

**MINUTES
CITY COUNCIL MEETING
March 16, 2010**

The Wayne City Council met in regular session at City Hall on Tuesday, March 16, 2010, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Jim Van Delden, Jon Haase, Doug Sturm, Kaki Ley, and Ken Chamberlain; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert, Dale Alexander and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 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 Ley, whereas the Clerk has prepared copies of the Minutes of the meeting of March 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.

City Clerk McGuire requested that the minutes be approved as corrected to reflect Councilmember Doug Sturm being absent.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who abstained, the Mayor declared the motion carried and the Minutes approved, as corrected.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ALMQUIST, MALTZAHN, SE, 17700.00; AMERICAN PUBLIC POWER, FE, 952.75; AMERITAS, RE, 2159.10; APPEARA, SU, 25.56; ARNIE'S

FORD-MERCURY, SE, 1438.63; ASSOCIATED FIRE, SU, 518.00; BANK FIRST, FE, 210.00; CITY EMPLOYEE, RE, 6.64; BOMGAARS, SU, 904.35; CARHART LUMBER, SU, 435.66; CHARTWELLS, SE, 3935.00; CITY OF NORFOLK, SE, 194.15; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, PY, 56142.02; CITY OF WAYNE, RE, 516.90; COACH & ATHLETIC DIRECTOR, SU, 19.95; COMMUNITY HEALTH, RE, 4.00; CONNEY SAFETY PRODUCTS, SU, 100.88; CREATIVE SERVICES OF N.E., SU, 184.95; DAVE'S DRY CLEANING, SE, 108.00; DGR & ASSOCIATES, SE, 892.00; DOESCHER APPLIANCE, SU, 50.60; CITY EMPLOYEE, RE, 11.98; EAKES OFFICE PLUS, SU, 15.55; ECHO GROUP, SU, 792.42; CITY EMPLOYEE, RE, 945.69; ED M FELD EQUIPMENT, SU, 214.50; EGAN SUPPLY, SU, 492.49; ELECTRIC FIXTURE, 551.07; ELLIS PLUMBING & HEATING, SE, 453.15; EXHAUST PROS, SU, 410.55; FLOOR MAINTENANCE, SU, 168.36; FREDRICKSON OIL, SU, 1148.05; G-NEIL, SU, 637.89; GREAT PLAINS ONE-CALL, SE, 3.03; CITY OF WAYNE, RE, 132.02; HAUFF MID-AMERICAN SPORTS, SU, 679.98; HOLIDAY INN ""MIDTOWN"", FE, 630.00; ICMA, RE, 5668.24; INVENSYS SYSTEMS, SU, 206.04; IRS, TX, 18170.68; CITY OF WAYNE, SE, 70.00; JANWAY COMPANY, SU, 354.10; JOHN'S WELDING AND TOOL, SU, 159.46; CITY EMPLOYEE, RE, 101.50; CITY OF WAYNE, RE, 120.00; CITY EMPLOYEE, RE, 136.41; KELLY PUBLISHING, SE, 328.50; KNIFE RIVER MIDWEST LLC, SU, 348.66; KTCH. SE, 645.00; LINWELD, SU, 166.36; CITY EMPLOYEE, RE, 166.89; CITY EMPLOYEE, RE, 120.00; MES-MIDAM, SU, 83.40; MIDWEST LABORATORIES, SE, 53.55; NE DEPT OF REVENUE, TX, 2739.00; NE HARVESTORE, SE, 317.80; NE NOTARY ASSOC, SU, 154.23; NPPD, SE, 211801.23; NORFOLK BOYS BASKETBALL, FE, 200.00; N.E. NE AMERICAN RED CROSS, RE, 29.62; NNPPD, SE, 10698.54; PAMIDA, SU, 39.05; PEPSI-COLA, SU, 601.05; PETERSON INDUSTRIAL ENGINE, SE, 4580.25; PIEPER, MILLER & DAHL, SE, 2823.64; PLUNKETT'S PEST CONTROL, SE, 40.00; POSTMASTER, SE, 185.00; QWEST, SE, 1444.64; RANDY DAMME, RE, 229.46; ROLLIE ROTHER, RE, 500.00; RON'S RADIO, SE, 35.00; S & S WILLERS, SU, 296.78; SPARKLING KLEAN, SE, 1,118.00; STATE NATIONAL BANK, SE, 47.32; STATE NATIONAL BANK, RE, 14820.00; UNITED WAY, RE, 14.13; US BANK, SU, 3173.27; VEL'S BAKERY, SU, 1078.31; VOIGT LOCKSMITH, SE, 130.25; WAYNE AUTO PARTS, SU, 1294.21; WAYNE GRAIN & FEED, SE, 74.00; WAYNE HERALD, SE, 1556.60; WAYNE STATE COLLEGE, RE, 900.00; WAYNE VETERINARY CLINIC, SE, 189.00; WESCO, SU, 133.13; ZACH HEATING & COOLING, SE, 367.02; ZACH OIL, SU, 5957.46; AMAZON, SU, 386.66; APPEARA, SU, 75.69; BAKER & TAYLOR, SU, 213.51; CITY EMPLOYEE, RE, 185.66; COVENTRY HEALTH, SE, 18251.39; CULLIGAN, SE, 42.25; DAKOTA BUSINESS SYSTEMS, SE, 100.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; DUTTON-LAINSON, SU, 182.76; ECHO GROUP, SU, 208.67; ELLIS PLUMBING & HEATING, SE, 69.50; CITY EMPLOYEE, RE, 188.52; FBINAA-NE CHAPTER, FE, 150.00; FIRST CONCORD GROUP, SE, 3863.78; GEMPLER'S, SU, 27.90; HEIKES AUTOMOTIVE, SE, 90.53; HEWLETT-PACKARD, SU, 2392.35; CITY EMPLOYEE, RE, 150.00; JEO, SE, 11211.74; LECC-NEBRASKA, FE, 190.00; CITY EMPLOYEE, RE, 60.00; MERCY MEDICAL CLINIC, SE, 66.00; MILO MEYER CONSTRUCTION, SE, 922.50; CLAYTON STALLING, RE, 411.15; NATIONAL McGRUFF HOUSE, SU, 177.00; NE CHAPTER

APWA, SU, 90.00; NE EXPRESSWAYS, SE, 581.04; NORTHEAST EQUIPMENT, RE, 300.00; CITY EMPLOYEE, RE, 28.80; PRESTO X COMPANY, SE, 112.20; PROVIDENCE MEDICAL CENTER, SE, 3600.99; PURCHASE POWER, SU, 500.00; QUALITY BOOKS, SU, 42.15; QUILL, SU, 195.84; RAMADA INN – KEARNEY, SE, 272.00; RANDOM HOUSE, SU, 324.00; RIDGE POINT, RE, 500.00; STEFFEN, SU, 682.29; THE FINAL TOUCH, SU, 1552.58; THE PENDER TIMES, SU, 35.40; CITY EMPLOYEE, RE, 884.44; UNITED STATES PLASTIC, SU, 41.90; UPSTART, SU, 24.45; WAYNE COUNTY VETS MEMORIAL LB 840, RE, 50501.00; WAYNE STATE COLLEGE, RE, 600.00; CITY EMPLOYEE, RE, 147.60; CITY EMPLOYEE, RE, 161.77

Councilmember Sturm 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 declared the time was at hand for the public hearing on the following Department of Economic Development Community Development Block Grant Projects:

- Downtown Revitalization Phase I;
- Downtown Revitalization Phase II;
- Speculative Building;
- Sand Creek Post & Beam Expansion; and
- Western Ridge

Lisa Hurley of Northeast Nebraska Economic Development District was present to answer questions. She stated this is the next requirement for these grant funded projects. The City received \$30,000 in grant funds for the Downtown Revitalization

Phase I Project; the total budget for that project was \$39,400. The City received \$250,000 in grant funds for the Downtown Revitalization Phase II Project; the total budget for that project was \$499,600. The City received \$255,000 in grant funds for the Speculative Building; the total budget for that project was \$671,000. The City received \$205,000 in grant funds for the Sand Creek Post and Beam Expansion Project. Sand Creek will be paying that money back to the City for the re-use funds. The City received \$387,416 in grant funds for the Western Ridge Project. All of these grant funds have been received since 2007.

Ms. Hurly explained the process for a city getting funding for these types of projects.

Nancy Braden, Finance Director, advised the Council that some of the first grants received by the City were used for Timpfe/Great Dane, Dairy Queen, Restful Knights, and Roosevelt Park Subdivision projects.

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

Nancy Braden, Finance Director, stated that the Guidelines for the “New Construction and Down Payment Assistance Program” have been amended because of the changes in the program that came about as a result of a meeting that took place with the Nebraska Department of Economic Development. The changes will now meet the requirements of the grant to allow draw down of the funds for that program. The following Resolution will approve the amended guidelines.

Councilmember Sturm introduced Resolution No. 2010-16 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2010-16

A RESOLUTION AMENDING GUIDELINES FOR NEW CONSTRUCTION AND DOWN PAYMENT ASSISTANCE PROGRAM.

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 amend the “Energy Incentive Program” to clarify that the incentive is a maximum of \$500 per property per year.

Councilmember Sturm introduced Resolution No. 2010-17 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-17

A RESOLUTION AMENDING THE ENERGY INCENTIVE PROGRAM OF THE CITY OF WAYNE TO ESTABLISH AND FUND THE ENERGY SAVER PROGRAM AND PROVIDE FOR COST-SHARING USING A SET ASIDE OF CITY OF WAYNE ENERGY SAVING INCENTIVE FUNDS.

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

Administrator Johnson requested Council consideration to amending the contract with JEO Consulting Group for Engineering Services for the 1st Street Water Main and Storm Sewer Improvements to be designed and built concurrently with the Downtown Sidewalk Improvement Project. The estimated fee for this portion of the project is \$20,675.

Administrator Johnson stated that the brick will be put back in the street intersection that will be affected by this project.

Councilmember Chamberlain made a motion and seconded by Councilmember Ley approving Amendment No. 1 to the Agreement with JEO Consulting Group which

will add the 1st Street Water Main and Storm Sewer Improvements to the Scope of Services for the Downtown Sidewalk Improvement Project. 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 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 Jim Van Delden, Jon Haase, Lois Shelton, Doug Sturm and Kaki Ley; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Brian Frevert, Dale Alexander and 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 March 2, 2010, meeting.

Member Shelton made a motion and seconded by Member Ley approving the minutes of the March 2, 2010, meeting. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Member Sturm who abstained, the Chair declared the motion carried.

The next item on the agenda was to discuss and take action on the proposed Purchase Agreement for the sale of Lot 15, Western Ridge II Addition, to Habitat for Humanity.

Jeff Carstens, representing Habitat for Humanity, was present.

Administrator Johnson presented the final version of the Purchase Agreement. This is the standard form purchase agreement for lots being sold in Western Ridge, with the exception of Paragraph 9 – Additional Terms. The City will provide a grant of \$40,000 as an incentive for Habitat to use as follows:

- \$5,000 to purchase the lot from the CDA; and
- \$35,000 in reimbursement for construction costs incurred and invoiced before August 1, 2010 (basement and two-car garage, etc.).

This Purchase Agreement also provides that if the family sells the property, they will recapture their loan money and the City will recapture this grant money from the sale proceeds. This incentive is to assist Habitat for Humanity, not the homeowner.

Member Sturm made a motion and seconded by Member Shelton approving the Purchase Agreement for the sale of Lot 15, Western Ridge II Addition, to Habitat for Humanity. 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 on the sale of Lot 17, Western Ridge II Addition, to Wayne Community Housing Development Corporation.

Nancy Braden, Finance Director, stated that the sale of the lot to WCHDC would be similar to the sale to Habitat for Humanity. WCHDC will use the grant money to purchase the lot.

Member Sturm made a motion and seconded by Member Ley authorizing the lot purchase incentive for Wayne Community Housing Development Corporation (Lot 17, Western Ridge II Addition). 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 Shelton 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 Ley made a motion and seconded by Councilmember Chamberlain 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 6:13 p.m.