

**MINUTES  
CITY COUNCIL MEETING  
July 19, 2011**

The Wayne City Council met in regular session at City Hall on Tuesday, July 19, 2011, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Jon Haase, Dale Alexander, Doug Sturm, Kathy Berry and Jill Brodersen; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert, Jim Van Delden and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 7, 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 July 5, 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:

**ADDITIONS AND/OR CORRECTIONS TO CLAIMS LIST OF 7/5/11:** CHANGE AMERICAN BROADBAND FROM 1173.00 to 1143.00 AND DELETE ICMA, 594.00 AND THE DIAMOND CENTER, 80.10

**VARIOUS FUNDS:** ALIGNMENT TECHNOLOGIES, SE, 674.50; AMERICAN BROADBAND, SE, 1306.78; AMERITAS, SE, 1842.98; ANTIQUES ON MAIN, RE, 972.00; APPEARA, SE, 104.21; AQUA-CHEM, SU, 583.98; BAKER & TAYLOR, SU, 579.83; BANK FIRST, SE, 165.00; BARONE SECURITY SYSTEMS, SU, 222.00; BELSON OUTDOORS, SU, 780.02; BIG T ENTERPRISES, SU, 419.90;

BINSWANGER GLASS, SE, 75.00; BOMGAARS, SU, 827.72; CARHART LUMBER, SU, 356.47; CITY EMPLOYEE, RE, 17.57; CITY EMPLOYEE, RE, 132.38; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 31.89; CITY OF WAYNE, PY, 65044.69; CITY OF WAYNE, RE, 1131.39; COMMUNITY HEALTH, RE, 3.00; COPY WRITE PUBLISHING, SE, 72.00; COUNTRY NURSERY, SU, 2412.00; DAKOTA BUSINESS SYSTEMS, SE, 102.50; DAVE'S UNIFORM CLEANING, SE, 69.00; EMPLOYERS MUTUAL CASUALTY, RE, 3000.00; ERIKSEN CONSTRUCTION, SE, 620853.79; FIVE STAR ENTERPRISES, SU, 7.72; FLETCHER FARM SERVICEM SU, 46.05; FLOOR MAINTENANCE, SU, 71.40; GILL HAULING, SE, 133.00; GODFATHER PIZZA, SU, 41.93; GRAHAM TIRE, SU, 183.94; GREAT PLAINS ONE-CALL, SE, 70.52; CITY EMPLOYEE, RE, 49.95; HARDING & SHULTZ, SE, 14930.09; HAUFF MID-AMERICAN SPORTS, SU, 79.60; HAUGE ASSOCIATES, RE, 167.75; HAWKINS, INC, SU, 1439.83; HAWKINS, INC, SU, 1018.50; CITY EMPLOYEE, RE, 100.78; HYTREK LAWN SERVICE, SE, 170.00; ICMA, SE, 5642.29; INGRAM BOOK COMPANY, SU, 128.17; IRS, TX, 20078.61; JEO CONSULTING GROUP, SE, 2924.99; JOHN'S WELDING, SE, 8149.92; CITY EMPLOYEE, RE, 1066.50; KRIZ-DAVIS, SU, 748.44; LANGEMEIER, WAYNE, SE, 700.00; LINDNER CONSTRUCTION, RE, 10000.00; MAJESTIC THEATER, RE, 743.89; MERIT MECHANICAL, SE, 18187.75; MIDWEST LABORATORIES, SE, 91.05; MIDWEST LAND, RE, 1708.00; MILO MEYER CONSTRUCTION, SE, 1385.00; NE DEPT OF REVENUE, TX, 2997.27; NE DEPT OF ROADS, SE, 3357.68; NMPP ENERGY, SU, 698.75; NORTHEAST EQUIPMENT, SE, 597.25; N.E.NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 11634.98; OLSSON ASSOCIATES, SE, 1438.06; PAC N SAVE, SU, 5.97; PAMIDA, SU, 164.20; PEPSI-COLA, SU, 115.45; POLLARD PUMPING, SE, 762.50; PRESTO X, SE, 82.15; CITY EMPLOYEE, RE, 101.83; PROVIDENCE MEDICAL CENTER, SE, 110.00; RANDOM HOUSE, SU, 161.25; RON'S RADIO, SU, 8.50; SPARKLING KLEAN, SE, 2089.30; SPARLING INSTRUMENTS, SE, 519.25; STADIUM SPORTING GOODS, SU, 351.50; STALP GRAVEL, SU, 1066.89; STATE NATIONAL BANK, SE, 57.12; CITY EMPLOYEE, RE, 139.29; UNITED WAY, RE, 10.00; US BANK, SU, 5067.56; WATERLINK, SU, 1053.42; WAED, RE, 1829.00; WAYNE HERALD, SE, 656.31; WAYNE ROTARY, FE, 140.00; WESCO, SU, 881.82; WAPA, SE, 31905.64; WINNING FINISH, SU, 276.00; AMAZON, SU, 202.66; APPEARA, SE, 129.49; CITY EMPLOYEE, RE, 217.36; CARHART LUMBER, SU, 364.80; CEDAR-KNOX PUBLIC POW DST, SE, 261.00; CITIZENS STATE BANK. RE, 84700.00; CITY OF NORFOLK, SE, 504.95; CITY OF WAYNE, RE, 108.98; COVENTRY HEALTH, SE, 19565.38; DE LAGE LANDEN FINANCIAL, SE, 394.00; DIGITAL ALLY, SE, 155.00; DON HANSEN, RE, 250.00; EASYPERMIT POSTAGE, SU, 650.96; ECHO GROUP, SU, 210.78; FIRST SOURCE TITLE&ESCROW, SE, 75.00; GEMPLER'S, SU, 153.00; CITY EMPLOYEE, RE, 139.26; HAWKINS, SU, 785.00; HD SUPPLY WATERWORKS, SU, 599.38; CITY EMPLOYEE, RE, 136.41; IMPACT SPECIALTIES, SU, 803.25; JEO CONSULTING GROUP, SE, 17421.22; KIRKHAM MICHAEL, SE, 7253.39; KNIFE RIVER MIDWEST, SE, 591.43; KRIZ-DAVIS, SU, 479.25; MICHAEL TODD & CO, SU, 348.32; MID-WEST TLC, SU, 18296.20; NE POWER REVIEW BOARD, RE, 472.11; NE PUBLIC HEALTH, SE, 210.00; NPPD, SE, 310076.49; PITNEY BOWES, SU, 648.00; RAMADA INN -

KEARNEY, SE, 144.00; REBECCA AGLER, SE, 400.00; STADIUM SPORTING GOODS, SU, 45.00; THE WAKEFIELD REPUBLICAN, SE, 28.50; TOM'S BODY & PAINT SHOP, SE, 218.80; TURFWERKS, SU, 60.59; WAYNE AUTO PARTS, SU, 575.19; WAYNE GRAIN & FEED, SU, 11.10; WAYNE HERALD, SE, 385.50

Councilmember Alexander 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.

Gene Hansen, Superintendent of Electric Production, reported on the Environmental Protection Agency's Final Rule on the National Emission Standard for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (RICE Rule).

The RICE mandate will take effect in May of 2013. The reason we need to comply with the RICE regulations is that NPPD has no use for our contract if we can't run our power plant under the new EPA regulations. Our contract/lease with NPPD runs until 2022. Staff has put \$750,000 in the budget to do this conversion. This does not include engineering fees. We receive about \$650,000 plus each year from NPPD for the lease agreement. This emission equipment would have about an 18-month payback. The intent is to have the equipment ordered and on site in the spring/summer of 2012, which then gives them one year to install the equipment.

There being no further discussion, Mayor Chamberlain moved onto the next agenda item.

Mayor Chamberlain declared the time was at hand for the public hearing on the Annexation Plan for property known as “Western Ridge Third addition and Western Ridge First Addition” which is located west of the Western Ridge Subdivision on Highway 35, and to consider the Planning Commission’s recommendation regarding the matter.

Joel Hansen, Zoning Administrator, advised the Council that the Petitioners who wish to annex this property are Vicki Pick, Steve and Cynthia Meyer, and Mark and Lona Meyer. The annexation area includes the property owned by Kelby Herman (Western Ridge First Addition), and the area west (including Glen’s Auto Body) up to and including Pheasant Run Road. The annexation area covers about 25.46 acres, more or less. The Planning Commission held a public hearing on this matter and recommended approval thereof, with the “Findings of Fact” being:

- Staff’s recommendation; and
- Consistency with the Comprehensive Plan, and the current and future land use maps.

The timetable for having the paving, water, sewer and electric services completed is November 30th. Paving will be installed to the north edge of the annexation area on Pheasant Run Road which is about 750’.

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

Glen Nichols, the owner of Glen’s Auto Body, was present. He stated he has his own septic system which works very well. He was opposed to being assessed (\$6,000 to

\$8,000) for the sewer line which will go across the front of his property. That amount also includes a portion of the south side of the corner lot to the west, because a corner lot cannot be assessed on both sides. It also includes the costs associated with getting the sewer line across the Highway. He opposes the project for those reasons. This would be a grievance for him. He is the only property owner out there that would be responsible for paying an assessment. The other property owner will receive tax increment financing to pay for their portion of the improvements. Mr. Nichols also had an issue with things being done differently on the east side of town as opposed to the west side of town (e.g. annexing).

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

Administrator Johnson stated the business locating in this area is Bomgaars. The reason for annexing the property is because they want tax increment financing to develop the site. In order to provide tax increment financing, the property must be inside city limits. Annexing or not annexing the property doesn't resolve the issue of the cost/assessment for Mr. Nichols. When we extend water or sewer lines, we create districts and then assess the costs to the property owners. That would still happen because we cannot defer those costs. Mr. Nichols could petition to opt out of the district. If one foot more than 50% of all the frontages in the district petition out, then the district fails. Staff has been trying to come up with ideas on how to reduce the burden on Mr. Nichols. We don't have the authority to determine who does or does not get assessed in the district.

Mr. Hansen also advised the Council that the owners of the property, outside of Glen's, wanted to annex this large an area because they didn't want to have to come

before the Planning Commission and the City Council every time they wanted to sell a piece of that property.

Councilmember Sturm stated he thought the sewer line would be advantageous to Glen's Auto Body if he ever sold his property. He asked whether or not this would qualify for LB840 funds. Administrator Johnson stated that we may be able to capture more of the tax increment financing to pay, for example, the cost to run the sewer line under the highway, which is estimated to be around \$16,000.

Mr. Hansen stated that at the last Council meeting, Council approved an agreement with Advanced Consulting Engineering Services to redesign Pheasant Run Road. The County was already planning to take that road down. Once the road is designed, staff will visit with the neighbor to the west and review the plans with them and address any concerns they may have. The preliminary plans, at this time, reflect that the hill will come down around 11'.

Councilmember Sturm introduced Ordinance No. 2011-6, and moved for its approval;

Councilmember Alexander stated he had concerns with what Mr. Nichols stated in regard to how the City treats the east side compared to the west side.

Councilmember Sturm disagreed with that statement.

Mayor Chamberlain opined that if Great Dane or Heritage Homes asked to be annexed into the city limits so they could use tax increment financing, we wouldn't have a problem with doing that.

Councilmember Alexander then asked if those businesses would want to be annexed if they weren't offered something.

Nancy Braden, Finance Director, explained that tax increment financing is on the incremental increase in property valuation. If Mr. Nichols made improvements to his property which would increase his valuation and taxes, then he would be eligible. These specific improvements are not going to change his valuation

BJ Woehler thought the City should pay for that portion of the sewer line crossing the highway because that will benefit the whole area. As far as annexation, he agreed that the east is different than the west, but he encouraged the Council not to go backwards, but to move forward with the annexation since the majority of the property owners approve it.

Councilmember Alexander suggested tabling the matter until we can find out what we (the City) or Glen can actually do (e.g. use tax increment financing, LB840 funds, etc.). There are too many unanswered questions for him to vote yes at this time.

Administrator Johnson stated he would need to check with Mike Bacon, the City's TIF Attorney, and the engineers to verify whether or not tax increment financing is an eligible tool to be used by Mr. Nichols. In addition, the Council needs to think about what kind of precedent they are setting for future projects.

Councilmember Berry then seconded the motion.

Mayor Chamberlain noted if there was one "no" vote, then Bomgaars will not relocate.

Councilmember Alexander stated he would like to talk about this matter at the July 26<sup>th</sup> Council meeting. It was noted that this discussion item would be added to the agenda for that meeting.

ORDINANCE NO. 2011-6

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHWEST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Preliminary and Final Plats for Western Ridge Third Addition. The applicants are Victoria Pick, Steven and Cynthia Meyer, and Mark and Lona Meyer.

Brent Pick, representing the developers of the project, was present to answer questions. Bomgaars is expecting to move dirt August 1<sup>st</sup> if everything goes as planned. They are planning on building a 25,000 sq. ft. building, which is twice the size of what they currently have.

The Planning Commission held a public hearing on this matter and recommended approval of the Preliminary and Final Plats for Western Ridge Third Addition with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan, and the current and future land use maps.

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

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

Councilmember Alexander introduced Resolution No. 2011-52 and moved for its approval; Councilmember Berry seconded.

RESOLUTION NO. 2011-52

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLATS AND SUBDIVISION AGREEMENT FOR WESTERN RIDGE THIRD ADDITION, AND AUTHORIZING THE EXECUTION OF THE SUBDIVISION AGREEMENT.

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

Mayor Chamberlain 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 90-836 Expiration of Exception Use Permits. The applicant is the City of Wayne.

The Planning Commission held a public hearing on this matter on July 18, 2011, and recommended amending Section 90-836 of the Municipal Code with the "Findings of Fact" being staff's recommendation.

Joel Hansen, Zoning Administrator, advised the Council that a couple of years ago, Dr. Burrows applied for a use by exception for the new dental clinic he wanted to build on Pearl Street. Because their permit expired after one year, they had to come back and start the process over and apply for a new use by exception permit before they could begin to build the dental clinic.

The code states that within one year of the approval of the use by exception permit, construction of the proposed site shall have commenced or the approval is void. The applicant, however, can apply for a one year extension if this is done prior to the expiration of the approval to the Planning Commission or the City Council.

Staff is recommending that the use by exception permit, once granted, be good for three years. This would eliminate the need to apply for an extension and having to come before the Planning Commission and City Council.

Administrator Johnson was also recommending that Dr. Burrows' second use by exception permit application fee of \$400 be refunded. He noted that the applicant did not request a refund.

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

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

Councilmember Sturm introduced Ordinance No. 2011-7, and moved for its approval; Councilmember Haase seconded.

#### ORDINANCE NO. 2011-7

AN ORDINANCE TO AMEND CHAPTER 90, ARTICLE XI EXCEPTIONS AND CONDITIONAL USES, SECTION 90-836 EXPIRATION OF EXCEPTION USE PERMITS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Alexander verified that the \$400 refund was not a part of this motion, and it was not.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Joel Hansen, Zoning Administrator, stated the following Ordinance would amend Chapter 18, Article VI Unsafe Buildings, Sec. 18-242 Property maintenance Code, and by adding Sec. 18-243 Conflicts, 18-244 Additions, Insertions and Changes, and 18-245

Structures Damaged by Fire, Flood, Wind, Disaster or other Calamity. The Property Maintenance Code, as it is written, states that when you have a property that has been condemned, your only course of action is to demolish the trailer, but the only way the City can recoup its costs is to put a lien against the property. The property isn't the trailer, but the trailer court. Therefore, staff is proposing to amend the code, which is patterned after the City of Norfolk, so that both the owner of the trailer and the owner of the property under the trailer are both responsible to make sure that if the property is condemned that it gets removed. In addition, it allows for a fine of not less than \$500 per day to be assessed once the time limit has expired for removing the nuisance.

Attorney Pieper stated this gives the property owners an incentive to comply with the orders by authorizing a fine for failure to comply. Both the owner of the trailer and the owner of the trailer court can be notified at the same time. This gives the City an additional tool to work towards trying to keep things progressing in an orderly fashion.

BJ Woehler, a trailer court owner, stated this is another tool to add to what they have already been doing. He explained that he has to wait 60 days to break the lease with trailer owners in his trailer court. He requested that the Council consider adding language to the ordinance which would state that trailer court owners would be given notice at the same time, which would allow them time to give their 60-day notice to their tenants. He then asked if the Council would give them, the trailer court owners, 60 days before the fine started kicking in. He asked that this be cleared up before the final reading.

Councilmember Sturm introduced Ordinance No. 2011-8, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2011-8

AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE VI UNSAFE BUILDINGS, BY AMENDING SECTION 18-242 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE; AND BY ADDING SECTIONS 18-243 CONFLICTS, 18-244 ADDITIONS, INSERTIONS AND CHANGES, AND 18-245 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Garry Poutre, Superintendent of Public Works & Utilities, updated Council on the additional information he obtained on spraying/fogging for mosquitoes. The company from Newman Grove that sprays in some of the smaller communities in the area does it for about \$1.00 to \$1.25 per capita per month. He sprays one time per week for four months. It's estimated this would cost Wayne about \$5,000 per month or \$20,000 annually. Mr. Poutre then spoke with a representative of Van Diest Supply. They recommended a machine which would cost about \$10,000. The chemical will cost about \$150 per hour, and it is expected that this machine should be able to do the community in 2-3 hours. Labor and vehicle would be approximately \$30 per hour, depending upon who the operator is. The total cost for each application would be about \$500-600.

Administrator Johnson stated the City of Norfolk sprays 1/5<sup>th</sup> of the residential areas at a time. They spray five nights in a row that have weather conditions that work. Their costs were similar to the above.

Mayor Chamberlain noted that he received a couple of e-mails today from people in opposition to fogging for mosquitoes. He did not think this was any different than

weeds. The City doesn't spray everybody's property for weeds; that's the property owner's responsibility. He noted the budget sessions are next week and he has been advised by the Finance Director that this is a very lean budget, and unless Council wants to seriously consider significantly raising everybody's property taxes, he thought he knew what action the Council should take this evening.

Councilmember Sturm made a motion to table action on this matter until their meeting on July 26<sup>th</sup> to discuss the budget; Councilmember Haase seconded the motion. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Building Inspector/Planner, stated the Council has already approved an agreement with Advanced Consulting Engineering Services (ACES) to design and construct the paving project on Pheasant Run Road to access Lot 1 in the Western Ridge Third Addition. This amendment will add the sewer and water extension projects to Lot 1 to the original engineering agreement. The additional engineering services fees will be \$8,000.

LeAnn Ritter of ACES was present to answer any questions.

Councilmember Sturm made a motion, which was seconded by Councilmember Haase to amend the original contract with Advanced Consulting Engineering Services to add design and construction engineering services for the water and sewer utility extension projects to Lot 1 of Western Ridge Third Addition provided it is needed for Bomgaars. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Nancy Braden, Finance Director, stated the following Resolution would allocate \$62,000 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. This amount represents about \$.035 of the \$.45 property tax allocation that the City could receive. The City is proposing to levy \$.36 in tax revenues for City operations.

Councilmember Alexander introduced Resolution No. 2011-53 and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2011-53

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

Mayor Chamberlain 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, stated that the EPA is requiring the City to remove the sludge from the lagoon by the summer of 2013. It is the City's plan to do some of that removal this fall after the crops are harvested. JEO Consulting Group has put together some specifications and an advertisement for bid to hire a contractor to do this. It is going to cost somewhere in the area of \$250,000 - \$500,000 to remove the entire amount of sludge that is in the lagoon. Because we are still unsure as to what the end might be for the lagoon, we are going to just remove a portion of the sludge this fall and then see where we are at this time next year. The decision was made to put together a \$150,000 project. The bid advertisement is for contractors to remove \$150,000.00 worth of sludge from the lagoon. The sludge will likely be pumped directly from the lagoon from a couple of mile long hoses to a truck

that is in a field that will knife the sludge directly into the ground. This is expected to be a 120-day project. Bids are to be received on August 11<sup>th</sup> at 2:00 p.m.

Councilmember Brodersen made a motion, which was seconded by Councilmember Alexander, approving the specifications for the 2011 Lagoon Sludge Removal and Application Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sturm, authorizing JEO Consulting Group to begin advertising for bids for the 2011 Lagoon Sludge Removal and Application 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 approve a “Memorandum of Understanding” with Bomgaars regarding the intent of both parties to execute a Redevelopment Contract with the Community Development Agency to help finance the infrastructure improvements needed for the development of Lot 1, Western Ridge Third Addition. This starts the clock for any activities on this tax increment financing project. This project should generate about \$22,000 a year in new property taxes. If we allocate their taxes to them at 6% interest for site improvements and purchase of the property over the next 14 years, we can loan them \$200,000 up front which is how the TIF financing works. The Memorandum of Understanding was drafted by Mike Bacon, our tax increment financing attorney.

Councilmember Sturm introduced Resolution No. 2011-54 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2011-54

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND BOMGAARS, INC., TO COMPLETE A TAX INCREMENT FINANCING AGREEMENT.

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

Deb Scholten of the Northeast Nebraska Health Department was present requesting Council consideration to allowing them to install their sign as close to the sidewalk as possible so that it is visible from the south. This sign was purchased prior to them adding the addition onto their building on Pearl Street.

Sec. 18-341 of Wayne Municipal Code provides that it is unlawful for any person to erect or place any business sign or awning on, in, or over any sidewalk street or public property in the city without obtaining a permit form the Council. Because of the addition to the building and where the sign must now be placed, it will overhang onto the sidewalk.

Joel Hansen, Building Inspector/Planner, asked whether or not a condition of this permit could be that the lights on the sign must be dimmed at night. Ms. Scholten would inquire as to whether or not this can be done.

Councilmember Alexander made a motion, which was seconded by Councilmember Sturm, giving the Northeast Nebraska Public Health Department permission to allow their sign to overhang the sidewalk, with said sign being at least 8' above the sidewalk. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Nancy Braden, Finance Director, gave a brief overview of the proposed 2011-2012 budget.

Mayor Chamberlain requested Council consideration to the following appointment to the Swimming Pool Renovation/Replacement Committee: Tammy Evetovich.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the appointment of Tammy Evetovich to the Swimming Pool Renovation/Replacement Committee. 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 7:25 p.m.