

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

The Wayne City Council met in regular session at City Hall on Tuesday, July 20, 2010, at 5:30 o'clock P.M. Council President Doug Sturm called the meeting to order with the following in attendance: Councilmembers Jim Van Delden, Jon Haase, Dale Alexander, Kathy Berry and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Mayor Lois Shelton and Councilmembers Brian Frevert and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 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 Chamberlain made a motion and seconded by Councilmember Van Delden, whereas the Clerk has prepared copies of the Minutes of the meetings of July 6 and 12, 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.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the Minutes approved, as corrected.

The following claims were presented to Council for their approval:

ADDITIONS & CORRECTIONS TO CLAIMS LIST OF 7/6/10: Void WAED, Re, 6383.33

VARIOUS FUNDS: ALARM PROS, SU, 5.28; ALERT-ALL CORP, SU, 223.20; AMERITAS, RE, 2345.07; APPEARA, SU, 75.62; BANK FIRST, FE, 210.00; CITY EMPLOYEE, RE, 112.16; BINSWANGER GLASS, SU, 40.00; CITY EMPLOYEE, RE,

178.01; CITY OF WAYNE, SE, 20.00; CARHART LUMBER, SU, 1290.60; CHARTWELLS, SE, 5532.70; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 90.00; CITY OF WAYNE, PY, 65286.76; CITY OF WAYNE, RE, 175.00; CITY OF WAYNE, RE, 1.77; CLAUSSEN & SONS IRRIG., SE, 676.32; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SU, 152.78; DAVE'S DRY CLEANING, SE, 72.00; DUTTON-LAINSON, SU, 186.44; ECHO GROUP, SU, 632.00; CITY EMPLOYEE, RE, 39.59; ED M FELD EQUIPMENT, SU, 841.50; ELLIS PLUMBING, SE, 713.94; FLOOR MAINTENANCE, SU, 351.02; GALE GROUP, SU, 29.66; GANA TRUCKING & EXCAVATING, SE, 8756.82; GLEN'S AUTO BODY, SE, 86.58; GRAHAM TIRES, SU, 124.26; GUILDCRAFT ARTS & CRAFTS, SU, 215.95; CITY EMPLOYEE, RE, 35.00; HAWKINS, INC, SU, 753.75; HIRERIGHT SOLUTIONS, SE, 51.90; ICMA, RE, 5579.68; INGRAM BOOK COMPANY, SU, 445.35; IRS, TX, 20963.95; JASON CAROLLO, SE, 245.00; JOHN'S WELDING AND TOOL, SE, 55.40; CITY EMPLOYEE, RE, 65.60; K & M SEEDS, SU, 10.00; KELLY SUPPLY, SU, 201.52; L.G. EVERIST, SU, 996.82; M. K. ERVIN, SE, 6160.00; MICROFILM IMAGING SYSTEMS, SE, 516.23; MIDWEST LABORATORIES, SE, 53.55; MIDWEST TAPE, SU, 288.49; MILO MEYER CONSTRUCTION, SE, 1581.25; MOONLIGHT TOWING, SE, 58.58; MUNICIPAL SUPPLY, SU, 356.71; NE DEPT OF REVENUE, TX, 3075.42; NE EXPRESSWAYS, SE, 581.04; NE LIBRARY COMMISSION, FE, 1250.00; NORTHEAST EQUIPMENT, SE, 966.98; ORIENTAL TRADING CO, SU, 113.87; PAC N SAVE, SU, 13.08; PAMIDA, SU, 180.23; CITY EMPLOYEE, RE, 184.77; PEPSI-COLA, SU, 67.79; PRESTO X, SE, 77.20; CITY EMPLOYEE, RE, 1950.01; QA BALANCE SERVICES, SE, 90.00; QWEST, SE, 139.60; ROBERT WOehler & SONS, SE, 18173.71; ROBERTSON IMPLEMENT, SU, 174.36; RON'S RADIO, SU, 42.99; SD MEYERS, SU, 168.00; SHAWN STORY, SE, 25.00; SIEMENS WATER TECHNOLOGIES, SU, 1513.00; SPARKLING KLEAN, SE, 1405.58; STADIUM SPORTING GOODS, SU, 30.00; STATE NATIONAL BANK, SE, 54.74; T & S TRUCKING, SE, 460.47; VOSS LIGHTING, SU, 122.80; WAYNE AREA CHAMBER, RE, 1000.00; WAED, RE, 100000.00; WAYNE AUTO PARTS, SU, 1613.54; WAYNE COMMUNITY SCHOOLS, RE, 3057.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE ROTARY, FE, 280.00; WAYNE STATE COLLEGE, RE, 1000.00; WESCO, SU, 3553.11; FIREMAN, SU, 28.79; WOOD PLUMBING & HEATING, SU, 153.77; ZACH HEATING & COOLING, SE, 107.50; ZACH OIL, SU, 4809.49; CITY EMPLOYEE, RE, 50.00; ZACH PROPANE, SU, 16.50; CITY EMPLOYEE, RE, 42.34; CITY EMPLOYEE, RE, 26.74; AUDITORIUM DEPOSIT, RE, 150.00; RAISING PERMIT REFUNDS, RE, 1988.00; JIM BRUMMELS, SE, 30.00; POLLARD PUMPING, SE, 985.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; ICMA, RE, 502.24; MEDICAL REIMBUREMENT, RE, 119.66; MEDICAL REIMBUREMENT, RE, 196.98; MEDICAL REIMBUREMENT, RE, 133.70; MEDICAL REIMBUREMENT, RE, 6.40; MEDICAL REIMBUREMENT, RE, 131.87; BANK FIRST, FE, 15.00; NE DEPT OF REVENUE, TX, 423.58; NPPD, SE, 284190.63; CITY OF NORFOLK, SE, 348.60; APPEARA, SE, 25.56; CULLIGAN, SE, 42.25; FORT DEARBORN LIFE, SE, 1723.49; ITRON, SE, 3294.72; NE LIBRARY COMMISSION, FE, 1287.00; QUALITY 1 GRAPHICS, SU, 75.00; PITNEY BOWES, SU, 648.00; DUTTON-LAINSON, SU, 52.19; NE PUBLIC HEALTH ENVIRO, SE, 167.00; IRS, TX, 2460.28; RANDOM HOUSE, SU, 131.88; STATE NATIONAL

BANK, RE, 100.05; BAKER & TAYLOR BOOKS, SU, 842.44; DAKOTA BUSINESS SYSTEMS, SE, 101.50; CREDIT BUREAU SERVICES, SE, 301.60; COVENTRY, SE, 18476.42; CONTINENTAL FIRE SPRINKLE, SE, 210.00; JASON CAROLLO, SE, 270.00; ISLAND SPRINKLER SUPPLY, SU, 365.81; AMAZON, SU, 178.24; VERIZON, SE, 258.41; NEBRASKA COMMUNITY FOUNDA, RE, 11000.00; UNIVERSITY OF NEBRASKA, FE, 15.00; MSM, SE, 249.00; RENA S ALONSO, PY, 4403.12

Councilmember Chamberlain made a motion and seconded by Councilmember Alexander to approve the claims. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Sturm 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, he 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.

Gary Folchert of Nebraska Public Power District gave a report on the Energy Audit Services that NPPD does for its customers. NPPD does not do energy audits on residential properties.

Garry Poutre, Supt. of Public Works & Utilities, advised the Council that JEO Consulting Group contacted us about NDEQ's grant program for a water source protection process. This is a two-year process, and JEO has estimated that it will cost about \$90,000. There is stimulus funding that can help pay up to \$75,000 of an estimated \$90,000 cost to prepare a well head protection plan and long-term drinking water sustainability plan. JEO has offered to do this grant application process at no cost. The

deadline for this application is August 6th. If we receive the grant, the starting date would be December, 2010, and the process would be completed at the end of 2012.

Councilmember Chamberlain made a motion and seconded by Councilmember Alexander approving the application for stimulus funding for a well head protection and water source sustainability plan and retaining JEO Consulting Group as the engineer on the project. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated that a request has been made to rebuild the infield on the southwest field of the Summer Sports Complex before the District High School Softball Tournaments start this fall. The project cost is \$15,536. Fundraising efforts have raised about \$2,500 so far. His recommendation is to have the City Recreation Department contribute \$6,500, with the Wayne Community schools contributing \$3,000 and the Wayne Softball Association contributing \$3,000.

Rob Sweetland, the girls' softball coach, presented additional cost estimates from Odeys totaling \$5,829, bringing the total project cost to \$21,365. Odeys has worked on fields at the University of Nebraska and also at some fields at Omaha high schools. Odeys is recommending that a 6' drag be purchased (which is part of the additional \$5,829) so that the fields can be maintained properly. The surface they will put on the fields is very soft and is not abrasive like agra-lime. He advised the Council that the private fundraising (about \$2,500) at this time is tapped out. They were hoping to purchase the drag with that money.

Mr. Sweetland also provided the Council with a list of improvements that the Softball Association did last year at the Summer Sports Complex which totaled close to

\$13,000. The Softball Association had to take over all of the costs of running the program this past summer. They have to pay for the coaches, umpires, entry fees and equipment. They do get the fee from the kids that play, but that is all they receive. The remainder of the money needed comes from the tournaments they run and fundraising. The Softball Association had to take \$1,000 out of their reserves this year to help pay for the costs of running the program, so they will not be able to help with any of the field improvement costs as of right now. The Softball Association was of the understanding that even though they took over the program, the City would still make improvements to the complex.

Nancy Braden, Finance Director, reviewed the capital projects that are now or will be funded with the city sales tax. With all of the projects on the list, and with a 2% growth in sales tax revenues, this leaves about \$200,000 left from sales tax. Two major projects the Sales Tax Committee talked about and wanted to see funded with sales tax dollars were the swimming pool and a ladder truck for the fire department.

Rocky Ruhl, Athletic Director of Wayne Community Schools, stated that the school will commit to paying one-half of the cost of the project. The school is aware that they don't pay anything for the use of the fields. The School is willing to look at paying the City a stipend/lease/rental fee for the use of the fields that would go towards field improvements. Mr. Ruhl noted when he and the School Superintendent visited about paying half of the cost of the project, the amount they were thinking of splitting was the \$12,500, not the \$21,365. Therefore, he would have to revisit with the School Superintendent since the amount has changed.

Administrator Johnson stated the amount to do this project would come out of next year's budget. He would recommend splitting the amount out of sales tax and the recreation budget.

Councilmember Chamberlain made a motion and seconded by Councilmember Van Delden approving \$8,000 towards the cost of this project, with \$4,000 coming from the sales tax funds and \$4,000 coming out of the Recreation budget to rebuild the infield on the southwest field of the summer sports complex before the District High School Softball Tournaments this fall. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated one proposal was received on the HVAC system for City Hall, and that was from Zach Cooling and Heating in the amount of \$8,889.

Councilmember Van Delden introduced Resolution No. 2010-46 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-46

A RESOLUTION ACCEPTING PROPOSAL AND AWARDED CONTRACT FOR THE HVAC SYSTEM FOR CITY HALL.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated the following Resolution would amend the Personnel Policy regarding public access to employee use of cell phones, computers and texting. This is the policy recommended by the Harding Law Firm. All employees will be required to read and sign a statement acknowledging public access to the communications equipment they are using.

Councilmember Chamberlain introduced Resolution No. 2010-47 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-47

A RESOLUTION AMENDING CHAPTER 30 – ACCEPTABLE USE POLICY FOR INFORMATION TECHNOLOGY OF THE CITY PERSONNEL MANUAL.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated the following Resolution would update the 10-year lease agreement with Alltel and increase their monthly payment to \$1,900 per month. The monthly payment will then be increased annually by 5%.

Councilmember Alexander introduced Resolution No. 2010-48 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2010-48

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE COMMUNICATION TOWER AND REAL ESTATE LEASE AGREEMENT WITH ALLTEL COMMUNICATIONS OF NEBRASKA, INC.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated the following Resolution would allocate \$60,000 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council.

Councilmember Alexander introduced Resolution No. 2010-49 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2010-49

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated the following Resolution would approve the Windom Street Engineering Agreement with Kirkham Michael for \$95,985. The total estimated cost of this project is \$590,000. Eighty percent of the engineering costs and costs of the project will be paid for by STP funding. This project will probably take place in 2013.

Councilmember Chamberlain introduced Resolution No. 2010-50 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2010-50

A RESOLUTION APPROVING STP ENGINEERING AGREEMENT (AMENDED) FOR PROFESSIONAL ENGINEERING DESIGN SERVICES BETWEEN THE CITY OF WAYNE AND KIRKHAM MICHAEL FOR THE WINDOM STREET FROM 3RD TO 7TH STREETS PAVING AND STORM SEWER PROJECT.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Nancy Braden, Finance Director, stated the following Resolution is necessary to allow Council President Sturm to sign grant documents in the absence of Mayor Shelton.

Councilmember Van Delden introduced Resolution No. 2010-51 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-51

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO REQUEST COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Lisa Hurley of Northeast Nebraska Economic Development District advised the Council that the trust fund grant for the Western Ridge Project is facing a contract end date of August 6th. The final two houses are not completed at this point, and in all likelihood will not be completed by August 6th. Therefore, we need to make a request to extend the contract end date to October 6, 2010, to allow us to complete the homes in Western Ridge. It is not known whether or not this extension will be approved.

Councilmember Chamberlain introduced Resolution No. 2010-52 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-52

A RESOLUTION AUTHORIZING EXTENSION OF CONTRACT END DATE FOR NAHTF GRANT #07-TFHP-5044.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Gene Hansen, Superintendent of Electric Production, stated the City has been awarded a grant in the amount of \$250,000 for a \$600,000 project to improve the cooling system at the power plant. The following Resolution would authorize the acceptance of the energy efficiency and conservation block grant.

Councilmember Chamberlain introduced Resolution No. 2010-53 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2010-53

A RESOLUTION AUTHORIZING ACCEPTANCE OF ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Nancy Braden, Finance Director, and City Administrator Johnson gave a preliminary review of the 2010-2011 proposed budget.

Administrator Johnson advised the Council that the State approved the Mutual Finance Organization application, which means that the City of Wayne Fire Department will receive \$27,000 in state aid.

Garry Poutre, Supt. of Public Works & Utilities, gave a report on the new NDEQ requirements for the sludge lagoon. The EPA states that our lagoon is sludge storage and not a part of our wastewater treatment process and needs to be handled as such. There are a lot of different requirements for operating a sludge storage unit than there is for a wastewater treatment process. We received a report from the EPA in January. Our current operating plant for the treatment plant expires September 30th. We have never heard the final outcome of the EPA inspection that we had last October until a couple of weeks ago. The EPA has requested information about our lagoon and how it has been operated the past 15 years. We are working with JEO to respond to that request, which is due the first week of August. We have \$1,000,000 set aside in the budget to decommission the 26-acre lagoon. Once the information is sent to the EPA, they will determine in the coming months whether or not the lagoon is to be treated as part of our wastewater treatment process or as a sludge storage facility, and if it is determined to be a sludge storage facility, then we will need to advise them how we will go about getting rid of the sludge.

Councilmember Alexander made a motion and seconded by Councilmember Chamberlain to recess as Council and convene as the Community Development Agency. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President 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, Doug Sturm, and Kathy Berry; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Lois Shelton, Brian Frevert and Kaki 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 June 1, 2010, meeting.

Member Alexander made a motion and seconded by Member Sturm approving the minutes of the June 1, 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 following CDA Claims:

Habitat for Humanity – Liteform due from Grant -- \$1,131.64

Habitat for Humanity – Gift Lot to Habitat -- \$5,000.00

City of Wayne – Attorney Fees -- \$929.00

Member Sturm made a motion and seconded by Member Alexander approving the CDA Claims. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Alexander made a motion and seconded by Member Sturm 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 Haase made a motion and seconded by Councilmember Alexander to adjourn the meeting. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the meeting adjourned at 7:15 p.m.