

**MINUTES**  
**CITY COUNCIL MEETING**  
**January 17, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, January 17, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Jim Van Delden, Jon Haase, Dale Alexander, Doug Sturm, and Kaki Ley; City Attorney Amy Miller; City Administrator Lowell Johnson and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert, Kathy Berry and Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 5, 2012, 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 Sturm, whereas the Clerk has prepared copies of the Minutes of the meeting of January 3, 2012, 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 LIFE INSURANCE, SE, 1663.94; APPEARA, SE, 97.38; ARC-HEALTH & SAFETY, SE, 390.00; ARNIE'S FORD-MERCURY, RE, 540.00; ATCO INTERNATIONAL, SU, 55.20; BACKSTROM, JAMIE, RE, 500.00; BAKER & TAYLOR BOOKS, SU, 878.35; BANK FIRST, FE, 180.00; CITY EMPLOYEE, RE, 73.00; BOMGAARS, SU, 628.98; CITY EMPLOYEE, RE, 695.49; CITY EMPLOYEE, RE, 82.54; BROWN SUPPLY, SU, 754.04; CARHART LUMBER COMPANY, SU, 491.16; CITY EMPLOYEE, RE, 15.92; CITY EMPLOYEE, RE, 42.31; CHARTWELLS, SE, 5572.85; CITY OF WAYNE, RE, 350.00; CITY OF

WAYNE, PY, 55016.76; CITY OF WAYNE, RE, 160.32; CITY OF WAYNE, RE, 1601.57; COMMUNITY HEALTH, RE, 3.00; DAVE'S UNIFORM CLEANING, SE, 42.00; DEMCO, SU, 51.32; DITCH WITCH OF OMAHA, SU, 82.25; DOESCHER APPLIANCE, SU, 878.00; EASYPERMIT POSTAGE, SU, 1183.41; CITY EMPLOYEE, RE, 917.24; EMPLOYERS MUTUAL CASUALTY, RE, 900.00; FLOOR MAINTENANCE, SU, 948.36; FREDRICKSON OIL, SE, 16.00; GENO'S STEAKHOUSE, SE, 3802.64; GRAPHIC CONTROLS, SU, 388.59; GREAT PLAINS ONE-CALL, SE, 45.27; CITY EMPLOYEE, RE, 435.71; HARDING & SHULTZ, SE, 2714.32; HAWKINS, INC, SU, 830.11; HD SUPPLY WATERWORKS, SU, 1493.14; CITY EMPLOYEE, RE, 111.54; HIRERIGHT SOLUTIONS, SE, 20.00; HOBBY LOBBY, SU, 14.56; HTM SALES, SU, 113.28; ICMA, RE, 5200.51; INGRAM BOOK COMPANY, SU, 83.63; IRS, TX, 17859.37; JEFF FLEMING, RE, 500.00; JOHN'S WELDING AND TOOL, SE, 60.00; JORGENSEN, JASON, SE, 700.00; KRIZ-DAVIS, SU, 370.62; KTCH, SE, 605.00; LP GILL, SE, 1066.80; MARK ALBENESIUS, SE, 14647.29; MARRIOTT HOTELS, RE, 55.18; MCGRATH NORTH, SE, 243.00; MIDWEST LABORATORIES, SE, 1044.90; MIDWEST TAPE, SU, 59.98; MIKE TOWNE, SE, 2300.00; N.E. NEB ECONOMIC DEV DIS, SE, 1215.00; NE DEPT OF REVENUE, RE, 53.03; NE DEPT OF REVENUE, TX, 2787.97; NE NEB INS AGENCY, SE, 58224.50; NE PUBLIC HEALTH, SU, 193.00; NPPD, SE, 245247.25; NEBRASKA U.C. FUND, RE, 2919.67; NORFOLK DAILY NEWS, SE, 260.40; NORTHEAST EQUIPMENT, SU, 44.24; NNPPD, SE, 12180.28; OLSSON ASSOCIATES, SE, 2429.47; OVERHEAD DOOR COMPANY, SE, 194.50; PAMIDA, SU, 204.91; CITY EMPLOYEE, RE, 229.42; POSTMASTER, FE, 110.00; PRESTO X, SE, 82.15; PROGRESSIVE BUSINESS, SU, 299.00; QUALITY FOODS, SU, 6.12; QUILL, SU, 252.94; RANDOM HOUSE, SU, 614.96; ROBERT WOEHLE & SONS, SE, 24020.39; SPARKLING KLEAN, SE, 2073.46; STADIUM SPORTING GOODS, SU, 62.00; STATE FARM INSURANCE, SE, 563.00; STATE NATIONAL BANK, SE, 49.84; STATE NATIONAL BANK, FE, 40.00; THE JOURNAL OF LIGHT, SU, 14.99; THOMPSON PUBLISHING GROUP, SU, 438.50; TOP SAFETY, SU, 139.92; UNIVERSITY OF NE-LINCOLN, FE, 280.00; US BANK, SU, 3514.38; WAKEFIELD REPUBLICAN, SU, 27.00; WASTE CONNECTIONS, SE, 49.50; WATERLINK, SE, 1053.42; WAYNE AUTO PARTS, SU, 686.91; WAYNE COUNTY CLERK, SE, 37.00; WAYNE HERALD, SE, 2055.03; WAYNE STATE COLLEGE, RE, 35.00; WAYNE VETERINARY CLINIC, SE, 140.00; WESCO, SU, 121.89; WAPA, SE, 35228.86; WINDOM RIDGE, RE, 8234.60; ZACH HEATING & COOLING, SE, 259.00; ZACH OIL COMPANY, SU, 5867.15; AMAZON.COM, SU, 193.46; BLUE DEVIL BOOSTER CLUB, SE, 75.00; CITY OF WAYNE, RE, 375.00; CITY OF WAYNE, RE, 641.70; COVENTRY HEALTH, SE, 20376.43; DAKOTA BUSINESS SYSTEMS, SE, 102.50; DE LAGE LANDEN FINANCIAL, SE, 394.00; DUTTON-LAINSON, SU, 334.30; FREDRICKSON OIL, SU, 1341.25; CITY EMPLOYEE, RE, 99.06; GALE GROUP, SU, 497.90; GERHOLD CONCRETE, SU, 2619.32; HALDEMAN-HOMME, INC., SU, 414.00; KRIZ-DAVIS, SU, 1054.35; MATT PARROTT AND SONS, SU, 1069.65; MUNICIPAL SERVICE, SU, 7315.80; MURPHY TRACTOR & EQUIPMENT, SU, 1089.98; CITY EMPLOYEE, RE, 80.89; NE STATE PATROL, SE, 15.00; OLSSON ASSOCIATES, SE, 7148.31; OVERHEAD DOOR COMPANY, SU, 42.00; PITNEY BOWES, SU, 728.74; ROCKHURST UNIVERSITY, FE, 199.00;

STATE NATIONAL BANK, RE, 462.07; STEFFEN, SU, 129.23; THE COFFEE SHOPPE, SE, 47.93; WAYNE COUNTY COURT, RE, 150.50; WESCO, SU, 1891.44

Councilmember Sturm made a motion and Councilmember Ley 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.

Councilmember Brodersen arrived at 5:33 p.m.

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth, P.C., presented the FY 10-11 Audit. He provided Council with a spreadsheet which identified “benchmarks” of how Wayne compares with other communities its size. This is a study that they have done across the State of Nebraska with approximately 35 municipalities (3,000 to 10,000 in population).

The business type activities (electric, water and sewer) are excellent. Wayne is about 49%; anything above 35% is considered excellent.

Cash reserves are very good this year in the general fund. The norm is to have five months worth of cash reserves; Wayne has about 9 months worth. For a city of Wayne’s size, that is fantastic.

The outstanding general obligation debt/valuation is used a lot in the bonding world to see how much taxpayer pressure is going to be needed to meet obligations as

you go forward. Wayne is a little over 1%. Anything less than 3% is excellent in Nebraska. Wayne does not have a lot of general obligation debt outstanding.

In regard to debt coverage ratio (water, sewer and electric), consideration should be given to increasing the electric rates this year, and the Council will be taking action on that matter later this evening.

In regard to the City's top six revenue sources, their recommendation, again, was that Wayne needs more retail trade. Sales tax runs \$180 per capita, and Wayne is at \$89. Property taxes are actually good for the taxpayers in Wayne. The per capita basis is \$200 per person. Wayne is asking \$125 per person. In lieu of tax payments (franchise fees) is \$100 per capita; Wayne is at \$98. This is a little bit less than what is recommended. Normally, they see about a 12% franchise fee. Wayne is charging 7% on water and sewer and 8.5% on electric. This is something that could be increased if you needed more revenue in the general fund, etc. State Allocation is at \$130 per capita; Wayne is at \$143. Charges for services are \$160 per capita and Wayne is at \$94. Grants are a little bit low this year. The per capita is at \$90; Wayne is at \$58.

In regard to cash reserves and replacement reserves, Wayne is down from \$1.17 million to \$451,447 due to the new GASB 54 regulations (budget stabilization). If we would add back the \$1 million, Wayne still has excellent cash reserves in the general fund.

Under the business type activities, Wayne currently has \$8.4 million. Wayne only needs about \$7.7 million, which means that the City has about \$600,000 or \$700,000 of cash reserves that can be used to either pay down debt or used to stabilize utility rate increases in the future. However, he noted if the City would use those cash reserves for

rate stabilization, it would only put pressure beyond the current period. You could hold down the rate increase this year, but it would only mean a larger rate increase next year.

In regard to the operating income, it reflects that rates need to be increased in the electric, water, transfer station and internal service funds. In the electric fund, Wayne has had a lot of pass through costs that have come to the City, but they haven't been passed onto the City's consumers or customers. The same is true in the water fund. The sewer fund is in good shape at this time. You need to take a look at a rate increase in the transfer station fund and the internal service fund, which is basically the health insurance. Unfortunately, four out of the five indicates that you need to take a look at some rate increases; however, before you look at rate increases, you want to look at reducing costs or expenses in those departments and look at other opportunities for revenue sources.

In regard to the tax levy rates, Wayne is, again, under what the recommended or state-wide average is. This is very good for the taxpayers in Wayne. In the general fund, the per capita is \$150 per person; Wayne is at \$121 per person.

In regard to the State Allocations, the Highway Allocation went up from \$59 per capita to \$64 per capita, as did Municipal Equalization. State Aid went down from \$9 per person to \$8 per person.

Mr. Galloway then reviewed the per capita costs of departments compared to the state-wide average. The administrative costs to run the City of Wayne is very low compared to the other cities. The per capita cost is \$60; Wayne is at \$23, which is even below last year.

In Public Buildings, Wayne is about \$12 per capita; the average is \$10. In Public Safety, Wayne is at about \$209 per capita; the average is \$200. Public Works is \$83 per

capita; the average is \$90. The Library is about \$40 per capita, with the average being \$40 per capita. Recreation is at \$47 per capita; the average is \$50. The Community Activity Center is at \$43 per capita, with the average being \$30 per capita. The reason for this is that Wayne has a nicer facility than most communities. Overall, Wayne has done an excellent job in keeping the costs and expenses down in the various departments and still being able to continue the level of service that everyone is used to.

Mr. Galloway stated that what they are seeing across the State of Nebraska is that all of the cities or municipalities are struggling with program prioritization. Obviously, everybody wants to keep the property taxes and utility rates low, but how can that be done if you still have to provide the same level of service or when everyone expects the best level of service. That costs money, and it comes with a price tag. In the near future, everyone will be looking at program prioritization — what do you want to do with the dollars you have available to you. You can only reduce your costs and expenses so far before you will need to start cutting the levels of service.

Mr. Galloway noted that his firm did not encounter any difficulties in performing the audit.

Mr. Galloway ended his presentation by stating the City has done a very good job at being good stewards with the money that is here; the amount in cash reserves is very good; and commending the City staff on a job well done.

Lou Bencoter requested time to present to the Council a proposal to build ten spec homes in Wayne this summer in anticipation of the estimated new 50-60 jobs being created. He sees the need for housing in Wayne, and they have the financing in place to

do what he has proposed. He would build three different styles of homes. These houses would be energy-star rated houses.

Administrator Johnson, in his memo, stated that Mr. Bencoter was proposing the following:

- To build ten, three-bedroom residences priced at \$130-\$135,000 this summer in his subdivision (former Scotty Thompson property). All ten would have two-car garages and unfinished basements.
- Three single-family homes and three duplex town homes would be built on lots along the existing trail. The tenth residence would be on the southeast side of Jaxon Street facing one of the other nine homes.
- All homes would be sold and not rented, and eligible families would have to be at median household income or lower to purchase. The target market for these homes would be families with two incomes, making \$12-\$14/ hour. This higher income level helps expand the window of eligible families over what our Wayne Community Housing Down Payment Loan Assistance requirements are. We would require a minimum of \$1,000 down payment by the buyer.
- Bencoter Construction requests two loans from the City of Wayne:
  - TIF agreement to provide \$200,000 to be used for ten \$20,000 down payment loans to the buyers. These would be paid back as the house is sold or rented to someone else or when the original mortgage is paid off. This TIF agreement on the ten houses would also generate an additional \$100,000 to \$140,000 to pay most of the city's cost of paving the south lane of 4th Street.
  - LB840 loan of \$200,000 to be used for construction loans to build the houses. These loans would be paid back to the City LB840 fund by the mortgage financing as each house is sold.

Administrator Johnson proposed an additional incentive to sell the three city-owned lots to Bencoter for this project at \$1,000 each, instead of the \$10,000 option in the subdivision agreement, to incent Mr. Bencoter to build three of their houses on these three city lots. This would eliminate the City having to maintain them.

Councilmember Sturm wanted a guarantee that if this is approved and there is a timeframe set for him in which to build a certain amount of houses, that Council be strict in enforcing that.

Mayor Chamberlain noted that “housing” would be a topic the Council would discuss at their retreat.

Mayor Chamberlain declared the time was at hand for the public hearing on the One and Six Year Street Improvement Program.

Joel Hansen, Building Inspector/Planner/Certified Street Superintendent, presented the One and Six Year Street Improvement Program. This is a yearly requirement to receive Highway Allocation Funds from the Nebraska Department of Roads. He noted that just because a project is in the one-year plan does not mean the project has to be done that year. However, if the City would want to do a project that is not in the one-year plan, another public hearing would have to be held to amend the plan.

Upcoming projects, which include some carry-over projects from previous year(s), include the following:

<u>Project Estimated Number</u>	<u>Project Year</u>	<u>Improvement</u>	<u>Cost</u>
M – 617(101)	2012	Benscoter Subdivision – Tomar Dr, Jaxon St, E. 4 <sup>th</sup> St - 1,980’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$520,000
M – 617(103)	2012	Pheasant Run from W. 7 <sup>th</sup> St to 825’ N of W. 7 <sup>th</sup> St. – 745’ Construct Concrete Paving	\$150,000
M – 617(92)	2012	Windom Street from 645’ N of Fairground Ave to E. 7 <sup>th</sup> – 1,750’ Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage, Sidewalks	\$590,000
M – 617(89)	2012	Lage Subdivision – South of Fairgrounds Avenue – 900’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 175,000
M – 617(80)	2013	East 10 <sup>th</sup> Street from Main St. to Windom St. – 1,225’ Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage	\$600,000
M – 617(91)	2013	Trail & Pedestrian Underpass on W. 7 <sup>th</sup> Street Located between CAC and Oak Drive	\$566,000
	2014	Maintenance Only	
M – 617(98)	2015	Sherman Street from W. 5 <sup>th</sup> St. to W. 6 <sup>th</sup> St. – 300’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$80,000
M – 617(104)	2015	S. Lincoln Street from W. 1 <sup>st</sup> St. to 300’ S. of W. 1 <sup>st</sup> St. Construct Concrete Paving, Curb & Gutter	\$80,000

M – 617(105)	2016	Tomar Drive from E. 4 <sup>th</sup> St. to the Summer Sports Complex Construct Concrete Paving	\$150,000
	2017	Maintenance Only	

Some of these projects involve collector or arterial streets, which allows the City to utilize its federal funding at 80/20 cost-share. The City then pays only 20% of the cost of the project(s). This cost-share option is not available on some streets that need repaired.

Mr. Hansen stated the reason E. 10<sup>th</sup> Street is scheduled for 2103 is due to the new regulations imposed by the Department of Roads and the Federal Highway Administration. Because E. 10<sup>th</sup> Street was an old project, we basically have to start over. We need to redo the environmental document and redo the design work. Because the Windom Street project was started with the new process, it is proceeding rather smoothly, unlike the 10<sup>th</sup> Street Project. The new requirements are also requiring us to obtain right-of-way easements which will also help delay the E. 10<sup>th</sup> Street project.

Robert Woehler questioned why Folk Street had been deleted from the One and Six Year Street Improvement Program since it has been on this plan for two years. He stated there are multiple tax lots in that area. This tax lot had two entrances – one from Main Street and one from Nebraska Street. Both have been taken away. If he were to sell this tax lot, there would be no access to that property. He stated he did not care if the road got improved or not, he just wanted access to his property.

Administrator Johnson stated at this time, there are no plans to upgrade Folk Street. The plan can be amended if that changes however.

Councilmember Sturm stated before anything takes place, Council also needs to take into consideration the citizens that live along Nebraska Street as well as Mr.

Woehler. A lot of problems need to be resolved before anything takes place on Folk Street. He would be open to having meetings with Mr. Woehler and the property owners in that area to discuss the matter further.

Mayor Chamberlain noted a meeting would be scheduled to start discussion on this matter.

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

No written or oral comments had been received by the City Clerk's Office concerning the proposed program.

Councilmember Sturm introduced Resolution 2012-3 and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2012-3

#### A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM.

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

Councilmember Berry arrived at 6:00 p.m.

In regard to Ordinance 2011-32, Mayor Chamberlain stated a request had been received from a city employee in regard to waiving the helmet restriction for city vehicles that had a roll cage or cab.

Molly Mayhew spoke and had concerns about the reference to "three or more low pressure tires." She thought this was against state law and might be conflicting.

Attorney Miller reviewed the state statues and noted that they do allow for three wheelers.

Garry Poutre, Superintendent of Public Works & Utilities, stated the City doesn't have an ATV or utility type vehicle; however, City employees would be adhering to the same rules as the public if we did.

Councilmember Sturm introduced Ordinance 2011-32 and moved for approval of the third and final reading thereof as amended (changing the wording "three or more low pressure tires" to "four or more low pressure tires"); Councilmember Berry 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 Councilmembers Haase and Alexander who voted Nay, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, stated the following ordinance would designate a wellhead protection area. Approximately one year ago, the City set on a course to develop a wellhead protection plan. In that plan is the establishment of a new wellhead protection area. We had a wellhead protection area established before, and since then, technology has improved so that they can better tell where the wellhead protection area lies and where the water travels to the wells as shown on the maps that were included in the council packet. This was determined by the Nebraska Department of Environmental Quality. It needs to be adopted by ordinance and will become part of the wellhead protection plan. The plan is still in the works. There

are several property owners in the area of the wellhead protection area that are on the committee to help develop the plan, as well as Councilmember Frevert and people in the community. The committee has held several public meetings. The landowners have been involved in the process to help identify wells and contaminants in this area. They are as aware as staff can make them. The committee will be working through the wellhead protection plan which will come before Council in the near future.

Councilmember Ley introduced Ordinance 2012-2, and moved for approval thereof; Councilmember Alexander seconded.

#### ORDINANCE NO. 2012-2

AN ORDINANCE DESIGNATING A WELLHEAD PROTECTOIN AREA, AS DRAWN BY THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY, WELLHEAD PROTECTION PROGRAM, JUNE 2011; TO PROVIDE FOR THE REPEAL OF ORDINANCES INCONSISTENT HEREWITH; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Councilmember Ley made a motion and 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 Ley made a motion and Councilmember Alexander seconded to move for final approval of Ordinance No. 2012-2. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson presented the amended schedule of fees and charges. The proposed changes are:

- Electronic Media (i.e. CD's) — \$25.00
- ATV & Utility Vehicle Permit — \$75.00

Mayor Chamberlain requested adding the following:

- ATV & Utility Vehicle Operator Permit — \$25.00

Councilmember Sturm introduced Resolution No. 2012-4 and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2012-4

#### A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES

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, advised the Council that we just completed our annual review of the electric rates. This is done by the same consultant we have used for a number of years. Last year when we went through this process, we did have increases in our wholesale power purchase rates from NPPD and WAPA. Rather than having a rate adjustment or increase last year, we collected those increases through our "Production Cost Adjustment" which is the PCA line item on the utility bill. The consultant has stated we can always choose to collect the increases through the PCA or we can raise the rates. This year, the consultant is suggesting the rates be increased by 6.5% across the board to cover the rate increase we are getting from NPPD. If this is done, then the monthly PCA would not be as high. Mr. Towne has stated in his comments if we did not increase rates or collect a PCA, we would lose

\$999,441 this year. We only pass on to our retail customers the increases we receive from our wholesale power suppliers.

Mr. Towne is recommending increasing the rates by 6.5% not only this year, but also the next four years. We review our rates annually, so that could change.

Councilmember Alexander introduced Resolution No. 2012-5 and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2012-5

A RESOLUTION ESTABLISHING A SCHEDULE OF ELECTRICAL RATES TO BE CHARGED CUSTOMERS FOR ENERGY AND POWER FROM THE ELECTRIC DISTRIBUTION SYSTEM OF THE CITY; TO REPEAL CONFLICTING RATES AND SCHEDULES; 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.

Garry Poutre, Superintendent of Public Works & Utilities, stated the following Resolution would approve the Nebraska Water/Wastewater Agency Response Network Water and Wastewater and Stormwater Mutual Aid Agreement. This is a mutual aid organization for water, wastewater and stormwater. This is a national program that has been in Nebraska for a few years. There are currently 158 communities in this network. We are in a similar program already on the electric side through the Nebraska Municipal Power Pool. After we become a member, we will register our equipment, materials and inventory with WARN. This allows communities that have an emergency to go to the WARN website to see which city they can best request assistance from.

We are still in the process of getting the agreement approved by EMC, the City's insurance provider. They had concerns regarding the "indemnity" portion of the

agreement. The agreement is also being reviewed by the City Attorney's Office. The League of Nebraska Municipalities supports this agreement.

Councilmember Ley introduced Resolution No. 2012-6 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-6

A RESOLUTION APPROVING NEBRASKA WATER/WASTEWATER AGENCY RESPONSE NETWORK (WARN) WATER AND WASTEWATER AND STORMWATER MUTUAL AID 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 approve an amended "Letter Agreement" with Olsson Associates for the Power Plant Cooling Tower Project. If approved, this would increase the "not to exceed" amount of engineering fees of \$15,000 in the original "Letter Agreement". Last September, we asked Olsson Associates to assume the engineering for this project in an attempt to get the project caught up to a schedule that would allow us to salvage the \$250,000 energy grant. The project is back on track; however, there were some design alterations needed to make the project work at the site. It's estimated the cost for the extra work can be done for \$10,000 or less.

Councilmember Ley introduced Resolution No. 2012-7 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-7

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE WAYNE POWER PLANT COOLING TOWER PROJECT.

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 & Utilities, stated a pay request has been received from Eriksen Construction Company for the Wastewater Treatment Plant Project in the amount of \$14,039.00. The engineer on the project has approved the same.

Councilmember Brodersen made a motion and Councilmember Alexander seconded approving Application for Payment No. 16 for the Wastewater Treatment Plant Project in the amount of \$14,039.00 for Eriksen Construction Company. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson presented the job description for “Police Dispatcher” and requested Council consideration to approving the same.

Councilmember Sturm made a motion and Councilmember Van Delden seconded approving the job description for Police Dispatcher. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson presented the job description for “Police Officer” and requested Council consideration to approving the same. In addition, he asked whether or not a residency requirement should be included in the job description.

Attorney Miller stated she had done some research on this matter. Her opinion is that a “residency requirement” should not be part of the job description. Rather, it should go in the personnel rules. In addition, you must have a legitimate purpose for requiring it. The legitimate purpose for example for a police officer would be response time, because they are going to have to back each other up if something happens. She does not

see a problem with having a residency requirement, but felt it should be a time restriction or mileage restriction. She obtained a copy of Norfolk's personnel manual which has the time requirements and mileage restrictions for all of their job descriptions.

Administrator Johnson stated he is recommending residency be a requirement for the Recreation Services Director position, as well as Police Dispatcher position. Right now, our personnel policy requires a 15-minute response time.

Councilmember Alexander made a motion and Councilmember Van Delden seconded approving the job description for Police Officer. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson presented the job description for "Recreation Services Director" and requested Council consideration to approving the same.

Councilmember Sturm made a motion and Councilmember Ley seconded approving the job description for Recreation Services Director. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to reappointing Darrel Heier to the Civil Service Commission.

Councilmember Alexander made a motion, which was seconded by Councilmember Sturm approving the reappointment of Darrel Heier to the Civil Service Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion, which was seconded by Councilmember Brodersen 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 7:32 p.m.