

**MINUTES
CITY COUNCIL MEETING
December 7, 2010**

The Wayne City Council met in regular session at City Hall on Tuesday, December 7, 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 Mike Pieper; 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 November 24, 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 Van Delden made a motion and seconded by Councilmember Frevert, whereas the Clerk has prepared copies of the Minutes of the meetings of November 16 and 23, 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: ALARM PROS, INC., SE, 79.13; AMERICAN BROADBAND, SE, 1120.46; AMERITAS, SE, 4673.24; APPEARA, SE, 203.70; ARNIE'S FORD-MERCURY, SE, 183.29; AS CENTRAL SERVICES, SE, 448.00; BAIRD, HOLM, McEACHEN, SE, 1850.00; BANK FIRST, FE, 390.00; BLACK HILLS ENERGY, SE, 194.34; CITY EMPLOYEE, RE, 32.55; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 3000.00; CITY OF WAYNE, RE, 185.00; CITY OF WAYNE, RE, 20.00;

CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 57633.14; CITY OF WAYNE, PY, 64965.34; CITY OF WAYNE, RE, 1942.87; BOMGAARS, SU, 109.31; BROGIE, ED, RE, 700.00; BROWN SUPPLY, SU, 321.95; CAREAGE OF WAYNE, RE, 5800.00; CARHART LUMBER CO, SU, 925.46; CITY EMPLOYEE, RE, 50.72; CHARTWELLS, SE, 5737.95; CITY EMPLOYEE, RE, 277.08; CITY OF NORFOLK, SE, 196.67; CIVICPLUS, FE, 3276.00; COMMUNITY HEALTH, RE, 3.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEMCO, SU, 129.89; DUTTON-LAINSON, SU, 606.97; ELECTRIC FIXTURE & SUPPLY, SU, 264.20; FIREMAN'S ASSOCIATION, RE, 5000.00; FIRST CONCORD GROUP, SE, 3824.78; FLOOR MAINTENANCE, SU, 280.58; FORT DEARBORN LIFE, SE, 1730.29; FREDRICKSON OIL, SU, 425.59; GALE GROUP, SU, 29.69; GERHOLD CONCRETE, SU, 207.80; GOVERNMENTAL ACCOUNTING, SU, 205.00; CITY EMPLOYEE, RE, 2515.46; HAROLD POLAND, RE, 289.81; CITY EMPLOYEE, RE, 66.24; CITY EMPLOYEE, RE, 103.80; CITY EMPLOYEE, RE, 135.61; ICMA, RE, 11071.82; INGRAM BOOK CO, SU, 493.32; INNOVATIVE PROTECTIVES, SU, 114.00; IRS, TX, 40076.66; JEO CONSULTING GROUP, SE, 28165.71; JOHN'S WELDING AND TOOL, SE, 120.00; JOHNSON HARDWARE, SU, 273.23; CITY EMPLOYEE, RE, 248.30; CITY EMPLOYEE, RE, 104.96; KELBY HERMAN, RE, 700.00; KEPSCO, SU, 11.20; KIRKHAM MICHAEL, SE, 1790.77; KLEIN ELECTRIC, SE, 8265.51; KRIS HINNERICHS, RE, 100.00; KRIZ-DAVIS, SU, 795.54; LEAGUE OF NEBRASKA, FE, 425.00; LIVING HERE, SU, 27.00; LOUIS BENSCOTER, RE, 700.00; MICROFILM IMAGING SYSTEMS, SE, 540.55; MIKE TOWNE, SE, 2100.00; NE DEPT OF ENVIRONMENTAL, SE, 4574.78; NE DEPT OF REVENUE, TX, 5934.49; NE EXPRESSWAYS, SE, 581.04; NE NEB INS AGENCY, RE, 500.00; NE PUBLIC HEALTH, SU, 310.00; NE STATE PATROL, SE, 15.00; NPPD, SE, 190285.30; NORTHEAST EQUIPMENT, SE, 690.53; N.E. NE AMERICAN RED CROSS, SE, 774.24; NNPPD, SE, 2287.59; OLSSON ASSOCIATES, SE, 1894.71; OPTIMUM DATA, SU, 680.00; ORIENTAL TRADING CO, SU, 36.95; CITY EMPLOYEE, RE, 79.74; PITNEY BOWES, SU, 648.00; POLLARD PUMPING, SE, 100.00; PROGRESSIVE BUSINESS PUB, SU, 299.00; PROVIDENCE MEDICAL CENTER, SE, 5000.00; QUILL, SU, 52.98; QWEST, SE, 309.13; QWEST, SE, 109.50; ROSE EQUIPMENT, SU, 1608.61; CITY EMPLOYEE, RE, 3160.43; CITY EMPLOYEE, RE, 117.00; SILVER LINING MULTIMEDIA, SU, 37.95; STADIUM SPORTING GOODS, SU, 1348.50; STATE NATIONAL BANK, RE, 350.00; STATE NATIONAL BANK, RE, 3117.50; TIM SCHAEFER, SE, 83.50; TYLER TECHNOLOGIES, SE, 138.00; UNITED STATES PLASTIC, SU, 184.08; UNITED WAY, RE, 13.98, VAN DIEST SUPPLY, SU, 87.42; VERIZON, SE, 259.41; VIAERO, SE, 135.34; VOSS LIGHTING, SU, 1,006.20; WAYNE ANDERSON, RE, 500.00; WAYNE AUTO PARTS, SU, 808.27; WAYNE COMMUNITY SCHOOLS, SU, 6002.75; WAYNE STATER, SE, 12.00; CITY EMPLOYEE, RE, 1571.13; WESCO, SU, 1437.22; CITY EMPLOYEE, RE, 354.13; AMERICAN BROADBAND, SE, 330.00; APPA, SE, 411.34; APPEARA, SE, 46.69; AWE, SU, 7556.00; BARTON SOLVENTS, SU, 548.32; BAUER BOOKS, SU, 32.77; CITY EMPLOYEE, RE, 320.97; BIG T ENTERPRISES, SU, 95.95; BMI, FE, 244.00; CITY EMPLOYEE, RE, 70.96; BOMGAARS, SU, 961.05; CITY EMPLOYEE, RE, 51.21; CITY OF NORFOLK, SE, 97.42; EASYPERMIT POSTAGE, SU, 1184.34; EH WACH, SU, 928.93; ELECTRIC FIXTURE, SU, 223.30; FLOOR MAINTENANCE, SU, 107.61; FREDRICKSON OIL,

SE, 41.00; GALE GROUP, SU, 56.88; GEMPLER'S, SU, 118.75; GILL HAULING, SE, 133.00; GLEN'S AUTO BODY, SE, 608.93; GRAINGER, SU, 90.10; GREAT PLAINS ONE-CALL, SE, 84.48; HACH COMPANY, SU, 28.94; CITY EMPLOYEE, RE, 514.94; HARDING & SHULTZ, SE, 10015.94; HAUFF MID-AMERICAN SPORTS, SU, 260.00; HD SUPPLY WATERWORKS, SU, 409.44; CITY EMPLOYEE, RE, 9.79; CITY EMPLOYEE, RE, 28.81; HOLIDAY LITES & TRIM, SU, 688.47; JASON CAROLLO, SE, 35.00; JEO CONSULTING GROUP, SE, 9161.00; JOHNSON HARDWARE, SU, 77.25; KELLY SUPPLY, SU, 273.39; KIRKHAM MICHAEL, SE, 890.00; KRIZ-DAVIS, SU, 95.25; KTCH, SE, 775.00; MATT PARROTT AND SONS, SU, 192.12; MERCY MEDICAL CLINIC, SE, 70.00; MIDWEST DIESEL, SE, 546.78; MIDWEST SERVICE & SALES, SU, 166.90; NE LIBRARY COMMISSION, SU, 895.00; NMPP ENERGY, SE, 1130.00; NORTHEAST EQUIPMENT, SU, 108.04; NNPPD, SE, 11634.98; PAMIDA, SU, 208.14; PIEPER, MILLER & DAHL, SE, 3400.00; CITY EMPLOYEE, RE, 512.53; REGGIE YATES, RE, 100.00; S & S WILLERS, SU, 585.78; STANLEY SECURITY SOLUTION, SU, 272.20; STATE NATIONAL BANK, SE, 151.31; THE DIAMOND CENTER, SU, 95.00; THE FINAL TOUCH, SU, 52.07; VERIZON, SE, 121.34; VOSS LIGHTING, SU, 971.50; WAED, RE, 6475.58; WAYNE COMMUNITY THEATER, SE, 9976.00; WAYNE COUNTY CLERK, SE, 17.50; WAYNE GROCERY, SU, 2.18; WAYNE HERALD, SE, 777.52; WSC SOFTBALL, SE, 100.00; WAYNE VETERINARY CLINIC, SE, 280.00; CITY EMPLOYEE, RE, 17.66; WESCO, SU, 115.02; WAPA, SE, 32051.27; ZACH HEATING & COOLING, SU, 19.50; ZACH OIL COMPANY, SU, 4856.63

Councilmember Sturm made a motion and seconded by Councilmember Haase to approve the claims. 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, advised the Council that about a year ago, a vehicle driven by Timothy Krupicka slid into one the City's snowplows driven by Seth Liston at the intersection of Sherman and 8th Street. Seth was stopped at the corner. The Krupicka vehicle was coming south on Sherman Street. Mr. Krupicka was going around a car that was parked on the west side of Sherman Street, and started to brake, causing him to slide into the City's vehicle. Mr. Krupicka's vehicle caught the right front edge of the plow. The damage was to the passenger side door of the Krupicka vehicle. At that time, an accident report was filed and submitted to our insurance carrier,

EMC. No one was cited. EMC denied payment of Mr. Krupicka's damages which was \$1,651.33.

Councilmember Sturm made a motion and seconded by Councilmember Frevert denying the claim of Timothy Krupicka in the amount of \$1,651.33. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a claim has been filed by Matthew and Melissa Eischeid in the amount of \$1,311.25. This is a result of extra construction costs incurred by the Eischeids when their contractor was trying to install a sewer line for their new home being built on Lot 12, Fairway Estates. Their contractor relied on the City's "as built" drawings to locate the sewer extension installed back in 2005. After digging extensively around the area shown on the "as built", the sewer extension was not found. The contractor abandoned, filled and re-compacted the hole he had created, and then installed an alternative sewer service line and routed it to a nearby sewer manhole. The Eischeids incurred extra costs through no fault of their own. His recommendation is to approve this claim and seek reimbursement from the contractor or engineering firm.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving the claim of Matthew and Melissa Eischeid in the amount of \$1,311.25. 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.

Randy Goyette, Legal Counsel for the City, was present to update the Council on the legal process regarding the complaints filed against the City by Lieutenant Phil Shear and Police Chief Lance Webster with the Nebraska Equal Opportunity Commission (NEOC). He obtained an extension to respond to the charges. The response to Lieutenant Shear's complaint is due December 21, 2010. The response to Police Chief Webster's complaint is due January 3, 2011. After he prepares the responses to those charges, the NEOC will appoint investigators who will ask the City to produce certain documents they believe are relevant to the charges. They may also take statements from City employees. He may or may not participate in some of those statements. Ultimately, the NEOC will meet and they will make a determination as to whether or not there is reasonable cause to believe there has been a violation of either Federal acts or the Nebraska Fair Employment Practices Act, or they will determine there is no reasonable cause to believe a violation has occurred. The Commission will also encourage settlement during the course of the investigation. We are at the very early stages of the process, and it will probably take several months after we file a response before there is any determination made.

In response to Councilmember Van Delden's question, Mr. Goyette advised the Council that if the City would get to the point where they do want to discuss the merits of the complaints that have been made or discuss conciliation, that we do so in executive session. Under the open meeting laws, we are permitted to do that. He would also advise

the Council that while they can have discussion during executive session, they cannot take any action during that time. He noted that the charges have been filed and have been filed with the City Clerk.

Mayor Shelton gave her “State of the City” speech before stepping down from the dais.

Councilmember Sturm made a motion and seconded by Councilmember Ley to adjourn the meeting sine die. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

This being the time for the new Mayor and new Council to organize and Ken Chamberlain having qualified for Mayor, and Jim Van Delden, Dale Alexander, and Kaki Ley having qualified for Councilmembers of the 1st, 2nd, and 3rd Wards respectively, Judge Robert B. Ensz presented the oaths of office to Ken Chamberlain, Jim Van Delden, Dale Alexander and Kaki Ley.

Councilmember Alexander, with a second by Councilmember Ley, nominated Doug Sturm as Council President, and made a motion to cease nominations. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain asked Council to cast their ballots, and Councilmember Sturm received the majority of votes from Council to be duly elected as Council President.

Councilmember Sturm made a motion and seconded by Councilmember Ley to reconvene the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain presented a plaque to Mayor Shelton in appreciation of her valued contributions made to the City of Wayne as Mayor from 2004-2010 and as Councilmember from 1996-2004.

Mayor Chamberlain stated he had received written notification via e-mail from Stephanie Hansen declining to serve as 4th Ward Councilmember due to the fact that she has moved to Kentucky and is not returning to Wayne.

Councilmember Sturm made a motion and seconded by Councilmember Ley to accept the refusal of Stephanie Hansen to serve as 4th Ward Councilmember. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Ley made a motion and seconded by Councilmember Sturm declaring a notice of vacancy in Ward Four and Authorizing the City Clerk to publish notice regarding the same.

It was noted that the deadline for submitting written submittals will be December 14th.

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

Discussion continued on the recommendation of the LB840 Citizens Advisory Committee to approve a \$10,000 zero percent interest loan to the Wayne Music Boosters to be paid back over 10 years to be used to assist with purchasing new band uniforms for the Wayne High School Band. The Wayne Music Boosters, at the last Council meeting, advised the Council that they would like the amount changed to a \$5,000 grant. Council tabled the matter at the last meeting.

Karen Parker was present and advised the Council that the Music Boosters would not consider a loan.

Councilmember Sturm was concerned where it would stop if they would approve this grant for band uniforms. The other sports teams represent the schools and communities, too.

Mayor Chamberlain agreed that the City was opening themselves up for other organizations coming forward to ask for LB840 funds. The idea of supporting the band uniform fundraiser isn't something that any of the Council is against, but he does not feel that this is the right vehicle for financing the same.

Councilmember Frevert said he would be in favor of letting them use the auditorium at no cost for a fundraising event.

Councilmember Sturm made a motion and seconded by Councilmember Frevert denying the recommendation of the LB840 Citizens Advisory Committee for a \$10,000 zero percent loan to the Wayne Music Boosters to purchase band uniforms. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, and Brian Kesting, Information Technology Specialist, were present to review the proposal they received from GIS Workshop to covert the current CAD system over to ESRI. The proposal is for \$36,000 (Phase One). The annual maintenance fee would be \$4,000 and covers any future software upgrades. The present CAD system is very cumbersome. The ESRI software is a much more user friendly, but sophisticated, system. This is phase one of what they are proposing. Phase two would be to obtain equipment that would allow staff to go out and record

geographical data on where utilities and things such as street signs are located. Phase three of the process would be possibly to go on-line and do a web base application that would be available to the public. Mr. Kesting advised the Council that Phase One is the most expensive phase.

The original CAD system cost approximately \$120,000.

They are hoping Phase Two could be implemented fairly quickly so they can have the equipment to go out and do some mapping. The GIS Workshop will take our current data and incorporate it into the new system. Some other cities that have this system are Hastings, Fremont, Beatrice, Fairbury, Grand Island and York.

Councilmember Ley introduced Resolution No. 2010-92 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2010-92

A RESOLUTION ACCEPTING PROPOSAL AND AWARDED CONTRACT TO GIS WORKSHOP FOR THE CONVERSION OF THE CAD SYSTEM TO ESRI.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Frevert who voted Nay, the Mayor declared the motion carried.

Joel Hansen, Building Inspector, explained to Council the need to amend sections of the Building Codes. Current code states that whenever there is a new version of the code published by the ICC, we will automatically adopt that edition of the code on January 1st of the year preceding the publication. Based on our current city ordinances, we have been operating under the 2009 International Codes. On January 1, 2011, we will

have to require sprinkler systems in residential structures if we do not amend our current code.

Our interlocal agreement with the City of Norfolk states that we will adopt the 2006 International Building Code, the 2006 International Plumbing Code, the 2006 International Mechanical Code, the 2006 International Residential Code, and the 2006 International Property Maintenance Code prior to the execution of the agreement. It then states Wayne shall also adopt the same revisions or editions, as nearly as possible, considering the statutory differences between the respective parties. Steve Nordhues, who is also President of the Nebraska Code Officials Association, as well as the Norfolk Inspector, recommends that we go back and adopt the 2006 Codes.

The proposal is to bring an ordinance forward at the next meeting for Council consideration.

Councilmember Sturm made a motion and seconded by Councilmember Alexander directing staff to amend the ordinance to adopt the 2006 Codes and bring the same forward at the next meeting for Council consideration. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated that seven bids were received on the Kardell Sanitary Sewer Improvement Project, ranging from \$134,983.85 to \$206,872.00. Olsson Associates have reviewed the bids and are recommending that the project be awarded to the low bidder, Mark Albenesious of Sioux City, Iowa, in the amount of \$134,983.85.

This project will connect the Industrial Road sewer main and manhole to the existing city sewer main that comes in from Vintage Hills along North Centennial Road.

We will install a lift station at the intersection of Industrial Road and the old railroad ROW and build a 4” force main from there to a manhole behind the existing Kardell farmstead. This project and the Industrial Road sewer main are installed deep enough to extend a future gravity flow sewer main service south across Highway 35 and west along Chief’s Way.

Councilmember Alexander introduced Resolution No. 2010-93 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2010-93

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “KARDELL SANITARY SEWER IMPROVEMENT PROJECT.”

Mayor Chamberlain 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 authorize the new Mayor to sign all CDBG documents on behalf of the City of Wayne, which is pursuant to the guidelines of the Community Development Block Grant Program.

Councilmember Sturm introduced Resolution No. 2010-94 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-94

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

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

Administrator Johnson stated Council action is needed to authorize the new Mayor to sign checks drawn on the city's account at the State National Bank & Trust Company.

Councilmember Alexander introduced Resolution No. 2010-95 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2010-95

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN DOCUMENTS ON BEHALF OF THE CITY FOR FUNDS WITH STATE NATIONAL BANK & TRUST COMPANY OF WAYNE, NEBRASKA.

Mayor Chamberlain 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 M.E. Collins Contracting Co., for the 2010 Downtown Sidewalk Replacement Project in the amount of \$203,785.92. The engineer on the project has approved the same.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving Pay Application No. 3 for the 2010 Downtown Sidewalk Replacement Project in the amount of \$203,785.92 for M.E. Collins Contracting Co., Inc. Mayor Chamberlain 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 Ley approving the Change Order submitted by M.E. Collins Contracting, Co., Inc., for the ADA Ramps in the amount of \$4,579.00 on the 2010 Downtown Sidewalk Improvement Project.

The changes were at the request of the property owners.

Mayor Chamberlain 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 \$184,335.24. The engineer on the project has approved the same.

Councilmember Alexander made a motion and seconded by Councilmember Sturm approving Application for Payment No. 4 for the Wastewater Treatment Plant Project in the amount of \$184,335.24 for Eriksen Construction Company. Mayor Chamberlain 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 Ley to recess as Council and convene as the Community Development Agency. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The first item of business was to appoint a chair person for the CDA.

Member Sturm made a motion to appoint Jon Haase as the CDA Chair and Member Alexander seconded. There being no further nominations from the floor, Chair Chamberlain called for roll call. The result of roll call being all Yeas, Chair Chamberlain declared the motion carried.

Chair Haase called the meeting of the Community Development Agency to order. Those in attendance were: Members Brian Frevert, Jim Van Delden, Dale Alexander, Ken Chamberlain, Doug Sturm, Kaki Ley, and Kathy Berry; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Chair Haase 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 November 16, 2010, meeting.

Member Sturm made a motion and seconded by Member Alexander approving the minutes of the November 16, 2010, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would approve the Windom Ridge Redevelopment Project (Louis Benscoter).

This Redevelopment Agreement was approved two years ago by the CDA and City Council to provide \$84,735 in Tax Increment Financing incentives for clearing the property at 814 Windom Street and to provide the infrastructure to construct a market rate 10-plex multi-unit rental housing project. The start of the project was delayed, and the developer has asked to amend the agreement to reset the start date in order to capture the full amount of years for the incremental new real estate property taxes that will be created from the new construction to be separated off to service the TIF bond for the project.

The Planning Commission reviewed the amended Redevelopment Plan and recommended that Council approve the same.

Administrator Johnson explained that if the clock is reset tonight, when the bonds and the check are issued to the developer, they will have to make a payment on that next year. If the developer does not have the building completed, they will have to make up the difference in the payment that is due. We do not issue any financing until the project starts or a start work order is issued. The last time we reset the clock on this project,

nothing started, so we did not issue any money. The legal costs for this have been and are the responsibility of the developer.

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

Member Sturm introduced CDA Resolution No. 2010-4 and moved for its approval; Member Chamberlain seconded.

CDA RESOLUTION NO. 2010-4

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT.

If this would not be approved, the developer would miss one year of the taxes to pay off the loan.

Chair Haase 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 Chamberlain to adjourn as the Community Development Agency and reconvene as Council. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing on the Amended Redevelopment Plan for the Windom Ridge Redevelopment Project.

Administrator Johnson stated this is just a rescheduling of the same project one year later so the developer can capture the entire 14 years of tax increment financing.

The Planning Commission has reviewed the Redevelopment Plan and recommends approval thereof.

Lou Benscoter, the owner of the property at 814 Windom Street, is applying for \$84,735.02 in tax increment financing to help with the construction of a replacement 10-unit rental apartment complex on the vacant property.

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

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

Councilmember Alexander introduced Resolution 2010-96, and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2010-96

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE; APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.

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

Councilmember Frevert made a motion and seconded by Councilmember Van Delden setting the Council Retreat dates for Friday and Saturday, January 21 and 22, 2011. Mayor Chamberlain 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 Berry appointing Ken Chamberlain as the City Representative to the Wayne Area Economic Development Board.

Councilmember Sturm suggested putting term limits on the City's representation to the Wayne Area Economic Development Board.

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

Mayor Chamberlain requested Council consideration to appointing Councilmember Haase to replace him on the Problem Resolution Team.

Councilmember Alexander made a motion and seconded by Councilmember Sturm approving the appointment of Jon Haase to replace Ken Chamberlain on the Problem Resolution Team. Mayor Chamberlain 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 Frevert to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:59 p.m.