

January 3, 2012

The Wayne City Council met in regular session at City Hall on Tuesday, January 3, 2012, 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, Doug Sturm, Kaki Ley, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson and City Clerk Betty McGuire. Absent: Councilmembers Dale Alexander and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on December 22, 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, which was seconded by Councilmember Frevert, whereas the Clerk has prepared copies of the Minutes of the meeting of December 20, 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.COM, SU, 640.03; AMERICAN BROADBAND, SE, 550.00; AMERICAN BROADBAND, SE, 1438.61; AMERITAS, SE, 1040.00; AMERITAS, SE, 1483.65; APPEARA, SE, 70.29; ARNIE'S FORD-MERCURY, SE, 99.53; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, SE, 180.00; BLACK HILLS ENERGY, SE, 982.58; BOMGAARS, SU, 8.46; CITY EMPLOYEE, RE, 75.27; CITY EMPLOYEE, RE, 120.87; CENTURYLINK, SE, 308.67; CITY OF NORFOLK, SE, 338.37; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 53700.25; CITY OF WAYNE, RE, 125.00; COMMUNITY HEALTH, RE, 3.00; CITY EMPLOYEE, RE, 142.88; ENERGY FEDERATION, INC., SU, 1720.00; FIRST CONCORD GROUP, SE, 5696.48; FLOOR MAINTENANCE, SU,

142.48; FORT DEARBORN LIFE, SE, 86.00; FRIESEN CHEVROLET, SU, 188.21; GALE GROUP, SU, 222.30; GIS WORKSHOP, SE, 14509.00; HEARTLAND PAPER, SU, 24.76; ICMA RETIREMENT TRUST-457, SE, 5386.00; IRS, TX, 17347.08; JEO CONSULTING GROUP, SE, 3326.00; JOHNSON'S PLUMBING, SE, 268.50; KNOEPFLER CHEVROLET, SU, 9.10; KRIZ-DAVIS, SU, 103.59; CITY EMPLOYEE, RE, 590.00; MATT PARROTT AND SONS, SU, 354.13; MCGUIRE & NORBY, SE, 9364.76; NE DEPT OF REVENUE, TX, 2666.72; NORFOLK WINNELSON, SU, 542.16; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 3442.00; NWOD, FE, 10.00; OGDEN INK, SU, 12.00; OVERHEAD DOOR COMPANY, SU, 121.50; PIEPER, MILLER & DAHL, SE, 3907.86; CITY EMPLOYEE, RE, 32.82; QUILL, SU, 183.48; ROBERT WOehler & SONS, SE, 5115.00; ROURKE PUBLISHING, SU, 255.20; SMEAL FIRE APPARATUS, SE, 187769.00; STADIUM SPORTING GOODS, SU, 192.00; CITY EMPLOYEE, RE, 137.34; TERRACON CONSULTANTS, SE, 691.50; TERRY SIEVERS, RE, 500.00; THE CHILD'S WORLD, SU, 247.30; TOM JACOBSEN, RE, 500.00; UNITED WAY, RE, 10.00; VERIZON, SE, 60.07; VIAERO, SE, 137.66; WAYNE COMMUNITY HOUSING, RE, 2000.00; WESCO, SU, 161.03; ADVANCED CONSULTING, SE, 1000.00; APPEARA, SE, 77.44; ASCAP, FE, 320.00; CINDY MILLIGAN, RE, 500.00; CITY OF WAYNE, RE, 1651.84; COPY WRITE, SU, 510.44; DE LAGE LANDEN FINANCIAL, SE, 77.00; DOESCHER APPLIANCE, SU, 1148.00; ELECTRIC FIXTURE, SU, 167.73; GEMPLER'S, SU, 215.25; GILL HAULING, SE, 133.00; JACK'S UNIFORM, SU, 209.85; JERRY ROBINSON, RE, 500.00; KELLY SUPPLY, SU, 189.73; KEN PROKOP, RE, 1000.00; KEPSCO, SU, 7.00; KRIZ-DAVIS, SU, 1097.80; LOOSELEAF LAW PUBLICATION, SU, 24.90; MID-STATES ORGANIZED, FE, 100.00; NE PLANNING & ZONING, FE, 40.00; NORFOLK TRUCK CENTER, SU, 127.30; PAUL DANGBERG, RE, 138.00; S & S WILLERS, SU, 380.39; SKARSHAUG TESTING LAB, SE, 120.09; VERIZON, SE, 102.68; WAED, RE, 6383.33; WAYNE COMMUNITY HOUSING, RE, 1425.00

Councilmember Frevert made a motion and Councilmember Van Delden 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.

Cap Peterson with Northeast Nebraska Insurance Agency presented and reviewed the 2012 Property and Casualty Insurance Package. The 2012 premium is \$232,898, which is approximately \$10,241 higher than the 2011 premium. This represents about a 4% increase which is mostly on the property side of the coverage. The City buildings and contents are insured at a 90% replacement value, with the exception of the power plant. The power plant building is insured by way of separate coverage at an agreed upon value, which is \$28,388,461. The power plant has a \$50,000 deductible. The company provides and has done a risk management analysis of all city buildings, etc., at no cost. In addition, Mr. Peterson advised the Council that because of the safety programs initiated and the decline in workers compensation claims, the experience modification has dropped from 1.33 in 2009 to 1.12 in 2010 to .89 in 2011 to .81 this year. This represents a significant savings in the premium.

In addition, Mr. Peterson advised the Council that if the deductible on the property was increased from \$1,000 to \$5,000, the savings would be about \$2,200, and if it was raised to \$10,000, the savings would be about \$4,100. While it is not a significant savings, it is something they should take into consideration.

Councilmember Berry arrived at 5:38 p.m.

Riley Tonkins, Marketing Representative with EMC, showed, via their website, some of the different services they offer. These services are free because we are insured with EMC.

Councilmember Brodersen made a motion, which was seconded by Councilmember Berry approving the 2012 Property and Casualty Insurance Package with Northeast Nebraska Insurance Agency and changing/increasing the property deductible

from \$1,000 to \$5,000. 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 \$5,000 grant request was from the Wayne Community Theater to be used to assist in replacing the overhead doors on the old fire hall building (the west 1977 addition). The Committee met, and their recommendation was to amend the request from a \$5,000 grant to a \$5,000 loan to be paid back over 5 years with an interest rate determined by the City Council. The vote was unanimous with four voting members present. Some of the reasons for amending the request were the lack of job creation and the rental income they receive from the property.

Judy Nemec, representing the Wayne Community Theater, asked the Council to reconsider the recommendation and amend the same back to a grant as originally requested. The total cost of the project will be \$11,100. They have saved up \$5,000 from their rental income for the matching funds. Ms. Nemec stated they share a lot of props, people, set materials and costumes with both the High School and Wayne State College.

Ms. Nemec advised the Council that the theater group, in 2011, put on a show at the Majestic in February, in March they had an Arts Festival at the Armory, and in July they had a musical and children's workshop. They will put on another show in February and also have their arts festival in March. They have a fundraiser once a year to help pay for shows.

Councilmember Sturm was in favor of granting the \$5,000 to the Community Theater group; however, if Council approved a loan, he would like the interest rate set at 0%.

Councilmember Van Delden stated what has attracted him to this proposal is the fact that the group has not shied away from rolling up their sleeves and doing things such as fundraisers, etc., so he was in favor of Councilmember Sturm's suggestion to make this a grant rather than a loan as recommended by the Committee.

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen approving the request of the Wayne Community Theater for a \$5,000 grant from the LB840 Sales Tax Funds to be used to assist in replacing the overhead doors on the old fire hall building (the west 1977 addition). 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 Wayne Area Economic Development, provided the Council with the six-month LB 840 update.

Council would like to have the businesses or groups that receive LB840 funding provide updates to them in the future. They would discuss this in more detail at their retreat at the end of the month.

Mr. Blecke updated the Council on the Inet Library business that received LB840 funds. They have secured a contract with an entity, and they should be looking at a hiring spike in this quarter.

In regard to the ATV and Utility Vehicle Ordinance, Attorney Miller reiterated that they will not be allowed on highways except for the purposes of crossing them. She

also noted she had made some changes to the ordinance, and the same are highlighted in red.

Mayor Chamberlain asked whether or not the Council wanted to require helmets for gator utility type vehicles. Councilmember Sturm thought the ordinance should stay as is for now.

The fee for licensing the vehicle has not been calculated at this time, nor has the written test been developed.

Councilmember Sturm introduced Ordinance 2011-32 and moved for approval thereof; Councilmember Frevert seconded.

ORDINANCE NO. 2011-32

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78 BY ADDING ARTICLE VII TO ALLOW THE OPERATION OF ALL TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATION; 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, with the exception of Councilmember Haase who voted Nay, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Johnson stated the Kardell Subdivision Sanitary Sewer Improvement Project is complete. We have received Change Order No. 1 (Final) which is a decrease of \$319.00 which represents a deduction for some quantity adjustments that took place during construction.

Councilmember Sturm made a motion, which was seconded by Councilmember Ley approving Change Order No. 1 (Final) for the Kardell Subdivision Sanitary Sewer

Improvement 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 accept the Kardell Subdivision Sanitary Sewer Improvement Project and authorize the final payment to the contractor as recommended by the engineer on the project.

Councilmember Sturm introduced Resolution No. 2012-1 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-1

A RESOLUTION ACCEPTING WORK ON THE “KARDELL SUBDIVISION SANITARY SEWER IMPROVEMENT PROJECT” AND AUTHORIZING FINAL PAYMENT THERETO.

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

Wes Blecke, Director of WAED, stated Williams Form Engineering Corporation has made an offer to purchase the 1.49 acre parcel of land, which adjoins the Opportunity Building property they previously purchased, for the sum of \$18,000. Mr. Blecke recommended selling this property to Williams Form Engineering Corporation.

Councilmember Ley made a motion, which was seconded by Councilmember Sturm approving the Offer to Purchase Real Estate made by Williams Form Engineering Corporation regarding the purchase of the 1.49 acre parcel known as Lot 1 of the 2nd Replat of Tompkins Industrial Tract #1 Subdivision, Wayne County, Nebraska, for the sum of \$18,000. 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. 2012-2 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-2

A RESOLUTION AUTHORIZING THE SALE OF CERTAIN PROPERTY TO WILLIAMS FORM ENGINEERING CORPORATION, A MICHIGAN CORPORATION.

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

Councilmember Sturm introduced Ordinance 2012-1, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2012-1

AN ORDINANCE DIRECTING THE SALE OF LOT ONE (1) OF THE 2ND REPLAT OF TOMPKINS INDUSTRIAL TRACT #1 SUBDIVISION, WAYNE COUNTY, NEBRASKA, TO WILLIAMS FORM ENGINEERING CORPORATION, A MICHIGAN CORPORATION.

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 Ley 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 Ley seconded to move for final approval of Ordinance No. 2012-1. 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 Ley 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, Ken Chamberlain, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

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 December 20, 2011, meeting.

Member Chamberlain made a motion and seconded by Member Sturm approving the minutes of the December 20, 2011, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the agenda was to consider and take action on the request of Lou Benscoter for a 60-day extension on the closing date regarding the purchase of Lot 2A, Replat of Kardell Industrial Park, a Subdivision by Wayne NG Cars, LLC.

Member Chamberlain made a motion and seconded by Member Sturm approving the request of Lou Benscoter for a 60-day extension on the closing date regarding the purchase of Lot 2A, Replat of Kardell Industrial Park, a Subdivision, by Wayne NG Cars, LLC. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Frevert made a motion and seconded by Member Chamberlain 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.

Mayor Chamberlain requested Council consideration to the following appointments: Rod Tompkins and Dana Tompkins to the Joint Airport Zoning Board.

Councilmember Sturm made a motion, which was seconded by Councilmember Ley approving the appointment of both Rod Tompkins and Dana Tompkins to the Joint Airport Zoning Board. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who abstained, the Mayor declared the motion carried.

Councilmember Frevert made a motion, which was 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 6:45 p.m.