

**MINUTES
CITY COUNCIL MEETING
October 5, 2010**

The Wayne City Council met in regular session at City Hall on Tuesday, October 5, 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, Kathy Berry and Ken Chamberlain; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 23, 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 September 21, 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.

The following claims were presented to Council for their approval:

VARIOUS FUNDS:

FISCAL YEAR 2009-2010: AMERITAS, SE, 2286.36; APPEARA, SE, 98.28; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 195.00; BLACK HILLS ENERGY, SE, 85.98; CITY EMPLOYEE, RE, 182.20; BOMGAARS, SU, 806.92; CITY EMPLOYEE, RE, 68.52; BROWN SUPPLY, SU, 505.84; CITY OF WAYNE, RE, 1.39; CITY OF WAYNE, RE, 1250.00; CITY OF WAYNE, PY, 58514.19; CITY OF WAYNE, RE, 277.54; CLAUSSEN & SONS IRRIG., SU, 14.35; COMMUNITY HEALTH, RE, 4.00; DAVE SWANSON, SE, 200.00; CITY EMPLOYEE, RE, 72.96;

EAKES OFFICE PLUS, SU, 174.47; EGAN SUPPLY, SU, 24.36; ELECTRONIC ENGINEERING, SE, 225.00; ELLIS PLUMBING & HEATING, SE, 157.64; FERGUSON WATERWORKS, SE, 237.41; FIRST CONCORD GROUP, SE, 3824.78; FLOOR MAINTENANCE, SU, 116.27; FREDRICKSON OIL, SU, 3000.00; GANA TRUCKING & EXCAVATING, SE, 29316.55; CITY EMPLOYEE, RE, 155.53; HAUFF MID-AMERICAN SPORTS, SU, 133.00; HD SUPPLY WATERWORKS, SU, 1543.00; HOUCHEN BINDERY, SU, 43.15; ICMA, RE, 5533.55; IRS, TX, 19341.27; JEO CONSULTING GROUP, SE, 25344.70; JEROLD F PENREY, SU, 46.95; CITY EMPLOYEE, RE, 206.99; KELLY MEYER, SU, 260.00; KRIZ-DAVIS, SU, 256.67; MCKINNIS ROOFING, SE, 3892.75; MICROFILM IMAGING SYSTEMS, SE, 490.77; MSC INDUSTRIAL, SU, 87.47; N.E. NEB ECONOMIC DEV DIS, RE, 200.00; NE CHAPTER OF IAEL, FE, 145.00; NE DEPT OF REVENUE, TX, 2901.66; NE PUBLIC HEALTH, SU, 350.00; NMC, INC., SU, 71.32; N.E. NE AMERICAN RED CROSS, SE, 594.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 2743.00; NORTHWEST ELECTRIC, SE, 800.00; PIEPER, MILLER & DAHL, SE, 4238.00; CITY EMPLOYEE, RE, 53.48; PROVIDENCE MEDICAL CENTER, SE, 70.00; PUSH-PEDAL-PULL, SU, 38.00; QUILL, SU, 131.21; QWEST, SE, 118.98; QWEST, SE, 183.69; RIEKES EQUIPMENT, SU, 355.19; ROBERT WOEHLER & SONS, SE, 374.52; CITY EMPLOYEE, RE, 827.09; TIM SCHAEFER JR, SE, 107.00; SKARSHAUG TESTING LAB, SE, 161.40; STADIUM SPORTING GOODS, SU, 19.50; STEFFEN, SU, 5129.00; UNITED RENTALS, SU, 347.76; UNITED WAY, RE, 32.32; VAKOC BUILDER'S RESOURCE, SU, 7.59; VERIZON, SE, 151.73; VIAERO, SE, 135.81; CITY EMPLOYEE, RE, 125.58; WAYNE COUNTY VETS MEMORIAL, RE, 9367.09; WAYNE KIWANIS, FE, 260.00; WESCO, SU, 2606.01; ACCUFITNESS, SU, 117.75; BAKER & TAYLOR BOOKS, SU, 545.08; BIG T ENTERPRISES, SU, 371.90; BOMGAARS, SU, 2411.47; BROWN SUPPLY, SU, 868.51; CARHART LUMBER CO, SU, 612.14; CDW DIRECT, SU, 13600.00; CHARTWELLS, SE, 5350.45; COPPLE & ROCKEY, SE, 307.00; COPY WRITE, SU, 578.94; DAVE'S DRY CLEANING, SE, 114.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEMCO, SU, 122.48; DUTTON-LAINSON, SU, 180.20; EAKES OFFICE PLUS, SU, 45.14; EASYPERMIT POSTAGE, SU, 1645.91; ECHO GROUP, SU, 169.19; ELECTRONIC ENGINEERING, SE, 2500.00; ELLIS PLUMBING & HEATING, SE, 168.05; ERIKSEN CONSTRUCTION, SE, 224448.30; F & M BANK, RE, 1000000.00; FLOOR MAINTENANCE, SU, 47.91; FREDRICKSON OIL, SE, 42.20; GLEN'S AUTO BODY, SE, 116.58; GREAT PLAINS ONE-CALL, SE, 117.16; HARDING & SHULTZ, SE, 5508.84; HAWKINS, SU, 163.63; HOLIDAY INN OF KEARNEY, SE, 648.00; HUNTEL, SE, 9838.85; INGRAM BOOK COMPANY, SU, 987.80; JACK'S UNIFORMS, SU, 12.95; JOHN'S WELDING AND TOOL, SE, 155.60; JOHNSON HARDWARE, SE, 39.04; CITY EMPLOYEE, RE, 124.59; CITY EMPLOYEE, RE, 272.72; LAUREL SUMMER RECREATION, FE, 390.00; LEAGUE OF NEBRASKA, FE, 1573.00; LOVE SIGNS, SE, 75.00; LP GILL, SE, 8311.16; MICROFILM IMAGING SYSTEMS, SE, 1056.40; MIDWEST TAPE, SU, 34.99; MIDWEST TURF & IRRIGATION, SU, 37902.00; MSC INDUSTRIAL, SU, 109.92; N.E. NEB ECONOMIC DEV DIS, SE, 1521.50; NE MUNICIPAL CLERKS ASSOC, FE, 35.00; NMC, INC, SU, 231.22; NORTHEAST EQUIPMENT, SU, 1234.19; NNPPD, SE, 11634.98; PAC N SAVE, SU, 125.50; PAMIDA STORE, SU, 329.39; PROVIDENCE

MEDICAL CENTER, SE, 300.00; QUILL, SU, 20.22; CITY OF WAYNE, RE, 28.88; RON'S RADIO, SE, 934.00; SHARP CONSTRUCTION, SE, 1130.00; STADIUM SPORTING GOODS, SU, 513.50; STATE NATIONAL BANK, RE, 375.66; TERRACON CONSULTANTS, SE, 1207.75; US BANK, SU, 8007.50; WAYNE AUTO PARTS, SU, 979.36; WAYNE COUNTY CLERK, SE, 7.00; WAYNE HERALD, SE, 2813.03; WAYNE VETERINARY CLINIC, SE, 294.00; ZACH OIL, SU, 5651.81

FISCAL YEAR 2010-2011: CITY EMPLOYEE, RE, 114.43; JAMES OSSIAN, RE, 500.00; CITY EMPLOYEE, RE, 22.96; NE STATE TREASURER, RE, 553.75; NINE ONE ONE, SE, 3750.00; NE NEB INS AGENCY, SE, 61502.00; CITY EMPLOYEE, RE, 251.10; PROVIDENCE MEDICAL CENTER, SE, 10000.00; RANDY BIRD, RE, 500.00; CITY EMPLOYEE, RE, 240.96; WAYNE STATE COLLEGE, RE, 2,235.00

FISCAL YEAR 2009-2010

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm 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 proclaimed October as "Domestic Violence Awareness Month."

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.

Because there was not a quorum present when the membership application of Jennie Lunz was voted upon at the last meeting, the matter must be brought before Council again to approve.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving the membership application of Jennie Lunz to the Wayne Volunteer Fire Department. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Dave Tietgen of Renais Energy LLC, presented a “Letter of Intent” for a proposed wind turbine project in Wayne. In addition, Eric Thompson, Regional Manager for Nordic Wind was also present. Nordic Wind Power designs, manufactures and sells innovative two-bladed utility scale wind turbines for communities and distributive wind markets worldwide. They are recommending two, one megawatt wind turbines, which has the lowest installed cost of any similarly sized turbine on the market. Its prototypes have been operating successfully for over a decade. The two-bladed wind turbines are able to withstand the wind gusts better than the three-bladed turbines.

Clint Rogers of Renewable Energy Development, LLC, explained the Letter of Intent. If approved, this would enable them to proceed with the Power Purchase Agreement. The price per kW in the Power Purchase Agreement will be set at 6.5 cents per kW, with an anticipated inflation factor of 5% per year for a period of 20 years. Section 2 – Confidentiality of the letter of intent was stricken. If approved, they would prepare and forward the Power Purchase Agreement for action at the October 19th Council meeting. Their goal is to get this moving forward as far as they can due to the parameters with the Government for 30% grant monies which expires December 31st. The project has to be 5% complete in order to qualify for the grant.

It was noted that this matter would have to go through the hearing process with the Planning Commission and Council due to the fact that this would be a “use by exception.”

Councilmember Sturm made a motion and seconded by Councilmember Frevert approving the “Letter of Intent” with Renewable Energy Development, LLC, for a

proposed wind turbine project in Wayne. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain introduced Ordinance 2010-23, and moved for approval of the second reading thereof; Councilmember Sturm seconded.

ORDINANCE NO. 2010-23

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE. CHAPTER 86, ARTICLE III, SECTIONS 86-37 REMOVAL; 86-38 PROPERTY OWNER REMOVAL; 86-39 REQUIRED TRIMMING; 86-41 ACTS DECLARED NUISANCES; NOTICE; ABATEMENT; AND 86-43 ENFORCEMENT; 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 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, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Chamberlain seconded to move for final approval of Ordinance No. 2010-23. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following three agenda items are necessary to temporarily borrow funds to pay the construction costs for Street Improvement District Nos. 2010-1 (First Street) and 2010-5 (Jaxon and Tomar Streets), and Street (Sidewalk) Improvement District Nos. 2010-2, 2010-3, and 2010-4 (Downtown Sidewalks), and Benscoter Subdivision Water Extension District 2010-1, and Sanitary Sewer Extension District 2010-1.

Nancy Braden, Finance Director, advised the Council that not being able to act on these agenda items at the last meeting worked in the City's favor because the rates have improved. The final interest rate will be 1.1% instead of 1.2% to 1.25%

Councilmember Chamberlain introduced Ordinance 2010-24, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2010-24

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2010, OF THE CITY OF WAYNE, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NINE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$935,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2010-1 AND 2010-5; STREET (SIDEWALK) IMPROVEMENT DISTRICT NOS. 2010-2, 2010-3 AND 2010-4; WATER EXTENSION DISTRICT 2010-1; AND SANITARY SEWER EXTENSION DISTRICT 2010-1 PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AND, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES.

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 Councilmember Sturm seconded to move for final approval of Ordinance No. 2010-24. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Ms. Braden stated that the call date is up on the Public Safety Tax Anticipation Refunding Bonds, Series 2005. The interest rate two weeks ago was 2.79%; the interest rate now is 2.553%, which is an additional \$5,000 savings or \$37,848.

Councilmember Sturm introduced Resolution No. 2010-74 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-74

A RESOLUTION CALLING PUBLIC SAFETY TAX ANTICIPATION REFUNDING BONDS, SERIES 2005 (LIMITED TAX BONDS) FOR REDEMPTION.

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

Councilmember Sturm introduced Ordinance 2010-25, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2010-25

AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY TAX ANTICIPATION REFUNDING BONDS OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF FOUR HUNDRED NINETY THOUSAND DOLLARS (\$490,000) TO REFUND AND RETIRE, TOGETHER WITH FUNDS ON HAND, \$480,000 PUBLIC SAFETY TAX ANTICIPATION REFUNDING BONDS, SERIES 2005, DATED MAY 15, 2005; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASERS; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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 Councilmember Sturm seconded to move for final approval of Ordinance No. 2010-25. 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 amend the FY2010-11 budget.

Nancy Braden, Finance Director, stated she has amended the FY2010-11 budget to include a 1% cost of living increase adjustment to the personnel wages. If approved, this would add \$38,451 to the total budget. This amount is in reserves and would not increase property taxes.

Councilmember Frevert thought this matter had been discussed and acted upon during the budget work sessions. He was concerned about the matter being brought before Council again. He is not against raises; he just has concerns about going back and redoing the budget after it has been set.

Councilmember Sturm stated at the last meeting he thought the budget process was done somewhat backwards. Wages were discussed at the beginning of the budget process, and we thought there wasn't going to be enough money. However, at the end of the budget process, we did have money available for a cost of living increase. There will be a time when we will not be able to give the city employees a wage increase. We did that in 2003. Before the budget was adopted in September, he asked if we could ever make this amendment in the future, and the answer was yes.

Councilmember Chamberlain stated he also asked that this be brought back for council consideration even though he voted for no wage increases at the budget work session. We have the opportunity now to provide a 1% cost of living increase – we may not in the future.

Councilmember Alexander stated his understanding at the budget work sessions was that the money was there to begin with to give the raises, but the Council chose not to. He thought the Council should have approved the wage increase in the first place.

Ms. Braden stated there are times when you do have to go back and amend the budget. Budget amendments are not uncommon.

City Clerk McGuire had not received any comments, written or otherwise, concerning this public hearing.

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

The following Resolution would approve the budget amendments as offered by the Finance Director.

Councilmember Sturm introduced Resolution 2010-75, and moved for its approval (the amendment being a 1% cost of living increase for all employees); Councilmember Alexander seconded.

RESOLUTION NO. 2010-75

A RESOLUTION APPROVING AMENDMENTS TO FY2010-11 BUDGET.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Berry who voted Nay, 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 90-10 Definitions of the Wayne Municipal Code by amending "Vehicle Towing Service" and adding "Wrecked Vehicle." The applicant is the City of Wayne.

Joel Hansen, Building Inspector/Planner, stated the recommended changes to the code are as follows:

Sec. 90-10. Definitions.

Vehicle Towing Service is any person or business offering the services of a vehicle wrecker or towing service to the general public, whereby motor vehicles are towed or otherwise removed from the place where they are located, by use of a wrecker so designed for that purpose, or by a truck or other equipment so adapted to that purpose, or in the business of storing ~~towed~~ **wrecked** vehicles.

Wrecked Vehicle is any vehicle which has damaged or missing body panels and/or broken or missing glass as a result of an automobile accident, vandalism, or neglected to the extent it cannot be safely or legally operated on a city street.

The Planning Commission held a public hearing on this matter and recommended approval of these amendments with the "Finding of Fact" being staff's recommendation.

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

Councilmember Chamberlain introduced Ordinance 2010-26, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2010-26

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.

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 Councilmember Sturm seconded to move for final approval of Ordinance No. 2010-26. 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 Wayne Municipal Code Section 90-425 Special Conditions and Conditions for Granting Exceptions, specifically subsection (8) Storage of Towed Vehicles. The Applicant is the City of Wayne.

The recommended changes to the code are as follows:

(8) Storage of towed vehicles:

- a) **Wrecked** vehicles shall only be stored ~~on-site~~ pending settlement or legal disposition of vehicles by insurance carrier and/or owner.
- b) All ~~towed and stored~~ **wrecked** vehicles shall be stored behind the front building line.
- c) No demolition of ~~towed or stored~~ **any** vehicles shall be allowed.
- d) All stored vehicles shall be owned by persons other than the towing service owner/operator and or land owner.
- e) All **wrecked** vehicles shall be stored behind a solid barrier fence of sufficient height to disallow visibility. Height of fence to be set by Planning Commission at the public hearing.
- f) **No more than six wrecked vehicles may be stored at any one time.**

- g) Use by Exception shall only be effective upon compliance to all conditions as set forth by City Council and verified by the Zoning Administrator.

These are minimum requirements. The Council can impose additional requirements as they see fit for each circumstance.

The Planning Commission held a public hearing on this matter and recommended approval of these amendments with the “Finding of Fact” being staff’s recommendation and consistency with the Comprehensive Plan, including the current and future land use map.

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

Councilmember Sturm introduced Ordinance 2010-27, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2010-27

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V, BY AMENDING SECTION 90-425 CONDITIONS AND CONDITIONS FOR GRANTING EXCEPTIONS IN THE B-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

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, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2010-27. Mayor Shelton stated

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

Nancy Braden, Finance Director, gave a status report on the Airport Repaving Project.

Joel Hansen, Certified Street Superintendent, gave a status report on the Downtown Sidewalk and ADA Accessibility Project.

Administrator Johnson stated the following Resolution would direct the City Clerk to file a lien against 910 Brooke Drive for the cost of work hired by the City to abate a violation of City Code after proper notice was given to the property owner.

Councilmember Sturm introduced Resolution No. 2010-76 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-76

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON LOT FIVE, BLOCK THREE, VINTAGE HILLS II ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 910 BROOKE DRIVE, WAYNE, NEBRASKA.

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

Joel Hansen, Certified Street Superintendent, stated the following Resolution would approve an Interlocal Agreement with Wayne County to provide them with “responsible charge” services (oversight) for Federal-Aid projects. Their Highway Superintendent was acting as the RC, however, she is no longer with them. They have requested this until such time as they have an RC on board. An RC has to be a public employee either of their own or of another public agency. The County has advised him

that at this time they do not have any federal-aid projects pending and they do not foresee any for the next two years, but they must have an RC in place in case something does arise. The County will reimburse the City for any RC services provided to them.

Councilmember Chamberlain introduced Resolution No. 2010-77 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-77

A RESOLUTION APPROVING INTERLOCAL COOPERATION AGREEMENT WITH WAYNE COUNTY TO PROVIDE RESPONSIBLE CHARGE SERVICES FOR FEDERAL-AID PROJECTS.

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

Councilmember Sturm introduced Resolution No. 2010-78 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-78

A RESOLUTION DESIGNATING RESPONSIBLE CHARGE FOR WAYNE COUNTY.

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

Administrator Johnson is recommending that the Council reject the bids that were received to haul the stockpile of mixed fill material to Western Ridge. This will be rebid at a time when everybody knows they can drive on that mud in the silt pond.

Councilmember Alexander introduced Resolution No. 2010-79 and moved to reject the bids; Councilmember Haase seconded.

RESOLUTION NO. 2010-77

A RESOLUTION REJECTING BIDS TO HAUL THE STOCKPILE OF MIXED

FILL MATERIAL TO WESTERN RIDGE.

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 approving Change Order No. 2 (Final) submitted by Robert Woehler & Sons Construction in the amount of \$2,565 for the Muhs Acres Water Main Extension Project. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A pay request has been received from Robert Woehler & Sons Construction for the Muhs Acres Water Main Extension Project in the amount of \$20,212.24. The engineer on the project has approved the same.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving Certificate of Payment No. 6 (Final) for the Muhs Acres Water Main Extension Project in the amount of \$20,212.24 to Robert Woehler & Sons Construction. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a pay request has been received from ME Collins Contracting for the 2010 Wayne Sidewalk Replacement Project in the amount of \$126,964.71. The engineer on the project has approved the same.

Councilmember Alexander made a motion and seconded by Councilmember Van Delden approving Application for Payment No. 1 for the 2010 Wayne Sidewalk Replacement Project in the amount of \$126,964.71 for ME Collins Contracting Co., Inc.

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

Administrator Johnson stated a pay request has been received from Eriksen Construction Company for the Wastewater Treatment Plant Project in the amount of \$224,448.30. The engineer on the project has approved the same.

Councilmember Alexander made a motion and seconded by Councilmember Haase approving Application for Payment No. 2 for the Wastewater Treatment Plant Project in the amount of \$224,448.30 for Eriksen Construction Company. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated we have an opportunity to legally invest in some of the Tax Increment Financing Bonds for the Cobblestone Hotel Project, which will provide us with a higher rate of return on our investment. We have been given approval to do this by our Tax Increment Financing Attorney, Mike Bacon. This meets the prudent man rule for investing.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving to invest \$125,000 of city reserves in tax increment financing bonds for the Cobblestone Hotel Project, and authorizing the Mayor to sign the necessary documents required for the purchase of said bonds. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a request has been made by Northeast Nebraska Investors, LLC, to extend the amortization period from 10 to 15 years on the \$250,000 loan of LB 840 Economic Development Incentive Funds.

Wes Blecke, Executive Director of WAED, stated the LB 840 Committee informally met and took a vote via e-mail regarding this request, and their recommendation is to approve the extension from 10 years to 15 years. The rationale is that cash flow will be better for the corporation on the payback.

Kent Franzen advised the Council that they have tentative approval to start construction where they are at with \$595,000, if the amortization period is changed from 10 to 15 years. They may not need to raise the additional \$55,000 as originally thought.

Councilmember Sturm introduced Resolution No. 2010-80 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-80

A RESOLUTION AMENDING COUNCIL ACTION ON OCTOBER 20, 2009, REGARDING THE RECOMMENDATION OF THE LB840 SALES TAX ADVISORY COMMITTEE TO EXTEND THE PAYBACK PERIOD OF THE \$250,000 LOAN TO NORTHEAST NEBRAKSA INVESTORS, LLC, FROM FIVE YEARS TO 10 YEARS.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who abstained due to a conflict of interest, the Mayor declared the motion carried.

Nancy Braden, Finance Director, advised the Council that one of the things that the auditors have requested is that when we move funds around or do interlocal borrowing with our different funds is that we get Council approval for the same. She has transferred \$500,000 from the water fund to the sewer fund to help pay the construction costs of the wastewater treatment plant project.

Councilmember Alexander made a motion and seconded by Councilmember Sturm ratifying the transfer of \$500,000 in cash reserve funds by the Finance Director

from the Municipal Water Fund to the Municipal Wastewater Fund in accordance with the financing plan approved by the Council and the Nebraska Department of Environmental Quality Joint Nebraska Clean Water State Revolving Loan Fund. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works and Utilities, gave a status report on the Wastewater Treatment Plant Project.

Councilmember Alexander made a motion and seconded by Councilmember Haase 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 6:50 p.m.