

**AGENDA
CITY COUNCIL MEETING
March 2, 2010**

5:30 Call to Order

1. Approval of Minutes – February 16, 2010

2. Approval of Claims

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the south wall of the City Council Chambers.

Anyone desiring to speak on an agenda item is invited to do so, and should limit themselves to three minutes. After being recognized by the Chair, proceed to the rostrum and state your name and address for the record.

The City 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.

**3. Proclamation: National Poison Prevention Week
Census 2010 as Top Priority**

4. Action on Recommendation from the LB 840 Sales Tax Committee for a \$75,000 grant to Complete Phase I of the Veterans Memorial at the Wayne County Courthouse – Applicants being “Wayne County Veterans Memorial Committee”

Background: One of the eligible categories for the use of LB 840 Sales Tax projects is regional tourism. The design and construction of the Wayne Veteran's Memorial fits that tourism category as part of the total package in Wayne of the historic Courthouse and historic buildings, parks and listing by the U.S Department of Interior of the commercial district of Wayne on the National Register of Historic Places.

The LB 840 Citizens Advisory Committee reviewed the request for \$97,000 by the Veteran's Memorial Fundraising Committee to complete the fundraising for the project. To date, the Fundraising Committee has raised \$120,000 of the \$217,000 total project cost, which includes \$195,000 for Phase I and \$22,000 for Phase II. The LB840 Advisory Committee has recommended a \$75,000 grant to the City Council for your consideration. This amount is 35% of the total \$217,000 Veteran's Memorial project cost based on the previous % grant approved for the Project Majestic theater project.

Information received by the Veteran's Memorial Committee is that they think they now have pledges to cover the remaining \$22,000 needed for the project.

Attachments: Information about the Veterans Memorial Project LB 840 Citizens Advisory Committee recommendation letter.

5. Presentation of FY 08-09 Audit – Terry Galloway, Almquist, Maltzahn, Galloway, & Luth, PC

Background: The annual Audit Report is a State requirement and will be presented by Terry Galloway. You may recall from the last several years that this auditing firm has also provided you with some budget comparisons between Wayne and other cities of similar size for expenditures, revenues and department size.

Enclosures: Copy of the FY 2008-2009 Budget for your review. If you would like some individual time with staff to review this before the Council meeting, please give Nancy or me a call.

6. Report from American Broadband — Shawn Hanson, President and General Manager, Mike Storjohann, Dir. of Enterprise Technology and Operations, and Jay Anderson, Account Executive

7. Discussion Regarding Alternative(s) to Trail Underpass

Background: There has been concern expressed by parents about the potential danger at the planned Phase II Trail crossing at the west side of the cemetery because of the speed up of traffic coming over the hill from the east as they see the edge of town ahead. Last fall, in response to this, we submitted a grant application for \$380,000 which is 70% funding to build an underpass. The required \$150,000 local match was approved in the current budget from TIF funding generated by the taxes off new home construction in Western Ridge. The estimated \$35,000 cost of building the sidewalk to connect to the underpass back to the trail would be ours also. The State has awarded the \$380,000 grant to the city.

The next Council action on this grant will be to either approve an engineer for the underpass project or stop the project and release the grant funds back to the State. An alternate crossing at Donner Pass has been proposed for your consideration at a substantially less cost by building a sidewalk from the Phase II Trail west on the top of the dam to the Donner Pass intersection. The length of this connecting sidewalk would be 518,000 ft., and the estimated cost would be \$38,000, using last year's costs to build the sidewalk from the Elementary School building to the Activity Center with city employees. The planned Phase II Trail crossing at the west edge of the cemetery will still be required to be built to meet the NDOR Phase II Trail design requirements. A copy of the drawing of the alternate Donner Pass crossing proposal is attached for your review.

Attachment: Alternate Donner Pass crossing design

Recommendation: We have no recommendation from the staff on this. The funding arrangements for this project have been arranged by staff for availability to the Council, while the selection of which option to construct is a policy choice.

8. Resolution 2010-14 : Organizing a 2010 Census Complete Count Committee

Background: The U.S. Census Bureau is asking communities to organize volunteer "Complete Count Committees" to encourage all residents to complete and return the census forms. Residents of rental properties tend to return the

census forms at a lower rate than homeowners. Since about 850 residences in Wayne are rentals, a group of 15-20 volunteers could help get the word out and remind people to return the forms.

9. [Action on Senior Center Budget for Northeast Nebraska Area Agency on Aging](#)

Background: The FY 2009-2010 budget for the Senior Center was approved last fall. In order to receive State cost-share funding to operate the Senior Center and subsidize the meals, we have to adapt our budget which starts on October 1st to the State fiscal year which starts on July 1st and submit it in March. The budget we submit to the State must be approved at a public meeting before it is submitted to the State.

10. [Action on Change Order from Hattig Construction Company in the Amount of \\$643 for Gutters and Downspouts at the Library/Senior Center \(Total Bill - \\$78,342.34\)](#)

Background: Near the end of the re-roofing project in 2008, I asked Hattig Construction to prepare a Change Order for additional work to be done. The work included repair and some replacement and extension of gutters and down spouts, plus interior repair of sheet rock and sealing of cracks and transitions between brick and wood. Tom Hattig provided a quote for the outside work, but was unable to get the work done before winter. This change order is the original quote for the outside work, and Mr. Hattig is planning the repair work at this time.

11. [Update of Strategies to Comply with the Completion Schedule of the Housing Construction Grant for Western Ridge](#)

Background: Wayne was awarded a Nebraska Housing Trust Fund Grant for \$387,000 in 2007 to help subsidize the cost to develop 17 lots in Western Ridge II. The purpose of the project was to provide alternate lower cost residential lots to 9 income eligible households to build homes on. The time line for completion is August 2010. We had some delays at the beginning from NDEQ withholding approval of the sewer system design because of our UV system completion schedule to the original private developer aborting the project causing us to have to procure a new project engineer. The collapse in the national housing market has also slowed the building progress we anticipated. We will have three of the nine income eligible homes built by August and two of the eight market rate homes built.

The Nebraska Department of Economic Development has given us written notice that they have no plans at this time to extend the deadline for completion of the original 17 lot Western Ridge project and will expect us to develop a plan to achieve or get closer to our commitment to build the 17 homes. As a result, we are developing a program amendment with NDED for you to consider at a public hearing at the March 16th Council meeting. The primary proposals we will bring you are to:

1) donate two of the nine designated lots to Habitat for Humanity;

- 2) donate the remaining of the nine income eligible lots to Wayne Community Housing, Northeast Nebraska Economic Development District, and any private builders who will build affordable homes on them this year;
- 3) carry the cost of the remaining six market rate lots until the houses are built and sold for builders who will build on them this summer;
- 4) amend the terms of the down payment loans to fully fund 20% of the cost of the house up to \$25,000 for income eligible homes; and
- 5) amend the terms of the grant to make the down payment loans forgivable at 20% of the loan per year beginning in the sixth year after the family buys the home. Any unforgiven loan balance during this time would be payable back to Wayne Community Housing if the house is sold or rented out.

The potential consequence of not arriving at an amended agreement with NDED is having to rebate a negotiated percentage of the grant back to NDED.

Recommendation: There is no recommendation at this time. However, we will recommend a program amendment with NDED for you to consider at a public hearing at the March 16th Council meeting.

12. [Action on Request to Build Small Solar Collector to Heat Baby Pool — Gregory Worner, Wayne State College](#)

Background: The wading (baby) pool at the Wayne Public Pool is not heated. WSC students have offered to build a small solar heat collector with a solar circulation pump to be installed outside the wading pool fence to heat the pool with no energy purchase. The estimated cost of this project is \$1,100, and the solar heater would be built and installed by WCS students this spring semester. If the project is successful, WSC students would like to build additional solar heating units in future years. In 2008, the City spent \$10,200 for natural gas to heat the pool. In 2009, we spent about \$1,100 for natural gas. The reason for the reduction was that we replaced an old inefficient boiler and were without any heat for almost three weeks. If this project is approved, it will need to meet Nebraska Health and Human Services Department pool standards. If the incentive request is also approved, we will use \$500 in budgeted funds from the electric incentive program to help share in the cost.

13. [Recess](#)

- a. [Convene as Community Development Agency](#)
- b. [Approve Minutes – December 15, 2009](#)
- c. [Discussion and Action Regarding Request for Donation of a Lot in Western Ridge to Habitat for Humanity](#)

Background: The City of Wayne and Habitat for Humanity have a history of cooperation to find lots to donate to Habitat for Humanity to build homes on with the help of income eligible families. Western Ridge II was developed specifically as a subdivision to make 49% of the lots lower cost lots for income qualified families. Habitat has expressed interest in building one or

two homes there cooperatively with the City. This is one of the proposed options to accelerate our construction to comply with the Housing Grant.

14. Adjourn CDA and Reconvene As Council

15. Ordinance 2010-3: Amending Sec. 58-203 of the Wayne Municipal Code Relating to Definitions - Sexual Predator (Third and Final Reading)

16. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

February 5, 2009

The Wayne City Council met in special session in the Council Chambers of City Hall, Friday, February 5, 2009, 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, Dale Alexander, Doug Sturm, Kaki Ley, Kathy Berry, and Ken Chamberlain; City Administrator Lowell Johnson; City Clerk Betty McGuire. Absent: Councilmember Jon Haase and City Attorney Mike Pieper.

Notice of the convening meeting was given in advance by posting in three places on February 2, 2008, 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.

The purpose of this meeting was to meet as a Council committee-of-the-whole, to discuss the establishment of Council goals for the succeeding 1, 2-3, 5 and 10 year periods.

Council further discussed the proposed Wage and Salary Schedule Resolution.

Councilmember Ley read a letter that was sent to the Mayor and Council from Ray Nelson requesting Council to not give out any wage increases this year.

After discussion, the proposed changes were:

- Move the Street Foreman back to where it originally was at a Labor Grade 20 instead of a Labor Grade 21.
- Put Power Plant Foreman at Labor Grade 21 and Chief of Electric Production at a Labor Grade 23 (the positions were reversed).
- Leave the minimum salary ranges on the Exempt Salary Schedule the same as it was.

Councilmember Frevert introduced Resolution 2009-113, and moved for its approval subject to the recommendations made above; Councilmember Alexander seconded.

RESOLUTION NO. 2009-113

A RESOLUTION APPROVING THE WAGE AND SALARY SCHEDULE.

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

Discussion then took place on the budget process, rental rates at the Community Activity Center, cats and sewer rates. Administrator Johnson prepared an outline showing the budget process. In regard to cats, the Council was provided the costs associated with impounding compared to the license fees collected for both cats and dogs, and it was found that the license fees received was more than the impounding expenses. In regard to the proposed sewer rates, City Clerk McGuire was directed to contact the Nebraska Rural Water Association for the different options where the service charge will be based upon the size of the meter (same as the water service charge) starting with the following charges for the 3/4" meter:

- \$6.50 – 3/4" meter;
- \$8.50 – 3/4" meter; and
- \$10.50 – 3/4" meter

These rate options should be calculated for the \$250,000, \$200,000 and \$150,000 subsidy proposals.

Mayor Shelton recessed the meeting until Saturday, February 6, 2010, at 8:30 a.m.

Mayor Shelton reconvened the meeting at 8:30 a.m., Saturday, February 6th.

Present were Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Dale Alexander, Doug Sturm, Kaki Ley, Kathy Berry and Ken Chamberlain; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Deb Burnight of Facilitated Resources did a "Strategic Planning Session" with the Council. A copy of her report is attached hereto and incorporated herein by reference.

Mayor Shelton adjourned the meeting at 2:40 p.m.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

Betty A. McGuire, City Clerk

February 16, 2010

The Wayne City Council met in regular session at City Hall on Tuesday, February 16, 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, Dale Alexander, Doug Sturm, and Ken Chamberlain; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Kaki Ley and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 4, 2010, 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 Chamberlain made a motion and seconded by Councilmember Frevert, whereas the Clerk has prepared copies of the Minutes of the meeting of February 2, 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:

VARIOUS FUNDS: AMERITAS, RE, 2140.16; APPEARA, SE, 108.77; BAKER & TAYLOR BOOKS, SU, 733.33; BANK FIRST, RE, 310.00; BINSWANGER GLASS, SE, 170.80; BLUE JAY ACTIVITIES, FE, 105.00; CEDAR CATHOLIC BOOSTERS, FE, 85.00; CITY EMPLOYEE, RE, 442.10; CITY OF WAYNE, RE, 1000.00; CITY OF WAYNE, PY, 54388.95; CITY OF WAYNE, RE, 777.60; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SU, 394.23; DAKOTA BUSINESS SYSTEMS, SE, 100.00; DANKO EMERGENCY EQUIPMENT, SU, 3301.40; DOESCHER APPLIANCE, SE, 162.95; CITY EMPLOYEE, RE, 65.80; CITY EMPLOYEE, RE, 28.80; DAVE'S DRY CLEANING, SE, 129.00; DUGAN BUSINESS FORMS, SU, 768.75; DUTTON-LAINSON, SU, 163.34; ECHO GROUP, SU, 297.44; EGAN SUPPLY, SU, 49.15;

ELDERFEST COMMITTEE, FE, 25.00; ELLIS PLUMBING & HEATING, SE, 184.86; FASTENAL CO, SU, 79.16; FLOOR MAINTENANCE, SU, 214.34; FREDRICKSON OIL, SE, 91.35; GALE GROUP, SU, 591.61; GLEN'S AUTO BODY, SU, 8.33; GREAT PLAINS ONE-CALL, SE, 3.86; CITY EMPLOYEE, RE, 32.87; HOLIDAY INN OF KEARNEY, SE, 276.00; ICC, FE, 100.00; ICMA, RE, 5423.88; INDUSTRIAL CHEM LABS, SU, 909.11; IRS, TX, 17565.43; CITY EMPLOYEE, RE, 1164.46; CITY EMPLOYEE, RE, 272.72; KTCH, SE, 941.00; CITY EMPLOYEE, RE, 76.33; LIGHT & SIREN, SU, 743.10; LYNN CARD COMPANY, SU, 55.86; CITY EMPLOYEE, RE, 437.85; MARILYN QUANCE, RE, 500.00; MIDSTATES ERECTORS., SE, 7141.59; MIDWEST LABORATORIES, SE, 81.60; MIDWEST OFFICE AUTOMATION, SE, 560.00; MIDWEST TAPE, SU, 69.98; MINES JEWELERS, SE, 306.45; MULTIMEDIA SALES & MARKET, SE, 236.55; MURPHY TRACTOR & EQUIPMENT, SU, 246.75; CITY EMPLOYEE, RE, 78.70; NE DEPT OF ENVIRONMENTAL, FE, 150.00; NE DEPT OF REVENUE, TX, 2593.71; NE LIBRARY ASSOCIATION, FE, 230.00; NE PUBLIC HEALTH, SU, 159.00; NE SAFETY COUNCIL, SU, 10.15; NPPD, SE, 218912.31; NMC, SU, 94.03; NORTHEAST EQUIPMENT, SU, 302.66; NNPPD, SE, 10698.54; PAC N SAVE, SU, 15.04; PAMIDA, SU, 152.60; CITY EMPLOYEE, RE, 107.78; PENDER BOOSTERS, FE, 85.00; PEPSI-COLA, SU, 529.82; PETERSON INDUSTRIAL ENGINE, SE, 6865.25; CITY EMPLOYEE, RE, 438.56; PRESTO X, SE, 77.20; QWEST, SE, 1207.01; REPCO MARKETING, SU, 35.75; S & S WILLERS, SE, 583.15; SKARSHAUG TESTING LAB, SE, 92.25; SOOLAND BOBCAT, SU, 292.86; SPANN AUTO, SE, 70.00; SPARKLING KLEAN, SE, 818.00; STADIUM SPORTING GOODS, SU, 18.00; STATE FARM INSURANCE, SU, 563.00; STATE NATIONAL BANK, SE, 100.03; STATE NATIONAL BANK, SE, 12057.50; ULTRAMAX AMMUNITION, SU, 216.00; US BANK, SU, 3034.68; UTILITIES SECTION, FE, 435.00; VIC'S ENGINE SERVICE, SU, 59.97; WAED, RE, 21130.68; WAED, FE, 3000.00; WAED, RE, 10000.00; WAED, RE, 3000.00; WAYNE AUTO PARTS, SU, 1084.88; WAYNE COUNTY, SE, 187.00; WAYNE COUNTY COURT, SE, 120.50; WAYNE GRAIN & FEED, SE, 70.00; WAYNE HERALD, SE, 1561.48; WAYNE VETERINARY CLINIC, SE, 224.00; WAPA, SE, 31365.37; WESTERN IOWA TECH, FE, 140.00; ZEE MEDICAL SERVICE, SU, 65.02; CITY EMPLOYEE, RE, 70.66; BURNIGHT FACILITATED, SE, 1550.50; CABLEONE ADVERTISING, SE, 300.00; CITY OF WAYNE, RE, 1000.00; HAUFF MID-AMERICAN SPORTS, SU, 238.65; HEARTLAND FIRE PROTECTION, SU, 494.30; CITY EMPLOYEE, RE, 122.81; INLAND TRUCK PARTS, SE, 238.48; JEO CONSULTING GROUP, SE, 13027.26; JON HAASE, RE, 500.00; MOORE WALLACE, SU, 193.86; CITY EMPLOYEE, RE, 6198.71; NE RURAL WATER, FE, 350.00; N.E. NE AMERICAN RED CROSS, RE, 29.62; OLSSON ASSOCIATES, SE, 8269.66; PURCHASE POWER, SU, 1000.00; QUILL, SU, 879.48; STADIUM SPORTING GOODS, SU, 210.00; STATE NATIONAL BANK, RE, 1070287.50; CITY EMPLOYEE, RE, 93.13; UNITED WAY, RE, 16.16; WEST POTTAWATTAMIE SWCD, FE, 50.00

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain 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.

Lauran Lofgren, Library Director, was present to announce that the Wayne Public Library was the recipient of the "Library Improvement Grant Award." This year, nineteen proposals were made, of which eight were funded. With this grant, they will be able to purchase six laptops to use in the Library, which will reduce the waiting time for the computer lab. They will also be able to purchase a new multi-media projector for the Library with this grant, in addition to a new electric screen with an infrared remote for the Senior Center. The State will pay approximately \$7,300, and the Senior Center Foundation, Library Foundation and Friends of the Library have combined to provide another \$1,500. The remaining costs will come from money already budgeted.

Administrator Johnson then introduced Matthew Schaaf, a senior at Wayne State College, who will be interning with the City this semester. He will also be interning with Wes Blecke at the Wayne Area Economic Development office.

Police Chief Lance Webster introduced Chad Jensen, the newest dispatcher at the Police Department, along with other members of his department in attendance.

Administrator Johnson stated the following Resolution would approve the Collective Bargaining Agreement with Wayne Chapter No. 54 Fraternal Order of Police (Police Officers and Dispatchers). This does not include the Police Chief or Police Lieutenant. The contract is for 2.5 years which will coincide with the budget process so that staff will have some idea of the costs before the budget is completed. The contract will align the police officers and dispatchers with comparability for each of their job descriptions.

Councilmember Alexander introduced Resolution No. 2010-10 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-10

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WAYNE, NEBRASKA, AND WAYNE CHAPTER NO. 54 FRATERNAL ORDER OF POLICE (2010 – 2012).

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

Councilmember Chamberlain introduced Resolution No. 2010-11 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-11

A RESOLUTION APPROVING WAGE AND SALARY SCHEDULE FOR WAYNE CHAPTER NO. 54 FRATERNAL ORDER OF POLICE (2010 – 2012).

Councilmember Sturm stated this process was fairly tough. The next time negotiations take place he hopes the economy has turned around or they (the negotiating committee) could be making some really tough decisions.

Mayor Shelton 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 rescind the action that Council previously took regarding the Interlocal Agreement with the City of Laurel, Nebraska, for Responsible Charge services. Because there are changes in the wording, but not the terms, required by the Nebraska Department of Roads, that document is now obsolete and will not be allowed by NDOR. The second Resolution will approve the Interlocal Agreement as prepared by NDOR.

Councilmember Sturm introduced Resolution No. 2010-12 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-12

A RESOLUTION RESCINDING COUNCIL ACTION ON THE INTERLOCAL AGREEMENT WITH THE CITY OF LAUREL, NEBRASKA, FOR RESPONSIBLE CHARGE (RC) SERVICES.

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

Councilmember Chamberlain introduced Resolution No. 2010-13 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2010-13

A RESOLUTION APPROVING THE INTERLOCAL AGREEMENT WITH THE CITY OF LAUREL, NEBRASKA, FOR RESPONSIBLE CHARGE (RC) SERVICES.

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

Discussions took place regarding the proposed sewer rates. At the last Council meeting, staff was directed to obtain a few more proposals from the Nebraska Rural Water Association based upon the following:

- Subsidies of \$150,000, \$200,000, and \$250,000; and
- Rates based upon the size of water meter you have, beginning with the ¾" meter having a service charge of \$6.50, \$8.50, or \$10.50 per month.

These rates are calculated based on the cost of use. The residential sewer usage rates will be calculated using the winter average, which is the average of the usage during the months of December, January and February. This usage amount will then be the same for the remainder of the year. Watering your lawns or washing your vehicles during the summer will have no affect on your sewer bill. There is justification within a range for allocating the cost of a new sewer treatment plant, plus the operational costs, in ways that are affected by how much a customer uses it.

Staff is recommending that these rates be reviewed on an annual basis.

Councilmember Chamberlain stated he preferred the \$150,000 subsidy for the reason that when we get actual revenues and start to pay for this system, and we find that we are not generating enough revenue, we can increase the subsidy amount.

Finance Director Nancy Braden stated we need to make sure we have rates in place at the time we have the loan approved that will cover our debt service. Any of these proposed rates are set to do that.

Councilmember Chamberlain introduced Resolution No. 2010-9 and moved for its approval, subject to the following:

Proposed rates using a \$150,000 subsidy (\$75,000 from the city sales tax and \$75,000 from the Water Fund), with the ¾” inch meter service charge being \$6.50 and the usage rate being \$5.12 per 1,000 gallons; Councilmember Sturm seconded.

RESOLUTION NO. 2010-9

A RESOLUTION ESTABLISHING SEWER RATES.

Administrator Johnson requested Council to consider delaying the time when these rates would take effect to allow the mobile home court owners, apartment complex owners, etc., ample time to adjust their rental rates upward to absorb these increases.

Mayor Shelton opined she would prefer not to see the sales tax money tapped very heavily. She would actually prefer to see \$100,000 from the Water Fund and \$50,000 from the city sales tax.

Councilmember Chamberlain amended his motion and Councilmember Sturm seconded to make these rates effective with the May 1st billing.

BJ Woehler requested the Council to consider Councilmember Chamberlain’s amendment to extend the implementation date of the sewer rates so that they can have ample time to amend their mobile home leases and notify their tenants, which is 60 days.

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

Councilmember Chamberlain introduced Ordinance 2010-3, and moved for approval of the second reading thereof; Councilmember Sturm 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 third and final reading will take place at the next meeting.

Mayor Shelton requested Council consideration to appointing Rod Tompkins to the Airport Authority. Mr. Tompkins, if approved, would fill the unexpired term of Logan McClelland.

Councilmember Frevert made a motion and seconded by Councilmember Sturm approving the mayoral appointment of Rod Tompkins to the Airport Authority (filling the unexpired term of Logan McClelland). Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion and seconded by Councilmember Alexander 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 6:07 p.m.

[Back to Top](#)

CLAIMS LISTING MARCH 2, 2010

ALARM PROS, INC.	MONITORING	79.13
AMAZON	VIDEOS	31.98
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,322.45
APPEARA	TOWEL AND LINEN SERVICE	97.17
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BACKFLOW APPARATUS	BACKFLOW PREVENTOR	356.30
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	210.00
BINSWANGER GLASS	WEATHERING	146.80
BLACK HILLS ENERGY	GAS BILLS	1,712.31
BOMGAARS	FIRE HALL SUPPLIES	2.97
JASON CAROLLO	SNOW REMOVAL	20.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	9,073.61
CITY OF WAYNE	PAYROLL	65,468.95
CITY OF WAYNE	PAYROLL	5,300.19
CITY OF WAYNE	UTILITY REFUNDS	109.64
CLAUSSEN & SONS IRRIG.	SPRINKLER CONTRACTS	430.00
COMMUNITY HEALTH	HEALTH CHARITIES	4.00
COVENTRY HEALTH	HEALTH INSURANCE PREMIUM	17,427.43
CREDIT BUREAU SERVICES	BAD DEBT	169.33
CULLIGAN WATER OF NE	WATER FILTER RENTAL	42.25
DE LAGE LANDEN FINANCIAL	COPIER LEASE	394.00
DEMCO INC	BOOKMARKS/FILM	119.80
ECHO GROUP INC JESCO	HEATER & MOUNTING BRACKET	605.96
ED M FELD EQUIPMENT INC	LENS	95.00
JEFF ELLIS	S.C.HEAT PUMP/FOUNTAIN REPAIR	191.87
ENVIROTECH SERVICES	LIQUID DE-ICER	4,501.00
FARMERS AND MERCHANTS	INVESTMENT	1,300,000.00
FLOOR MAINTENANCE	NAPKINS/PLATES/GLOVES	254.75
FORT DEARBORN LIFE	LIFE & DISABILITY/VFD INSURANCE	1,692.55
FRED PRYOR SEMINARS	REGISTRATION- C JENSEN	299.00
GLEN'S AUTO BODY	DOOR REPAIR	116.58
GUMDROP BOOKS	BOOKS	337.59
HATTIG CONSTRUCTION CO	LIBRARY/SENIOR CENTER	3,743.00
HEIKES AUTOMOTIVE SERVICE	TOWING	58.58
HTM SALES INC	AERATION POND PUMP REPAIR	9,264.11
HYDRAULIC SALES & SERVICE	HYDRAULIC CYLINDAR REPAIR	250.00
ICMA RETIREMENT TRUST	ICMA RETIREMENT	5,624.08
INDUSTRIAL TOOL	DRILL BIT SET	108.78
INVENSYS SYSTEMS	MARKING PENS	178.59
IRS	FEDERAL WITHHOLDING	23,552.70
JACK'S UNIFORMS	POLICE UNIFORMS	296.45
JEO CONSULTING GROUP	WW TREATMENT PLANT	66,425.45
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	25.54
CITY EMPLOYEE	HEALTH REIMBURSEMENT	5,274.90
CITY EMPLOYEE	HEALTH REIMBURSEMENT	392.04

CITY EMPLOYEE	HEALTH REIMBURSEMENT	536.16
KNOEPFLER CHEVROLET CO	HOSE	36.47
LANGEMEIER, WAYNE	SNOW REMOVAL	200.00
LEAGUE OF NEBRASKA	MIDWINTER CONFERENCE-M SCHAFF	367.00
LIGHT & SIREN	STROBE LIGHT	193.90
MATSMATSMATS.COM	WRESTLING MATS	1,998.57
MATT FRIEND TRUCKING	SPRING FOR PLOW	42.00
MSC INDUSTRIAL	IMPACT/HAMMERS	357.36
MURPHY TRACTOR & EQUIPMENT	CUTTING EDGES FOR LOADER	1,132.50
CITY EMPLOYEE	VISION REIMBURSEMENT	66.40
NE DEPT OF REVENUE	STATE WITHHOLDING	3,519.99
NE LAW ENFORCEMENT	DEFENSIVE TACTICS/FIELD TRAINING	110.00
CITY OF WAYNE	COMMUNITY ROOM RENTAL REFUND	10.00
NMC, INC.	ELEMENT	15.24
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTION	29.62
ORIENTAL TRADING CO INC	MARDI GRAS SUPPLIES	10.98
PITNEY BOWES INC	POSTAGE METER & FOLDER LEASE	648.00
PUSH-PEDAL-PULL	PREVENTATIVE MAINTENANCE	833.00
QUILL CORPORATION	OFFICE SUPPLIES	44.80
QWEST	TELEPHONE CHARGES	436.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	9.60
SINCLAIR/DAYLIGHT DONUT	GASOLINE	70.40
STATE NATIONAL BANK	INVESTMENT	126,575.00
TASTE OF HOME BOOKS	ANNUAL COOKING	29.98
UNITED WAY	UNITED WAY DEDUCTION	14.13
UPSTART	READING PROGRAM SUPPLIES	108.58
VERIZON WIRELESS	CELL PHONES	417.27
VIAERO WIRELESS	CELL PHONES	288.51
VOSS LIGHTING	BALLAST/GUARD BOX	245.00
WAYNE AREA CHAMBER	AMBASSADOR DUES LJ/NB	70.00
WAYNE AREA ECONOMIC DEVEL	LB840	100,000.00
WAYNE STATE COLLEGE	LIGHTING EFFICIENCY	900.00

CITY OF WAYNE
OFFICE OF THE MAYOR

Proclamation

WHEREAS, since 1961, the third week in March has been designated “National Poison Prevention Week”, focusing national attention on the dangers of poisonings and how to prevent them. Established by the U.S. Congress, National Poison Prevention Week is commissioned by the National Poison Prevention Week Council. During this week, we come together as a community to educate ourselves on poison prevention and pledge our commitment to ensuring the safety of our families, our communities and ourselves; and

WHEREAS, 42,451 possible poisonings are reported to our region’s poison control center. Across the United States, poison control centers handle one possible poisoning every 13 seconds. In order to prevent these poisonings, parents should place household chemicals out of the reach of children, store items in their original containers to avoid confusion, and read the labels, including dosages on all products to prevent administering them improperly. Older adults should take special precautions to protect themselves from accidental poisonings; and

WHEREAS, to learn more about ways to help prevent poisoning, I encourage Wayne’s citizens to visit the Poison Help Website at www.PoisonHelp.hrsa.gov. In case of an emergency, individuals can contact their Poison Center by calling the Poison Help hotline, 1-800-222-1222. Poison prevention is the key to safer, healthier lives; and

WHEREAS, for the above reasons, I am asking the citizens of Wayne to join me in commemorating March 15th through March 21st, 2010, as “National Poison Prevention Week.” I call upon all of Wayne’s citizens to observe this week by participating in appropriate activities and by learning how to prevent poisonings; and

WHEREAS, the U.S. Department of Health and Human Services, the National Poison Prevention Week Council, and the City of Wayne welcome your participation in national Poison Prevention Week.

NOW, THEREFORE, BE IT RESOLVED, I, Lois Shelton, Mayor of Wayne, do hereby proclaim March 15th through March 21st, 2010, as “National Poison Prevention Week” in Wayne and call upon our community to observe this week in support of poison prevention.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the City of Wayne this 2nd day of March, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Lois Shelton, Mayor

ATTEST:

City Clerk

CITY OF WAYNE
OFFICE OF THE MAYOR

Proclamation

WHEREAS, the Census is vital to our community in that it determines the apportionment of seats in the United States House of Representatives and the State Legislature, and is the basis for the allocation of billions of dollars of Federal, State, and County funds for social and other programs; and

WHEREAS, the Census is also used to help determine where to locate schools, day care centers, senior citizen centers, hospitals, and other facilities and is used to make decisions concerning business growth and jobs; and

WHEREAS, the Census information is confidential and Federal law prohibits any public or private agency from gaining access to confidential Census data; and

WHEREAS, in Wayne, Wayne County, Nebraska, we are committed to a full and accurate Census count and are placing special emphasis on enumerating members of population groups traditionally undercounted; and

WHEREAS, in Wayne, Wayne County, Nebraska, we are committed to partnering together with the U.S. Census Bureau in preparing for Census 2010 through address list updates, census map corrections, and jurisdictional boundary updates; and

WHEREAS, in Wayne, Wayne County, Nebraska, we shall form a Census 2010 Complete Count Committee composed of key stakeholders within our communities, including elected officials, planners, community based organizations, business groups, religious institutions, and members of the media;

NOW, THEREFORE, BE IT RESOLVED, I, Lois Shelton, Mayor of Wayne, do hereby proclaim Census 2010 as a top priority for all departments and appointed officials, and encourage the community to place an emphasis within our jurisdiction of partnering together with the U.S. Census Bureau in achieving an accurate and complete count in Census 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the City of Wayne this 2nd day of March, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Lois Shelton, Mayor

ATTEST:

City Clerk



**Economic Development
Chamber ■ Main Street**

February 16, 2010

Lowell Johnson
City Administrator
306 Pearl Street
PO Box 8
Wayne, NE 68787

RE: Sales Tax Advisory Committee – recommendation for the Wayne County Veterans Memorial (\$75,000)

Dear Lowell,

The Sales Tax Advisory Committee met on Thursday, February 11, 2010, and reviewed an application to Wayne's Economic Development Program fund.

The committee recommended approving the request (amount modified by the committee) by the *Wayne County Veterans Memorial Committee* for a \$75,000 grant to be used to assist with the completion of the memorial project. The modified recommendation by the committee reduced the \$97,000 grant request to complete the entire project to a \$75,000 grant to complete Phase I.

Please convey this recommendation to the members of the City Council so necessary steps can be taken to complete the application process. Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Blecke".

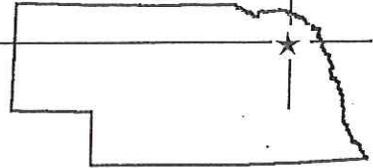
Wes Blecke
Executive Director

City of Wayne

306 Pearl • P.O. Box 8
Wayne, Nebraska 68787

(402) 375-1733
Fax (402) 375-1619

Incorporated - February 2, 1884



REQUEST FOR FUTURE AGENDA ITEM

If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. If you have additional documentation which would be beneficial to the topic, please attach to this form. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

Event insurance is required for anyone wishing to use city right-of-way (e.g. block off streets for block parties, block off sidewalks and/or alleys).

Name: Citizens for Completion of Veterans Memorial

Address: 1203 CRESCENT DRIVE
Wayne, Ne 68787

Telephone No.: 833-5107

Date of Request: February 16 - 2010

Description of Requested Topic: Our group is requesting
LB840 sales tax receipts for the completion of
the Veterans Memorial at the Wayne County
Courthouse. Our request is to be heard
Thursday February 11 by the sales tax committee.
If approved by the committee we would like it forwarded
and put on the council agenda Feb 16. Timing
is important so this project can be completed by Memorial



Home of Wayne State College



Equal Housing Opportunity

Day
2010

Wayne Nebraska is a strong community that is proud of its history. Nothing better signifies that than the recent "Historical Designation" received from the Nebraska State Historical Society. It is something that we can all be proud of for years to come. The Veterans Memorial that has begun construction is another landmark that our community can be proud of, prominently displayed on the grounds of the County Courthouse.

The Veterans Memorial is a tribute to all the men and women from Wayne County that have sacrificed so much for the Wayne community to help make Wayne such a wonderful place to live. They have missed birthdays, anniversaries, weddings, graduations, funerals, Christmases and other countless days to ensure that we continue to be able to have the freedoms that separate us from other countries. The volunteers of the Veterans Memorial Committee have done an outstanding job with coming up with the design of the memorial and the fundraising so this memorial can be completed by Memorial Day 2010. Even with the countless hours of fundraising and planning the committee has not been able to come up with all the funds needed to complete this project. We as a community must bring this project to life.

This committee is asking that you allocate LB 480 sales tax revenue to this worthwhile project. We have looked at the application guidelines and reviews that you as a committee will use to assess our request and realize that our request may not fall into all the categories but feel that the Veterans Memorial will set Wayne apart from other communities. We are asking for your help, you can be a part of Wayne history by being part of a group that took the necessary steps to complete this lasting tribute.

Thank you for reviewing our application and hope that you will find a way to obtain the needed funds.

Committee Members:

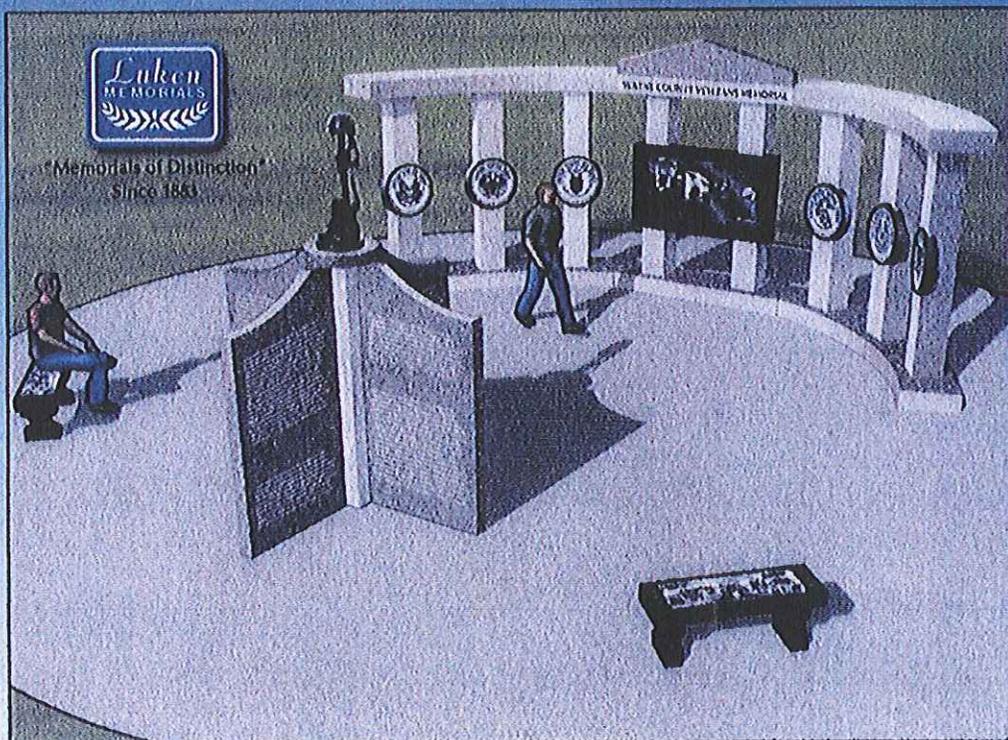
Adam Endicott
Jessica Olson
Eric Hefti
Jody Campbell

Kari Wren
Verdel Lutt
Joel Jorgenson

WAYNE COUNTY VETERANS MEMORIAL

Help Honor Our Veterans.

THE WAYNE COUNTY VETERANS MEMORIAL COMMITTEE
IS RAISING FUNDS TO BUILD A VETERANS MEMORIAL.



Completion Target Date: Flag Day 2010

- Phase I: Memorial as per Picture without Fallen Soldier
Columns with Plaques of Branches of Service
State of Nebraska engraving highlighting Wayne
Granite engraved with nearly 3000 names
To Pay Tribute and Honor to our Soldiers and Veterans,
Past, Present, and Future
- Phase II: To complete Memorial with Fallen Soldier
and 2 granite tablets with additional names

Wayne City LB 840 Sales and Use Tax Committee

The Wayne County Veterans Memorial Committee is in progress of paying honor and tribute to our Veterans – Past , Present, and Future with a Landmark Memorial. This committee represents the sacrifice of the Disabled Veterans, American Legion, Veterans of Foreign Wars, AmVets, and National Guard and their families. Ever citizen in the community probably has ties to someone in the military.

It is only fitting that we as a community remember the Veterans. Without them, we could not experience the freedoms to live our lives as we do. These people are protecting our home front as well as our interests abroad. History shows protecting our country is on going. They deserve 100% support from our community.

This memorial serves as a testament for our children as an outdoor classroom. It serves as a history lesson for everyone to understand the mission of our military to protect our way of life and preserve our freedoms. It will be used for ceremonial benefits and speaking engagements. And will become a centerpiece for our community.

Other communities such as Wakefield, Jackson, Pender, Crofton, and North Bend have already built memorials to honor their veterans.

Phase I includes nearly 3000 names etched in granite and columns representing the service branches with Wayne highlighted on the State of Nebraska as shown in the picture. \$195,000

Phase II will include granite slabs for additional names and a fallen soldier bronze statue. Names are still being submitted, therefore phase II is required to complete this monument. \$22,000

\$217,000 less \$120,000 donations

Veterans whose names are forever etched in stone include a Medal of Honor recipient, 90 Killed in Action, 12 Prisoners of War and 1 Missing in Action. **The time has come to create a lasting acknowledgment of gratitude and respect on behalf of our troops. All gave some; some gave all.**

Therefore the committee is asking for \$97,000 for Phase I and II. Thank You for your support of this important work on behalf of our citizens.

5:50 PM
 02/01/10
 Cash Basis

**Wayne County Veterans Memorial
 Balance Sheet
 As of February 1, 2010**

	Feb 1, 10
ASSETS	
Current Assets	
Checking/Savings	
Checking-FMSB	52,348.00
Checking-SNB	16,041.40
Total Checking/Savings	68,389.40
Total Current Assets	68,389.40
TOTAL ASSETS	68,389.40
LIABILITIES & EQUITY	
Liabilities	
Long Term Liabilities	
Notes payable	88,000.00
Total Long Term Liabilities	88,000.00
Total Liabilities	88,000.00
Equity	
Equity	-28,778.71
Net Income	9,168.11
Total Equity	-19,610.60
TOTAL LIABILITIES & EQUITY	68,389.40

Phase I: Memorial with administrative expenses
 as per picture without Fallen Soldier
 with nearly 3000 names: \$195,000

Phase II: 2 Granite Tablets to complete Memorial
 for additional names: \$10,600
 Bronze Fallen Soldier: \$11,400

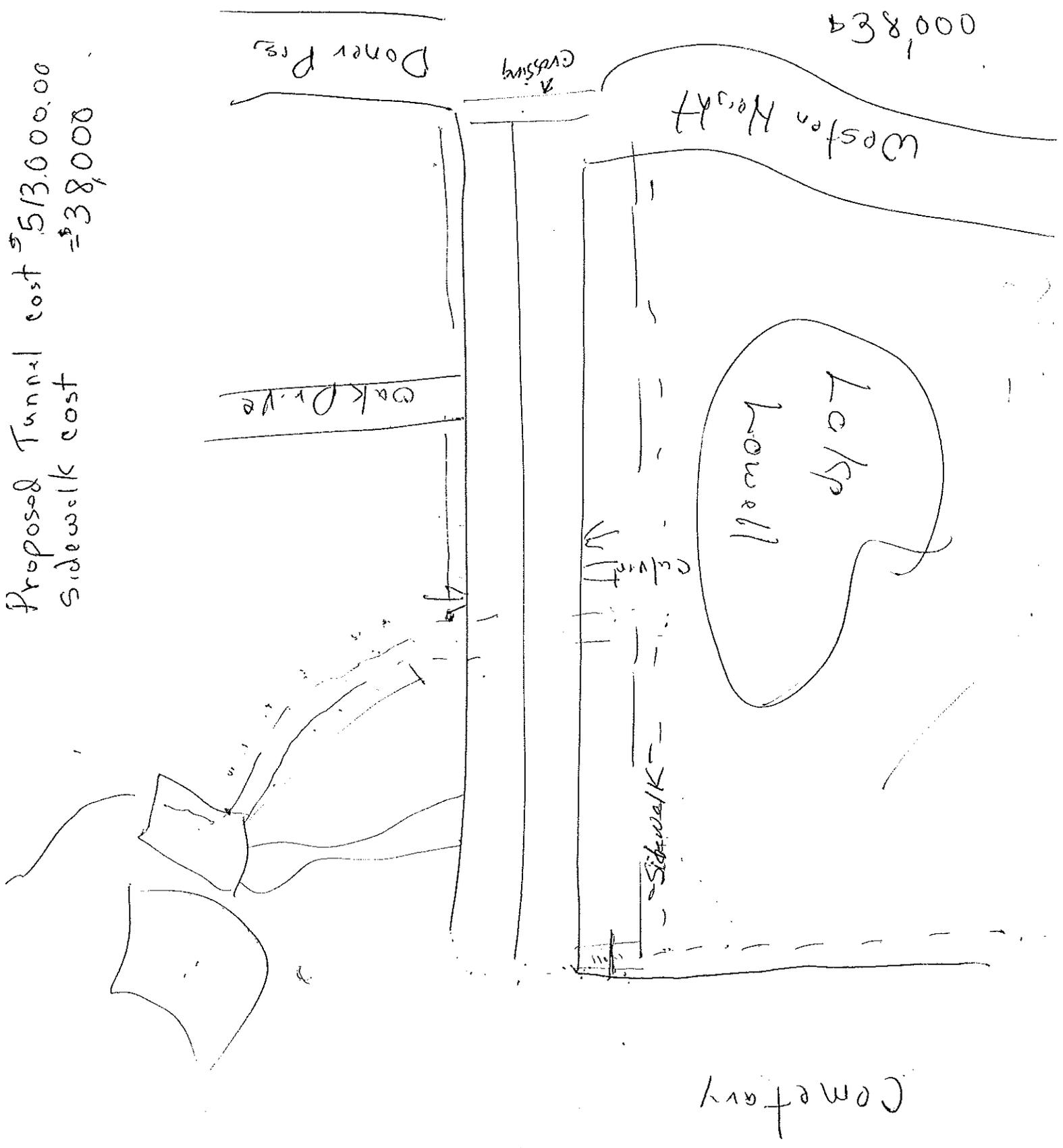
Phase One:	\$195,000
Phase Two:	\$ 22,000
	\$ 217,000
Less Donations:	\$ 120,000
	\$ 97,000

85 wdp
6" dia

3,680,000.00
150,000.00
<hr/>
5,180,000

000834

Proposed Tunnel cost \$513,000.00
 Sidewalk cost \$38,000



RESOLUTION NO. 2010-14

A RESOLUTION ORGANIZING A 2010 CENSUS COMPLETE COUNT COMMITTEE.

WHEREAS, the Census is vital to our community in that it determines the apportionment of seats in the United States House of Representatives and the State Legislature, and is the basis for the allocation of billions of dollars of Federal, State, and County funds for social and other programs; and

WHEREAS, the Census is also used to help determine where to locate schools, day care centers, senior citizen centers, hospitals, and other facilities and is used to make decisions concerning business growth and jobs; and

WHEREAS, the Census information is confidential and Federal law prohibits any public or private agency from gaining access to confidential Census data; and

WHEREAS, in Wayne, Wayne County, Nebraska, we are committed to a full and accurate Census count and are placing special emphasis on enumerating members of population groups traditionally undercounted; and

WHEREAS, in Wayne, Wayne County, Nebraska, we are committed to partnering together with the U.S. Census Bureau in preparing for Census 2010 through address list updates, census map corrections, and jurisdictional boundary updates; and

WHEREAS, in Wayne, Wayne County, Nebraska, we shall form a Census 2010 Complete Count Committee composed of key stakeholders within our communities, including elected officials, planners, community based organizations, business groups, religious institutions, and members of the media;

NOW, THEREFORE, BE IT RESOLVED, I, Lois Shelton, Mayor of Wayne, do hereby proclaim Census 2010 as a top priority for all departments and appointed officials, and encourage the community to place an emphasis within our jurisdiction of partnering together with the U.S. Census Bureau in achieving an accurate and complete count in Census 2010.

PASSED AND APPROVED this 2nd day of March, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

Betty Change Order for
Council Agenda
Lowell

Hattig Construction Company
57995 - 854 Road
Wayne, Nebraska 68787
402-375-2651

CONTRACT CHANGE ORDER No. 29088

JOB NAME Library / Senior Center

DATE 10-7-08

The following change to the original plans and specifications is proposed on suggestion of the OWNER / CONTRACTOR:

Add gutters and downspouts to
Hirellis areas # 471

add downspouts by entry 172

The effect of this change on the contract amount is to:

ADD \$ 643

DEDUCT \$ —

PRICE AFTER LAST CHANGE ORDER \$ 77,699.34

REVISED PRICE \$ 78,342.34

Accepted By:

Hattig Construction Thomas B. Hattig
(Contractor) (Owner)

**COMMUNITY DEVELOPMENT AGENCY MINUTES
OF DECEMBER 15, 2009**

Councilmember Sturm made a motion and seconded by Councilmember Ley to recess as Council and convene as the Community Development Agency. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Chair Chamberlain called the meeting of the Community Development Agency to order. Those in attendance were: Members Brian Frevert, Jim Van Delden, Jon Haase, Dale Alexander, Lois Shelton, Doug Sturm, and Kaki Ley; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Kathy Berry.

Chair 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.

The next item on the CDA agenda was to approve the minutes of the October 20, 2009, meeting.

Member Sturm made a motion and seconded by Member Ley approving the minutes of the October 20, 2009, meeting. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the CDA agenda was to approve the following claims:

- Ransom G. Roman – appraisal of the Kardell Industrial Tract - \$1,500
- City of Wayne – reimbursement of legal fees - \$1,295

Member Sturm made a motion and seconded by Member Ley approving the minutes of the October 20, 2009, meeting. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the agenda was the consideration and adoption of CDA Res. 2009-8 recommending approval of the Amended Redevelopment Plan/Contract for Louis Bencoter and Javanah Bencoter.

Administrator Johnson stated the reason for the amendment is that there was a change in the lot numbers and lot sizes from the preliminary plat stage to the final plat stage which requires a change in the Redevelopment Plan.

Louis and Javanah Bencoter were present to answer questions.

Member Sturm introduced CDA Resolution No. 2009-8 titled as follows and moved its passage and approval by the Agency:

CDA RESOLUTION NO. 2009-8

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN AMENDMENT OF THE CITY OF WAYNE, NEBRASKA, INCLUDING A REDEVELOPMENT CONTRACT, APPROVING A REDEVELOPMENT PROJECT OF THE CITY OF WAYNE, NEBRASKA; APPROVING A COST BENEFIT ANALYSIS FOR SUCH PROJECT; AND APPROVAL OF RELATED ACTIONS.

Member Ley seconded the motion.

On roll call vote, the following Agency Members voted in favor of the motion: Frevert, Van Delden, Haase, Alexander, Shelton, Sturm, Ley and Chamberlain. The following Members were absent: Berry.

The passage of CDA Resolution No. 2009-8 having been agreed upon by a majority of the Agency, the Chair declared CDA Resolution No. 2009-8 passed and, in the presence of the Agency, signed and approved CDA Resolution No. 2009-8, and the

Clerk attested to its passage by affixing her signature thereto.

The next item on the CDA agenda was the consideration and passage of CDA Res. 2009-9 Bond Resolution for Northeast Nebraska Investors, LLC.

Nancy Braden, Finance Director, stated this Resolution is the next step that is required to be able to issue the Tax Increment Financing Bond for the motel project.

Member Sturm introduced CDA Resolution No. 2009-9 titled as follows and moved its passage and approval by the Agency:

CDA RESOLUTION NO. 2009-9

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE; AUTHORIZING THE ISSUANCE OF A TAX INCREMENT REVENUE BOND; PROVIDING FOR THE TERMS AND PROVISIONS OF SAID BOND; PLEDGING REVENUES OF THE AGENCY PURSUANT TO THE COMMUNITY REDEVELOPMENT LAW; AUTHORIZING THE SALE OF SAID BOND; PROVIDING FOR A GRANT; PROVIDING FOR A REDEVELOPMENT CONTRACT AND PROVIDING FOR THIS RESOLUTION TO TAKE EFFECT.

Member Frevert seconded the motion.

On roll call vote, the following Agency Members voted in favor of the motion: Frevert, Van Delden, Alexander, Sturm, and Chamberlain. The following Members were absent: Berry. The following Members abstained: Haase, Shelton and Ley.

The passage of CDA Resolution No. 2009-9 having been agreed upon by a majority of the Agency, the Chair declared CDA Resolution No. 2009-9 passed and, in the presence of the Agency, signed and approved CDA Resolution No. 2009-9, and the Clerk attested to its passage by affixing her signature thereto.

Member Ley made a motion and seconded by Member Alexander to adjourn as the Community Development Agency and reconvene as Council. Chair Chamberlain

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

ORDINANCE NO. 2010-3

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

BE IT ORDAINED by the Mayor and the Council of the City of Wayne, Nebraska:

Section 1. Chapter 58, Article VIII, Section 58-203 of Wayne Municipal Code is amended as follows:

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.

State law reference – The Sexual Predator Residency Restriction Act, Laws 2006, LB 1199, §28; Laws 2009, LB 285, § 12.

Section 2. Any other ordinance or parts of ordinance in conflict herewith are repealed.

Section 3. This ordinance shall take effect and be in full force after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 2nd day of March, 2010.

THE CITY OF WAYNE, NEBRASKA

By _____
Lois M. Shelton, Mayor

ATTEST:

City Clerk

CITY OF WAYNE

PROBLEM RESOLUTION TEAM

The mission of the City of Wayne Problem Resolution Team is to employ a multiple agency approach to address quality of life issues relative to neighborhoods, housing, and property use through education, code enforcement, and nuisance abatement in a proactive manner.

MINUTES OF February 17, 2010 MEETING

A regular meeting of the Wayne Problem Resolution Team was held on Wednesday, February 17, 2010 beginning shortly after 12:00 P.M. Members present were Lance Webster, Della Pries, Joel Hansen, Ken Chamberlain, Betty McGuire, and Nick Kemnitz. Members absent were Dave Zach, Mike Vovos, and Jeff Carstens.

There were no new complaints to discuss and no closed complaints.

The first open complaint discussed was 819 Valley Drive. This complaint involved a trailer home that was missing skirting and that had multiple broken windows. Joel Hansen reported the trailer had been inspected by Steve Nordhues last week. The owner has ordered new windows to replace the broken ones and will be putting skirting up salvaged from another trailer that was removed. The owner's intent is to gut the interior of the trailer when the weather warms. The windows will be replaced prior to the owner beginning any work inside the trailer. Any work inside the trailer will require a written plan and a building permit and this has been discussed with the owner.

The second open complaint discussed was 1109 Pearl Street. This complaint involved a property that had a leaking roof, which then caused damage to the interior of the property, including mold. Joel Hansen reported that the work required to bring this property into code compliance is complete. Webster asked for a motion to move this complaint to the closed file; motion by Chamberlain and second by McGuire. Motion passed.

The next open complaint discussed was 918 Main Street, # 2. This property owner was given five days from the receipt of his January 7th notice to schedule an inspection. To date the owner has not scheduled an inspection. City Administrator Johnson said, via email, that the City was going to contact Steve Nordhues and ascertain dates he is available to do this inspection and then contact the property owner and tell him what day the inspection needs done. If the property owner still fails to allow the inspection the City is prepared to seek an Inspection Warrant.

The next open complaint was 220 E. 4th. This is a vacant property that has a damaged foundation. The original complaint alleged vermin were going in and out of the basement area. The owner was given a deadline of 1 December, 2009 to repair the foundation or be billed for the time a city crew would spend to make the repairs. Joel Hansen reported that he and City Administrator Johnson had discussed the status of this property and Mr. Johnson had checked for tracks in the snow as an indication of vermin

CITY OF WAYNE

PROBLEM RESOLUTION TEAM

infestation. At this time there is no evidence of such infestation therefore Mr. Johnson is not inclined to take immediate action but would prefer this property be monitored. The consensus of the PRT affirmed this more conservative approach.

The next property discussed was 120 West 8th. This is an unoccupied dwelling that will require significant repair/renovation to be habitable again. The property is listed for sale and the owner has lowered her asking price to \$12,000. Joel Hansen said there is an interested buyer but no sale is pending. Hansen said the prospective buyer is waiting to see if his bid on another house is accepted. The owner has been given an April deadline to repair or raze the property. Joel Hansen said unless the property sells the City will advertise for bids to salvage and raze or raze the property.

513 Fairacres was next on the agenda. This property is vacant. The PRT had previously directed the owner to repair the foundation wall and re-grade the south side of the property to prevent water incursion. This work is done. The interior is not complete but the current orders written on this property only required the owner(s) to repair the foundation wall and re-grade. If the owner wants to occupy the house all interior requirements must be met too. As the owner has complied with the current orders Webster asked for a motion to move this property to the closed file; motion made by McGuire with a second from Pries. Motion carried.

Joel Hansen updated the PRT on 216 Fairgrounds, #s 12, 38, 50, and 54. The owners of these trailers had been given a March 3 deadline to repair or raze. Hansen said he believes 12, 38, and 50 are gone and the owner(s) are working on removing # 54.

The next complaint discussed was 1017 Pearl Street. Hansen reported that one wall has been anchored but there are problems with the other basement walls. The owner has met with Hansen and is in the process of anchoring and pulling a second wall back in place. Hansen said the Building Inspector's file on this property is devoid of information and lists the wrong wall as the one that started the process. Because the file is without a clear record the PRT discussed how the inspection process should proceed. After much discussion Webster suggested Hansen re-contact the owner and tell him that the City wanted to measure the plumb of the remaining walls and re-check them 60 days later to verify that they are not collapsing into the basement. It was noted that the owner has done extensive remodeling upstairs and has a vested interest in making sure the structure doesn't collapse. The owner will be told that if, upon re-inspection, there is evidence that the walls are moving in an inspection by Steve Nordhues will be required. It was suggested the walls be checked by March 1st with a follow up inspection on or about May 1st. By consensus the PRT agreed to this solution.

The last property discussed was 1603 Main Street. This owner of this property has replaced windows and has begun siding. There is no way for the owner to complete the siding installation given the weather we have been having, therefore the PRT took no action on this complaint but will monitor the progress in the spring.

CITY OF WAYNE

PROBLEM RESOLUTION TEAM

The PRT adjourned at approximately 12:45 P.M. after setting the next meeting date for Wednesday, April 7, 2010 at 12:00 P.M.

Submitted by: _____
Lance Webster
PRT Chairperson

February 17, 2010

CITY OF WAYNE

PROBLEM RESOLUTION TEAM

The mission of the City of Wayne Problem Resolution Team is to employ a multiple agency approach to address quality of life issues relative to neighborhoods, housing, and property use through education, code enforcement, and nuisance abatement in a proactive manner.

MINUTES OF JANUARY 6, 2010 PRT MEETING

The Wayne Problem Resolution Team met on Wednesday, January 6, 2010 beginning shortly after 12:00 pm. Members present were Lance Webster, Nick Kemnitz, Mike Vovos, Betty McGuire, Joel Hansen, and Ken Chamberlain. Jeff Carstens arrived at 12:20. City Administrator Lowell Johnson also attended.

There were no submitted minutes. The agenda was approved with one correction, the closed property at 510 Valley Drive was not razed, the skirting was replaced and the trailer is now in compliance. Another trailer next to this one was razed and that caused the confusion.

The first new complaint discussed was 819 Valley Drive. This is a vacant trailer that has several broken windows. Hansen reported that this trailer is going to be renovated by the owner. A second trailer was being sold on December 16, 2009 at a sheriff's sale and the owner of 819 Valley Drive was going to attempt to buy that trailer and part it out to complete the work. Hansen didn't know if the purchase went through. He said he will check on the progress on this property.

The second new complaint discussed was 1109 Pearl Street. This is a property the City had received a written complaint about alleging that the roof leaked and there was a mold issue. The owners have been contacted and are completing the work. Hansen said a January 14th inspection date has been set to review the progress.

The first open complaint discussed was 918 Main Street, Apt. 2. A written complaint was received alleging there is mold on doors, baseboards, personal furniture, toilet & shower. The tenants also complained that property owner enters their apartment without notice or permission. There were also complaints of plumbing problems, specifically an unresolved water leak. No action has been taken by the City to date however the property owner will be contacted and an inspection with Inspector Nordhues will be scheduled.

An update on 220 E 4th was the next open complaint discussed. This is a vacant house that needs foundation work to keep it free of vermin infestation and weather infiltration. This property has extensive violations the preclude occupancy. The City has determined that so long as the foundation repairs are made the property may stand. The deadline for the repairs has passed. Mr. Johnson said the City is going to hire a contractor to make the needed repairs and the costs will be attached as a lien on the property. When possible the lien will be foreclosed on to recoup the costs.

CITY OF WAYNE

PROBLEM RESOLUTION TEAM

The next open complaint discussed was 120 West 8th Street. This property is not occupied and has extensive code violations. The City has been attempting to locate and serve the property owner notice of our intent to raze or repair. There is a sale pending on this property and the potential buyer knows the full extend of the repairs needed. It was clarified that no occupancy will be allowed until sufficient repairs are made.

The foundation has been repaired at 513 Fairacres and there was some discussion about the grading. These repairs can be signed off on upon inspection however the property will still remain unoccupied until the owner makes interior repairs.

The owners of trailers 12, 38, 50, and 54 at 216 Fairgrounds have been given an extension until March 3 to complete the demolition of these trailers.

The owner at 1017 Pearl Street has completed the foundation repairs and some interior work. The owner was sent a letter requesting an inspection however no deadline for a response was given. The City will resend this letter with a deadline for compliance with the request for an inspection. Absent an inspection this property cannot be occupied.

The owner of 1603 Main Street has begun siding the property and has installed some new windows. Because of this progress no action is recommended.

Because of this property Mr. Johnson had done some research into grant funding for windows and siding through Northeast Nebraska Economic Development District. At present the City of Wayne is not eligible to apply for these funds due to other projects but Lisa R. Hurley; their Supervisor of Community & Planning Dept. has suggested that Wayne County apply for these funds, which may be up to \$250,000. By consensus the PRT approved the support of such action by Wayne County.

The next PRT meeting was set for February 17, 2010 before adjourning at 12:45.

Submitted by: _____

Lance Webster
PRT Chairperson