

**MINUTES
CITY COUNCIL MEETING
April 5, 2011**

The Wayne City Council met in regular session at City Hall on Tuesday, April 5, 2011, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Dale Alexander, Doug Sturm, Kaki Ley, and Jill Brodersen; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Jon Haase and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 24, 2011, 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 Ley, whereas the Clerk has prepared copies of the Minutes of the meeting of March 15, 2011, 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 Chamberlain 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: AMERICAN BROADBAND, SE, 1615.11; AMERICAN PUBLIC POWER, FE, 981.33; AMERITAS, SE, 2171.32; APPEARA, SE, 152.42; AS CENTRAL SERVICES, SE, 448.00; ASSOCIATED FIRE, SE, 757.46; BANK FIRST, FE, 195.00; CITY EMPLOYEE, RE, 517.82; BLACKBURN MANUFACTURING, SU, 85.94; BLACK HILLS ENERGY, SE, 1655.05; BOMGAARS, SU, 846.87; CITY EMPLOYEE, RE, 600.00; CITY EMPLOYEE, RE, 6798.58; BROWN SUPPLY, SU, 247.91; CARHART LUMBER COMPANY, SU, 146.60; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, RE, 1500.00; CITY OF WAYNE, RE, 20.00; CITY OF

WAYNE, RE, 210.54; CITY OF WAYNE, PY, 57461.24; CITY OF WAYNE, RE, 238.93; COMMUNITY HEALTH, RE, 3.00; COVENTRY HEALTH, SE, 20168.59; D.R. HASKIN, SU, 20.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEMCO, SU, 1243.50; CITY EMPLOYEE, RE, 175.53; DRJ LLC/INET LIBRARY, RE, 43019.00; ED M FELD EQUIPMENT, SU, 24.75; EGAN SUPPLY, SU, 15.25; ELDERFEST, SE, 25.00; FIRST CONCORD GROUP, SE, 3954.70; FLOOR MAINTENANCE, SU, 800.31; FORT DEARBORN LIFE, SE, 1728.64; CITY EMPLOYEE, RE, 131.94; HAUFF MID-AMERICAN SPORTS, SU, 63.00; HAUGE ASSOCIATES, RE, 167.75; HEGGEMEYER, LOWELL, RE, 29.11; HOBART SALES AND SERVICE, SE, 578.85; HOLIDAY INN-DOWNTOWN, SE, 231.00; HORNADY MANUFACTURING, SU, 231.80; ICMA, SE, 5572.10; INTERSTATE BATTERY, SU, 91.95; IRS, TX, 18215.66; JAFF LTD, RE, 200.00; CITY EMPLOYEE, RE, 490.65; CITY EMPLOYEE, RE, 202.50; CITY EMPLOYEE, RE, 131.87; MAEDC, FE, 75.00; MAIN STREET AUTO CARE, SE, 90.00; MAJESTIC THEATER, RE, 14565.00; MERCY MEDICAL CLINIC, SE, 126.00; MICROFILM IMAGING SYSTEMS, SE, 1014.79; MOONLIGHT TOWING, SE, 239.63; MURPHY TRACTOR & EQUIPMENT, SU, 51.88; N.E. NEB ECONOMIC DEV DIS, RE, 437.50; NANA M & CARTER A PETERSON, RE, 6345.00; NE AIR FILTER, SU, 101.86; NE CODE OFFICIAL ASSOC., FE, 75.00; NE DEPT OF HHHS, FE, 200.00; NE DEPT OF REVENUE, TX, 2819.63; NE PUBLIC HEALTH, SU, 135.00; NE RURAL WATER, FE, 275.00; NE STATE PATROL, SE, 15.00; NEW WORLD INN, SE, 148.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 3331.88; NeFSMA, FE, 100.00; OLSSON ASSOCIATES, SE, 1464.62; CITY EMPLOYEE, RE, 124.06; PEPSI-COLA, SU, 206.00; PITNEY BOWES, SU, 648.00; PUSH-PEDAL-PULL, SU, 10888.70; QUILL, SU, 891.57; QWEST, SE, 310.58; ROBERTSON IMPLEMENT, SU, 547.20; RON'S RADIO, SU, 58.00; STATE NATIONAL BANK, RE, 110.21; STEFFEN, SU, 24.12; TURFWERKS, SU, 82.77; UNITED WAY, RE, 10.00; VEL'S BAKERY, SE, 1402.50; VERIZON, SE, 306.87; VIAERO, SE, 136.29; WAED, FE, 70.00; WAED, RE, 2500.00; WAYNE COUNTY COURT, RE, 216.50; WAYNE HERALD, SU, 44.00; WELLS FARGO FINANCIAL, RE, 17008.20; CITY OF WAYNE, RE, 210.54; AL NISSEN, RE, 500.00; APPEARA, SE, 74.50; AQUA-CHEM, SU, 1899.88; CITY EMPLOYEE, RE, 79.99; FIREMAN, FE, 75.00; CARROT-TOP INDUSTRIES, SU, 206.34; DEREK ANDERSON, RE, 450.00; FIREMAN, RE, 175.00; DUTTON-LAINSON, SU, 314.18; EASYPERMIT POSTAGE, SU, 1346.71; EGAN SUPPLY, SE, 160.00; ENGINEERED CONTROLS, SE, 450.00; FIRST CONCORD GROUP, RE, 578.34; FLOOR MAINTENANCE, SU, 91.80; FORT DEARBORN LIFE, SE, 1576.84; FRANK TEACH, RE, 250.00; FREDRICKSON OIL, SU, 96.50; GILL HAULING, SE, 133.00; GREAT PLAINS ONE-CALL, SE, 29.29; HARDING & SHULTZ, SE, 31913.00; HAUFF MID-AMERICAN SPORTS, SU, 84.94; CITY EMPLOYEE, RE, 86.90; HFI INC, RE, 20.00; HTM SALES, SU, 130.15; FIREMAN, RE, 175.00; JENNIFER PARKER, RE, 476.38; JEO CONSULTING GROUP, SE, 448.00; KELLY SUPPLY, SU, 485.69; KIRKHAM MICHAEL, SE, 47665.52; LAW ENFORCEMENT SERVICES, SE, 255.00; MIDLAND COMPUTER, SE, 2329.95; MSC INDUSTRIAL, SU, 202.90; NE NEB INS AGENCY INC, SE, 55859.00; NMPP ENERGY, FE, 1674.52; NORTHEAST EQUIPMENT, SE, 469.95; OLSSON ASSOCIATES, SE, 8032.03; PAMIDA, SU, 204.67; PIEPER, MILLER & DAHL, SE, 2654.50; PLUNKETT'S PEST CONTROL,

SE, 41.60; PUSH-PEDAL-PULL, SU, 499.96; CITY EMPLOYEE, RE, 73.18; SIRSIDYNIX, SE, 3043.93; SKARSHAUG TESTING LAB, SE, 106.72; STADIUM SPORTING GOODS, SU, 554.00; STATE FARM INSURANCE, RE, 425.00; TERRACON CONSULTANTS, SE, 1269.50; CITY EMPLOYEE, RE, 265.20; WATERLINK, SE, 1053.42; WAYNE COUNTY CLERK, SE, 84.50; WAYNE HERALD, SE, 194.00; WAYNE VETERINARY CLINIC, SE, 98.00; FIREMAN, RE, 175.00; ZACH OIL, SU, 5576.65;

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

Mayor 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. 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.

Mayor Chamberlain proclaimed the week of April 8th – 10th as the Knights of Columbus “Support Citizens with Intellectual Disabilities Week.”

Councilmember Haase arrived at the meeting at 5:33 p.m.

Councilmember Alexander made a motion and seconded by Councilmember Frevert to adjourn as Mayor and City Council and reconvene as the Board of Equalization. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Public Utility Water Service District No. 2009-01 (Muhs Acres) and declared the public hearing open.

Administrator Johnson reviewed the assessment process for the Council. The City, in this project, is assuming the costs associated with the transmission line running from the well to the east side of the Skokan property, which is approximately 1200'. The total amount of the assessments for the water line going from the east side of the Skokan property to the end of the Muhs Acres subdivision is \$108,438.76. This amount also includes a prorated share of attorney and engineering fees. The total amount of assessable front footage is 3,255', with the cost per foot being \$33.31. The \$108,438.76 represents the net cost to the property owners after 25% of the amount of the project was forgiven through the Federal Stimulus Funding Program. In addition, the Resolution reflects an interest rate of 4%, with a payback period of 10 years.

Administrator Johnson explained that the cost per foot amount is slightly more than what was in the letter that was sent out to the property owners, for the reason that the cadastral map at the County Assessor's office reflected that the Monte Boyer property, which is a corner lot, was split into two lots, thereby having two frontages. We later found out that Mr. Boyer had combined or merged those two lots into one lot in 1998, and the 80' of side yard frontage had to be included as part of his side yard and allocated to all of the other front footage of the properties in the district. Johnson noted that corner lots are not assessed on both sides.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District.

Keith Jarvi, a resident of Muhs Acres, requested Council consideration to splitting the assessments equally between the property owners rather than on a front footage basis. He felt this was a desire of the Muhs Acres Homeowners Association. If shared equally,

the amount would be approximately \$4,929 per homeowner. This would mean an increase to those property owners who have a smaller lot, but it would save those with the larger lots about \$2,058. Mr. Jarvi was also of the understanding that the assessments would be spread out over a period of 20 years, and not 10. He thanked the City and staff for installing the water line.

Administrator Johnson advised the Council that the proposal Mr. Jarvi is referring to was brought forward prior to the beginning of the project. The City conferred not only with Bond Counsel, but also hired outside legal counsel, Dave Copple, to research this possibility. A number of avenues were explored to even do this project because of it being outside city limits. Unless State Statutes say you can do something, you can't. Bond Counsel found a State Statute that would allow cities to build districts outside the city limits and assess the costs back. That Statute was clear and this was found early on that it required the assessments to be on a front footage basis. The reason for this is that wider lots create higher costs for the project. It's no different than what we did for the Main Street water line and sidewalk costs. On the advice of our Bond Counsel in Omaha and our legal counsel in Norfolk, we do not have a choice. The risk to the City is if a current owner or future owner would challenge the assessments if they were split equally, the City would have to assume the costs to defend that because it is the City's district. We have no vehicle to recover those costs from the Muhs Acres Homeowner's Association. Johnson does not want the rate payers of Wayne having to defend assessments for Muhs Acres and then having no way to recoup those costs. Johnson opined he felt the fairest way to assess was on a front footage basis. The wider a person's lot, the more expensive it makes the project.

Mr. Cople provided an opinion that the Public Utility District/City would not be in a position to deviate from the statutory language without exposing the City of Wayne to potential claims or liability. Johnson advised the Council he could not recommend against the City's two legal counsels' opinion.

Administrator Johnson had no objection to having the assessments spread out over a twenty year period instead of ten. Two years ago the Federal Government came out with a loan program that had 25% forgiveness, 2% financing with a 1% administrative cost, and a 20-year payback option.

Mr. Jarvi advised the Council that this water district may not have happened had there not been a little bit of a hope or possible inclination that the costs were going to be split evenly. He advised the Council that if they ever do this again, that they make it very clear to the people in those districts exactly how they are going to be assessed and exactly what the payment schedule is going to be because that did not happen. Had they known for sure that this was the way it was going to be assessed, they may not have had a water district. There probably would have been enough people to vote that down.

Councilmember Frevert stated he thought this discussion had come up before the district was ever formed.

City Clerk McGuire had not received any written objections to these assessments.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Public Utility Water Service District No. 2009-01 (Muhs Acres), the Mayor declared the hearing closed.

Administrator Johnson advised the Council that the 20-year assessment time frame will also help the City because the City has costs associated with 1,200' of this project.

Councilmember Ley introduced Resolution 2011-21 and moved for its approval with the assessment schedule being 20 years; Councilmember Frevert seconded.

RESOLUTION NO. 2011-21

A RESOLUTION MAKING ASSESSMENTS IN PUBLIC UTILITY WATER SERVICE DISTRICT NO. 2009-01 (MUHS ACRES).

Councilmember Sturm stated the City's hands are tied. Our legal counsel has advised us that we can only assess on a front footage basis.

Councilmember Haase opined he remembered Larry and Vicki Skokan being present at a Council meeting when this all started and they knew exactly what was going to happen with the assessments.

Administrator Johnson stated the interest rate of 3% is fixed by the State. The other 1% administrative fee helps cover the City's filing costs and staff time for collecting the assessments.

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 Alexander to adjourn as the Board of Equalization and reconvene as Mayor and City Council. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing regarding the application for a Retail Class I Liquor License for Primo S. Gonzalez, d/b/a “Costa Brava I-9233.”

Primo S. Gonzalez was present to answer questions. They will be occupying the former Riley’s restaurant/café/patio area at 113 S. Main Street.

Wes Blecke, representing Wayne Area Economic Development, supported the Class I liquor license application of Primo S. Gonzalez, d/b/a “Costa Brava I-9233.”

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

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

Councilmember Sturm introduced Resolution No. 2011-22 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2011-22

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS I LIQUOR LICENSE — PRIMO S. GONZALEZ, D/B/A “COSTA BRAVA I-9233.”

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

Tom Sievers, Fire Chief, and Brent Doring of the Wayne Volunteer Fire Department, presented the Council with the bid specifications for the new aerial ladder truck. They were requesting Council approval of the specifications and to direct the City Clerk to begin advertising for bids. The estimated cost of the new truck is \$580,000.

Councilmember Sturm introduced Resolution No. 2011-23 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2011-23

A RESOLUTION APPROVING FIRE TRUCK AND EQUIPMENT SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

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

Discussion took place regarding the proposed LB840 \$43,019 performance-based loan to DRJ LLC/Inet Library. This was carried over from the last meeting.

Mayor Chamberlain stated the advantage to a performance-based loan is that the Council can place certain specifications or guidelines on the loan that have to be met. Council needs to determine whether or not they are interested in a performance-based loan, and if so, then we need to determine the criteria to be set.

Councilmember Sturm had some concerns regarding performance-based loans. If the business is successful, it should be able to repay the loan. If the business isn't successful, it doesn't matter how many stipulations you put on it, because you can't get blood out of a turnip. It's just a fancy word for giving a business free money. He was also concerned because the sales tax receipts have declined over the past few months.

Councilmember Frevert stated he thought the Council had to take into consideration what the LB840 Sales Tax Committee originally advised on this matter, which was a low interest loan only and that was approved at the last meeting.

Administrator Johnson stated we have a 15-year budget with projections on sales tax. With the current commitments, we are at year 7. We have committed about half of

the money. We would request some type of collateral such as equipment or property on this loan.

Dennis Jensen updated the Council on his project. They now have a new client in Iraq. They will now be moving into the old First National Bank Building at the corner of 3rd and Main Street instead of the building at the corner of 7th and Main. They have done a lot of marketing already with the funds the City has given them. Mr. Jensen said he would be in agreement with a zero percent loan too. He initially plans on hiring 15 full-time people. If the Council wanted to base the performance-based loan on a time-frame or on a need, he was fine with that too. Four of these full-time positions will be good income positions. The remaining positions will pay \$10 - \$11 per hour.

Councilmember Ley opined she would be more in favor of a performance-based loan because of how it can be written up and what we can require of the business.

Mayor Chamberlain stated the performance-based loan would buy the City some assurances that the business will be in town for a certain number of years, have a certain number of employees, etc.

It was noted that Council needs to establish some general guidelines for performance-based loans so that the applicant can be aware of them up front.

Administrator Johnson suggested the criteria be 15 full-time jobs in 10 years and equipment for collateral. Part of the issue here is that most of the communities that have LB840 have not turned it into a revolving a loan fund like we have. We are making a lot more work out of this than most communities because of our conservative approach to this. It is totally up to the Council on how they want to handle it.

Councilmember Alexander stated turning this into a revolving loan fund prolongs us having this money around past that 15-year window. So, if we keep giving it away, then it's not going to be there after 15 years.

Councilmember Ley made a motion and seconded by Councilmember Haase approving the \$43,019 performance-based loan to DRJ LLC/Inet Library, based upon terms or guidelines to be established by the sub-committee and to authorize staff to set the final terms thereof. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Frevert and Alexander who voted Nay, the Mayor declared the motion carried.

Wes Blecke, Director of Wayne Area Economic Development, was present and advised the Council that the LB840 Sales Tax Advisory Committee met and are recommending approval of a request by Wayne Area Economic Development on behalf of Project ABC for a \$225,000 performance-based loan to be used to purchase the Opportunity (Spec) Building in the Wayne Business Park. If Project ABC chooses to locate in Wayne, it would start with approximately 20 full-time employees and add additional jobs as its current facility is phased out of operation. In addition to the tiered forgiveness schedule of 10 years in the application and supporting information, the Committee added the condition of 5 new jobs every 3 years for 9 years. The estimated investment of this company is between \$4 and \$5 million. The forgiveness would start once ABC has been in the community for three years and has employed 20 full-time employees. Mr. Blecke is assuming they will be paying \$10.50 to \$11.00 per hour to its employees. This company is looking at making a major investment in this building, and they ultimately will not locate in Wayne unless the building and the land is pretty much

given to them. The \$225,000 loan would ultimately go to two places: \$125,000 to WAED to pay off a note and \$100,000 to the State of Nebraska Department of Economic Development to pay back a 0% loan. In working with the State of Nebraska Department of Economic Development this afternoon, they may be able to strike a deal where NDED would forgive the \$100,000, so he may not need the full \$225,000.

Mr. Blecke also went to the County Commissioners and asked them to consider a proposal to take half of the real estate taxes off of this new facility and provide that to economic development so WAED in turn could request less from the LB840 funds. The County will be making a commitment of \$5,000 per year for 5 years to economic development with no strings attached. WAED will then ask for \$5,000 less from their administrative request to the City (\$200,000 request instead of a \$225,000 request). Wayne is one of five communities in the running for this company.

This loan will be null and void if this company decides not to locate in Wayne. They are choosing Nebraska because Nebraska is closer to the food source. It's a food processing company. This company is not interested in an interest bearing loan at this point. If they receive any interest bearing money, it will be from the State of Nebraska.

Property taxes on this building could be about \$51,000 per year based on the current levy, of which approximately \$35-\$38,000 would go to the school district. The City would not receive any portion of this because of the building being located outside city limits.

Mr. Blecke explained the LB840 funding. Only \$3.2 million can be used for economic development over 15 years. If by year 12, they have used the entire \$3.2

million, then the money collected over and above that for the remaining 3 years will go into the city coffers or general fund.

The spec building currently costs WAED about \$13 to \$14,000 per year, which includes interest on their note, insurance, taxes, and utilities.

Councilmember Sturm thought a project such as this was what the sales tax money was going to go for. This is a great opportunity to do something with it. People will be happy to see a business go in the opportunity building.

Councilmember Sturm made a motion and seconded by Councilmember Frevert approving the recommendation of the LB840 Sales Tax Advisory Committee for a \$225,000 performance-based loan to Wayne Area Economic Development on behalf of “Project ABC” with the terms as outlined in Mr. Blecke’s handout. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place concerning the possible creation of a Historic Preservation District.

Administrator Johnson stated a lot of money and time has been spent on the downtown district to get it to look the way it does. A “Preservation District” would establish guidelines to ensure that the look and feel of the downtown would stay that way in the future. This has not been discussed downtown in the last year or two.

Wes Blecke, who was the previous City Administrator of Ashland, shared the experiences he had in Ashland with a Preservation District. Ashland had a Historic Preservation Commission that people would have to go before if they wanted to paint the outside of their building, etc. This Commission would make a recommendation to the

Planning Commission, who then would make a recommendation to the City Council. Ashland did this because of the reaction to the NAPA stores. It worked for Ashland.

Mr. Blecke also talked about the “Certified Local Government Program.” This is a program that offers recognition to local governments that, through their own initiative, have established local historic preservation programs. There are seven in Nebraska.

Joel Hansen advised the Council that if an overlay district is going to be created, it will essentially change the zoning regulations which a steering committee is already working on, so that could be part of the public discussion also.

Council consensus was to pursue the development of a Historic Preservation District.

Administrator Johnson stated the following Resolution is an annual action that the Council takes to apply for funds for the handi-van.

Councilmember Sturm introduced Resolution No. 2011-24 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2011-24

A RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS.

Mayor Chamberlain 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 a supplemental agreement to the Program Agreement for the Wayne Underpass Project. This essentially reduces the local share from 30% to 20%.

Councilmember Ley introduced Resolution No. 2011-25 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-25

A RESOLUTION APPROVING SUPPLEMENT TO PROGRAM AGREEMENT – SUPPLEMENT NO. 2 BETWEEN THE CITY OF WAYNE AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE WAYNE UNDERPASS PROJECT.

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

Joel Hansen, Certified Street Superintendent, stated because we removed the segment of the trail at the at-grade crossing and moved it to Phase 2, which will then come back with the underpass, we needed to redesign the plans. We are finally at a point where we can sign an engineering agreement. Once the agreement is signed, Olsson will proceed to finish the design of the project.

Councilmember Ley introduced Resolution No. 2011-26 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-26

A RESOLUTION APPROVING PRELIMINARY ENGINEERING SUPPLEMENTAL AGREEMENT NO. 2 BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE WAYNE TRAIL PHASE 2 PROJECT.

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.

Administrator Johnson stated the following Resolution would amend our schedule of fees by incorporating the new CAC fees and in addition, increasing the dog/cat license fees from \$5 to \$6 due to the Unicameral instituting a fee that is collected by cities and remitted back to the State.

Councilmember Ley introduced Resolution No. 2011-27 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2011-27

A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES.

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

Councilmember Sturm introduced Ordinance 2011-4, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2011-4

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 18, ARTICLE II BUILDING CODE, SECTION 18-46 BUILDING PERMITS; CASH DEPOSITS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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 Councilmember Alexander seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. 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 Councilmember Ley seconded to move for final approval of Ordinance No. 2011-4. 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 Mark Albenesious, Inc., for the Kardell Subdivision Sanitary Sewer Improvements 2010

Project in the amount of \$100,574.42. The engineer on the project has approved the same.

Councilmember Alexander made a motion, which was seconded by Councilmember Frevert approving Certificate of Payment No. 1 for the Kardell Subdivision Sanitary Sewer Improvement – 2010 Project in the amount of \$100,574.42 to Mark Albenesious, Inc. 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 Haase 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 7:20 p.m.