

**MINUTES  
CITY COUNCIL MEETING  
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 1<sup>st</sup> 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.