

**MINUTES
CITY COUNCIL MEETING
June 1, 2010**

The Wayne City Council met in regular session at City Hall on Tuesday, June 1, 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, Dale Alexander, Kaki Ley, and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert, Doug Sturm and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 20, 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 Alexander made a motion and seconded by Councilmember Chamberlain, whereas the Clerk has prepared copies of the Minutes of the meeting of May 18, 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:

ADDITIONS AND/OR CORRECTIONS TO CLAIMS LIST: Delete from previous year claims listings: Uncashed claim checks - 2654.81

VARIOUS FUNDS: ALARM PROS, SE, 79.13; AMAZON, SU, 188.25; AMERITAS, RE, 2168.66; APPEARA, SE, 135.19; AQUATIC ACCESS, SU, 5300.00; BANK FIRST, FE, 210.00; CITY EMPLOYEE, RE, 72.93; BLACK HILLS ENERGY, SE, 151.91; BOMGAARS, SU, 16.99; BOMGAARS, SU, 962.27; CITY EMPLOYEE, RE, 127.21; CALIFORNIA CONTRACTORS, SU, 111.12; CEDAR CO SHERIFF'S OFFICE, SE, 45.00; CITY OF WAYNE, RE, 600.00; CITY OF WAYNE, RE, 250.00;

CITY OF WAYNE, RE, 560.00; CITY OF WAYNE, PY, 62042.73; CITY OF WAYNE, RE, 50.00; COMMUNITY HEALTH, RE, 4.00; DAKOTA BUSINESS SYSTEMS, SE, 101.50; DEMCO, SU, 160.32; CITY EMPLOYEE, RE, 68.30; DUTTON-LAINSON, SU, 133.81; ECCON HEATING, SU, 602.59; ECHO GROUP, SU, 79.22; ELECTRIC FIXTURE, SU, 119.34; ELECTRIC INNOVATIONS, SU, 403.90; ELECTRONIC ENGINEERING, SU, 88.24; FIRST CONCORD GROUP, SE, 3824.78; FLOOR MAINTENANCE, SU, 97.49; FORT DEARBORN LIFE, SE, 106.64; GERHOLD CONCRETE, SU, 216.13; HAWKINS, SU, 1337.67; HOLIDAY INN OF KEARNEY, SE, 279.80; ICMA, RE, 5635.76; IRS, TX, 19126.33; JACK'S UNIFORMS, SU, 40.95; JEO CONSULTING GROUP, SE, 6909.50; KOENIG ENTERPRISES, RE, 825.00; KRIZ-DAVIS, SU, 61.35; LANCASTER CO SHERIFF, SE, 25.00; LAYNE CHRISTENSEN, SE, 36785.33; LINWELD, SU, 18.36; MICHAEL TODD & CO, SU, 171.77; MIDWEST OFFICE AUTOMATION, SE, 138.96; MSC INDUSTRIAL, SU, 337.71; MTCS, SU, 150.00; NASB, FE, 120.00; NE DEPT OF REVENUE, TX, 2730.63; NE NEB INS AGENCY, SE, 89.00; NE PUBLIC HEALTH, SE, 168.00; NETWORKING PLUS, SE, 60.00; NNPPD, SE, 1999.65; OLSSON ASSOCIATES, SE, 3864.19; PAMIDA, SU, 6.70; CITY EMPLOYEE, RE, 725.49; CITY EMPLOYEE, RE, 88.40; QUALITY TRANSMISSION, SE, 170.03; QUILL, SU, 10.79; QWEST, SE, 427.95; RANDOM HOUSE, SU, 143.91; RANDY ROGERS, RE, 500.00; RUTJENS CONSTRUCTION, SE, 144008.70; SCOTT HASEMANN, RE, 500.00; STATE NATIONAL BANK, RE, 89603.75; STEVE HARRIS CONSTRUCTION, SE, 27919.61; VAN DIEST SUPPLY, SE, 1800.00; VERIZON, SE, 261.57; VIAERO, SE, 136.23; WAYNE STATE COLLEGE, RE, 1000.00; ZIMCO, SU, 4981.30; ARNIE'S FORD-MERCURY, SE, 1038.88; AS CENTRAL SERVICES, SE, 448.00; ATCO INTERNATIONAL, SU, 52.80; BLACK HILLS ENERGY, SE, 112.59; CITY OF NORFOLK, SE, 233.85; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 51.00; CITY OF WAYNE, RE, 948.00; CITY OF WAYNE, RE, 4044.71; COPY WRITE, SE, 120.14; DE LAGE LANDEN FINANCIAL, SE, 77.00; HAWKINS, SU, 253.25; KELLY SUPPLY, SU, 125.80; LARRY MITCHELL, SU, 150.00; NNEDD, SE, 703.00; NE PUBLIC HEALTH, SU, 603.00; NORTHEAST NE RESOURCE, RE, 2750.00; PETERSON INDUSTRIAL ENGINE, SE, 7771.00; PIEPER, MILLER & DAHL, SE, 2590.26; CITY EMPLOYEE, RE, 219.40; STADIUM SPORTING GOODS, SU, 96.00; STATE NATIONAL BANK, RE, 458.21; VAN DIEST SUPPLY, SU, 119.80; VERIZON, SE, 317.37; WASTE CONNECTIONS, SE, 95.61; WAED, RE, 10000.00; WAED, RE, 6383.33; WAED, RE, 70.00; WAYNE STATE COLLEGE, RE, 800.00; CITY EMPLOYEE, RE, 561.88; WHELEN ENGINEERING, SE, 25.05

Councilmember Chamberlain made a motion and seconded by Councilmember Ley 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.

Sandy Bartling, who sits on the Board of Directors of Heritage Nebraska Main Street, presented the City with a plaque on behalf of said organization, for being an “Outstanding Public Partner.”

Darin Greunke, Leader of the Sharp Shooters 4-H Club, was present requesting Council consideration to allowing them to operate a shooting gallery style air gun trailer at the Henoween and Chicken Show activities in July.

Councilmember Ley made a motion and seconded by Councilmember Alexander approving the request made by Darin Greunke, Leader of the Sharp Shooters 4-H Club, to operate a shooting gallery style air gun trailer at the Henoween and Chicken Show activities in July. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander 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, Dale Alexander, Lois Shelton, and Kaki Ley; City Attorney Mike Pieper; City Administrator Lowell

Johnson; and City Clerk Betty McGuire. Absent: Members Brian Frevert, Doug Sturm 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 May 18, 2010, meeting.

Member Alexander made a motion and seconded by Member Shelton approving the minutes of the May 18, 2010, meeting. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Chamberlain stated the following Resolution would amend the Redevelopment Plan for Western Ridge by adding Lot 15 thereto, which is owned by Habitat for Humanity.

Member Shelton introduced CDA Resolution No. 2010-1 titled as follows and moved its passage and approval by the Agency:

CDA RESOLUTION NO. 2010-1

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN AMENDMENT FOR THE WESTERN RIDGE SINGLE-FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS.

Member Ley seconded the motion. On roll call vote, the following Agency Members voted in favor of the motion: Van Delden, Haase, Alexander, Shelton, Ley, and Chamberlain. The following Members were absent or did not vote: Frevert, Sturm and Berry.

The passage of CDA Resolution No. 2010-1, having been agreed upon by a

majority of the Agency, the Chair declared CDA Resolution No. 2010-1 passed and, in the presence of the Agency, signed and approved CDA Resolution No. 2010-1, and the Clerk attested to its passage by affixing her signature thereto. A true and complete copy of CDA Resolution No. 2010-1 is attached hereto as Exhibit C.

Member Ley made a motion and seconded by Member Alexander 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.

The Mayor stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a resolution approving a redevelopment plan amendment, for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”). The Clerk reported that notice of the public hearing had been published in the Wayne Herald on May 13, 2010, and May 20, 2010, as indicated on **Exhibit C** attached hereto. The Clerk further reported that notice of the public hearing had been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act, as indicated on **Exhibit D** attached hereto. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: None.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

Councilmember Chamberlain then introduced Resolution No. 2010-27 and moved its passage and approval:

RESOLUTION NO. 2010-27

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS

Councilmember Alexander seconded the motion. On roll call vote, the following Council Members voted in favor of the motion: Van Delden, Haase, Alexander, Ley, and Chamberlain. The following Councilmembers were absent or did not vote: Frevert, Sturm and Berry.

The passage of Resolution No. 2010-27 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2010-27 passed and, in the presence of the Council, signed and approved Resolution No. 2010-27. The Clerk attested to the passage of Resolution No. 2010-27 by signing the same and affixing the seal of the City to Resolution No. 2010-27. A true and complete copy of Resolution No. 2010-27 is attached hereto as **Exhibit E**.

Mayor Shelton declared the time was at hand for the public hearing on the Wayne Revolving Loan Fund (WRLF) application of Jeff and Jill Ellis for \$75,000 which will be used to purchase a building and relocate their existing business to Wayne.

Jeff Ellis was present to answer questions. The building being purchased is the old Heartland Stainless building, which is about 4 times the size of what he has at this time.

Wes Blecke, Executive Director of Wayne Area Economic Development, advised the Council that they have reviewed the application and unanimously recommended approval thereof.

This loan has an interest rate of 4%, with a balloon payment in seven years.

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

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

Councilmember Berry arrived at 5:44 p.m.

Councilmember Chamberlain introduced Resolution No. 2010-28 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2010-28

A RESOLUTION CONFIRMING THE APPLICATION FOR AND APPROVING THE USE OF NOT TO EXCEED \$75,000 FROM THE WAYNE REVOLVING LOAN FUND.

It was noted that approval of this loan is dependent upon the applicants receiving financing from both First National Bank (SBA) and Northeast Nebraska Economic Development District.

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

Councilmember Alexander introduced Ordinance 2010-10, and moved for approval of the second reading thereof; Councilmember Chamberlain seconded.

ORDINANCE NO. 2010-10

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I. IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS;

TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR 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 third and final reading will take place at the next meeting.

Councilmember Chamberlain introduced Ordinance 2010-11, and moved for approval of the second reading thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2010-11

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE XII ADMINISTRATIVE PROCEDURE AND ENFORCEMENT BY AMENDING SECTION 90-882 BUILDING PERMITS REQUIRED; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR 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 third and final reading will take place at the next meeting.

City Clerk McGuire advised the Council that two written objections were received concerning Street Improvement District No. 2010-1 (First Street from Main Street to Pearl Street). Those objections represent 200' of front footage of abutting property, which is less than a majority of the total 600' of front footage of abutting properties within said District. Therefore, the project moves forward as planned.

Councilmember Chamberlain introduced Resolution No. 2010-29 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-29

A RESOLUTION MAKING A DETERMINATION OF SUFFICIENCY OF OBJECTIONS FILED TO THE CREATION OF STREET IMPROVEMENT DISTRICT NO. 2010-1.

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

City Clerk McGuire advised the Council that two written objections were received concerning Street (Sidewalk) Improvement District No. 2010-2 (Second Street from Logan Street to Pearl Street). Those objections represent 125' of front footage of abutting property, which is less than a majority of the total 1200' of front footage of abutting properties within said District. Therefore, the project moves forward as planned.

Councilmember Alexander introduced Resolution No. 2010-30 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-30

A RESOLUTION MAKING A DETERMINATION OF SUFFICIENCY OF OBJECTIONS FILED TO THE CREATION OF STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-2.

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

City Clerk McGuire advised the Council that two written objections were received concerning Street (Sidewalk) Improvement District No. 2010-3 (Third Street from Logan Street to Pearl Street). Those objections represent 150' of front footage of abutting property, which is less than a majority of the total 1200' of front footage of abutting properties within said District. Therefore, the project moves forward as planned.

Councilmember Alexander introduced Resolution No. 2010-31 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2010-31

A RESOLUTION MAKING A DETERMINATION OF SUFFICIENCY OF

OBJECTIONS FILED TO THE CREATION OF STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-3.

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

City Clerk McGuire advised the Council that one written objection was received concerning Street (Sidewalk) Improvement District No. 2010-4 (Pearl Street from First Street to Third Street). This objection represents 50' of front footage of abutting property, which is less than a majority of the total 1200' of front footage of abutting properties within said District. Therefore, the project moves forward as planned.

Councilmember Ley introduced Resolution No. 2010-32 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-32

A RESOLUTION MAKING A DETERMINATION OF SUFFICIENCY OF OBJECTIONS FILED TO THE CREATION OF STREET (SIDEWALK) IMPROVEMENT DISTRICT 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 the Sales Tax Capital Projects Plan needs to be amended to include \$250,000 for the Downtown Sidewalk Improvement Project, which is the City's estimated cost of one-half of the project.

Councilmember Chamberlain made a motion and seconded by Councilmember Alexander to amend the Sales Tax Capital Projects Plan to add \$250,000 for the Downtown Sidewalk Plan. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson presented the specifications for a new heating/air conditioning system for the billing office and police department at City Hall. NPPD conducted an energy audit for City Hall. The heating and cooling system for the main floor is about 50 years old, and they have suggested/recommended that it be replaced. This will provide a unit for the south side of the building and also one for the north side of the building so that each can be controlled separately.

Councilmember Ley made a motion and seconded by Councilmember Chamberlain authorizing staff to seek bids regarding a heating/air conditioning system for the billing office and police department in City Hall. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Garry Poutre, Supt. of Public Works & Utilities, presented the bid specs for a commercial front deck mower with 72" deck for the water/wastewater and parks departments. This mower will be used for the lagoon area, wells areas north of Wayne, tower areas, etc., and also be a backup mower for the softball and baseball fields. This has been in the budget for a couple of years. The approximate cost will be \$15,000, which will be cost-shared by both departments. Investigation has been done regarding contracting mowing. The city of Blair contracts out all of their mowing (except ball fields) and they receive great contract prices from the big mowing contractors out of Omaha. He solicited bids on contract mowing, and the lowest bids were three times what Blair was paying. When they put together the cost of equipment, fuel, labor, maintenance, etc., and compared it with the contract mowing bids, in their opinion, they can do it for about 1/3 of the cost, which is primarily because of what is paid for labor.

The 1999 Ranson mower with 1600 hours will be sold, and it should bring \$7,000 or \$8,000.

Councilmember Chamberlain made a motion and seconded by Councilmember Alexander approving the bid specs for a commercial front deck lawn mower and authorizing staff to seek bids for the same. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion and seconded by Councilmember Chamberlain approving WAPA Revision 3 of Exhibit C to Contract No. 90-BAO-500. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Action on Change Order No. 2 regarding the Well House and Municipal Well 2009-1 Project was postponed until the next meeting.

Councilmember Ley 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 6:08 p.m.