

**MINUTES
CITY COUNCIL MEETING
April 20, 2010**

The Wayne City Council met in regular session at City Hall on Tuesday, April 20, 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, Kaki Ley, Kathy Berry and Ken Chamberlain; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 8, 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 Frevert made a motion and seconded by Councilmember Alexander, whereas the Clerk has prepared copies of the Minutes of the meeting of April 6, 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, as corrected.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMAZON, SU, 449.50; AMERICAN TEST CENTER, SE, 400.00; AMERITAS, SE, 2990.50; APPEARA, SE, 101.03; ARNIE'S FORD-MERCURY, SU, 1102.42; CITY EMPLOYEE, RE, 145.51; BAKER & TAYLOR. SU, 608.05; BANK FIRST, FE, 210.00; FIRE FIGHTER, RE, 51.00; BIG T ENTERPRISES, SU, 88.95; CITY EMPLOYEE, RE, 334.33; CITY EMPLOYEE, RE, 124.08; FIRE FIGHTER, RE, 51.00; BROWN SUPPLY, SU, 172.92; CARHART LUMBER, SU, 1259.45; CARTRIDGE WORLD, SU, 428.97; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, RE, 1500.00; CITY OF WAYNE, FE, 13.34; CITY OF WAYNE, PY,

54975.43; CITY OF WAYNE, RE, 92.20; COMMUNITY HEALTH, RE, 4.00; CREDIT BUREAU SERVICES, RE, 251.25; CULVER COMPANY, SE, 776.00; DAKOTA BUSINESS SYSTEMS, SE, 100.00; DUSTROL, INC, SE, 6746.68; DUTTON-LAINSON, SU, 636.94; EASYPERMIT POSTAGE, SU, 500.00; ECHO GROUP, SU, 429.63; ED M FELD EQUIPMENT, SE, 644.00; EGAN SUPPLY, SU, 145.47; FLOOR MAINTENANCE, SU, 906.90; FORT DEARBORN LIFE, SE, 1617.40; FREDRICKSON OIL, SE, 5.00; GALE GROUP, SU, 136.25; FIRE FIGHTER, RE, 51.00; HD SUPPLY WATERWORKS, SU, 1099.54; HIGHSMITH INC, SU, 138.18; HIRERIGHT SOLUTIONS, SE, 155.70; ICMA, SE, 5630.20; CITY OF WAYNE, SE, 1633.00; IRS, TX, 18239.65; JACK'S UNIFORMS, SU, 40.79; JOHN'S WELDING AND TOOL, SE, 105.00; CITY EMPLOYEE, RE, 139.20; KIRKHAM MICHAEL, SE, 2780.00; KNOEPFLER CHEVROLET, SU, 13.60; KRIZ-DAVIS, SU, 1378.45; KTCH, SE, 605.00; CITY OF WAYNE, SE, 5770.00; CITY EMPLOYEE, RE, 126.65; MIDWEST LABORATORIES, SE, 69.15; MIDWEST TAPE, SU, 224.94; RICHARD A BROWN, RE, 500.00; FIRE FIGHTER, RE, 76.00; MSC INDUSTRIAL, SU, 193.13; NNEDD, SE, 887.50; NATIONAL LEAGUE OF CITIES, FE, 1117.00; CITY EMPLOYEE, RE, 147.19; NE DEPT OF REVENUE, TX, 2702.76; NPPD, SE, 193342.42; NMPP ENERGY, FE, 1497.03; NORTHEAST EQUIPMENT, SU, 130.96; NNPPD, SE, 10708.54; PAC N SAVE, SU, 98.98; PAMIDA, SU, 83.52; CITY EMPLOYEE, RE, 104.23; PITNEY BOWES, SU, 648.00; CITY EMPLOYEE, RE, 171.88; CITY EMPLOYEE, RE, 1182.24; QUALITY FOOD, SU, 121.90; QUILL, SU, 336.17; QWEST, SE, 118.14; RANDOM HOUSE, SU, 536.00; SPARKLING KLEAN, SE, 1394.66; STATE NATIONAL BANK, RE, 45511.25; TURFWERKS, SU, 86.12; UTILITIES SECTION, FE, 150.00; WAED, RE, 12766.66; WAYNE COUNTY VETS MEMORIAL, RE, 11309.00; WAYNE HERALD, SE, 1547.84; WESCO, SU, 162.95; WAPA, SE, 32282.44; FIRE FIGHTER, RE, 156.00; ZACH OIL, SU, 4922.88; ZACH PROPANE, SE, 16.50; ZEE MEDICAL SERVICE, SU, 75.03; CITY EMPLOYEE, RE, 2536.26; BANK FIRST, RE, 200.00; CITY EMPLOYEE, RE, 22.91; CITY EMPLOYEE, RE, 146.27; BOMGAARS, SU, 34.72; CARTER PETERSON, RE, 450.50; CITY OF WAYNE, RE, 132.59; CLAUSSEN & SONS IRRIG., SE, 211.80; COUNTRY NURSERY, SU, 245.00; COVENTRY HEALTH, SE, 17015.45; CULLIGAN, SE, 42.25; DE LAGE LANDEN FINANCIAL, SE, 394.00; DGR & ASSOCIATES, SE, 509.00; CITY EMPLOYEE, RE, 79.34; ECHO GROUP, SU, 212.03; ED M FELD EQUIPMENT, SU, 36.44; ELLIS PLUMBING, SE, 150.00; FLOOR MAINTENANCE, SU, 119.85; FORT DEARBORN LIFE, SE, 106.64; CITY EMPLOYEE, RE, 219.57; HAMPTON INN KEARNEY, SE, 295.80; HAUFF MID-AMERICAN SPORTS, SU, 371.91; IIMC, FE, 125.00; INLAND TRUCK PARTS, SU, 88.39; JOHN HUGHES, RE, 500.00; JOYCE & BRAD HOSKINS, RE, 500.00; CITY EMPLOYEE, RE, 132.26; MID-STATE ENGINEERING, SE, 420.00; MULTIMEDIA SALES & MARKET, SE, 236.55; NE PUBLIC HEALTH, SE, 147.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; OLSSON ASSOCIATES, SE, 2823.98; CITY EMPLOYEE, RE, 52.20; PETERSON INDUSTRIAL ENGINE, SE, 8932.45; QUILL, SU, 5.50; SHAWN STORY, SE, 75.00; TURFWERKS, SU, 41.70; UNITED WAY, RE, 32.32; VERIZON, SE, 204.10; WAYNE COUNTY COURT, RE, 550.00; WAYNE STATE COLLEGE, RE, 865.00

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.

Mayor Shelton proclaimed April 30th as “Arbor Day”, the month of April as “Sexual Assault Awareness Month”, and the week of May 2-8th as “Drinking Water Week.”

Cap Peterson of Northeast Nebraska Insurance Agency, the city’s property and casualty insurance carrier, presented the City with a dividend check in the amount of \$23,610.41. This is the 12th dividend paid by the Company out of the past 16 years.

Three requests were made by the Mayor’s Youth Council that was established last year:

Reed Trenhaile, representing the committee who is working on a “sports related” item was present to request Council consideration to purchasing an ADA pool lift for the swimming pool. His committee has been doing research on the internet and discussing this matter with several people. They were given a presentation by City Clerk Betty McGuire, Supt. of Public Works & Utilities Garry Poutre, and Street Foreman Todd Hoeman, at their last meeting. At that meeting, the committee decided to present one

certain kind of pool lift to the Council for purchase. However, after speaking with the Jorgensens, they have determined that they need more time to do further research because this lift may not meet their son's need. The Committee feels it is very important that whatever lift the City purchases, that it suits the needs of all people who might live or visit Wayne and want to use the pool. It was noted that \$5,500 has been put in the budget, and in addition, the Knights of Columbus is going to donate some of the proceeds from the Tootsie Roll sale towards the purchase of the pool lift.

Colin Webster and Austin Frideres, representing the committee who is working on "entertainment" were present requesting Council consideration to closing 2nd Street from Main to Pearl Streets on Friday, May 21st, from 8:00 p.m. until midnight for a teen dance. They were also requesting the necessary barricades to close the street. They will be soliciting donations from local businesses to help pay for the some of the costs of the dance. They are looking at a fee of \$2 to get into the dance to help cover some of their expenses.

Julia Shear advised the Council because the Youth Council will be using some of the grant money (Drug Free Community Grant) to pay for the chaperones, the liability insurance can be covered under their policy.

City Administrator Johnson noted that the Committee will need to get a permit from the Chief of Police.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving the request of the Mayor's Youth Council to close off 2nd Street from Main to Pearl Streets on Friday, May 21st, from 8:00 p.m. until midnight for a teen dance.

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

There were no committee members present from the Youth Council to request permission to put trash containers on the walking trail.

Discussion took place again on whether or not to accept or return the grant for the Pedestrian Underpass.

Administrator Johnson introduced Julie Ogden, Project Engineer with JEO Consulting Group, who provided the Council with a summary of the steps that had been taken to get them to this point of the pedestrian underpass. She advised the Council the road/highway would not be closed during the construction of the underpass (two lanes will be open). Any local contractors will have to be on the NDOR's pre-approved contractor list to be able to bid on any NDOR projects. The majority of the points awarded in the grant process are due to the type of projects and how the NDOR feels it will benefit the community and/or provide safety improvements. With this being an underpass to get the kids from crossing at grade on the highway to a location where they can cross under the highway and not have the direct conflict with traffic, she felt this was a key component in why this project was rated a little higher than some of the others.

Lance Webster, Police Chief, stated they have asked that cameras be placed in the underpass so they can monitor it, and in addition, that it be well lit.

The underpass will be approximately 125' long. Eight lights are planned to be installed. While cameras were not in the initial budget, they should not pose a problem.

Ms. Ogden advised the Council that they do have the right to refuse the grant and return it. That could have some implications in the future should they want to apply for

another grant for a different part of the trail system. She can't say for sure that they would never give Wayne another grant because the committee can change, etc. There are communities that are currently turning back funds, even funds that they received 2-3 years ago because of the significant changes that have occurred in the program. They have been told that projects that were funded last December probably won't see anything built for 24 months.

Those from the audience who were in support of the Pedestrian Underpass were: Mark Evetovich, Joe Blankenau, and Wes Blecke. Those opposed to said Pedestrian Underpass were: Dean Carroll, Lonnie Matthes, Verdel Lutt, and Jordan Alexander.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm to accept the grant money for the Pedestrian Underpass. Mayor Shelton stated the motion, and the result of roll call was four Yeas (Van Delden, Sturm, Ley and Chamberlain) and four Nays (Frevert, Haase, Alexander and Berry). With the vote being a tie (4-4), Mayor Shelton then cast her Yea vote, and declared the motion carried.

Councilmember Ley left the meeting at 6:50 p.m.

Brian Belt, Wayne Volunteer Firefighter, was present to request Council consideration to establishing a Wayne Firefighter Cadet Program. This is a recruitment process that is being successfully used by other departments. At this time, the Wayne Volunteer Fire Department is at 34 members, which is 14 below its current authorized size. The ages of the cadets would be 16-19. They will not be able to go in to a live fire situation, nor will they able to ride in the first truck.

Councilmember Chamberlain introduced Resolution No. 2010-23 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2010-23

A RESOLUTION PERTAINING TO THE ESTABLISHMENT OF A
FIREFIGHTER CADET PROGRAM – WAYNE VOLUNTEER FIRE
AND RESCUE.

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

Mayor Shelton declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 74-293 Fees, of the Municipal Code, specifically Chapter 74 of Subdivisions. The applicant, City of Wayne, is seeking the request to lower the park fee percentage to one (1) percent of the fair market value of the total land area for new non-annexed, non-contiguous subdivisions, which are outside of the city limits, in the extraterritorial jurisdiction and not served by any city services. The current park fee percentage is 8%.

The Planning Commission held a public hearing on this matter and recommended approval thereof subject to the following "Findings of Fact": Staff recommendation and the Planning Commission's recommendation.

City Clerk McGuire had not received any comments for or against this public hearing.

Joel Hansen, Building Inspector/Planner/Cert. Street Supt. recommended changing the wording "not served by any city services" to "not served by full city services" for the reason that there might be development north of town where there is the possibility of hooking onto city services.

The intent is for this to promote development and not discourage it.

Attorney Miller recommended saying "not fully served by city services."

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

Councilmember Chamberlain introduced Ordinance No. 2010-9, and moved for its approval thereof as amended with the final wording being recommended by the City Attorney's Office; Councilmember Sturm seconded.

ORDINANCE NO. 2010-9

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE, CHAPTER 74, ARTICLE VIII, SECTION 74-293 FEES; TO PROVIDE FOR THE REPEAL OF CONFLICTING SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Sturm introduced Ordinance No. 2010-5, and moved for approval of the second reading thereof; Councilmember Sturm seconded.

ORDINANCE NO. 2010-5

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2010-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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 Councilmember Sturm seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. 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 Sturm to move for final approval of Ordinance No. 2010-5. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain introduced Ordinance No. 2010-6, and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2010-6

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET (SIDEWALK) IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-2 DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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 Councilmember Chamberlain seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who voted Nay, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and seconded by Councilmember Van Delden to move for final approval of Ordinance No. 2010-6. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who voted Nay, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance No. 2010-7, and moved for approval of the second reading thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2010-7

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET (SIDEWALK) IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-3 DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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 Councilmember Sturm seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. 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 Sturm to move for final approval of Ordinance No. 2010-7. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance No. 2010-8, and moved approval of the second reading thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2010-8

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET (SIDEWALK) IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-4 DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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 Councilmember Haase seconded to suspend the statutory rules requiring ordinances to be read by title on three different days.

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 Alexander to move for final approval of Ordinance No. 2010-8. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain introduced Ordinance No. 2010-4, and moved for approval of the second reading thereof; Councilmember Frevert seconded.

ORDINANCE NO. 2010-4

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE BY AMENDING SECTION 18-84 DUTIES OF THE BUILDING INSPECTOR; TO PROVIDE FOR THE REPEAL OF CONFLICTING SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE

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 Councilmember Alexander seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. 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 Alexander to move for final approval of Ordinance No. 2010-4. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated two years ago, Council approved an agreement for a reporting system to meet the requirements of the easements on the well properties so we knew what chemicals and fertilizers were being applied on the land. The owner did not sign it so that has been a pending offer. The following action will rescind that offer, but

will also approve a “Memorandum of Understanding” with Richard Milligan stating that he will get permission from the City before applying any chemicals and fertilizer on the property.

Mayor Shelton stated this agreement was set up to protect the City as much as possible and still allow the owner of the property to farm.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm to rescind the offer of the Agricultural Practices Reporting Agreement to the property owner of City Well #10 and approve a “Memorandum of Understanding” with Richard Milligan. 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 adopt the Council goals established at the annual retreat back in February.

Councilmember Sturm introduced Resolution No. 2010-24 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2010-24

A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.

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

Administrator Johnson requested Council direction to allowing him to seek requests for proposals for a lease agreement for the transfer station. At several retreats, Council has been discussing what to do with the transfer station because it is expensive to run. In the packet was a draft “Garbage Service and Recycling Proposal” for review.

The Green Team and staff have been reviewing ways to reduce garbage costs in Wayne and preserve or improve our recycling system.

Council consensus was to allow Administrator Johnson to seek Requests for Proposals for a lease agreement for the transfer station.

Bernie Gill of Gill Hauling gave a presentation on the “Recycle Bank Program.”

Councilmember Alexander left the meeting at 7:45 p.m.

Joel Hansen, Building Inspector/Planner/Certified Street Supt. gave an update on the new Title VI Requirements.

Councilmember Chamberlain made a motion and seconded by Councilmember Haase to recess as Council and convenes 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, Doug Sturm, Kathy Berry; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Alexander and Ley.

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 16, 2010, meeting.

Member Frevert made a motion and seconded by Member Sturm approving the minutes of the March 16, 2010, 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 approve the claims:

- Wayne County Treasurer – Property Taxes Western Ridge \$5,531.90
- Wayne County Treasurer – Property Taxes Kardell Industrial Tract \$397.20.

Member Shelton made a motion and seconded by Member Sturm approving the following claims: Wayne County Treasurer – Property Taxes Western Ridge \$5,531.90 and Wayne County Treasurer – Property Taxes Kardell Industrial Tract \$397.20.

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

Member Sturm made a motion and seconded by Member Haase 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 Sturm 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 7:50 p.m.