

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

The Wayne City Council met in regular session at City Hall on Tuesday, March 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, Dale Alexander, Kaki Ley, Kathy Berry, and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Doug Sturm.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 18, 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 Ley, whereas the Clerk has prepared copies of the Minutes of the meeting of February 5 and 6, 2010, and February 16, 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 & CORRECTIONS TO CLAIMS LIST OF FEBRUARY 16, 2010:

DELETE LYNN CARD, SU, 55.86

VARIOUS FUNDS: ALARM PROS, SE, 79.13; AMAZON, SU, 31.98; AMERITAS, RE, 2322.45; APPEARA, SE, 97.17; AS CENTRAL SERVICES, SE, 448.00; BACKFLOW APPARATUS, SU, 356.30; BANK FIRST, FE, 210.00; BINSWANGER GLASS, SE, 146.80; BLACK HILLS ENERGY, SE, 1712.31; BOMGAARS, SU, 2.97;

JASON CAROLLO, SE, 20.00; CITY EMPLOYEE, RE, 9073.61; CITY OF WAYNE, PY, 65468.95; CITY OF WAYNE, PY, 5300.19; CITY OF WAYNE, RE, 109.64; CLAUSSEN & SONS IRRIG., SE, 430.00; COMMUNITY HEALTH, RE, 4.00; COVENTRY HEALTH, SE, 17427.43; CREDIT BUREAU SERVICES, RE, 169.33; CULLIGAN, SE, 42.25; DE LAGE LANDEN FINANCIAL, SE, 394.00; DEMCO, SU, 119.80; ECHO GROUP, SU, 605.96; ED M FELD EQUIPMENT, SU, 95.00; JEFF ELLIS, SE, 191.87; ENVIROTECH SERVICES, SU, 4501.00; FARMERS AND MERCHANTS, RE, 1300000.00; FLOOR MAINTENANCE, SU, 254.75; FORT DEARBORN, SE, 1692.55; FRED PRYOR SEMINARS, FE, 299.00; GLEN'S AUTO BODY, SE, 116.58; GUMDROP BOOKS, SU, 337.59; HATTIG CONSTRUCTION, SE, 3743.00; HEIKES AUTOMOTIVE, SE, 58.58; HTM SALES, SE, 9264.11; HYDRAULIC SALES & SERVICE, SE, 250.00; ICMA, RE, 5624.08; INDUSTRIAL TOOL, SU, 108.78; INVENSYS SYSTEMS, SU, 178.59; IRS, TX, 23552.70; JACK'S UNIFORMS, SU, 296.45; JEO CONSULTING GROUP, SE, 66425.45; CITY EMPLOYEE, RE, 25.54; CITY EMPLOYEE, RE, 5274.90; CITY EMPLOYEE, RE, 392.04; CITY EMPLOYEE, RE, 536.16; KNOEPFLER CHEVROLET, SU, 36.47; LANGEMEIER, WAYNE, SE, 200.00; LEAGUE OF NEBRASKA, FE, 367.00; LIGHT & SIREN, SU, 193.90; MATSMATSMATS.COM, SU, 1998.57; MATT FRIEND TRUCKING, SU, 42.00; MSC INDUSTRIAL, SU, 357.36; MURPHY TRACTOR & EQUIPMENT, SU, 1132.50; CITY EMPLOYEE, RE, 66.40; NE DEPT OF REVENUE, TX, 3519.99; NE LAW ENFORCEMENT, SE, 110.00; CITY OF WAYNE, RE, 10.00; NMC, INC., SU, 15.24; N.E. NE AMERICAN RED CROSS, RE, 29.62; ORIENTAL TRADING CO, SU, 10.98; PITNEY BOWES, SU, 648.00; PUSH-PEDAL-PULL, SE, 833.00; QUILL, SU, 44.80; QWEST, SE, 436.00; CITY EMPLOYEE, RE, 9.60; SINCLAIR/DAYLIGHT DONUT, SU, 70.40; STATE NATIONAL BANK, RE, 126575.00; TASTE OF HOME BOOKS, SU, 29.98; UNITED WAY, RE, 14.13; UPSTART, SU, 108.58; VERIZON, SE, 417.27; VIAERO, SE, 288.51; VOSS LIGHTING, SU, 245.00; WAYNE AREA CHAMBER, FE, 70.00; WAED, RE, 100000.00; WAYNE STATE COLLEGE, RE, 900.00; APPEARA, SE, 110.93; BLACK HILLS ENERGY, SE, 130.63; CITY EMPLOYEE, RE, 4924.03; CABLEONE ADVERTISING, SE, 150.00; CHARTWELLS, SE, 4924.60; CITY OF NORFOLK, SE, 154.45; COMPRESSION SYSTEMS, SU, 17151.22; COPY WRITE, SE, 16.81; DE LAGE LANDEN FINANCIAL, SE, 152.00; DUTTON-LAINSON, SU, 180.20; EXHAUST PROS, SU, 20.88; EXLINE, SU, 2598.61; GALE GROUP, SU, 12.39; GILL HAULING, SE, 1766.70; HAUFF MID-AMERICAN SPORTS, SU, 379.00; HAWKINS, INC, SU, 777.47; INGRAM BOOK COMPANY, SU, 470.45; JOHN'S WELDING AND TOOL, SU, 224.78; KELLY MEYER, SE, 60.00; KELLY SUPPLY, SU, 52.29; KNIFE RIVER MIDWEST, SU, 152.10; KRIZ-DAVIS, SU, 251.34; LAYNE CHRISTENSEN CO, SE, 47188.50; LEAGUE OF NEBRASKA, FE, 1706.00; LP GILL, SE, 4247.62; LYNN PEAVEY, SU, 55.86; MARRIOTT HOTELS, SE, 952.00; MARSHALL CAVENDISH, SU, 117.52; MICROFILM IMAGING SYSTEMS, SE, 988.95; CITY EMPLOYEE, RE, 905.82; NE FOREST SERVICE, FE, 60.00; NE LAW ENFORCEMENT, FE, 624.00; NEBRASKA ENVIRONMENTAL, FE, 100.00; NHHS, FE, 2620.13; NORTHEAST EQUIPMENT, SU, 350.93; NORTHEAST LIBRARY SYSTEM, FE, 15.00; NNPPD, SE, 2055.35; PAC N SAVE, SU, 85.63; CITY EMPLOYEE, RE, 641.82; POSTMASTER, SU, 634.53; QUILL, SU, 1231.77; QWEST,

SE, 194.78; RICK STRAIGHT, RE, 500.00; SPANN AUTO, SE, 206.24; THOMPSON PUBLISHING GROUP, SU, 438.50; TRI AIR TESTING, SU, 426.00; VERIZON, SE, 418.87; VOSS LIGHTING, SU, 18.90; WAYNE COUNTY CLERK, SE, 140.00; WHITE DOG LAWN SERVICE, SE, 251.00; YART, FE, 5.00

Councilmember Frevert made a motion and seconded by Councilmember Van Delden 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 proclaimed the week of March 15th through March 21st as “National Poison Prevention Week.”

Mayor Shelton proclaimed “Census 2010” as being a top priority.

Wes Blecke, representing the LB 840 Sales Tax Advisory Committee, advised the Council that they received and reviewed a request from the Wayne County Veterans’ Memorial Committee for a \$97,000 grant to complete the Veterans’ Memorial at the Wayne County Courthouse. The Committee recommended approving the request; however, they modified the same by reducing it to a \$75,000 grant to complete Phase I only. The remaining \$22,000 would have to be obtained through fundraising efforts which will then complete Phase II of the project. Mr. Blecke stated seven or eight individuals from the Wayne County Veterans’ Memorial Committee came to the LB 840

Sales Tax Advisory Committee meeting. The vote from the Sales Tax Advisory Committee was 3 – 1 in favor of the request. There are 7 members on this committee.

Dennis Otte, representing the Wayne County Veterans' Committee, was present to answer questions and provide some background on the project. Mr. Otte stated a committee that was established in 2003 came up with the idea to build a monument to honor the veterans; however, it never came about until the past two years. A firm from Yankton was chosen to build the memorial. He noted that the committee applied for several grants (12-15); however, they only received one grant, which was from the Gardner Foundation. Three people have financed the majority of this project so they could move forward with it. The project should be erected and completed during the month of June.

The \$75,000 grant represents about one-third of the total project costs.

Councilmember Van Delden questioned the cost of the project. Mr. Otte responded that they checked with several different surrounding communities that erected monuments, and those ranged anywhere from \$35,000 to \$100,000. The three options that Wayne had to choose from ranged from \$175,000 to \$225,000, and it was unanimously voted on by the committee to go with the \$225,000 monument. None of them expected that they would have difficulty raising the money. By the time they realized they did not get the grants they applied for, etc., they had already signed the contracts and the monuments were being quarried.

Councilmember Van Delden stated one of his concerns, as well as other folks in town, was that they had to go outside of Wayne for the work. Mr. Otte responded they

considered getting the work done by those in town, but no one wanted to do it within the immediate area.

Going out of town for the work was also a concern Councilmember Ley had. She was surprised that the veterans wouldn't be honored to buy a brick or donate something for it. She realizes they have served their country, but she couldn't see that they would not want to donate to the project. Mr. Otte stated most veterans have donated with money, but this is an expensive project.

Councilmember Ley stated that if they were having that much trouble getting grants and donations, why did they go ahead with the project. Mr. Otte responded that the finance committee told them there would be no problem with the fundraising, so they moved forward with the project.

Councilmember Van Delden stated he would like to see the project completed. He would like to see a lockbox at the Memorial in the future for ongoing donations.

Mr. Otte advised the Council that the veterans would do the maintenance of the memorial for a certain period of time, and then turn it over to the Courthouse as a county memorial.

The County Commissioners have been approached for assistance, but they thought by donating the property to build the monument on was their contribution. It was noted that if the Council only approved half of the \$75,000, it would not be enough. They are and will continue to do fundraising. They have to purchase two more tablets and a bronze sculpture to make this complete.

A letter was originally sent out to the veterans asking for a donation of \$1,500 over a period of three years. Mr. Otte could count on one hand those who donated that

much. They think the taxpayers of Wayne or the general public all have a loved one or some connection with someone who has served or is going to serve, and thought it would be great for the general public to step up and help with this.

Adam Endicott stated this memorial is not only to honor and recognize the veterans, but it is also for the community of Wayne. This is something that people will go see when they come to Wayne. This Memorial is unlike any other in Nebraska, because it will have names etched into the granite, similar to the Vietnam Wall in Washington, D.C.

Michael Fluent was also present in support of the monument.

Mayor Shelton stated she would doubt that there is any member of this Council who does not support the veterans. She does and she has made her contribution, and she thinks that is the way this should be supported. She has questions about whether this is an appropriate use of these LB 840 Funds, and she thinks that is what some of the Council is struggling with also. It is not that they don't think this is worthwhile.

Councilmember Berry asked how many sources the Committee contacted to try to get grant funds. Mr. Otte responded at least 15 private sources within the State of Nebraska, with none being outside of the State of Nebraska.

Councilmember Frevert made a motion and seconded by Councilmember Alexander approving the recommendation of the LB 840 Sales Tax Committee to grant \$75,000 to the Wayne County Veterans Memorial Committee to be used to complete Phase I of the project. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Van Delden who abstained, the Mayor declared the motion carried.

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth, P.C., presented the FY 08-09 Audit. He provided Council with a spreadsheet which identified “benchmarks” of how Wayne compared with other communities its size. This is a study that they have done across the State of Nebraska with approximately 35 municipalities. For Governmental Activities (general fund), while Wayne is a little less than what the desirable or recommended amount is, we are improving. The business type activities (electric, water and sewer) are excellent. Cash reserves are very good this year in the general fund. In regard to debt coverage ratio (water, sewer and electric), consideration should be given to increasing the water rates. The Council has already taken action on the sewer rates. In regard to our top five sources of revenues, recommendation was that Wayne needs more retail trade. Sales tax runs \$125 per capita, and Wayne is at \$90. In regard to property taxes, the per capita basis is \$150 per person. Wayne is asking \$124 per person. In lieu of tax payments is \$110 per capita; Wayne is at \$97. State Allocation is at \$140 per capita; Wayne is at \$145. Wayne is doing a great job for charges for services. The per capita is \$75; Wayne is at \$79. We have increased grants. The per capita is at \$190; Wayne is at \$131. Last year, Wayne was at \$85.

In regard to cash reserves and replacement reserves, Wayne has a very good cash reserves. If you would look on a state-wide basis for a City of Wayne’s size, this is one of the best you will see. Wayne has done a good job in maintaining and increasing its cash reserves from last year to even this year. Wayne has done a good job of holding down spending overall on the tax asking.

In regard to the operating income, the electric rates will probably have to be increased within the next couple of years. The water fund is fine. The increase in the

sewer rates will help the Sewer Fund. The transfer station rates need to be increased; however, it did improve somewhat over last year.

In regard to the State Allocations, the Highway Allocation went down from \$65 per capita to \$62 per capita. This will be one of the biggest challenges most of the municipalities in Nebraska will have -- how they are going to be able to fund all of their streets and infrastructure when the state revenue is going to continue to decrease the amount of money you are going to get back.

Mr. Galloway then reviewed the per capita costs of departments. The administrative costs to run the City of Wayne is low compared to the other cities. The per capita is \$50; Wayne is at \$30.

In Public Buildings, we are running about \$17 per capita. The average is \$25. In Public Safety, we are running about \$171 per capita. The average is \$170. Public Works is \$71 per capita. The average is \$200. The Library is about \$35, with the average being \$40 per capita. Recreation is at \$51 per capita. The average is \$45. Overall, Wayne has done an excellent job in keeping the costs and expenses down in the various departments.

His firm did not encounter any difficulties in performing the audit.

Administrator Johnson distributed a document that showed the rankings from high to low of Wayne's Levy compared with the surrounding communities. Wayne was second from the lowest of the nine surrounding towns. Administrator Johnson commended the staff on a job well done for holding down expenses.

Mr. Galloway stated the City has done a very good job at being good stewards with the money that is here; the amount in cash reserves is very good; and he commended the City staff on a job well done.

Shawn Hanson, President and General Manager, Mike Storjohann, Director of Enterprise Technology, and Jay Anderson, Account Executive of American Broadband were present to provide the Council with a briefing on a very significant investment they are making this spring in Wayne in order to upgrade their network and infrastructure (\$1,000,000). With the upgrade in this infrastructure, they will modernize and provide state of the art cable television service. They will be able to significantly increase internet speeds, and they will introduce competitive telephone service with that provided by Qwest. They will add more expanded basic channels, digital channels and HD channels. They will be testing on June 1st, with the launch being July 1st depending upon the weather.

Discussion took place regarding alternatives to the Trail Underpass. Administrator Johnson presented a map showing the existing trail configuration which crosses the highway. This does meet the site distance requirements of the Department of Roads, and they have approved that. We have had some discussion by parents and others that are concerned with that crossing. Staff was successful in obtaining a grant to build an underpass. There is also an additional proposal to run the trail west on the north side of 7th Street and cross the highway at Donner Pass with the trail then going back east to the Activity Center. The estimated cost of this alternative would be about \$38,000. The original trail design would have to stay in place since that was the approved design by the Department of Roads. They will not reroute the trail. The cost to build the underpass would be about \$530,000, with the grant covering \$380,000 and the city's match being \$158,000. Staff's job is to bring funding options to the Council, and the Council's job is to decide whether or not they want to do them. We have some people that are wondering

why we would want to spend that kind of money. The trail is already in place, but if we are not going to do the underpass, that decision should be made soon because that money would then be available to the next project that did not get funded.

While a lot of children get driven to school, Councilmember Chamberlain stated when the weather is nice, he has to stop a lot at the stop light on 7th and Sherman Street.

Councilmember Berry suggested the school have crossing guards in the morning and afternoon.

Brian Kesting who travels that road each morning and evening said the sun is blinding during those times of the day during certain times of the year. It's hard to see the traffic turning on to the street.

Mayor Shelton stated there are nine entrances onto 7th Street from the south in that short distance for people to keep track of whether there is traffic coming.

Verdel Lutt stated the main purpose of the underpass he thought was to funnel the children from Western Ridge to the Community Activity Center or to the school. All of the traffic funnels down to Haas Avenue in Western Ridge.

Mayor Shelton stated that will also be a major walking route to the swimming pool for all of the kids south of 7th Street from that part of town. Councilmember Ley stated the kids from that area already walk to the pool. This will not change anything. The trail on the east side of town goes across the highway. We have kids cross that, which is also a busy area.

Councilmember Chamberlain responded that the trail traffic, not kid traffic, is on that end of town. There are no schools or activity center on that side of town.

Mayor Shelton stated she found it very sad that they are talking about putting a \$550,000 price on a kid's life. Councilmember Ley stated she thought what the Council was talking about here is spending another \$158,000 for a tunnel. Omaha is getting rid of those tunnels because kids hang out in them. They are not good places for people to be. They can hide in there.

Councilmember Chamberlain stated he is on the fence either way with this decision. He would like to hear some of the public's opinion on this.

Councilmember Haase stated he contacted Kris Winters of the Department of Roads, and she advised him that we would not get a blinking light at this crosswalk.

Lou Bencoter stated that the Western Ridge Subdivision was built for young families. The City of Laurel couldn't move fast enough on their underpass because they were busing the kids across the highway in order to get them to the athletic fields.

Councilmember Haase said that underpass is filled with snow right now.

Joe Blankenau spoke in favor of the underpass.

Councilmember Chamberlain stated he would like the Council to table this and have a town hall meeting at the auditorium to try to get more public input.

It was noted that tax increment financing will be used to pay for the tunnel.

Councilmember Chamberlain made a motion and seconded by Councilmember Ley to table discussion and action on the underpass project until after a town hall meeting is held to get public input. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander left the meeting at 7:10 p.m.

Greg Worner, an instructor at Wayne State College, was present requesting Council consideration to allowing his class to build a small solar collector water heater to heat the baby pool. He has applied for a \$500 service learning grant through Wayne State College. He had a scale model of what the solar collector would look like. He has contacted several businesses who would be willing to donate materials (approximately \$600 worth) and help with the cost of a community project like this. The total cost of this project would be about \$1,600. He was requesting the City to consider donating \$500 towards the project. The operating costs of this solar collector would be \$10 - \$20 per year. The unit will be about 5' tall, 8' wide, with the base being slightly smaller than one 4'x8' sheet of plywood.

Garry Poutre, Supt. of Public Works & Utilities, advised the Council that this project will be dependent upon getting approval from the Nebraska Department of Health and Human Services. We can't do anything at the swimming pool without their permission.

Councilmember Ley made a motion and seconded by Councilmember Chamberlain approving the request of Greg Worner of Wayne State College to donate \$500 to his class to build a small solar collector water heater to heat the baby pool. Mayor Shelton stated the motion, and the result of roll call being all yeas, the Mayor declared the motion carried.

Discussion took place regarding possible action on enforcement options for snow removal. This item was added to the agenda at the request of some Councilmembers to discuss how the City is doing at enforcing the clearing of snow off sidewalks.

Frank Sheda of the Wayne Post Office advised the Council that their policy is that when the sidewalks aren't shoveled, they do not deliver mail. They bring the mail back and hold it at the post office until the sidewalks are shoveled. Because of the year, they have had more hardships than anything else (e.g. elderly getting extensions and wanting the mail delivered right up to their house). Their policy is that they will hold a person's mail if their sidewalk is not shoveled within 4-5 days. It is all because of safety issues. He noted that most of the sidewalks in Wayne have been cleaned.

Councilmember Frevert who had requested this item be on the agenda stated he does not like the residents of Wayne getting fined for not having their snow shoveled off their sidewalks. A moratorium was put on this for three weeks, and he saw no reason for going around and start fining the residents for sidewalk violations.

Administrator Johnson stated that warning notices are sent out which gives the property owner 48 hours to clear the sidewalk.

Councilmember Frevert did not want to use the Police Department's time to go out and check sidewalks or issue warnings, etc. If the property owners want to clean their sidewalk, that is fine, but he did not want any citations issued.

Mayor Shelton stated she thought it was a little bit unfair when you have one person who has gone to the effort to clear their sidewalk and the next door neighbor has done basically nothing.

Councilmember Berry stated some people can't afford to have their sidewalks scooped. It may not be a case where they are just ignoring the ordinance.

Councilmember Chamberlain thought the City could use a little bit more discretion as far as the timeline that is given to get the sidewalk cleared.

Councilmember Frevert made a motion and seconded by Councilmember Ley to not issue any tickets for not removing snow from sidewalks until the snow is gone. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Chamberlain who voted Nay, the Mayor declared the motion carried.

Councilmember Ley introduced Resolution No. 2010-14 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-14

A RESOLUTION ORGANIZING A 2010 CENSUS COMPLETE COUNT COMMITTEE.

Maureen Carrigg who has worked for the Census stated it is vital for the college students to fill out the census forms and return them. This is vital for the community to receive federal funding.

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

Penny Vollbracht, Senior Center Coordinator, was present requesting Council consideration to approving the Senior Center Budget that has to be submitted to the Northeast Nebraska Area Agency on Aging. The Senior Center must apply for state funding for the meal program, and Council must approve the budget to be submitted to the Northeast Nebraska Area Agency on Aging.

Councilmember Ley made a motion and seconded by Councilmember Frevert approving the Senior Center budget for the Northeast Nebraska Area Agency on Aging.

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

Councilmember Frevert made a motion and seconded by Councilmember Chamberlain approving the Change Order from Hattig Construction Company in the amount of \$643.00 for gutters and downspouts at the Library/Senior Center. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Nancy Braden, Finance Director, advised the Council that Brian Gaskill of the Nebraska Department of Economic Development met with Administrator Johnson, Mayor Shelton, CDA Chair Chamberlain, Lisa Hurley of NNEDD, and Della Pries, WCHDC concerning the Western Ridge Project. Mr. Gaskill advised them that the City was basically doing a lot more than what was required for this amount of money. They were only required to build 3 LMI houses. DED was advised of where the project was at and the problems that they had run into. They also advised DED that they have visited with representatives of Habitat for Humanity and they are interested in obtaining a lot from the CDA. An additional option discussed was potentially giving the lots to Wayne Community Housing Development Corporation. Ms. Braden advised the Council that guidelines for the new construction and down payment assistance program need to be amended and will be brought before Council at the next meeting. We can lower the number of houses that need to be built and we will meet the guidelines and not have to pay back any grant funds to DED. They will have used the grant funds that are available to the fullest extent.

Councilmember Chamberlain stated that we need to spend \$103,000 by April 6th. If we change the down payment assistance guidelines on the LMI from “20% up to \$20,000” to “20% up to \$30,000”, this will use up \$60,000 for the two houses that WCHDC is building. In addition, Habitat for Humanity is interested in building a home in Western Ridge. We could use the remaining \$43,000 to help them meet some of the requirements of a two-car garage and basement, 3 bedrooms, and two bathrooms (one bath with plumbing and the other plumbed ready for a second bathroom).

There is less than a zero percent chance of getting an extension, so whatever we don't have spent by April 6th goes back into the pool of money (State Trust Fund). The Legislature is looking into tapping into the State Trust Fund for reserves which is part of the reason why we are not seeing any extensions. In order to make up the shortfall in the State Legislature's budget, they are looking at every potential pot of money, and the Trust Fund is one of those pots. We will be purchasing the lots with the grant money and then giving them to potential buyers.

Councilmember Chamberlain 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, Lois Shelton, Kathy Berry, and Kaki Ley; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Dale Alexander and Doug Sturm.

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 December 15, 2009, meeting.

Member Frevert made a motion and seconded by Member Shelton approving the minutes of the December 15, 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 to discuss and take action regarding the request for the donation of a lot in Western Ridge to Habitat for Humanity.

Chair Chamberlain stated the CDA would make funds available to them to help pay for the costs of putting in a basement, two-car garage, etc. Habitat does have a family selected for the house. We have advised them which LMI lots are available.

Administrator Johnson advised the CDA if they approved this, a purchase agreement would be brought to them at the next meeting with the stipulations above referred to.

Member Shelton made a motion and seconded by Member Frevert to donate a lot in Western Ridge to Habitat for Humanity and stipulate that they follow the guidelines that have been set for the other houses in that subdivision. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Ley made a motion and seconded by Member Frevert 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.

Councilmember Chamberlain introduced Ordinance 2010-3, and moved for approval of the third and final reading thereof; Councilmember Haase 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.

Councilmember Chamberlain made a motion and seconded by Councilmember Haase 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 8:30 p.m.