

**MINUTES
CITY COUNCIL MEETING
November 1, 2011**

The Wayne City Council met in regular session at City Hall on Tuesday, November 1, 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, and Jill Brodersen; City Attorney Kyle Dahl; City Administrator Lowell Johnson and City Clerk Betty McGuire. Absent: Councilmembers Kaki Ley and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 20, 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, which was seconded by Councilmember Haase, whereas the Clerk has prepared copies of the Minutes of the meeting of October 18, 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: AMERITAS, SE, 1481.66; APPEARA, SE, 27.09; ARNIE'S FORD-MERCURY, SE, 291.96; BANK FIRST, SE, 150.00; BLACK HILLS ENERGY, SE, 205.36; BOMGAARS, SU, 113.20; CITY EMPLOYEE, RE, 107.57; CENTURYLINK, SE, 309.01; CITY OF WAYNE, SE, 20.00; CITY OF WAYNE, PY, 54887.06; CLAUSSEN & SONS IRRIG., SE, 50.00; COMMUNITY HEALTH, RE, 3.00; CONSOLIDATED MANAGEMENT, SE, 27.50; CREDIT BUREAU SERVICES, RE, 112.16; DE LAGE LANDEN FINANCIAL, SE, 77.00; CITY EMPLOYEE, RE, 79.27; ECHO GROUP, SU, 1600.00; ECHTENKAMP, DOUGLAS, RE, 260.54;

EISCHEID ARTIFICIAL RAIN, SE, 90.00; ELECTRIC FIXTURE, SU, 206.83; ENERGY FEDERATION, SU, 2566.00; ERIKSEN CONSTRUCTION, SE, 48404.27; FIRST CONCORD GROUP, SE, 3834.32; FLOOR MAINTENANCE, SU, 266.98; FORT DEARBORN LIFE, SE, 106.64; FRANK MRSNY, RE, 432.00; GALE GROUP, SU, 1404.00; GERHOLD CONCRETE, SU, 57.38; HAUGE ASSOCIATES, RE, 33.30; HD SUPPLY WATERWORKS, SU, 1438.29; CITY EMPLOYEE, RE, 46.80; CITY EMPLOYEE, RE, 108.00; ICMA, RE, 5773.70; IRS, TX, 17186.64; JAFF LTD, RE, 340.00; GODFATHER'S, SU, 71.50; JEO CONSULTING GROUP, SE, 23241.19; JOHN'S WELDING AND TOOL, SU, 14.96; CITY EMPLOYEE, RE, 840.76; KNIFE RIVER MIDWEST, SU, 750.30; KRIZ-DAVIS, SU, 1693.10; LEAGUE OF NEBRASKA, FE, 400.00; CITY EMPLOYEE, RE, 144.37; MCGUIRE & NORBY, SE, 4711.88; MERCY MEDICAL CLINICS, SE, 200.00; MIDWEST OFFICE AUTOMATION, SE, 1287.97; MONICA WARNER, RE, 431.67; NE DEPT OF REVENUE, TX, 2601.77; NE LAW ENFORCEMENT, SE, 312.00; NE NEB INS AGENCY, SE, 241.00; NE STATE PATROL, SE, 30.00; NNPPD, SE, 4088.48; OLSSON ASSOCIATES, SE, 566.55; POSTMASTER, SU, 57.39; CITY EMPLOYEE, RE, 208.88; QUILL, SU, 101.52; REPCO MARKETING, SU, 52.50; ROSE EQUIPMENT, SU, 69.18; RUSTY PARKER, RE, 528.00; SPARKLING KLEAN, SU, 429.54; SPX COOLING TECHNOLOGIES, SE, 132931.00; STADIUM SPORTING GOODS, SE, 22.00; STATE NATIONAL BANK, RE, 111.08; STATE NATIONAL BANK, RE, 5141.25; TYLER TECHNOLOGIES, SE, 2966.83; VERIZON, SE, 204.50; VIAERO, SE, 142.08; WAYNE COUNTY COURT, RE, 300.00; WESCO, SU, 2727.47; WEST-E-CON, SE, 450.00; AMERICAN BROADBAND, SE, 1650.80; APPEARA, SE, 76.95; AS CENTRAL SERVICES, SE, 448.00; CITY EMPLOYEE, RE, 107.59; CITY OF PONCA, RE, 14847.07; CITY OF WAYNE, RE, 917.07; CITY OF WISNER, RE, 4749.57; DUTTON-LAINSON, SU, 614.59; CITY EMPLOYEE, RE, 58.84; ELECTRIC FIXTURE, SU, 328.92; FIRST NATIONAL INSURANCE, SE, 272.42; FRIENDS OF THE LIBRARY, SE, 238.00; FRIESEN CHEVROLET, SE, 2.56; HAUFF MID-AMERICAN SPORTS, SU, 187.40; CITY EMPLOYEE, RE, 37.07; HEIDI CLAUSSEN, SE, 280.00; KELLY SUPPLY, SU, 517.99; KRIZ-DAVIS, SU, 3360.99; LOVE SIGNS, SE, 200.00; NE PUBLIC HEALTH, SU, 111.00; NE STATE PATROL, SE, 15.00; NINE ONE ONE, SE, 4050.00; PONCA RURAL FIRE BOARD, RE, 3552.82; QUILL, SU, 43.88; R.S. STOVER, SE, 45664.00; SD MEYERS, SE, 306.00; SCOTT SORENSEN, RE, 73.18; VERIZON, SE, 101.34; VILLAGE OF WINSIDE, RE, 4749.57

Councilmember Sturm made a motion and Councilmember Alexander seconded 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.

Joel Hansen, Certified Street Superintendent, stated that one bid was received on the “Curb and Gutter Repair Project” on Main Street between Clark Street and Seventh Street — Robert Woehler & Sons Construction in the amount of \$63 per ft., for a total of \$9,450. This project will repair the curbs and install expansion joint protectors. Even though the contractor did not install the expansion joints, it does not appear that there is anything the State is going to do about it; it is our responsibility per our maintenance agreement with the State. The contractor built the curb and gutters per the specs. Evidently there was a lack of communication between the State, our engineer and city staff.

Councilmember Sturm introduced Resolution No. 2011-84 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2011-84

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE CURB AND GUTTER REPAIR PROJECT ON MAIN STREET BETWEEN CLARK STREET AND 7TH STREET.

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

Councilmember Alexander introduced Ordinance 2011-24, and moved for approval of the second reading thereof; Councilmember Sturm seconded.

ORDINANCE NO. 2011-24

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 2. B-1 HIGHWAY BUSINESS DISTRICT, SECTION 90-358 MINIMUM YARD REQUIREMENTS; 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. The third and final reading will take place at the next meeting.

Councilmember Alexander introduced Ordinance 2011-25, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2011-25

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 3. B-3 NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 90-428 MINIMUM YARD REQUIREMENTS; 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. The third and final reading will take place at the next meeting.

Councilmember Brodersen introduced Ordinance 2011-26, and moved for approval of the second reading thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2011-26

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 3. B-3 NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 90-422 PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 90-423 PERMITTED ACCESSORY USES AND STRUCTURES, AND SECTION 90-424 EXCEPTIONS, B-3 NEIGHBORHOOD COMMERCIAL DISTRICT; 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. The third and final reading will take place at the next meeting.

Councilmember Alexander introduced Ordinance 2011-27, and moved for approval of the second reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2011-27

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 2. B-2 CENTRAL BUSINESS DISTRICT, SECTION 90-394 EXCEPTIONS; AND BY ADDING SECTION 90-402 PERMITTED CONDITIONAL USES; 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. The third and final reading will take place at the next meeting.

Councilmember Berry arrived at 5:37 p.m.

Councilmember Sturm introduced Ordinance 2011-28, and moved for approval of the second reading thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2011-28

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF ALL OF WESTERN RIDGE THIRD ADDITION TO B-1 HIGHWAY BUSINESS.

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.

Mayor Chamberlain stated the following two ordinances have been brought back for Council consideration. These were tabled from the meeting of September 20th.

Councilmember Frevert introduced Ordinance 2011-29, and moved for its approval; Councilmember Brodersen seconded.

ORDINANCE NO. 2011-29

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE STATE COLLEGE GRADUATION ACTIVITIES.

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

John Nelson of Project Extra Mile spoke against the passage of these ordinances.

Cale Giese and Ken Jorgensen spoke in favor of the passage of these ordinances.

Councilmember Van Delden introduced Ordinance 2011-30, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2011-30

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR NEW YEAR'S EVE.

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

Nancy Braden, Finance Director, stated the auditors have required that if we borrow money from ourselves (e.g. Electric Fund) to fund other projects, we must obtain approval or authorization from the Council. We are currently short about \$120,000 in LB840 funds to fund the projects that have been approved this evening, with the exception of the loan guarantee. The 3% interest rate we are paying back to the Electric Fund will come from the 1% sales tax. Of the \$500,000 we have borrowed at this time

from the Electric Fund, only \$100,000 has been paid back. The City still has approximately \$6.5 million in the Electric Fund.

Councilmember Alexander introduced Resolution No. 2011-85 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2011-85

A RESOLUTION OF THE LB 840 ECONOMIC DEVELOPMENT PLAN OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE BORROWING OF FUNDS FROM THE CITY OF WAYNE ELECTRIC FUND, WAYNE, NEBRASKA.

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

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Annual Christmas on Main Street – Parade of Lights on December 8, 2011.

Councilmember Sturm introduced Resolution No. 2011-86 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2011-86

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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

Joel Hansen, Inspector/Planner, explained the Wayne South Logan Creek Channel Stabilization Design Project. The last 10 years of significant rain have slowly washed some of this area out. This was previously on the agenda back in September, but we were hoping we could do this without an engineering design. We have since found out

that we are required to have an Army Corps of Engineer's Permit on that site which requires us to submit an engineering design. At this point, it looks like our only option is to go ahead and hire an engineer to draw up the design work. The not to exceed sum of \$57,344 is for engineering fees and to obtain the permit from the Corps to do the work.

Administrator Johnson advised the Council that the reason for selecting Olsson Associates for this project is that they already designed the trail which is in that same area so they have all of the profiles. They are also working on the piling design project at the trail overlook by the waterfall. It just made sense to him to have them do this project, too.

Council thought the fee was excessive and directed staff to contact Olsson Associates to see if they would consider lowering the fee.

Administrator Johnson stated Olsson Associates has been assisting Anthony Lawrence with the grant process for this project, and if we do not hire them, we may owe them a fee for the work they have done on the grant and assisting staff with the same.

Councilmember Sturm made a motion to table action on Resolution 2011-87 and Councilmember Alexander seconded. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place regarding possible retreat dates. Mayor Chamberlain proposed the following: Friday and Saturday, January 27th and 28th, or Friday and Saturday, February 3rd and 4th, 2012. The Council was directed to look at their calendars to see which dates would work better, and contact City Clerk McGuire.

Councilmember Frevert made a motion and seconded by Councilmember Sturm 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 5:59
p.m.