

**MINUTES
CITY COUNCIL MEETING
February 21, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, February 21, 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, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson and City Clerk Betty McGuire. Absent: Councilmember Doug Sturm.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 9, 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 Van Delden made a motion, which was seconded by Councilmember Brodersen, whereas the Clerk has prepared copies of the Minutes of the meeting of February 7, 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: ALMQUIST, MALTZAHN, SE, 18600.00; AMAZON.COM, SU, 398.18; AMERITAS, SE, 1664.08; CITY EMPLOYEE, RE, 3313.22; APPEARA, SE, 97.78; BANK FIRST, SE, 180.00; BENSCOTER PLUMBING, SE, 36370.69; CITY EMPLOYEE, RE, 490.22; BROWN SUPPLY, SU, 20.21; CITY OF WAYNE, RE, 100.00; COMMUNITY HEALTH, RE, 3.00; COVENTRY HEALTH, SE, 21658.19;

CREDIT BUREAU SERVICES, RE, 35.64; DE LAGE LANDEN FINANCIAL, SE, 394.00; DEMCO, SU, 272.76; EASYPERMIT POSTAGE, SU, 1670.48; ECHO GROUP, SU, 2392.99; ED M FELD EQUIPMENT, SU, 10.25; ELLIS PLUMBING & HEATING, SE, 201.01; EMBASSY SUITE, SE, 238.00; EMPLOYERS MUTUAL CASUALTY, RE, 629.60; FASTENAL, SU, 128.39; FREDRICKSON OIL, SU, 2381.50; GALE GROUP, SU, 377.94; GAYLORD BROS, SU, 87.96; GEMPLER'S, SU, 33.36; GERHOLD CONCRETE, SU, 188.76; CITY EMPLOYEE, RE, 31.98; HIRERIGHT SOLUTIONS, SE, 20.00; HOBBY LOBBY, SU, 57.25; ICMA, SE, 5112.91; IRS, TX, 17764.47; KRIZ-DAVIS, SU, 345.06; LAB SAFETY SUPPLY, SU, 86.61; LOOP TECH INTERNATIONAL, SE, 492.35; MES-MIDAM, SU, 53.75; MIDWEST TAPE, SU, 111.27; CITY EMPLOYEE, RE, 83.18; NE AIR FILTER, SU, 96.78; NE DEPT OF REVENUE, TX, 2784.07; NE LIBRARY ASSOCIATION, FE, 250.00; NE SAFETY COUNCIL, SU, 11.49; NPPD, SE, 280508.58; NMPP, FE, 190.00; PAMID, SU, 44.75; CITY EMPLOYEE, RE, 28.48; PITNEY BOWES, SE, 648.00; CITY EMPLOYEE, RE, 98.08; CITY EMPLOYEE, RE, 92.00; QUILL, SU, 210.45; CITY EMPLOYEE, RE, 533.76; SPARKLING KLEAN, SE, 1143.00; STADIUM SPORTING GOODS, SU, 6254.00; UNITED RENTALS, SU, 636.00; USA BLUE BOOK, SU, 162.85; WAYNE AUTO PARTS, SU, 503.97; WAYNE COUNTRY CLUB, RE, 5980.00; WESCO, SU, 23315.51; WOehler TRAILER COURT, RE, 200.00; ZACH, DAVE, RE, 400.00; ZEE MEDICAL SERVICE, SU, 45.63; AMERICAN PUBLIC POWER, FE, 982.51; BLACK HILLS ENERGY, SE, 1297.73; BOMGAARS, SU, 84.91; BROWN SUPPLY, SU, 201.12; CITY OF WAYNE, RE, 209.19; CITY EMPLOYEE, RE, 420.24; CEDAR-KNOX PUBLIC POW DST, SE, 204.00; DAKOTA BUSINESS SYSTEMS, SE, 102.50; GALE GROUP, SU, 165.80; GERHOLD CONCRETE, SU, 159.60; HD SUPPLY WATERWORKS, SU, 173.10; HERITAGE MANUFACTURING, SE, 155.60; JEO CONSULTING GROUP, SE, 28449.14; JOHNSON HARDWARE, SU, 515.20; CITY EMPLOYEE, RE, 487.91; CITY EMPLOYEE, RE, 73.26; MEYER, KELLY, RE, 370.40; MIDWEST OFFICE AUTOMATION, SE, 800.00; MILO MEYER CONSTRUCTION, SE, 2275.00; MORRIS ANDERSON, RE, 500.00; MSC INDUSTRIAL, SU, 203.26; NE RURAL WATER, FE, 275.00; OLSSON ASSOCIATES, SE, 589.19; PROPERTY EXCHANGE PARTNER, RE, 80.00; QUILL, SU, 74.56; ROBERT WOehler & SONS, SE, 920.00; TRI AIR TESTING, SE, 450.00; CITY EMPLOYEE, RE, 306.46; UNITED STATES PLASTIC, SU, 66.44; VERIZON, SE, 222.37; WAYNE COMMUNITY HOUSING, RE, 500.00; ZEE MEDICAL SERVICE, SU, 9.45

Councilmember Frevert made a motion and Councilmember Brodersen 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, introduced Sharlene Sievers and requested Council consideration to approving her membership application to the Wayne Volunteer Fire Department Cadet Program.

Councilmember Frevert made a motion, which was seconded by Councilmember Alexander, approving the membership application of Sharlene Sievers to the Wayne Volunteer Fire Department Cadet Program. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tom Sievers, Fire Chief, introduced Joseph Burrows and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department Cadet Program.

Councilmember Brodersen made a motion, which was seconded by Councilmember Alexander, approving the membership application of Joseph Burrows to the Wayne Volunteer Fire Department Cadet Program. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tom Sievers, Fire Chief, introduced Derek Pinzon and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Frevert made a motion, which was seconded by Councilmember Ley, approving the membership application of Derek Pinzon to the Wayne Volunteer Fire

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

Heather Claussen, Chairperson representing the Wayne Pool Renovation/Replacement Committee, updated the Council on the Committee's findings to date and requested Council consideration to the Committee's recommendation to approve the proposed agreement with JEO Consulting Group to conduct a pool study.

The Committee is proposing that the pool study include the following options for the pool:

1. Renovation of the existing swimming pool and bath house.
 - a. Use the existing main pool structure
 - b. Add a zero depth entry
 - c. Add two additional lap lanes
 - d. Replace the existing bath house with a new building
 - e. Eliminate the current wading pool
2. Build a new Outdoor Aquatic Facility in the best location to fit the design
 - a. Possible locations are: current pool location, Activity Center, or old city lagoon area
 - b. The main pool would include the following features: zero depth entry, 6 lap lanes, slide with a plunge area, diving boards, and play structures
3. Build a new indoor/outdoor pool attached to the Activity Center
 - a. Indoor pool would include 6 lap lanes and diving boards
 - b. Outdoor pool would be zero depth entry, with slide and play structures
4. Renovation of the outdoor pool and building with a new indoor pool at the Activity Center.
 - a. Outdoor renovation would include new bath house along with zero depth entry
 - b. Indoor pool would include 6 lap lanes and diving boards.

The Committee felt that a pool study would allow them to make an educated recommendation to the Council.

It was noted that one of the reasons for examining the possibility of an indoor pool is the fact that Dr. Jeff Carstens from Wayne State College is on this committee, and Wayne State College is somewhat going through this same process. There may be a possibility of a joint venture or partnership with Wayne State College on this indoor pool option.

Roger Protzman of JEO Consulting Group was present to review the agreement for the pool study. They will review the data and drawings provided by the City and also seek assistance from Associated Pool Builders who will provide construction and operations opinions and costs for indoor facilities in the study. JEO will then develop options for consideration as above listed. The cost for the pool study will be \$9,895. In 90 days, JEO will have a draft report for the Committee to review. There will be an additional 30 days to finalize the study. This gives JEO the opportunity to see the current pool in operation, and also the chance to visit other facilities in operation. The Committee also talked about conducting a public survey. JEO prepared a preliminary survey for the committee to review.

Councilmember Sturm arrived at 6:45 p.m.

Councilmember Ley introduced Resolution 2012-11 and moved for its approval; Councilmember Berry seconded.

RESOLUTION NO. 2012-11

A RESOLUTION APPROVING AGREEMENT WITH JEO CONSULTING GROUP, INC., FOR PROFESSIONAL SERVICES FOR A POOL STUDY.

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

Roger Protzman of JEO Consulting Group, the engineer on the 2009-2010 Wastewater Treatment Facility Improvement Project, was present to discuss Change Order No. 5 in the amount of \$7,980.68. The reasons for this change order are:

- The water main was found to go under the existing entrance road rather than in the terrace per locates provided during the survey and as-built plans for the old facility which necessitated a minor extension and removal and replacement of a portion of the drive;
- Insertion of a valve during start up as recommended by the manufacturer to allow operators the ability to service and protect the grit pump and classifier units; and
- The field adjustment of the elevation of the drum screen to improve overhead clearance into the building.

Mr. Protzman stated the project is substantially complete, but as per contract documents, the sidewalks are to be installed in the spring. However, the contract completion dates do not reflect this, thus the Change Order also extends completion of the project for installation of the sidewalks, final grading and seeding only.

Councilmember Ley made a motion and Councilmember Sturm seconded approving Change Order No. 5 for the 2009-2010 Wastewater Treatment Facility Improvement Project in the amount of \$7,980.68. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Roger Protzman also stated that a pay request has been received from Eriksen Construction Company for the Wastewater Treatment Plant Project in the amount of \$237,137.50. This application for payment reflects the existing project is complete, and the contractor is requesting the release of the retainage. Because the sidewalks are not a specific line item, it has been agreed at progress meetings that the City will withhold

\$50,000 until the sidewalks and final site work are complete, but that the remainder of the retainage can be released.

Councilmember Ley made a motion and Councilmember Sturm seconded approving Application for Payment No. 17 for the Wastewater Treatment Plant Project in the amount of \$237,137.50 for Eriksen Construction Company. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Protzman stated lastly for Council's consideration is the "Recommendation of Acceptance" for the project. Substantial completion was set for September 5, 2011, by contract, and clear water testing began approximately September 9, 2011, with wastewater introduced September 15, 2011. The first test sample was collected on September 29, 2011, and the contract indicated approximately a 30-day startup period. Therefore, JEO was recommending the Phase I work be accepted as completed as of October 5, 2011.

In addition, the clarifier and sludge pump modifications were scheduled to be completed in the next 120 days, and the contract completion date was set for February 4, 2012. Therefore, they were recommending that this work be accepted as completed as of February 4, 2012.

Councilmember Sturm introduced Resolution 2012-12 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-12

A RESOLUTION ACCEPTING WORK ON THE "2009-2010 WASTEWATER TREATMENT FACILITY IMPROVEMENTS PROJECT".

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

Phil Lorenzen of D.A. Davidson & Co., the City's bonding agent, was present and stated the following resolution is a housekeeping item. Under the current tax code, if the City advances monies from another fund without having a reimbursement resolution in place within sixty days of said advancement, then it is impossible to refund that borrowed fund using tax exempt bond proceeds. The check for payment of the chassis and truck was made on 1/3/12, so this will comply with that 60-day requirement.

Councilmember Sturm introduced Resolution 2012-13 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-13

A RESOLUTION APPROVING REIMBURSEMENT OF FUNDS TEMPORARILY ADVANCED TO PAY FOR THE FIRE TRUCK.

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

Mr. Lorenzen stated the following Ordinance will authorize the issuance of Public Safety Tax Anticipation Bonds in the principal amount of \$355,000. The total project was about \$575,000. He recommended deferring payments until 2022 and then run them through 2028. The ordinance before the Council would authorize the bonds under that schedule. Due to the instability of the market, this is a parameters ordinance, and he requested Council to approve the same subject thereto.

Councilmember Alexander introduced Ordinance 2012-7, and moved for approval thereof subject to the same being a parameters ordinance as presented by Phil Lorenzen; Councilmember Brodersen seconded.

ORDINANCE NO. 2012-7

AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY TAX ANTICIPATION BONDS OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF THREE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$355,000) FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION OF CERTAIN PUBLIC SAFETY EQUIPMENT; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASERS; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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 and Councilmember Sturm 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 Alexander made a motion and Councilmember Haase seconded to move for final approval of Ordinance No. 2012-7. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Lorenzen stated that the following ordinance pertains to the electric revenue bonds. Wayne has a fairly good asset base invested, so rather than borrow the money from the debt service reserve fund, which is required under the prior ordinances for outstanding bonds, the suggestion is that the City simply self-fund the 10% debt service reserve fund. The \$2,150,000 will shrink by the amount of the debt service reserve fund and also by the \$250,000 grant the City will receive for the project, which would then

bring the total down to \$1,680,000. This allows the payment schedule to be shortened. Again, this is a parameters ordinance and should be approved as such.

Councilmember Alexander introduced Ordinance 2012-8, and moved for approval thereof subject to the same being a parameters ordinance as presented by Phil Lorenzen; Councilmember Ley seconded.

ORDINANCE NO. 2012-8

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE ISSUANCE OF ELECTRIC REVENUE BONDS, SERIES 2012, OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$1,680,000), FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CERTAIN ELECTRIC SYSTEM IMPROVEMENTS; PROVIDING FOR NECESSARY RESERVE FUNDS AND PAYING COSTS OF ISSUANCE OF SAID BONDS; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE ELECTRIC PLANT AND DISTRIBUTION SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID ELECTRIC SYSTEM; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID BONDS; REPEALING ANY CONFLICTING ORDINANCES AND PROVIDING FOR PUBLICATION OF THE 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 Alexander made a motion and Councilmember Sturm 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 Alexander made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2012-8. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code Section 90-10 — Family.

Joel Hansen, Zoning Administrator, stated this public hearing was the result of an application from a landlord to amend the zoning text regarding the definition of Family which limits the number of unrelated adults living in a single-family structure to no more than four. Mr. Hansen assisted the applicant in creating a new definition using the language from RDG, the consultant who reviewed the language and recommended changes previously reviewed by the Zoning Steering Committee. Staff recommendation to the Planning Commission was to allow up to six unrelated individuals to be considered a family, provided that the lot was of sufficient size to provide 1,200 square feet per occupant and 1.25 parking spaces per occupant (either on the lot or on the terrace provided the area is paved). The rationale is that larger lots with plenty of space to provide for adequate parking are a good avenue to provide more housing without negatively impacting neighboring single-family homes.

The Planning Commission's recommendation on this matter was to amend Section 90-10 Definitions, specifically Family, to allow no more than six unrelated individuals provided that 1.00 parking space is provided per occupant and the lot must be of sufficient size to provide 1,000 square feet per occupant, subject to the following "Findings of Fact":

- Staff’s recommendation; and
- This is consistent with the comprehensive plan and the current and future land use maps.

City Attorney Miller advised the Council that she was concerned that there could be a perception of unequal treatment if the parking requirements are included in the “family” definition. Her recommendation was that if the Council wanted to approve what the Planning Commission was recommending that the parking requirements be in a separate section of the code instead of included in the definition of “family.”

Councilmember Sturm asked if there was any way a person could ask for a use by exception instead of amending the code. Mr. Hansen thought that the code be worded as such that a person could ask for a use by exception. Councilmember Sturm, however,, agreed with the parking requirements as recommended.

Mayor Chamberlain liked the idea of adding language to the code which would allow people to apply for a use by exception permit.

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

Council consensus was for Mr. Hansen to take this matter back to the Planning Commission for further discussion and recommendation to Council. No action was taken on Ordinance 2012-9.

Councilmember Sturm introduced Ordinance 2012-3 and moved for approval of the second reading thereof; Councilmember Brodersen 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 and Councilmember Ley who voted Nay, 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, with the exception of Councilmember Berry who abstained and Councilmember Ley who voted Nay, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Frevert seconded to move for final approval of Ordinance No. 2012-3. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Berry who abstained and Councilmember Ley who voted Nay, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance 2012-4 and moved for approval of the second reading 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 and Councilmember Ley who voted Nay, 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, with the

exception of Councilmember Berry who abstained and Councilmember Ley who voted Nay, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Frevert seconded to move for final approval of Ordinance No. 2012-4. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Berry who abstained and Councilmember Ley who voted Nay, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance 2012-5 and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2012-5

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR WAYNE HIGH SCHOOL ALUMNI ACTIVITIES.

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

Councilmember Sturm introduced Ordinance 2012-6 and moved for approval of the second reading thereof; Councilmember Brodersen 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 and Councilmember Ley who voted Nay, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Friday, July 13th, the Committee is requesting the closure of the following streets from 3:00 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to 4th Street (not including the end intersections); 2nd Street from Pearl Street to Logan Street; and 3rd Street from Pearl Street to Logan Street, not including the Pearl and Logan Street intersections. The committee plans to hold a street dance on Main Street from approximately 10:00 p.m. to 1:00 a.m. on Friday night.

Councilmember Ley made a motion and seconded by Councilmember Brodersen approving the request of the Chicken Show Committee to close the following streets on Friday, July 13th from 3:00 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to 4th Street (not including the end intersections); 2nd Street from Pearl Street to Logan Street; and 3rd Street from Pearl Street to Logan Street, not including the Pearl and Logan Street intersections. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen left the meeting at 6:32 p.m.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 14th, the Committee is requesting the closure of the following streets from 6:00 a.m. until 5:00 p.m., for the Annual Chicken Show Celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and Douglas Street from 8th Street to 10th Street. Intersections at 10th and Douglas and 10th and Lincoln Streets are also requested to be closed.

Councilmember Ley made a motion and seconded by Councilmember Berry approving the request of the Chicken Show Committee to close the following streets on Saturday, July 14th from 6:00 a.m. until 5:00 p.m. for the annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; Douglas Street from 8th Street to 10th Street; and the intersections at 10th and Douglas and 10th and Lincoln Streets. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Irene Fletcher representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 14th for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street.

Councilmember Ley made a motion and seconded by Councilmember Sturm approving the request of the Chicken Show Committee to close the following streets on Saturday, July 14th for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including

intersections) and 10th Street from Main Street to Lincoln Street. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Resolution No. 2012-14 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-14

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.

Administrator Johnson stated the following Resolution would approve the engineering agreement with Advanced Consulting for the Western Ridge Paving Project. This is a result of one of the goals established at the Council Retreat, which is to pave the remainder of Western Ridge. This agreement is for design services at a cost of \$10,500. This is not on the City's One and Six Year Street Improvement Plan which then requires a public hearing to amend the same.

Lou Benscoter was present and spoke in opposition of the Council approving this Resolution/Agreement and moving forward with this project. He had concerns with competing against subsidized lots in Western Ridge. He requested the Council table this matter and sit down with him and other contractors to discuss the matter. He stated if the Council is going to subsidize the lots in Western Ridge then they will have to subsidize his so he can compete. If the City keeps the cost of its lots the same as his, he will compete with the City.

Councilmember Frevert didn't think the City was taking Mr. Benscoter's idea, as was stated in Mr. Benscoter's e-mail, since the Western Ridge Subdivision was started approximately 5 years ago and Mr. Benscoter's Subdivision was started 3 years ago.

Councilmember Alexander stated the Council at their retreat talked about getting different types of homes to develop in Western Ridge, and the Council thought in order to get those types of homes in that area, the street needed to be paved.

It was noted that the paving costs could be added to the price of the lot.

Councilmember Berry asked if the matter could be tabled until the prices of the lots in Western Ridge were determined.

Councilmember Alexander introduced Resolution No. 2012-15 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-15

A RESOLUTION APPROVING AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND ADVANCED CONSULTING ENGINEERING SERVICES FOR THE PHASE II – PAVING IMPROVEMENT PROJECT FOR WESTERN RIDGE SUBDIVISION.

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 Ley 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, Kaki Ley, and Kathy Berry; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Jill Brodersen.

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 February 7, 2012, meeting.

Member Alexander made a motion and Member Chamberlain seconded approving the minutes of the February 7, 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).

Member Frevert introduced CDA Resolution No. 2012-1 and moved for its approval; Member Chamberlain seconded.

CDA RESOLUTION NO. 2012-1

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE ACTING AS THE GOVERNING BODY OF THE COMMUNITY DEVELOPMENT AGENCY OF SAID CITY; AUTHORIZING THE ISSUANCE OF A TAX INCREMENT REVENUE BOND; PROVIDING FOR THE TERMS AND PROVISIONS OF SAID BOND; PLEDGING REVENUES OF THE AGENCY PURSUANT TO THE COMMUNITY DEVELOPMENT LAW; AUTHORIZING THE SALE OF SAID BOND; PROVIDING FOR A GRANT; PROVIDING FOR A REDEVELOPMENT CONTRACT AND PROVIDING FOR THIS RESOLUTION TO TAKE EFFECT.

Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

A request has been made by Dan Rose, on behalf of Wayne NG Cars, LLC, for a 90-day extension on the current purchase agreement they have with the City for land in the industrial park on the east side of town. Production orders for CNG cars should be forthcoming in the next 90 days that would allow them to fulfill the agreement and purchase the property.

Member Chamberlain made a motion and Member Sturm seconded to approve the request for a second 90-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 Member Alexander 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.

Councilmember Frevert made a motion, which was 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 6:55 p.m.