

**MINUTES  
CITY COUNCIL MEETING  
June 21, 2011**

The Wayne City Council met in regular session at City Hall on Tuesday, June 21, 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, Jon Haase, Dale Alexander, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; 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 June 9, 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 Sturm made a motion and seconded by Councilmember Alexander, whereas the Clerk has prepared copies of the Minutes of the meeting of June 7, 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:** AMAZON, SU, 334.82; AMERITAS, SE, 1670.49; APPEARA, SE, 78.01; BAKER & TAYLOR BOOKS, SU, 660.94; BANK FIRST, FE, 165.00; FIREMAN, RE, 208.00; CITY EMPLOYEE, RE, 96.75; FIREMAN, RE, 208.00; BUSINESS TELECOMMUNICATION, SU, 39.44; CITY EMPLOYEE, RE, 22.48; FIREMAN, RE, 220.00; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, SE, 200.00; CITY OF WAYNE, PY, 60725.21; CITY OF WAYNE, RE, 47.49; CIVICPLUS, SE, 150.00; COMMUNITY HEALTH, RE, 3.00; FIREMAN, RE, 208.00; COVENTRY HEALTH, SE, 17124.38; DEMCO, SU, 78.10; DUTTON-LAINSON, SU, 309.28; CITY EMPLOYEE, RE, 574.56; ERIKSEN CONSTRUCTION, SE, 197550.00; GALE

GROUP, SU, 110.10; GERHOLD CONCRETE, SU, 462.50; GREAT PLAINS ONE-CALL, SE, 92.92; CITY EMPLOYEE, RE, 115.56; HAUGE ASSOCIATES, RE, 167.75; CITY EMPLOYEE, RE, 128.40; HOWARD JOHNSON RIVERSIDE, SE, 1376.00; ICMA, SE, 5636.49; INGRAM BOOK, SU, 421.04; INNOVATIVE PROTECTIVES, SU, 300.00; INTERNATIONAL STONEWORKS, SU, 700.00; IRS, TX, 18747.69; CITY EMPLOYEE, RE, 67.16; FIREMAN, RE, 220.00; FIREMAN, RE, 220.00; KEPCO, SU, 6.95; KRIZ-DAVIS, SU, 15522.38; LAYNE CHRISTENSEN, SE, 29452.27; LEIGH CULL, RE, 30.00; CITY EMPLOYEE, RE, 270.91; M.E. COLLINS, SE, 70706.92; MAIN STREET AUTO CARE, SE, 30.00; MIDWEST LABORATORIES, SE, 649.05; FIREMAN, RE, 220.00; NE DEPT OF REVENUE, TX, 2811.59; NE FOREST SERVICE, SU, 295.94; NE JOURNAL LEADER, SE, 34.92; NE STATE HISTORICAL, FE, 70.00; NET-TECH, SU, 324.30; NEXIC, SE, 426.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 11634.98; NWEA, FE, 110.00; PAMIDA, SU, 17.98; FIREMAN, RE, 386.26; PEPSI-COLA, SU, 490.20; PRESTO X, SE, 82.15; PROVIDENCE MEDICAL CENTER, SE, 110.00; QUALITY FOODS, SU, 21.75; RAD, INC., SU, 66.47; RANDOM HOUSE, SU, 79.46; ROBERTSON IMPLEMENT, SU, 56.53; RON'S RADIO, SE, 630.00; SD MEYERS, SE, 2508.00; SIMPLEXGRINNELL, SU, 588.33; SPARKLING KLEAN, SU, 1801.88; STATE NATIONAL BANK, SE, 49.28; STATE NATIONAL BANK, RE, 266482.50; STEVEN BIERMANN, RE, 29.54; THE RADAR SHOP, SE, 273.00; THE WAKEFIELD REPUBLICAN, SE, 28.50; TURFWERKS, SU, 299.08; UNITED WAY, RE, 10.00; US BANK, SU, 5044.68; VAN DIEST SUPPLY, SU, 1953.60; FIREMAN, RE, 220.00; WAYNE HERALD, SE, 1208.09; WAYNE VETERINARY CLINIC, SE, 126.00; WESCO, SU, 1224.75; WAPA, SE, 27106.83; FIREMAN, RE, 376.06; ZACH OIL, SU, 6669.32; ZEE MEDICAL SERVICE, SU, 43.24; AMANDA HANK, RE, 17.03; ALTEC INDUSTRIES, SU, 71.13; APPEARA, SE, 74.65; APPLIED INDUSTRIAL TECH, SU, 135.90; AQUA-CHEM, SU, 379.92; ARCMATE MANUFACTURING, SU, 124.40; BARONE SECURITY SYSTEMS, SU, 147.00; BOMGAARS, SU, 22.35; BROWN SUPPLY, SU, 372.86; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 81.94; CITY OF WAYNE, RE, 2184.00; CITY OF WAYNE, RE, 1008.22; CLAUSSEN & SONS IRRIG., SE, 309.80; CONNECTING POINT, SE, 1518.75; DE LAGE LANDEN FINANCIAL, SE, 394.00; DGR & ASSOCIATES, SE, 237.50; DIGITAL ALLY, SU, 36.50; EASYPERMIT POSTAGE, SU, 1663.57; ELECTRIC FIXTURE & SUPPLY, SU, 162.76; ELLIS PLUMBING & HEATING, SE, 139.79; EMERITUS, RE, 100.00; FASTENAL, SU, 75.00; FIRST CONCORD GROUP, SE, 3834.32; FLOOR MAINTENANCE, SU, 712.21; FORT DEARBORN LIFE, SE, 1511.21; FREDRICKSON OIL, SE, 21.77; GERHOLD CONCRETE, SU, 440.00; HAWKINS, SU, 1018.50; CITY EMPLOYEE, RE, 50.00; HEIDI CLAUSSEN, SE, 100.00; HSBC BUSINESS SOLUTIONS, SU, 282.86; JEO CONSULTING GROUP, SE, 1389.00; JIM MITCHELL, RE, 500.00; CITY EMPLOYEE, RE, 684.96; KLEIN ELECTRIC, SU, 1818.18; KRIZ-DAVIS, SU, 3658.28; NATL PATENT ANALYTICAL, SU, 91.14; NE PUBLIC HEALTH, SE, 219.00; NPPD, SE, 238166.17; PARK N POOL CORPORATION, SU, 762.95; PITNEY BOWES, SU, 648.00; CITY EMPLOYEE, RE, 79.40; QUALITY PUMP & CONTROL, SU, 2227.86; QWEST, SE, 310.18; ROBERTSON IMPLEMENT, SU, 28.50; RON'S RADIO, SE, 61.45; SPANN AUTO, SE, 1832.70; NE ENVIRONMENTAL PRODUCTS, SU, 1067.21; TYLER

TECHNOLOGIES, SE, 1727.85; UNITED RENTALS, SE, 189.53; USA BLUE BOOK, SU, 94.53; VAN DIEST SUPPLY, SU, 171.58; VERIZON, SE, 139.45; WESCO, SU, 314.07

Councilmember Frevert made a motion and seconded by Councilmember Sturm 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.

Tom Sievers, Fire Chief, introduced Austin Frideres and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department Cadet Program.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the membership application of Austin Frideres to the Wayne Volunteer Fire Department Cadet Program. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tom Sievers, Fire Chief, introduced Ridge Abbott and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Haase made a motion and seconded by Councilmember Ley approving the membership application of Ridge Abbott to the Wayne Volunteer Fire

Department. 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 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 amending the levy of special assessments in Public Utility Water Service District No. 2009-01 (Muhs Acres) and declared the public hearing open.

Administrator Johnson was requesting Council consideration to amending the special assessments previously levied by crediting \$10,000 for the double rates that have been paid by those property owners in the district since 1996. He and former Mayor Shelton verbally agreed to this; however, this information was not relayed to the engineer and thus was omitted in the calculation of the assessments to the property owners.

Mark Klassen, President of the Muhs Acres Homeowners Association, was present, and stated he has been living in Muhs Acres for 21 years. Double water rates have been paid since around 1996. He was not able to attend the meeting when the initial Board of Equalization hearing took place, and it wasn't until he received a copy of the assessments that he noticed that the \$10,000 credit had not been included, which was when he brought it to Administrator Johnson's attention. Chris Connolly was also present when discussions were taking place concerning the double water rate credit.

Administrator Johnson stated for those property owners outside the city limits who receive water, all pay the double rates and all of those water/sewer lines, with the exception of those in this district, were maintained by the City.

The issue regarding the credit for some of the double water rates paid was supposed to have been brought to the Council for consideration. The City is assuming the cost of the line from the well house to the east side of the Skokan property, which is between \$50,000 and \$60,000. However, the City also receives the 25% discount for the ARRA program and will absorb that as development costs for future development.

It was noted that water and sewer has been extended to property located outside of the city limits and assessed.

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

City Clerk McGuire had not received any written objections to amending the assessment schedule.

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

Councilmember Frevert introduced Resolution 2011-43 and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2011-43

#### A RESOLUTION AMENDING SCHEDULE OF ASSESSMENTS IN PUBLIC UTILITY WATER SERVICE DISTRICT NO. 2009-01 (MUHS ACRES).

It was noted that the double water rates for the period from 2002 through 2007 totaled \$16,652; however, double rates have been paid since 1996 through the present.

It was also noted that the life of the loan on this project is 20 years, and therefore, the term of the assessment schedule is limited to 20 years.

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 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 following Resolution would adopt the City Administrator's employment contract, which includes a 1% salary increase. This is the same agreement as last year.

It was noted that the salary increase was the same as what the department heads received last year.

Councilmember Ley introduced Resolution No. 2011-44 and moved for its approval; Councilmember Berry seconded.

#### RESOLUTION NO. 2011-44

##### A RESOLUTION TO ADOPT EMPLOYMENT AGREEMENT.

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

Lucas Billesbach of JEO Consulting Group presented the "Sludge Management Plan." The Plan provides some background information and history on how Wayne has gotten to this point. According to the best available City records, no sludge has been removed from the lagoon for disposal since at least 1995. On September 13, 2010, the

EPA requested that a “Sludge Management Plan” be submitted by July 28, 2011. The Plan is to include certain requirements and be completed no later than July 1, 2013.

JEO performed some survey work, including a topographic survey of not only the lagoon floor, but also the sludge depth that is located in that lagoon. The results of that survey indicated that the largest volume of sludge is located in the southwest quadrant of the lagoon. The depth in this area ranges from 2’ to nearly 3.5’. However, the mean sludge thickness across the entire lagoon is approximately 1.5’, with an estimated volume of 69,720 cubic yards. That equals around 14,250,000 gallons of sludge.

This sludge is eligible for land application. It is characterized as a Class B sludge, which means it has to be land applied and is not eligible for bodily contact and cannot be used on any type of produce that would be consumed by humans. If we were able to dry the sludge, we would be looking at 790 dry tons of sludge. They estimate that only 75% of that can be removed without impacting the liner in the bottom of the lagoon. That means that about 600 dry tons of sludge would need to be moved.

There are several ways to remove the sludge, and JEO investigated three different ways. The first was the use of a belt filter press that would come in and thicken the sludge by removing the water in the lagoon. This would get the sludge to a cake-like consistency, which would reduce the amount of hauling we would need to be done. However, the cost to do that would be around \$1 to 1.5 million dollars.

The second way that the sludge could be removed was with the use of geotubes. These are actually 100-200’ socks that are laid out. The sludge is pumped into those. They are then allowed to lie on the ground. The water seeps out of those and the sludge thickens within that sock, which then reduces the amount of loads that need to be hauled.

However, just the socks themselves would cost around \$250,000. There would be approximately 2700 loads that would need to be hauled. The cost on that removal would be between \$500,000 to \$1,000,000.

The third method for removing the sludge was liquid hauling. The sludge would be removed in liquid form and applied straight to the field. It can either be laid on top of the field and disked in later or it can be knifed directly into the field. The amount of land necessary for liquid removal is going to vary greatly upon what the percentage of concentration is when the sludge is removed. We would need around 2800 acres to apply this sludge at 6.5% solids. There are other haulers that would prefer to keep the water in the lagoon because it is easier to pump it. At 1% solids, we would need around 13,000 acres to apply this sludge. The cost to remove the sludge in liquid form would range from \$250,000 to \$500,000.

In regard to a schedule, the City will need to bid and contract the work to complete the disposal of the biosolids. It is recommended the City apply those in the fall of 2011 and the fall of 2012 following harvest. The City should plan to apply beginning no later than November 1, 2011 and complete disposal no later than June 1, 2013.

In addition, there is a considerable amount of recordkeeping that will need to be done. Some of that work will be performed by the contractor; however, it is their recommendation that the City does their own paperwork and keeps continuous records pursuant to the EPA requirements.

The process of finding the land is usually a requirement of the contractor. Many of the sludge haulers are accustomed to doing that. However, once the bidding would be

done and they identify that land, there is a process through NDEQ that we will have to go through to approve what they have given us.

The sludge will have a benefit to the land that it is applied on. It will contain phosphorous and nitrogen which will reduce the amount of fertilizer that will have to be applied on that land.

JEO typically prefers to stay out of any land negotiations directly with farmers. However, they would be more than happy to assist with the identification of land that would be useable or suitable. Another option is to identify it as a requirement of the contractor to find the land.

JEO's recommendation is that the City budget \$500,000 to remove the sludge from the lagoon. The plan can be changed or amended at any time. The EPA just wants to know that the sludge is going to be removed by July 1, 2013.

Councilmember Sturm introduced Resolution No. 2011-45 and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2011-45

#### A RESOLUTION APPROVING SLUDGE REMOVAL PLAN.

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 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 6:28 p.m.