

**MINUTES
CITY COUNCIL MEETING
May 4, 2010**

The Wayne City Council met in regular session at City Hall on Tuesday, May 4, 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 Mike Pieper; 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 April 22, 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 Sturm made a motion and seconded by Councilmember Van Delden, whereas the Clerk has prepared copies of the Minutes of the meeting of April 20, 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: ALERT-ALL CORP, SU, 307.50; AMERITAS, RE, 2191.53; APPEARA, SE, 134.33; ARNIE'S FORD-MERCURY, SU, 22581.00; ARNIE'S FORD-MERCURY, SE, 4763.42; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 210.00; BLACK HILLS ENERGY, SE, 575.07; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, PY, 55099.61; CITY OF WAYNE, RE, 92.76; COMMUNITY HEALTH, RE, 4.00; CREDIT BUREAU SERVICES, RE, 245.83; EGAN SUPPLY, SU, 29.24; ELLIS PLUMBING & HEATING, SE, 137.00; FIRST CONCORD GROUP, FE, 3824.78; FLETCHER FARM SERVICE, RE, 375.00; FLOOR MAINTENANCE, SU,

236.59; GLEN'S AUTO BODY, SU, 343.42; HD SUPPLY WATERWORKS, SU, 3319.73; HOUCHEN BINDERY, SE, 131.35; HYTREK LAWN SERVICE, SE, 600.00; ICMA, FE, 560.00; ICMA, RE, 5630.46; INLAND TRUCK PARTS, SU, 31.05; IRS, TX, 18085.02; KELLY SUPPLY COMPANY, SU, 214.34; MARRIOTT HOTELS, SE, 94.00; MIDWEST OFFICE AUTOMATION, SE, 1064.29; MIDWEST TAPE, SU, 630.81; NE DEPT OF REVENUE, SE, 2684.66; NE EMERGENCY SERVICE, FE, 65.00; NE PUBLIC HEALTH, SE, 128.00; NE SAFETY COUNCIL, SE, 109.15; NIAGARA CONSERVATION CORP, SU, 1046.20; NMPP ENERGY, FE, 285.00; NNPPD, SE, 1940.09; NWOD, FE, 10.00; OVERHEAD DOOR COMPANY, SU, 104.00; PIEPER, MILLER & DAHL, SE, 1553.50; CITY EMPLOYEE, RE, 486.86; PUSH-PEDAL-PULL, SE, 163.33; QUALITY 1 GRAPHICS, SU, 60.00; QUALITY BOOKS, SU, 8.76; QUILL, SU, 59.41; QWEST, SE, 512.95; QWEST, SE, 192.02; RAMADA INN – KEARNEY, SE, 130.00; CITY EMPLOYEE, RE, 64.45; REXCO EQUIPMENT, SU, 33.58; RUSS VOLK, RE, 217.37; ST MARY'S CHURCH, RE, 1019.00; STADIUM SPORTING GOODS, SU, 250.00; THE FINAL TOUCH, SU, 2934.00; VAN WALL TURF & IRRIGATION, SE, 1491.82; VERIZON, SE, 379.86; VIAERO, SE, 139.44; WAYNE AUTO PARTS, SU, 1843.84; WAYNE COMMUNITY SCHOOLS, RE, 4260.00; WAYNE HERALD, SU, 430.00; WIGMAN COMPANY, SU, 432.47; BACON & VINTON, SE, 15000.00; BARONE SECURITY SYSTEMS, SE, 149.00; CITY EMPLOYEE, RE, 196.75; CITY EMPLOYEE, RE, 307.10; BOMGAARS, SU, 1087.89; CITY EMPLOYEE, RE, 60.00; CITY EMPLOYEE, RE, 101.23; CARROT-TOP INDUSTRIES, SU, 605.64; CITY OF WAYNE, RE, 20.00; COPY WRITE, SE, 404.78; DE LAGE LANDEN FINANCIAL, SE, 77.00; EAKES OFFICE PLUS, SU, 46.75; EASYPERMIT POSTAGE, SU, 1156.73; CITY EMPLOYEE, RE, 734.92; GERHOLD CONCRETE, SU, 567.50; HEIKES AUTOMOTIVE SERVICE, SE, 47.93; INGRAM BOOK COMPANY, SU, 903.83; JACK'S UNIFORMS, SU, 329.47; JEO CONSULTING GROUP, SE, 10000.00; CITY EMPLOYEE, RE, 172.22; CITY EMPLOYEE, RE, 609.27; KTCH, SE, 1080.00; CITY EMPLOYEE, RE, 131.87; LP GILL, SE, 7288.74; NORTHEAST EQUIPMENT, SU, 120.03; N.E. NE AMERICAN RED CROSS, SE, 180.00; PAC N SAVE, SU, 26.05; PEERLESS WIPING CLOTH, SU, 202.50; CITY EMPLOYEE, RE, 40.25; PETERSON INDUSTRIAL ENGINE, SE, 12704.67; PLUNKETT'S PEST CONTROL, SE, 178.00; PRESTO X, SE, 77.20; QUILL, SU, 80.61; CITY EMPLOYEE, RE, 548.55; SHAWN STORY, SE, 85.00; US BANK, SE, 2396.87; VEL'S BAKERY, SU, 16.00; WAED, SE, 6383.33; WAYNE COUNTY CLERK, SE, 21.00; WAYNE STATER, SE, 122.50; WAYNE VETERINARY CLINIC, SE, 168.00; WESTERN IOWA TECH, SE, 70.00; ZACH HEATING & COOLING, SE, 254.75; ZACH OIL COMPANY, SU, 4654.46; ZACH PROPANE, SU, 33.00;

Councilmember Chamberlain made a motion and seconded by Councilmember Alexander 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.

Administrator Johnson stated in 2009, the Mayor and Council appointed him as the Interim Zoning Administrator. He was requesting at this time that Joel Hansen, Building Inspector/Planner/Cert. Street Supt., be appointed the Zoning administrator since he has received the necessary training and is now familiar with the Wayne Zoning Code and legal enforcement process.

Councilmember Sturm made a motion and seconded by Councilmember Van Delden to appoint Joel Hansen as the Zoning Administrator (replacing City Administrator Lowell Johnson as Interim Zoning Administrator). Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Roger Protzman, JEO Consulting Group, gave a report and update on the status of the Wastewater Treatment Plant Project. They have finished the design and submitted the final plans and specifications to NDEQ, the EPA and Fire Marshall for their review, and have now received responses back from all. Most of the comments, in their opinion, have been relatively minor. JEO is now working on a cost opinion, and they plan to bring that before Council May 18th. In addition, they are working on an agreement between the City and Aquarius regarding the warranty period. The plan is to start advertising for bids in May with an award being made at the July 6th Council meeting.

Representatives from the Mayor's Youth Council who worked on the "Sports Related" item were present requesting Council consideration to purchasing an ADA pool lift for the swimming pool. They showed the video of the pool lift that they feel would meet everyone's needs at the pool. They have spoken with several people and their families who would be using this lift, and they all had very positive comments about the lift and said it would fit their needs. The cost of this pool lift would be \$4,750, without accessories. They would like the lift installed before the pool opens this summer.

It was noted that \$5,500 had been put in the budget for this purchase. In addition, the Knights of Columbus was going to donate some of the proceeds from the Tootsie Roll Drive towards the purchase of this pool lift.

Garry Poutre, Supt. of Public Works & Utilities, advised the Council that the lift operates on water pressure. The City Clerk is working on specifications with Aquatic Access at this time. This lift has been approved by the State of Nebraska Department of Health and Human Services that oversees the State regulations related to pools.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the request of the Mayor's Youth Council to purchase the proposed ADA pool lift for the swimming pool. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tony Kochenash, representing the Q125 Committee, presented a check in the amount of \$2,800 to the City, which represents the unused funds from the \$5,000 previously given to the Committee in 2009, and thanked the City and staff for their support throughout the year on this celebration. Mr. Kochenash requested that these

funds be used to erect a sign in the apple orchard and help purchase benches and trash receptacles for the downtown.

Marie Mohr representing the Revitalize Wayne Committee was present requesting the Council to help fund and purchase benches and trash receptacles for the downtown area. There were two letters of support in the Council packet, one from Heritage Nebraska Main Street and one from the Revitalize Main Committee, WAED. They were requesting three benches and three trash receptacles. They would like to purchase the pieces from Behlen Manufacturing of Columbus, NE, who is having a stock reduction sale. If the City would pay 50% of the cost for the six pieces, it would be \$1,647.

Councilmember Sturm thought the City should purchase more than what was being proposed.

Councilmember Alexander recalled previous Council discussion regarding trash containers downtown and that the same was not approved.

Garry Poutre stated when the Team 15 Committee met, there was concern that there would be too many things on the walking path because of the street lights, etc. He thought at that time there was a “wait and see” attitude. The receptacles proposed are the right kind if the City is going to purchase them.

Councilmember Frevert was in favor of putting the \$2,800 towards the purchase of the receptacles, with the Committee then using their \$1,647 to purchase additional pieces.

Nancy Braden, Finance Director, advised the Council that quite some time ago Frances Johnson gave a memorial of \$500 to the City for the beautification of Wayne. That has now grown to \$663. The only way she can spend this money is if the Council

allocates it towards a specific project. In addition, the City has two grants from the Wal-Mart Foundation that can be used for projects. One grant was in honor of Pat Gross for his work with the Library and the other was in honor of Jane O'Leary. There is a total of \$4,163 that could be used for the purchase of these receptacles.

Traci Bruckner thought they should not just be thinking about trash, but also recycling downtown as well.

After discussion, a motion was made by Councilmember Sturm and seconded by Councilmember Chamberlain to purchase eight trash receptacles and three benches and to allocate the funding that has been set aside for beautification to purchase the same. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Frevert and Haase who voted Nay, the Mayor declared the motion carried.

Councilmember Frevert made a motion and seconded by Councilmember Chamberlain to spend the money that has been set aside for beautification (\$4,163) and the refund from the Q125 Committee (\$2,800) towards trash receptacles and benches and to incorporate those already authorized by the prior motion. 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. 2010-9, and moved for approval of the second reading thereof; Councilmember Alexander 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.

Councilmember Sturm made a motion and Councilmember Frevert 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 Sturm made a motion and seconded by Councilmember Chamberlain to move for final approval of Ordinance No. 2010-9. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Nancy Braden, Finance Director, requested Council consideration to amending the Sales Tax Capital Project's Budget to include the \$100,000 to the Airport Authority for the airport runway project.

Councilmember Chamberlain made a motion and seconded by Councilmember Haase to amend the Sales Tax Capital Project's Budget to include \$100,000 to the Airport Authority for the airport runway project. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Berry arrived at 6:28 p.m.

Administrator Johnson stated with the funding in place for the pedestrian underpass, that needs to be added to our operating Strategic Plan for operations and for communications to the public of what our goals and projects are.

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain to add the Underpass as a goal to the Strategic Plan Schedule. 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.

Lance Webster, Police Chief requested Council consideration to approving the specifications for either a sedan or a compact AWD SUV and to go out for bids. The purchase of a vehicle is included in this year's budget (\$35,000). The car being replaced is Unit 11 (1996 Crown Victoria), which has 161,000 miles on it.

Councilmember Sturm made a motion and seconded by Councilmember Frevert approving the specifications for either a police car sedan or a compact AWD SUV and to authorize staff to go out for bids. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who voted Nay, the Mayor declared the motion carried.

Irene Fletcher representing the Citizens Economic Development Advisory Committee for LB840 Grant Assistance advised the Council that this group received an application from the Wayne Farmers Market and Wayne Community Gardens for \$5,000. After meeting on the matter, they are recommending that the Council consider granting \$1,000 to the Wayne Farmer's Market and \$250 to the Wayne Community Gardens.

Administrator Johnson advised the Council that the Community Garden would fall under the City's umbrella insurance policy should someone get hurt down there. Our agreement provides that they cannot sell their products.

Traci Bruckner, Monica Snowden, Larry Sherer and Bonnie Anderson were present concerning this matter. In addition, they requested Council consideration to granting the full amount in lieu of what was recommended by the Citizens Economic Development Advisory Committee for LB840 Grant Assistance.

Ms. Bruckner advised the Council that there are federal grants for farmers markets.

The Community Garden organization will be responsible for the water usage and monthly meter charge.

Mayor Shelton stated this is a little money that will impact a lot of people.

After a lengthy discussion, Councilmember Sturm made a motion and seconded by Councilmember Chamberlain approving \$2,750 for the Wayne Farmers Market (\$2,500) and Wayne Community Gardens (\$250). Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who voted Nay, the Mayor declared the motion carried.

Councilmember Sturm made a motion and seconded by Councilmember Alexander 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 Kathy Berry; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member 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 April 20, 2010, meeting.

Member Van Delden made a motion and seconded by Member Alexander approving the minutes of the April 20, 2010, meeting. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Administrator Johnson stated that the TIF Agreement for Western Ridge was written as a rolling TIF Agreement that would need to be amended as new houses are build in Western Ridge. Wayne Habitat for Humanity will be building a house on Lot 15 this summer. This action will request the City Council to set a public hearing date to amend the Western Ridge II TIF Agreement by adding Lot 15 thereto.

Member Frevert made a motion and seconded by Member Van Delden to amend the Western Ridge TIF Agreement to include Lot 15. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

There were no claims.

Member Sturm 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 made a motion and seconded by Councilmember Frevert setting the public hearing to amend the Western Ridge TIF Agreement for June 1, 2010, at or about 5:30 p.m. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson reviewed the 2010-2011 Strategic Plan with the Council.

Councilmember Sturm made a motion and seconded by Councilmember Haase to enter into executive session for the annual review of the City Administrator and to protect the reputation of the Administrator. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 7:45 p.m.

Mayor Shelton again stated that the matter to be discussed in execution session relates to the annual review of the City Administrator.

Councilmember Alexander made a motion and seconded by Councilmember Sturm to resume open session. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 8:05 p.m.

Councilmember Alexander made a motion and seconded by Councilmember Frevert 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 8:05 p.m.