

**MINUTES
CITY COUNCIL MEETING
February 7, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, February 7, 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, Dale Alexander, Doug Sturm, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson and City Clerk Betty McGuire. Absent: Councilmember Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 26, 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 Sturm made a motion, which was seconded by Councilmember Van Delden, whereas the Clerk has prepared copies of the Minutes of the meeting of January 17, 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:

CORRECTIONS TO CLAIMS LIST: VOID FROM CLAIMS: 10/18/11 ALA-MEMBERSHIP DUES \$180; 09/30/11 CITY EMPLOYEE-CLOTHING REIMBURSEMENT \$214.01; 12/9/11 CITY EMPLOYEE-VISION REIMBURSEMENT \$233.59; 09/7/11 LAYNE CHRISTENSEN-WELL 11 FINAL \$24,230.90

VARIOUS FUNDS: AHERN CO., SE, 315.00; ALTA MEYER, RE, 500.00; ALTEC INDUSTRIES, SU, 79.99; AMERICAN BROADBAND, SE, 550.00; AMERICAN BROADBAND, SE, 1437.25; AMERICAN LIBRARY ASSOC, FE, 180.00;

AMERITAS, SE, 1601.74; APPEARA, SE, 220.37; ARC-HEALTH & SAFETY, SE, 3100.00; AS CENTRAL SERVICES, SE, 448.00; BACON & VINTON, SE, 15000.00; BANK FIRST, SE, 180.00; BARONE SECURITY SYSTEMS, SE, 240.00; BERT GURNEY & ASSOCIATES, SU, 731.16; BLACK HILLS ENERGY, SE, 857.52; BOMGAARS, SU, 685.33; CITY EMPLOYEE, RE, 24.13; CITY EMPLOYEE, RE, 447.60; BRYAN JENSEN CLOTHING, SU, 74.22; CARHART LUMBER CO, SU, 1754.78; CARLTON INDUSTRIES, SU, 58.33; CITY EMPLOYEE, RE, 93.73; CENTURYLINK, SE, 308.93; CHARTWELLS, SE, 5512.20; CITY OF NORFOLK, SE, 92.90; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 700.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, SE, 90.00; CITY OF WAYNE, PY, 56049.52; CITY OF WAYNE, RE, 701.38; CIVICPLUS, SE, 3441.00; COMMUNITY HEALTH, RE, 3.00; CONCORD COMPONENTS, RE, 792.00; COPY WRITE PUBLISHING, SU, 2.35; DE LAGE LANDEN FINANCIAL, SE, 343.16; DE LAGE LANDEN FINANCIAL, SE, 77.00; DGR & ASSOCIATES, SU, 116.00; CITY EMPLOYEE, RE, 249.42; DUTTON-LAINSON, SU, 171.25; ECHO GROUP, SU, 2486.72; ED M FELD EQUIPMENT, SU, 235.75; ELECTRIC FIXTURE, SU, 189.61; ELLIS PLUMBING & HEATING, SE, 875.81; EMBASSY SUITE, SE, 248.00; ERIKSEN CONSTRUCTION CO, SE, 14039.00; FIRST CONCORD GROUP, SE, 3414.88; FLOOR MAINTENANCE, SU, 286.13; FORT DEARBORN LIFE, SE, 1522.11; GEMPLER'S, SU, 81.00; GERHOLD CONCRETE, SU, 1013.25; GILL HAULING, SE, 155.00; GIS WORKSHOP, SU, 2940.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 313.60; HANSEN, THOMAS T., RE, 88.00; HENKE MANUFACTURING CORP, SU, 9425.00; HOLIDAY INN OF KEARNEY, SE, 459.70; ICMA, SE, 5110.49; IRS, TX, 17884.21; JEO CONSULTING GROUP, SE, 34348.55; CITY EMPLOYEE, RE, 32.10; JOHN'S WELDING AND TOOL, SU, 152.84; KELLY SUPPLY, SU, 773.83; KLEIN ELECTRIC. SE, 10715.75; LAYNE CHRISTENSEN, SE, 24230.90; LP GILL, SE, 967.05; MATT FRIEND TRUCKING, SU, 166.47; MCGUIRE & NORBY, SE, 736.52; CITY EMPLOYEE, RE, 266.10; MERCY MEDICAL CLINIC, SE, 29.00; MIDWEST OFFICE AUTOMATION, SE, 1204.50; MILO MEYER CONSTRUCTION, SE, 13710.09; MSC INDUSTRIAL, SU, 655.90; NATL ARBOR DAY FOUNDATION, FE, 50.00; CITY OF WAYNE, RE, 308.33; NE CODE OFFICIAL ASSOC, FE, 255.00; NE DEPT OF ENVIRONMENTAL, FE, 150.00; NE DEPT OF REVENUE, TX, 2791.45; NE STATE PATROL, SE, 45.00; NIAGARA CONSERVATION CORP, SU, 947.33; NORFOLK DAILY NEWS, SU, 138.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 4054.00; NORTHEAST NE VFA, FE, 50.00; CITY EMPLOYEE, RE, 2532.56; PIEPER & MILLER, SE, 4745.00; CITY EMPLOYEE, RE, 6227.68; QUILL, SU, 520.48; ROBERT WOEHLE & SONS, SE, 535.00; ROCKY RUHL, RE, 500.00; SHARON M HUGHES, RE, 500.00; STADIUM SPORTING GOODS, SE, 33.00; STATE NATIONAL BANK, RE, 104.76; CITY OF WAYNE, RE, 60.93; TERRI BEZA, RE, 500.00; UNITED STATES PLASTIC, SU, 450.81; UNITED WAY, RE, 10.00; UTILITIES SECTION, FE, 513.00; VERIZON, SE, 240.35; VIAERO, SE, 139.51; WAED, RE, 6383.33; WAYNE COUNTY CLERK, SE, 266.50; WAYNE COUNTY TREASURER, FE, 903.00; WAYNE HERALD, SE, 814.64; ZACH HEATING & COOLING, SE, 564.60; ZACH OIL COMPANY, SU, 5115.35; BAKER & TAYLOR BOOKS, SU, 863.22; CITY EMPLOYEE, RE, 104.53; CITY EMPLOYEE,

RE, 1187.47; CITY EMPLOYEE, RE, 81.80; DAVE'S DRY CLEANING, SE, 69.00; DAY'S DOOR COMPANY, SE, 135.00; DUTTON-LAINSON, SU, 508.01; FASTENAL, SU, 273.50; FLOOR MAINTENANCE, SU, 209.41; FREDRICKSON TYRFIL, SE, 210.00; GERHOLD CONCRETE, SU, 39.25; GREAT PLAINS ONE-CALL, SE, 17.17; HARDING & SHULTZ, SE, 859.83; INGRAM BOOK CO, SU, 412.27; JACK'S UNIFORM, SU, 44.95; KTCH, SE, 605.00; MATHESON TRI-GAS, SU, 88.77; MCGRATH NORTH, SE, 1350.00; MIDLAND EQUIPMENT, SU, 3.32; MIDWEST LABORATORIES, SE, 1518.75; CITY EMPLOYEE, SU, 132.37; MSC INDUSTRIAL, SU, 395.82; NE AIR FILTER, SU, 12.84; NE LAW ENFORCEMENT, SE, 114.00; NE PUBLIC HEALTH, SE, 646.00; NE STATE PATROL, SE, 150.00; NMPP ENERGY, FE, 95.00; NORFOLK DAILY NEWS, SE, 96.64; NORTHEAST EQUIPMENT, SU, 379.09; NNPPD, SE, 12180.28; OMAHA WORLD-HERALD, SE, 673.44; PAC N SAVE, SU, 137.52; PAMIDA, SU, 140.40; PEPSI-COLA, SU, 561.75; PLUNKETT'S PEST CONTROL, SE, 41.60; PRESTO X, SE, 119.15; RANDOM HOUSE, SU, 56.21; SIOUX CITY JOURNAL, SE, 976.00; STATE FARM, SE, 563.00; STATE NATIONAL BANK, SE, 56.80; TACO'S AND MORE, SU, 84.00; US BANK, SU, 2876.57; USA BLUE BOOK, SU, 76.69; WAYNE HERALD, SE, 372.50; WAPA, SE, 32493.26; WORTMAN CONCRETE PUMPING, SE, 386.25

Councilmember Sturm made a motion and Councilmember Haase 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.

Tom Sievers, Fire Chief, and Brent Doring, Firefighter, updated Council on the status of their new fire truck.

Reed Trenhaile, Austin Frideres and Jackson Blankenau, members of the Mayor's Youth Council, were present requesting Council consideration to allow their group to participate in the planning of the future use of the lagoon area. They would like the

lagoon area to be a park after it has been decommissioned. Some “park” examples were an RV park and a dog park. They would take full responsibility for talking to the other groups to discuss fundraising, etc.

Councilmember Sturm made a motion and Councilmember Alexander seconded approving the Mayor’s Youth Council’s offer to participate in the planning of the future use of the lagoon area. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Ken Jorgensen, owner of “The Max”, was present requesting Council consideration to passing the following Ordinances which would allow liquor licensed establishments to stay open until 2:00 a.m. on the following dates:

1. Saturday, March 17th (St. Patrick’s Day)
2. Friday, March 30th, and Saturday, March 31st (Rugby Tournament)
3. Friday, April 6th, and Saturday, April 7th (Wayne High Alumni Basketball Tournament)
4. Thursday, May 3rd, Friday, May 4th and Saturday, May 5th (Wayne State College Graduation)

Councilmember Sturm introduced Ordinance 2012-3 and moved for approval thereof; Councilmember Van Delden seconded.

ORDINANCE NO. 2012-3

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR ST. PATRICK’S DAY 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.

Councilmember Sturm introduced Ordinance 2012-4 and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2012-4

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR RUGBY TOURNAMENT 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.

Councilmember Sturm expressed concerns regarding Ordinance 2012-5. He wanted to talk to a few of the people that put on the Wayne High Alumni basketball tournament to see what their feelings are on this matter.

Councilmember Sturm made a motion, which was seconded by Councilmember Alexander, to table action on Ordinance 2012-5 extending the hours of sale of alcoholic liquor to 2:00 a.m. on Friday, April 6th, and Saturday, April 7th (Wayne High Alumni) until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance 2012-6 and moved for approval thereof; Councilmember Frevert seconded.

ORDINANCE NO. 2012-6

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

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.

Administrator Johnson presented the wage and salary schedule Resolution for City employees. The same proposes a 2% cost of living increase effective January 1st. State Law requires municipalities to pay comparability wages. Wayne participates yearly in the League of Nebraska Municipalities' wage survey to determine comparability and recommend changes as are necessary.

Mayor Chamberlain noted that if LB-1114 passes, this may be the last year the City can afford to give raises. LB-1114 is a legislative bill being introduced by Senator Flood which would eliminate all state equalization funds to Cities of the First Class, which would mean a decrease of about \$370,000 in the City's general fund revenue. The General Fund consists of the police, fire, public works, library, senior center, recreation, community activity center and swimming pool departments.

Brian Swanson, President of the Fraternal Order of Police, questioned when the police department employees were going to get their annual evaluations. His was due in July, 2011.

It was noted that since this discussion did not pertain to the agenda item at hand, that it needed to cease.

Councilmember Sturm introduced Resolution 2012-8 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2012-8

A RESOLUTION APPROVING WAGE AND SALARY SCHEDULE.

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 wage and salary Resolution pertains to the police department. This also includes a 2% cost of living increase, which is within

the range of 0% to 2% that was agreed to in the FOP Labor Contract with the City, which expires in June of this year. In the previous Resolution, we eliminated the position of Police Lieutenant. This Resolution proposes the elimination of the Senior Patrolman position.

Each year staff does a 10-year budget. Since 2003, the projections for 10 years do not show a sustainable budget. We have eliminated 14 full-time positions since 2003. We have hired some part-time staff and have also contracted out some services. We will have to continue to do that because there is no good future ahead if you look at the revenues we receive from the State. They continue to cut back. If there is an unfilled position or if there is a position that could be eliminated at a cost savings, Johnson said he would make that recommendation to Council. He has proposed to eliminate both of these positions. The city has done without them in the past, and it can do without them again. However, he would suggest that Council hold off on eliminating the position of Senior Patrolman because we don't have any record of the Council approving the same.

Scott Abraham spoke concerning the Resolution. He understands that eliminating the positions is a budgetary concern, but from a leadership and unit cohesiveness standpoint, he did not believe it was a wise choice. There is a perception that this is in retaliation for what has gone on at the Civil Service Commission public hearings. To avoid the appearance of retaliation, he thought Administrator Johnson should recuse himself from the process of this particular budget item. He did not think the City needed to reduce its police force. He thought the matter needed to be tabled until another meeting so that someone else could take a look at this.

Mayor Chamberlain stated at this time, we currently have six police officers. The Civil Service Commission is in the process of hiring another officer, which would bring the total number to seven. They would then hire a Police Chief which would bring the total to eight.

Amy Duncan also shared concerns about reducing the size of the police force.

Mayor Chamberlain explained the reasons for wanting to enter into an interlocal agreement with South Sioux City for police services. He is not comfortable with having just six officers. If the new officers hired are not certified, the department will still be short for 12 weeks. The idea was to give the current force some time off.

Brian Swanson asked the Council, before they vote on this Resolution, to look at the statistics for the number of officers per thousand people in Nebraska. Wayne is under and has been under pretty much the entire time he has been with Wayne.

Councilmember Alexander introduced Resolution 2012-9 and moved for its approval as amended (leave Senior Patrolman position in); Councilmember Van Delden seconded.

RESOLUTION NO. 2012-9

A RESOLUTION APPROVING WAGE AND SALARY SCHEDULE FOR POLICE DEPARTMENT PERSONNEL.

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 direct the City Clerk to file a lien against the property described thereon for the cost of work hired by the City to abate a violation of City Code after proper notice was given to the property owners.

Councilmember Alexander introduced Resolution No. 2012-10 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2012-10

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON LOT 3, WESTWOOD ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 513 FAIRACRES ROAD, WAYNE, NEBRASKA.

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

Rod Hansen of Olsson Associates, the engineer on the Benscoter Addition project was present to discuss Change Order No. 1 and the Certificate of Payment. This was a claim presented to him by the contractor, Penro Construction. Based on his review of the contract documents, there is no justification for this large a change order. His recommendation was that Council stick with the contract price and deny this change order.

Administrator Johnson also recommended that Council deny this change order request. He also recommended that the Council approve the original bid portion of Agenda Item No. 13.

Councilmember Alexander made a motion and Councilmember Brodersen seconded denying Change Order No. 1 for the Benscoter Addition – Phase I Paving and Utility Improvement Project in the amount of \$58,782.47. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the bid documents and contracts are fairly specific on what you can add after the fact to a bid. We just didn't catch it right away.

Mr. Benscoter bid the project low so he could do his own project, which was about half of what the other bidders bid.

Councilmember Alexander had concerns about the project being bid so low just to get the project, and then the developer coming back with change orders that bring the project total up to where the other bidders were at.

Councilmember Frevert stated the Council can deny the change orders.

Administrator Johnson advised the Council that one of the other contractors brought this to their attention.

Councilmember Brodersen made a motion and Councilmember Sturm seconded to amend or reduce Certificate of Payment No. 1 for the Benscoter Addition – Phase I Utility Project from \$95,153.16 to \$36,370.69. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion and seconded by Councilmember Alexander to 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, Doug Sturm, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member 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 January 3, 2012, meeting.

Member Frevert made a motion and Member Alexander seconded approving the minutes of the January 3, 2012, 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 CDA Resolution 2012-1 authorizing the issuance of tax increment revenue bonds (Fourth Generation Family Limited Partnership).

Councilmember Sturm asked that this matter be tabled until the next meeting because he was of the opinion that there are a lot of problems out there that need to be addressed before they go any farther. One problem is the road. He could not talk about the other issues.

Member Sturm made a motion and Member Chamberlain seconded to table action on CDA Resolution 2012-1 until the next meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Alexander made a motion and Member Sturm seconded 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 appointing Alex Koch as the Recreation Services Director. He is a Wayne State College graduate with a degree in sports management. He also played baseball for Wayne State College. Alex Koch was then introduced to the Council.

Councilmember Frevert made a motion, which was seconded by Councilmember Alexander, approving the appointment of Alex Koch as the 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 Jill Walling to the Recreation-Leisure Services Commission.

Councilmember Alexander made a motion, which was seconded by Councilmember Brodersen, approving the reappointment of Jill Walling to the Recreation-Leisure Services Commission. 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 appointing Katie Jensen and Ted Perry to the Swimming Pool Renovation/Replacement Committee.

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen, approving the appointment of Katie Jensen and Ted Perry to the Swimming Pool Renovation/Replacement Committee. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Frevert 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 6:35 p.m.