHART LUMBER COMPANY, SU, 248.80; CHARLES

ARICKX, RE, 500.00; CITY EMPLOYEE, RE, 94.96; CITY EMPLOYEE, RE, 160.72; CITY EMPLOYEE, RE, 89.80; CITY EMPLOYEE, RE, 44.80; CITY EMPLOYEE, RE, 60.00; CITY OF NORFOLK, SE, 1940.19; COMMUNITY HEALTH, RE, 4.00; COVENTRY HEALTH, SE, 19205.92; DALE VITITO, SU, 152.62; DEMCO, SU, 56.90; DIAMOND SALES, SU, 138.15; DOESCHER APPLIANCE, SU, 469.00; DOUGLAS COUNTY, FE, 50.00; DUTTON-LAINSON, SU, 640.09; DWAIN SPIEKER, SU, 50.00; ECHO GROUP, SU, 367.31; ED M FELD EQUIPMENT, SU, 94.50; EMBASSY SUITE, SE, 298.00; ENGINEERED CONTROLS, SU, 2200.00; FIRST CONCORD GROUP, SE, 3863.78; FLOOR MAINTENANCE, SU, 68.19; FORT DEARBORN LIFE, SE, 1691.86; GAYLEN BENNETT, RE, 291.00; HANK'S FRONT END SERVICE, SE, 65.00; HORNADY MANUFACTURING, SE, 747.20; ICMA, RE, 5434.60; IRS, TX, 18010.92; JOHN REES, RE, 200.00; KCP&L GREATER MISSOURI OP, SE, 2296.81; KTCH, SE, 962.00; LOVE SIGNS, RE, 500.00; MAIN STREET AUTO CARE, SE, 80.00; MERCY MEDICAL CLINIC, SE, 153.00; MID-STATE ENGINEERING, SE, 1173.00; MIDWEST OFFICE AUTOMATION, FE, 1386.25; MIDWEST TAPE, SU, 284.93; MIKE TOWNE/WESTERN CONSULT., SE, 1200.00; BASKETBALL OFFICIAL, SE, 140.00; N.E. NEB ECONOMIC DEV DIS, SE, 1192.10; NATL ARBOR DAY FOUNDATION, FE, 25.00; NE AMERICAN LEGION, SU, 23.64; NE CODE OFFICIAL ASSOCIAT, FE, 130.00; NE DEPT OF REVENUE, TX, 2678.67; NE DEPT OF ROADS, SE, 3150.00; NE EXPRESSWAYS, SE, 581.04; NE PUBLIC HEALTH ENVIRONM, SE, 509.00; NE RPA, FE, 50.00; NE RURAL WATER, FE, 375.00; NORFOLK DAILY NEWS, SU, 120.50; NORFOLK TRUCK CENTER, SE, 157.50; NORTHEAST NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 2178.91; NWOD, FE, 10.00; NeFSMA, FE, 100.00; ORIENTAL TRADING CO, SU, 83.77; PIEPER, MILLER & DAHL, SE, 3227.75; POSTMASTER, SU, 684.58; PROVIDENCE MEDICAL CENTER, SE, 580.00; PUSH-PEDAL-PULL, RE, 117.96; QUILL, SU, 198.68; QWEST, SE, 428.95; QWEST, SE, 170.80; ROBERT SWEETLAND, RE, 500.00; SOOLAND BOBCAT, SU, 62.36; UNITED WAY, RE, 32.32; VERIZON, SE, 635.57; VIAERO, SE, 72.45; WAED, RE, 6383.33; WAYNE AUTO PARTS, SU, 1394.45; WAYNE COUNTY TREASURER, FE, 1029.56; WAYNE STATE COLLEGE, RE, 1910.00; YOUNG, BILL, SU, 4056.50; ZACH OIL, SU, 878.99; BARONE SECURITY SYSTEMS, SE, 65.00; BOMGAARS, SU, 1106.57; BROWN SUPPLY, SU, 421.05; CITY EMPLOYEE, RE, 187.20; CITY OF WAYNE, PY, 55539.94; COMFORT INN, SE, 188.88; JACK'S UNIFORMS, SU, 276.55; DUTTON-LAINSON, SU, 468.36; ECHO GROUP, SU, 212.07; ELECTRIC FIXTURE, SU, 509.91; EMBASSY SUITE, SE, 457.00; FLOOR MAINTENANCE, SU, 43.57; GILL HAULING, SE, 1807.10; HEIKES AUTOMOTIVE, SE, 155.04; INGRAM BOOK CO, SU, 331.78; INNOVATIVE PROTECTIVES, SU, 775.00; JEO CONSULTING GROUP, SE, 59523.27; JOHN'S WELDING AND TOOL, SU, 130.11; LAYNE CHRISTENSEN, SU, 970.60; LP GILL, SE, 4352.66; MIDWEST SERVICE, SE, 3851.95; CITY OF WAYNE, RE, 720.00; CITY EMPLOYEE, RE, 194.98; NE CODE OFFICIAL ASSOC., FE, 115.00; NEWTON, DEAN, RE, 500.00; NORFOLK TRUCK CENTER, SU, 262.75; PEERLESS WIPING CLOTH, SU, 202.50; PUSH-PEDAL-PULL, SU, 117.96; TYLER TECHNOLOGIES, SE, 894.00; VEL'S BAKERY, SU, 14.25; WAYNE COUNTY CLERK, SE, 169.50; WAYNE COUNTY COURT, RE,

150.00; ZACH HEATING & COOLING, SE, 161.54; ZACH OIL, SU, 6995.53; ZACH PROPANE, SU, 378.96; GLORIA LAWRENCE, RE, 500.00

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm to approve the claims. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton 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, she 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 Shelton acknowledged the award that the City of Wayne received at the Annual Chamber Banquet for being the “Area Economic Development 2009 Patron of the Year” for support of area economic development efforts. In addition, she read a thank you from the American Red Cross to City Staff for helping to provide a shelter during the power outage.

Mayor Shelton then declared the time was at hand for the public hearing on the One and Six Year Street Improvement Program.

Joel Hansen, Building Inspector/Planner/Certified Street Superintendent, reviewed the One and Six Year Street Improvement Program. This is a yearly requirement to receive Highway Allocation Funds from the Nebraska Department of Roads. He noted that just because a project is the one-year plan does not mean the project it has to be done that year. However, if the City would want to do a project that is not in the one-year plan, another public hearing would have to be held to amend the plan.

Upcoming projects, which include some carry-over projects from previous year(s), include the following:

<u>Project Number</u>	<u>Project Year</u>	<u>Improvement</u>	<u>Estimated Cost</u>
M – 617(97)	2010	Mill & Overlay Asphalt on Various Streets – 3,400’ Nebraska from E. 2 nd to 250’ N of E. 6 th E. 6 th St. from Logan to Nebraska; E. 5 th St. from Logan to Nebraska E. 4 th St. from Logan to 200’ E of Windom; E. 3 rd St. from Logan to Windom	\$210,000
M – 617(87)	2010	West 1 st Street from Main St. to Pearl St. – 350’ Replace Concrete Parking, Water Main & Sidewalks; Relocate Storm Drainage	\$175,000
M – 617(89)	2010	Lage Subdivision – South of Fairgrounds Avenue – 900’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 75,000
M – 617(94)	2010	Folk Street from S. Nebraska Street west 150’ Construct Gravel Street, Storm Drainage	\$ 10,000
M – 617(91)	2010	Pedestrian Underpass on W. 7 th Street Located between CAC and Oak Drive	\$530,000
M – 617(99)	2010	State Project – Main Street from 7 th St. to W. 13 th St. – 2,000’ Remove & Replace Concrete Patches	\$ 14,000
M – 617(100)	2010	East 12 th Street from Schreiner Dr. to Walnut St. – 125’ Reconstruct Concrete paving, Curb & Gutter	\$ 25,000
M – 617(80)	2011	East 10 th Street from Main St. to Windom St. – 1,225’ Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage	\$600,000
M – 617(92)	2012	Windom Street from 645’ N of Fairground Ave to E. 7 th – 1,750’ Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage, Sidewalks	\$500,000
M – 617(95)	2013	Schoolview Drive from W. 4 th St. to W. 5 th St. – ‘300 Widen street to allow for parking – safety concerns	\$ 45,000
M – 617(98)	2014	Sherman Street from W. 3 rd St. to W. 7 th St. – 1,200’ Construct Concrete Paving, Curb & Gutter, Storm Drainage, Sidewalks	\$600,000
	2015	Maintenance Only	

Most of these projects involve collector or arterial streets, which allows the City to utilize its federal funding at 80/20 cost-share. The City then pays only 20% of the cost of the project(s). This cost-share option is not available on some streets that need repaired.

Mr. Hansen stated that at the RC training exercise he went to last summer, they advised them that anything that used to be a one to two year street project will now be a three to five year street project. This planning document is going to become more important if we want to keep the process going with these projects.

In regard to the West First Street project, staff is recommending that the City not do this project as originally engineered. The engineer's estimate to redo this street and put everything back with brick was over \$700,000 for one block. Staff would like to take that out of the STP program and do it as a local project this year with the downtown sidewalk improvement district. If the One and Six Year Street Improvement Plan is approved, staff will send NDOR an e-mail to delete that project from their list. Staff was recommending reducing the scope of that project to \$175,000. The removal and replacement of the brick was a big chunk of the \$700,000. This project will stay on the One and Six, but will be deleted from the State Transportation Enhancement Plan.

The projects eligible for STP funding are highlighted above for easy reference.

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

No written or oral comments had been received by the City Clerk's Office concerning the proposed program.

Councilmember Sturm introduced Resolution 2010-7, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2010-7

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM.

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

Garry Poutre, Superintendent of Public Works and Utilities, advised the Council that four bids were received for the 4-wheel drive, ¾ ton pickup. The low bid of \$22,396 was submitted by Arnie's Ford Mercury for a 2011 Ford Pickup. This bid was less than the State bid of \$22,723. Recommendation is to accept the low bid from Arnie's Ford Mercury. Mr. Poutre advised the Council that the 1994 Ford pickup with plow will be sold.

Councilmember Frevert introduced Resolution No. 2010-8 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-8

A RESOLUTION ACCEPTING BID AND AUTHORIZING THE PURCHASE OF A FOUR-WHEEL DRIVE, ¾ TON PICKUP.

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

Garry Poutre, Superintendent of Public Works & Utilities, was present to review the electric cost of service study undertaken by Mike Towne of Western Consulting. Mr. Poutre stated every year we have Western Consulting review our electric rates with any changes, which are usually a result of increases from our wholesale suppliers (NPPD and WAPA). The increases from NPPD and WAPA result in a 13% average for our power purchase costs. Mike Towne of Western Consulting indicated in his letter that our wholesale costs have increased about 3.1% per year since 2002 and 6.8% per year since 2007. We have had retail rate increases along with those wholesale rate increases. Last year, two options were provided to you. We could either increase our rates by 5% or we could let those costs be captured through our Production Cost Adjustment (PCA). This is a small fraction of an increase that is added onto the kilowatt hour price each month.

Council elected to let the PCA capture those increased costs last year. Mr. Towne is recommending the same thing this year. Mr. Towne has also projected that for the next three years, we will need to have a rate increase of 7% each year. With no increase in the electric rates this year, we will break even on the net income for the Electric Department. Mr. Towne projects that after the third year of the 7% rate increases, our reserve in the Electric Department will be back to the level of where it is now. However, there is no perfect prediction, and we will have another electric cost of service study done next year.

Councilmember Sturm questioned whether or not the Council should implement some type of increase this year (e.g. 4%) so that the increases over the next three years might not have to be 7%.

Mayor Shelton stated she thought the feeling was that since they are planning to increase the sewer rates this year, they might not want to increase the electric rates.

Nancy Braden, Finance Director, stated the reserves in the Electric Fund are \$6.5 million this year. Administrator Johnson advised the Council that they like to keep the reserve between \$5 and 6 million.

Mr. Poutre also stated that included in the proforma is \$1.5 million in capital expenditures. It is unlikely that all of that will get spent. As an example, he used the AMR metering system that has been budgeted. He stated they are still having a difficult time picking a direction. He was certain that while some of the \$350,000 for the metering system could get spent this year, probably not all of it would.

There being no more questions, Mayor Shelton moved on to the next agenda item.

Lucas Billesbach of JEO Consulting Group was present to update the Council on the costs that have now been figured for different options for the new Wastewater Treatment Plant Facility.

Administrator Johnson noted in his memo that after the Council selected the Aquarius system, the Council directed JEO to design the system with an Option A: to be built on the east side of the existing treatment plant; and an Option B: to be relocated closer to Logan Creek where the southwest corner of the existing lagoon currently is located. JEO estimated the extra cost of Option B at that time to be around \$500,000. JEO has progressed to the 60% completion stage of the design and has met with staff to review the same. The purpose of the 60% plan meeting was to evaluate the project so far and make any changes desired before proceeding to final design.

Mr. Billesbach stated that being at the 60% stage, they feel they have considerably become more comfortable with the costs. The EPA did an inspection of the lagoon about two months ago. Their initial conversation was that they did not know how it was permitted the way it is right now and it is being permitted with its own outfall. However, the city is not using it to necessarily treat raw wastewater. The city is using it to treat the sludge from the existing unit. Up until this point, JEO has not received any formal communication from the EPA. They have requested that communication however.

Mr. Billesbach presented a handout showing four different cost estimates, which included the Original Study for Site A, Site A, Site B with complete building, and Site B with a small building. Those costs, which do not include engineering of \$1.2 million, are as follows:

Original Study:	\$6,556,200
Site A:	\$6,744,223
Site B w/ Complete Building:	\$8,446,593
Site B w/ Small Building:	\$7,926,016

He reviewed two items that are in the cost estimate, but would not necessarily need to be built at this time. The first item was the “equalization basin.” The results of their simulation model showed them that with what we need for volume and what they are predicting to be Wayne’s flows, the equalization basin wouldn’t be utilized for the next five years. They would need to see a linear growth of Wayne’s flows as they have expressed in their report before the equalization basin actually becomes necessary. It would be their recommendation that they design it and will have a set of plans ready, but that the construction of the equalization basin be halted until they see the flows rise up to the level where it becomes necessary to build the same.

The second item was the “digester.” The digester is directly correlated to the lagoon. The most ideal situation right now is that we build the Aquarius system and operate it, but we play a wait-and-see game to see how much sludge it produces. The best outcome would be that it produces zero sludge, but there is a potential that it will create some sludge. If allowed, he would recommend continuing to send whatever sludge it does produce out to the lagoon and monitor that for two years, and then come back and make a more valid decision as to whether we should continue using the lagoon, a portion of the lagoon, or we should go ahead and construct the digester. If the EPA were to say in two months that we can no longer send any sludge out to the lagoon, we would still be prepared to have a facility designed and ready for bids.

To date, JEO has spent a very limited amount of the \$250,000 in design fees for Option B.

Councilmember Sturm commended JEO for bringing their findings to the Council before incurring all of the \$250,000 in design fees.

Administrator Johnson stated whether there is sludge or not from this system, we are not going to throw off enough water out of this new plant to keep 26 acres wet. The only way we can keep the 26-acre lagoon is if we pump water in there just to pump water in there. He noted there were not any costs in these estimates to eliminate the lagoon. However, he had previously received an estimate from Olsson Associates for approximately \$1,000,000 to get rid of the lagoon. He also received an estimate two years ago from Meyer Construction for \$300,000, which by now, may be around \$500,000.

Councilmember Ley stated the main objective for looking at Site B was to open 26 acres of land for future development, which may or may not happen.

Councilmember Sturm stated he would be in favor of Site A.

Councilmember Chamberlain stated he was one of the original advocates for Site B, but he thought \$1.7 million dollars was too much money to spend to move it. He would prefer that that idea be eliminated now.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm directing the engineer, JEO Consulting Group, to not go any further with the design of Option B, which is to relocate the treatment plant. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton declared the time was at hand for the public hearing on the proposed sewer rates.

Finance Director, Nancy Braden, advised the Council that the new wastewater treatment plant is estimated to cost approximately \$8,500,000, which includes the engineering fees. That amount can be reduced to \$7,000,000, by taking \$500,000 for the EPA grant, and putting in \$1,000,000 of our reserves. At this time, the Water Fund has \$1.4 million in reserves. The Sewer Fund has about \$1 million. Staff is looking at taking \$500,000 out of each fund to buy down the first million dollars. The proposed sewer rates prepared by the Nebraska Rural Water Association were based on the original estimates we had from JEO.

The Council again reviewed the proposed rates prepared by the Rural Water Association. Administrator Johnson stated there is no right or wrong rate; it is just how the Council wants to allocate \$471,000 a year.

Councilmember Sturm stated he would like proposed rates using a \$200,000 subsidy (e.g. \$100,000 from the sales tax and \$100,000 from the Water Fund).

Ms. Braden advised the Council that there are sufficient revenues in the Water Fund to pay the \$150,000 plus the debt service on the \$1.05 million that we just did at the last meeting. She ran some calculations and there are sufficient revenues. We would not have to look at increasing the water rates at the current usage until 5 or 6 years down the road, and we could still have approximately \$65,000 worth of capital project costs.

Councilmember Chamberlain thought the Council first needed to decide whether or not they wanted to subsidize it and at what amount. He preferred the \$250,000

subsidy. He would like to see some increase on both the service charge and the usage rate. He preferred the rate which had a \$10.50 service charge and \$3.90 per gallon.

Councilmember Frevert liked the idea of if you use more, you pay more.

Councilmember Sturm stated he thought the sales tax could be used for the water/wastewater treatment plant which he thought was economic development. He is not against putting a little more of the sales tax money towards this project if it is going to help reduce the upfront costs.

Wes Blecke, who was a part of the sales tax committee, stated that the big push with the sales tax funds (non-economic development side) was property tax reduction. That was a big push to the voters as well, and they wanted to see property taxes reduced. His fear is that if the Council uses the subsidy for projects that were going to reduce the property tax, that they might be going back on what they had sold to the public at that time. If you take that money out, that is money you can't spend on the street projects, the swimming pool, etc. He was just cautioning the Council on that.

As an individual citizen, Mr. Blecke stated he wants to pay for the water he uses. When he was with the City of Ashland, they had all of these same discussions. Ashland is charging a service charge of \$35 and \$4.50 per thousand gallons. Ashland did not have the luxury of a subsidy option, but they had a lot of discussion on how it should look. The rationale behind that was that the service charge does affect the people who are on a fixed income possibly more than others, but they thought that the \$4.50 per thousand gallons would make up for that. People will purchase a bottle of water in a grocery store for \$1-\$2, and here we are paying \$2.9 per thousand gallons.

Edward Sam Schroeder stated he was also on the Sales Tax Committee, and he remembered quite a little discussion about exactly what Councilmember Sturm mentioned - part of the sales tax being used to alleviate property tax or future projects. This may not exactly be a property tax project, but it still has something to do with the cost of living in our community. Some of that cost could be alleviated with the sales tax subsidy or at least part of it. He would suggest that some of this expense be subsidized with sales tax revenue. The other item he was going to comment on was the discussion about the water bond indebtedness being eliminated and using some of that money to subsidize the sewer rates. His opinion was that if the water project has been completed, he would reduce the water rate to reflect that. If you have to offset that with an increase in the sewer rate, do it. The costs need to be reflective of the services that are being rendered and not covered by up revenues from other sources.

Mayor Shelton, in response to Mr. Schroeder's comments, stated that the water/wastewater is a business unto itself. Using the sales tax to subsidize it when it was meant to go in the General Fund and cover capital projects may not be exactly what was intended.

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

Councilmember Ley made a motion and seconded by Councilmember Frevert to table action on Resolution 2010-9 Establishing Sewer Rates until the next meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who voted Nay, the Mayor declared the motion carried.

Wes Blecke, representing Northeast Nebraska Investors, LLC, was asking for Council consideration to their request to extend the five-year payback period on their loan to 10 years. This request is a result of learning that \$50,000 per year of debt for the first five years was going to be difficult to cash flow; \$25,000 for 10 years would be more palatable. The LB 840 Committee met and recommended approving this request. The terms of this loan were 0% interest over 5 years. The modified terms from the Committee were the same, with the exception that it be over 10 years.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving the request of the LB840 Sales Tax Advisory Committee to modify the terms of the loan agreement with Northeast Nebraska Investors, LLC, to extend the five-year payback period of the loan to ten years. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who abstained, the Mayor declared the motion carried.

Administrator Johnson stated the following Ordinance would amend our city code to bring the same into compliance with State Statutes. Those changes are as follows and noted in red:

OFFENSES AND MISCELLANEOUS PROVISIONS § 58-203

Sec. 58-203. Definitions. For purposes of this ordinance.

- a. *Aggravated offense* means any registerable offense under Neb. Rev. Stat. Section 29-4003 which involved the penetration of, direct genital touching of, oral to anal contact with, or oral to genital contact with (a) a victim age thirteen years or older without the consent of the victim, (b) a victim under the age of thirteen years, or (c) a victim who the sex offender knew or should have known was mentally or physically incapable of resisting or appraising the nature of his or her conduct;**
- b. *Child care facility* means a facility pursuant to the Child Care Licensing Act;
- c. *School* means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;

- d. *Reside* means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;
- e. *Residence* means a place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory.
- f. *Sex offender* means an individual who has been convicted of a crime listed in Neb. Rev. Stat. Section 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and
- g. *Sexual predator* means an individual who is required to register under the Sex Offender Registration Act, ~~who has been classified as a Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under Neb. Rev. Stat. Section 29-4013~~ and **who has committed an aggravated offense as defined in Neb. Rev. Stat. Section 29-4001.01**, and who has victimized a person eighteen years of age or younger.

Councilmember Sturm introduced Ordinance 2010-3, and moved for its approval;

Councilmember Chamberlain seconded.

ORDINANCE NO. 2010-3

AN ORDINANCE REVISING THE CITY OF WAYNE ORDINANCES SECTION 58-203, ENTITLED DEFINITIONS FOR PURPOSES OF THIS ORDINANCE.

Mayor Shelton 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.

Councilmember Chamberlain made a motion and seconded by Councilmember Ley to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:07 p.m.