

MINUTES
CITY COUNCIL MEETING
August 2, 2011

The Wayne City Council met in regular session at City Hall on Tuesday, August 2, 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, Kathy Berry and Jill Brodersen; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Doug Sturm and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 21, 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 Haase made a motion and seconded by Councilmember Alexander, whereas the Clerk has prepared copies of the Minutes of the meeting of July 19, 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, 330.00; AMERICAN PUBLIC POWER, FE, 981.32; AMERITAS, SE, 2322.39; APPEARA, SE, 27.09; ARNIE'S FORD-MERCURY, SE, 159.27; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, SE, 165.00; CITY EMPLOYEE, RE, 30.25; BLACK HILLS ENERGY, SE, 533.62; BOMGAARS, SU, 5.96; CITY EMPLOYEE, RE, 90.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 64150.15; CITY OF WAYNE, RE, 120.00; CITY OF WAYNE, RE, 519.86; COMMUNITY HEALTH, RE, 3.00; CREDIT MANAGEMENT, RE, 112.16; CITY EMPLOYEE, RE, 187.31; CITY EMPLOYEE,

RE, 276.18; ECHTENKAMP, DOUGLAS, RE, 50.00; EGAN SUPPLY, SU, 64.21; ELECTRIC FIXTURE & SUPPLY, SU, 217.60; FIRST CONCORD GROUP, SE, 5696.48; FIRST NATIONAL INSURANCE, RE, 272.42; FLETCHER FARM SERVICE, SU, 630.00; FLOOR MAINTENANCE, SU, 524.21; FORT DEARBORN LIFE, SE, 1575.51; GENERAL SUPPLY AND SERVICE, SU, 27.65; GERHOLD CONCRETE, SU, 20.18; GOV'T FINANCE OFFICERS, FE, 170.00; GUARANTEE OIL, SU, 59.56; CITY EMPLOYEE, RE, 246.41; HAUFF MID-AMERICAN SPORTS, SU, 145.95; HAUGE ASSOCIATES, RE, 167.75; HAWKINS, INC, SU, 875.83; HD SUPPLY WATERWORKS, SU, 2711.74; CITY EMPLOYEE, RE, 43.15; CITY EMPLOYEE, RE, 552.95; ICMA, RE, 5642.29; IRS, TX, 21120.75; ITRON, SE, 3426.53; J & A TRAFFIC PRODUCTS, SU, 1272.00; M. LEE SMITH PUBLISHERS, SU, 387.00; MCGUIRE & NORBY, SE, 7978.94; MCKINNIS ROOFING, SE, 3300.00; MICROFILM IMAGING SYSTEMS, SE, 2004.69; MIDWEST OFFICE AUTOMATION, SE, 1051.19; NE DEPT OF REVENUE, TX, 3166.61; NNPPD, SE, 3188.96; OLSSON ASSOCIATES, SE, 455.00; CITY EMPLOYEE, RE, 158.97; PEOSTA CAMPUS LIBRARY, RE, 50.00; POLLARD PUMPING, SE, 935.00; POUTRE, GARRY, RE, 364.90; CITY EMPLOYEE, RE, 135.06; QUILL, SU, 154.86; QWEST, SE, 309.79; RANDY BELT, RE, 181.82; CITY EMPLOYEE, RE, 63.30; CITY EMPLOYEE, RE, 3367.81; STATE NATIONAL BANK, RE, 123.63; THE COFFEE SHOPPE, SU, 20.00; TURFWERKS, SU, 21.77; UNIVERSITY OF NE-LINCOLN, FE, 750.00; USA BLUE BOOK, SU, 171.59; UTILITIES SECTION, FE, 2122.50; VAN DIEST SUPPLY, SE, 127.40; VERIZON, SE, 196.69; VIAERO, SE, 138.18; WAYNE AUTO PARTS, SU, 20.82; WAYNE SENIOR CENTER, RE, 65.00; WESCO, SU, 479.25; WINNING FINISH, SE, 50.00; AMERICAN BROADBAND, SE, 1280.82; APPEARA, SE, 75.56; CITY EMPLOYEE, RE, 150.00; BELSON OUTDOORS, SU, 4769.00; BLACK HILLS ENERGY, SE, 103.24; CITY EMPLOYEE, RE, 181.54; CITY EMPLOYEE, RE, 90.60; CITY OF WAYNE, RE, 500.00; CONTINENTAL FIRE SPRINKLER, SE, 210.00; COPY WRITE, SU, 75.27; DE LAGE LANDEN FINANCIAL, SE, 77.00; DUTTON-LAINSON, SU, 182.76; ELECTRIC FIXTURE, SU, 184.39; ELLIS PLUMBING & HEATING, SE, 167.50; FLOOR MAINTENANCE, SU, 82.36; GILL HAULING, SE, 133.00; CITY OF WAYNE, RE, 74.87; HEIKES AUTOMOTIVE SERVICE, SE, 197.99; HOLIDAY INN OF KEARNEY, SE, 233.85; HTM SALES, SE, 280.88; JASON CAROLLO, SE, 210.00; KIRKHAM MICHAEL, SE, 3900.00; MATT PARROTT AND SONS, SU, 759.00; NORTHEAST EQUIPMENT, SU, 667.36; PAC N SAVE, SU, 129.12; CITY EMPLOYEE, RE, 829.41; QUILL, SU, 34.44; REHAB SYSTEMS, SU, 3203.30; VERIZON, SE, 101.24; WAYNE COUNTY CLERK, SE, 138.50; WAYNE HERALD, SE, 1093.00; WAYNE VETERINARY CLINIC, SE, 112.00; WESCO, SU, 494.16;

Councilmember Alexander made a motion and seconded by Councilmember Haase 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.

Wes Blecke, Executive Director of Wayne Area Economic Development, provided the Council with the six-month LB 840 update.

Councilmember Alexander made a motion and seconded by Councilmember Frevert 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.

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, Kathy Berry and Jill Brodersen; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Doug Sturm and Kaki Ley.

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 June 7, 2011, meeting.

Member Chamberlain made a motion and seconded by Member Alexander approving the minutes of the June 7, 2011, 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 Resolution would approve the Redevelopment Plan/Contract for Bomgaars, Inc.

Administrator Johnson advised the Council there have been a few changes to the draft Redevelopment Plan/Contract that was approved by the Planning Commission and what was in the council packet. Those changes are as follows:

- The Redeveloper's name needs to be changed from "Bomgaars, Inc.", to "Fourth Generation Family Limited Partnership."
- The amount of the bond needs to be increased from \$200,000 to \$220,000; and
- It needs to be stated that we are going to use \$26,000 of LB840 Sales Tax Funds to pay for cost to bore the sewer line under Highway 35.

Bomgaars has advised that they will pay for Glen Nichols' assessment. In addition, the Meyers and Picks have about a \$6,000 allocation for future hook-up fees that mirror the other half of the road in this project for the sewer that was developed.

Member Chamberlain introduced CDA Resolution No. 2011-3 titled as follows and moved its passage and approval by the Agency with the recommended changes stated above:

CDA RESOLUTION NO. 2011-3

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN AMENDMENT FOR THE FOURTH GENERATION FAMILY LIMITED PARTNERSHIP PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS.

Member Frevert seconded the motion. On roll call vote, the following Agency Members voted in favor of the motion: Frevert, Van Delden, Haase, Alexander, Chamberlain, Berry and Brodersen. The following Members were absent or did not vote:

Sturm and Ley.

The passage of CDA Resolution No. 2011-3, having been agreed upon by a majority of the Agency, the Chair declared CDA Resolution No. 2011-3 passed and, in the presence of the Agency, signed and approved CDA Resolution No. 2011-3, and the Clerk attested to its passage by affixing her signature thereto.

Member Frevert made a motion and seconded by Member Alexander 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.

Councilmember Sturm arrived at 5:44 p.m.

The Mayor stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a resolution approving a redevelopment plan amendment for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”). The Clerk reported that notice of the public hearing had been published in the Wayne Herald on July 14, 2011, and July 21, 2011. The Clerk further reported that notice of the public hearing had been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: Wes Blecke, Executive Director of WAED, spoke in support of this Redevelopment Plan/Contract.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

Councilmember Frevert then introduced Resolution No. 2011-55 and moved for its passage and approval with the following changes:

- The Redeveloper's name being changed from Bomgaars, Inc., to "Fourth Generation Family Limited Partnership."
- The amount of the bond being changed from \$200,000 to \$220,000; and
- Inserting that \$26,000 of LB840 Sales Tax Funds will be used to pay for the cost to bore the sewer line under Highway 35.

RESOLUTION NO. 2011-55

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS

Councilmember Haase seconded the motion. On roll call vote, the following Councilmembers voted in favor of the motion: Frevert, Van Delden, Haase, Alexander, Sturm, Berry and Brodersen. The following Councilmembers were absent or did not vote: Ley.

The passage of Resolution No. 2011-55 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2011-55 passed and, in the presence of the Council, signed and approved Resolution No. 2011-55. The Clerk attested to the passage of Resolution No. 2011-55 by signing the same and affixing the seal of the City to Resolution No. 2011-55.

Councilmember Sturm introduced Ordinance No. 2011-6, and moved for approval of the third and final reading thereof; Councilmember Berry then seconded the motion.

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.

Administrator Johnson stated the following Resolutions and Ordinances pertain to the street, water and sanitary sewer improvements to be made in Western Ridge Third Addition. It was noted that the plans and specifications have not yet been received from the engineers on the project. The Resolutions will confirm the hiring of Advanced Consulting Engineering Services and the Ordinances will create the districts. The cost estimate for the sanitary sewer improvements is \$75,000. The cost estimate for the water improvements is \$80,000.

Councilmember Frevert introduced Resolution No. 2011-56 and moved for its approval and striking the wording pertaining to approval of the plans and specifications; Councilmember Van Delden seconded.

RESOLUTION NO. 2011-56

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN SANITARY SEWER IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA.

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

Councilmember Frevert introduced Resolution No. 2011-57 and moved for its approval and striking the wording pertaining to approval of the plans and specifications; Councilmember Alexander seconded.

RESOLUTION NO. 2011-57

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN WATER IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA.

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

Councilmember Sturm introduced Ordinance No. 2011-12, and moved for its approval; Councilmember Frevert seconded.

ORDINANCE NO. 2011-12

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2011-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN

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 Sturm made a motion and Councilmember Alexander seconded to move for final approval of Ordinance No. 2011-12. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance No. 2011-13, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2011-13

AN ORDINANCE CREATING SANITARY SEWER EXTENSION DISTRICT NO. 2011-1 OF THE CITY OF WAYNE, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF SANITARY SEWER MAINS AND SANITARY SEWER LINES WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK.

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 Frevert 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 Sturm made a motion and Councilmember Alexander seconded to move for final approval of Ordinance No. 2011-13. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance No. 2011-14, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2011-14

AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 2011-1 OF THE CITY OF WAYNE, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF WATER MAINS AND WATER LINES WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE CITY'S CONSULTING ENGINEERS IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK.

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 Sturm made a motion and Councilmember Alexander seconded to move for final approval of Ordinance No. 2011-14. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated that at the last Council meeting, the Council approved 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 must be acted upon again due to the fact that the name is changing from Bomgaars, Inc., to Fourth Generation Family Limited Partnership.

Councilmember Brodersen introduced Resolution No. 2011-58 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-58

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING

BETWEEN THE CITY OF WAYNE AND FOURTH GENERATION FAMILY LIMITED PARTNERSHIP 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.

Councilmember Sturm introduced Ordinance No. 2011-7, and moved for approval of the second reading thereof; 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.

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

Joel Hansen, Building Inspector, stated the following Ordinance is essentially readopting the 2006 Property Maintenance Code. This will give the City the opportunity to enforce a condemnation against both the property owner and the owner upon which the property sets. In addition, the ordinance will institute a fine system of not less than \$500 per day against the property owner which will help the City recover some of its costs if they have to abate the nuisance.

Councilmember Alexander introduced Ordinance No. 2011-8, and moved for approval of the second reading thereof; Councilmember Sturm 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 third and final reading will take place at the next meeting.

Joel Hansen, Certified Street Superintendent, stated the following Resolution and Ordinances pertain to controlling the parking and traffic flow around the Middle School due to the significant building and operational changes that will be occurring this fall. The Resolution would change Douglas Street to one-way traffic south bound between Third and Fourth Streets and Sherman Street to one-way traffic north bound between Third and Fourth Streets. Ordinance 2011-9 would shift the “no parking” from the east side of Sherman Street across from the Middle School to the west side. Ordinance 2011-10 would shift the daytime parking from the west side of Sherman Street across from the Middle School to the east side, except for bus loading and unloading times before and after school. Ordinance 2011-11 would establish student loading and unloading zones on the east side of Sherman Street and the west side of Douglas Street along the Middle School property.

Mr. Hansen stated that city staff and school staff have discussed the proposed changes. He noted that to the best of his knowledge, no one from the City has approached any of the residents affected by these changes.

Travis Meyer, Maintenance Supervisor of Wayne Community Schools, stated that to the best of his knowledge, the School has not contacted any of the property owners either. Mr. Meyer stated the school would be sending a letter to the parents notifying them of the changes in the parking and traffic control.

City staff will send a letter to those property owners around the perimeter of the Middle School noting a date and time to meet to discuss the proposed changes in traffic flow and parking.

Councilmember Sturm made a motion and seconded by Councilmember Alexander to table action on Agenda Items 16, 17, 18, and 19 (Resolution 2011-59, Ordinance Nos. 2011-9, 2011-10 and 2011-11) until City staff has met with the property owners concerning the proposed changes. 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 an agreement which will join Wayne with other Nebraska First Class Cities and NDOR to substitute State funding for direct Federal funding when allocating Surface Transportation Program (STP) funds to cities for local street projects. The benefit to cities is that this replacement State funding will have much less environmental and procurement requirements attached. The downside for cities is that NDOR will retain 20% of the funding level in-house to be used at the State level, and the funding will not be prorated out to cities as in the past. Instead, each city will submit street projects for State STP funding on a competitive basis. We can either compete for NDOR STP street project funding at large with all large and small cities and counties in Nebraska, or we

can approve this agreement and compete for funding with only First Class Cities and have a larger set aside pool of funding per capita.

Joel Hansen, Certified Street Superintendent, stated that while we will lose 20% of the funds, we will gain back two years on a project. The construction savings alone will probably make up for that 20%.

Councilmember Alexander introduced Resolution No. 2011-60 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-60

A RESOLUTION APPROVING THE FEDERAL FUNDS PURCHASE PROGRAM AGREEMENT.

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 amend the Wage and Salary Schedule to move the Recreation-Leisure Services Director from an exemption status salary position to an hourly position – Labor Grade 16.

Councilmember Sturm made a motion to table action on this Resolution because he wanted to discuss this position during the budget work session this evening. Councilmember Alexander seconded the motion. Mayor Chamberlain stated the motion, and the result of roll call being all Yes, the Mayor declared the motion carried.

Gene Hansen, Superintendent of Electric Production, stated the following Resolution would approve the engineering services agreement with Olsson Associates to design, bid out, and monitor the installation of the silencers and catalytic converters for the power plant engines to comply with the new EPA RICE air quality standards.

Councilmember Alexander introduced Resolution No. 2011-62 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2011-62

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE RICE NESHAP COMPLIANCE PROJECT.

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 Co. for the 2009-2010 Wastewater Treatment Facility Improvements, Phase I Project in the amount of \$577,509.44. The engineer on the project has approved the same.

Councilmember Sturm made a motion, which was seconded by Councilmember Haase approving Application for Payment No. 12 for the 2009-2010 Wastewater Treatment Facility Improvements, Phase I Project, in the amount of \$577,509.44 to Eriksen Construction Co.

Garry Poutre, Superintendent of Public Works & Utilities, updated the Council on the project. They are on track with bringing the system on line the week of September 5th.

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

Administrator Johnson stated Kelby Herman has requested an undetermined length of time to defer his sewer hook-up requirements after his property has been annexed. The Subdivision Agreement for his property calls for the sewer to be hooked

up to city services whenever the property is annexed. The Subdivision Agreement that the Council approved for Western Ridge Third Addition allows three years to hook up to the city's sewer system. If the Council wants to have some consistency and allow Mr. Herman three years to hook-up to the City's sewer system, that would be fine. Mr. Herman wanted the option of not having to hook up to the City's sewer system until his septic system went bad. That is not a well-defined time to allow. Cities do have a right to not have septic systems within the city limits.

Councilmember Frevert made a motion, which was seconded by Councilmember Sturm, allowing Kelby Herman up to three years from this date to hook-up to the city's sewer system. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Marlen Chinn, Police Sergeant, advised the Council that because the turkey vultures have been causing damage to the radio tower, he contacted the USDA Game & Parks Commission for assistance. They advised him that they could not do anything without having an ordinance or resolution in place that would allow them to discharge a firearm within city limits. The amendment to the proposed ordinance would allow any licensed pest control company/person with the USDA who are not considered law enforcement people to come in and dispose of any animals that are either causing damage to property or are a nuisance to the public. These birds are considered migratory by the Game and Parks Commission, and they would not allow the police department to dispose of them on their own.

Brian Kesting, Technology Support Specialist, stated he has already had about \$2,000 in damage on just his equipment from these birds.

Sergeant Chinn also stated they are experiencing some problems with the radios in the police department. The repair company in Sioux City is trying to determine if it's an internal problem or whether the tower has been damaged from the birds.

Attorney Dahl stated there is a redundancy in the wording in Paragraph 3 (b) that needs to be deleted – “when such control is necessary”.

Councilmember Frevert introduced Ordinance No. 2011-15, and moved for its approval with the words “when such control is necessary” being stricken in Paragraph 3 (b); Councilmember Sturm seconded.

ORDINANCE NO. 2011-15

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE BY AMENDING SECTION 58-131 RELATING TO THE DISCHARGE OF FIREARMS; 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.

Councilmember Sturm made a motion and Councilmember Frevert 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.

Sergeant Chinn stated that the Game and Parks Commission supplied the police department with some M-80 type devices that are fired from a shotgun. They have gone through a case of those. Evidently, the birds get used to it. Four rounds were fired within approximately 15 minutes. Three of the four rounds did not have any affect on the birds. The birds flew away after the fourth round.

The Game and Parks Commission has several non-lethal means that they are willing to try first before having to dispose of the birds. They were shocked to know that there have been 20-25 birds on the tower. Usually the birds divide up.

Councilmember Alexander made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2011-15. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, Executive Director of WAED, was present and advised the Council that the Sales Tax Advisory Committee met and reviewed an application to Wayne's Economic Development Program Fund. The Committee recommended approving the request by the City of Wayne for assistance with the sewer project in the Western Ridge Third Addition for \$26,000. The recommended terms includes a grant to the City in this amount from the Wayne Economic Development Program Fund.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the recommendation of the LB840 Sales Tax Advisory Committee to approve a grant in the amount of \$26,000 to the City of Wayne for assistance with the sewer project in the Western Ridge Third Addition. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Additional discussion took place on the following budget proposals;

- Fogging streets/alleys to control bugs/mosquitoes; and
- Community Activity Center Director Position.

Nancy Braden, Finance Director, reviewed the changes that were made at the initial budget work session. The net effect is General Fund Reserves would increase by \$28,550.00. If the Council would hire a full-time person in charge of both the

Community Center and the Recreation Department, the General Fund Reserve would decrease by \$21,407.76.

Mayor Chamberlain would like to see this matter go to the Recreation Leisure Services Commission for their input. He would like to see one person in charge of the recreation and the activity center, whether it is part-time or full-time, and then have separate program directors in charge of individual programs. They would be in charge of lining up their coaches and educating them. That program director can work with coaches from the school, etc., to find out what they should be teaching their coaches for certain age groups. Then, when that program director's program is not in season, then they would be working the front desk.

Councilmember Sturm suggested hiring one person to be in charge of everything and then it is up to him/her to hire who he/she wants, but he/she will be responsible for everything. This person would get volunteer coaches. He would then run through a program or an outline of what we want to teach these kids at different levels. He would then oversee that just like he would oversee the activity center. Then when football comes, he hires the coaches and then he has to directly oversee that. He wants to see some of the age groups cut out of the rec program. He thinks Hank Overin Field has been under utilized for 20 years. This way, when there is a problem, you go to one person. In addition, we need to make a set of rules that governs everybody. He thinks it has been run haphazard for a while. He also thought we needed to tap into the resources at the college. If we can get a strong leader, there is a lot of potential out there for good programs.

Councilmember Alexander thought there would be quite a bit of turnover by using college students, and then that becomes a job of having to train those students over and over every semester. It might be a benefit and it might look like a benefit, but when you have to spend half your day training those people on what you want them to do, and then three months later they are gone and you have to do it all over again, is it really a benefit? It's a good theory, but putting it into practice, he thought was the difficult part. There are very few Hank Overins, Kelly Flynns and Paul Eatons, and are they going to come here for \$10 an hour?

Councilmember Sturm wanted to make a strong job description and throw it out there and see if we can find someone. If we can't find any applicants, we can go back to what we have now.

Councilmember Alexander agreed with the idea of finding one person to be in charge – that's the way it needs to be run, and then assign people certain programs and then follow through and follow-up to make sure they are meeting that Director's expectations.

Mayor Chamberlain stated he would like this to go back to the Recreation Leisure Services Commission to get their input. Since the Commission normally doesn't meet during the summer, they will be sent a letter/e-mail to see if they can meet to discuss this matter. He has visited with Courtney Preston at the CAC about contacting the Commission to set up a time to meet.

Council consensus was to table the discussion on the Community Activity Center Director's position and to end discussion concerning the fogging of streets/alleys for mosquitoes/bugs.

No action was taken on Agenda No. 28 – Action to Approve Budget Proposal and Set Public Hearing Date. The hearing, however, will be set for September 6th. Changes can be made to the budget up until the time of that public hearing. The Finance Director was directed to put the CAC Director’s position in the budget as full-time.

Councilmember Sturm stated, as tight as the budget is, he thought the Administrator should be given the authority to tell people no if they come to the City for money. He thought it was funny that the Council/City can say no raises for employees, but yet, we will give \$2,000 here and \$5,000 there, etc.

Ms. Braden stated the cost of living increase is in this budget; however, when the wage resolution is set in January, the Council can set the same from 0-2%.

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 7:18 p.m.