

**MINUTES
CITY COUNCIL MEETING
March 6, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, March 6, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jon Haase, Dale Alexander, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Jim Van Delden.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 23, 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 Frevert, whereas the Clerk has prepared copies of the Minutes of the meeting of February 21, 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:

ADDITION AND CORRECTIONS TO CLAIM LIST OF 2/21/12: Add City of Wayne, PY, 56089.12; delete Wayne Country Club, Re, 5980.00

VARIOUS FUNDS: AMERICAN BROADBAND, SE, 1986.90; AMERITAS, SE, 1613.30; APPEARA, SE, 150.29; AS CENTRAL SERVICES, SE, 448.00; CITY EMPLOYEE, RE, 131.57; BANK FIRST, SE, 180.00; CITY EMPLOYEE, RE, 47.34; BLACK HILLS ENERGY, SE, 135.44; CDBG CERTIFICATION, FE, 130.00; CITY OF NORFOLK, SE, 369.57; CITY OF WAYNE, PY, 70933.08; CITY OF WAYNE, RE, 257.39; COMMUNITY HEALTH, RE, 3.00; DGR & ASSOCIATES, SE, 2926.09;

DUTTON-LAINSON COMPANY, SU, 1159.45; ED M FELD EQUIPMENT, SU, 284.75; EMPLOYERS MUTUAL CASUALTY, RE, 3000.00; ERIKSEN CONSTRUCTION, SE, 237137.50; FIRST CONCORD GROUP, SE, 3414.88; FLOOR MAINTENANCE, SU, 417.37; FORT DEARBORN LIFE, SE, 1445.05; FORT DEARBORN LIFE, SE, 130.72; G-NEIL, SU, 580.20; GALE GROUP, SU, 29.69; GEMPLER'S, SU, 668.55; GLEN'S AUTO BODY, SE, 151.86; CITY EMPLOYEE, RE, 41.97; HD SUPPLY WATERWORKS, SU, 450.00; ICMA, RE, 6422.50; IRS, TX, 22744.86; JEO CONSULTING GROUP, SE, 2494.50; KELLY SUPPLY, SU, 159.42; KNOEPFLER CHEVROLET, SU, 5.45; KRIZ-DAVIS, SU, 199.69; L.G. EVERIST, SU, 3111.65; MATT FRIEND TRUCKING, SU, 63.95; MCGUIRE & NORBY, SE, 1297.45; CITY EMPLOYEE, RE, 411.02; NE AIR FILTER, SU, 78.41; NE DEPT OF REVENUE, TX, 3445.11; NE RURAL WATER, FE, 1125.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 3663.00; OLSSON ASSOCIATES, SE, 9348.44; PAC N SAVE, RE, 39800.00; PENRO CONSTRUCTION, SE, 4537.50; PIEPER & MILLER, SE, 7963.00; PRESTO X, SE, 47.00; CITY EMPLOYEE, RE, 193.67; PUSH-PEDAL-PULL, SE, 3422.30; QUILL, SU, 545.33; S & S WILLERS, SU, 411.58; SGP SERVICES, SE, 79.88; SKARSHAUG TESTING LAB, SE, 271.84; STADIUM SPORTING GOODS, SU, 224.00; T & S TRUCKING, SE, 211.20; THE CHILD'S WORLD, SU, 43.90; THOMPSON PUBLISHING GROUP, SU, 438.50; UNITED WAY, RE, 10.00; US BANK, SE, 673.92; VERIZON, SE, 299.98; VIAERO, SE, 138.45; WAYNE COMMUNITY HOUSING, RE, 1480.00; WAYNE COUNTRY CLUB, RE, 5710.00; WIGMAN COMPANY, SU, 1869.96; WINDOM RIDGE, RE, 5000.00; BAKER & TAYLOR BOOKS, SU, 535.19; CITY EMPLOYEE, RE, 153.42; BOMGAARS, SU, 826.12; CITY EMPLOYEE, RE, 36.49; CENTURYLINK, SE, 309.27; CHARTWELLS, SE, 5504.75; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 147.00; COPY WRITE, SE, 212.13; DE LAGE LANDEN FINANCIAL, SE, 77.00; DHHS, FE, 80.00; DIGITAL ALLY, SU, 242.00; EAKES OFFICE, SE, 26.27; EASYPERMIT POSTAGE, SU, 692.54; ELDERFEST-PMC, FE, 25.00; ELKHORN FENCE, SU, 200.00; FLOOR MAINTENANCE, SU, 46.90; FREDRICKSON OIL, SE, 23.83; GEMPLER'S, SU, 143.50; GILL HAULING, SE, 155.00; GUARANTEE OIL, SU, 72.98; INGRAM BOOK COMPANY, SU, 426.24; IPMA, SE, 335.00; KRIZ-DAVIS, SU, 1049.03; KTCH, SE, 525.00; L.G. EVERIST, SU, 666.60; LAW ENFORCEMENT SERVICES, SE, 810.00; LIBERAL GASKET MFG, SU, 99.84; MATT PARROTT AND SONS, SU, 992.45; MCGRATH NORTH, SE, 783.00; MIDWEST LABORATORIES, SE, 897.75; MARK PENLERICK, RE, 80.10; NE ENVIRONMENTAL PRODUCTS, FE, 130.00; NE FOREST SERVICE, FE, 80.00; NE LIBRARY COMMISSION, SU, 925.00; NE LTAP, FE, 30.00; NE SAFETY COUNCIL, SE, 11.45; NNPPD, SE, 12180.28; PAC N SAVE, SU, 70.13; PAMIDA, SU, 85.35; CITY EMPLOYEE, RE, 195.54; PLUNKETT'S PEST CONTROL, SE, 41.60; QUALITY FOODS, SU, 24.00; QUILL, SU, 650.65; RANDOM HOUSE, SU, 157.50; RON'S RADIO, SU, 137.40; STATE NATIONAL BANK, RE, 165.56; TASTE OF HOME BOOKS, SU, 30.98; THE PENDER TIMES, SU, 36.75; WAED, SE, 6383.33; WAYNE COUNTY CLERK, SE, 28.50; WAYNE HERALD, SE, 859.54; WAYNE VETERINARY CLINIC, SE, 210.00; ZACH OIL, SU, 4828.66

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 Sturm introduced Ordinance 2012-5 and moved for approval thereof; Councilmember Alexander 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 Councilmembers Berry and Ley who abstained, 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 Councilmembers Berry and Ley who abstained, the Mayor declared the motion failed. The third and final reading will take place at the next meeting.

Councilmember Frevert introduced Ordinance 2012-6 and moved for approval of the third and final reading thereof; Councilmember Alexander 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.

A request was received from Tony Cantrell for Council consideration to allowing him to close off the east end of 10th Street from Providence Road to Hillside Drive (First Bank Card Center) for an electric vehicle car rally on Saturday, April 14, 2012, from 6:30 a.m. until 5:00 p.m. OPPD and NPPD will be providing the required \$1,000,000 liability insurance coverage and naming the City as an additional insured.

Councilmember Brodersen made a motion and seconded by Councilmember Ley approving the request of Tony Cantrell to close off the east end of 10th Street from Providence Road to Hillside Drive (First Bank Card Center) for an electric vehicle car rally on Saturday, April 14, 2012, from 6:30 a.m. until 5:00 p.m. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the City has received the assessment schedule from the engineer on the project, JEO Consulting Group, on the four downtown sidewalk improvement district projects. The next step is to set the Board of Equalization hearing date for each of those improvement districts for April 3, 2012, at or about 5:30 p.m.

Councilmember Sturm introduced Resolution No. 2012-16 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-16

A RESOLUTION ORDERING PUBLICATION AND SETTING BOARD OF EQUALIZATION HEARING ON SIDEWALK IMPROVEMENT DISTRICT NO. 2010-1.

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. 2012-17 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-17

A RESOLUTION ORDERING PUBLICATION AND SETTING BOARD OF EQUALIZATION HEARING ON SIDEWALK IMPROVEMENT DISTRICT NO. 2010-2.

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. 2012-18 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-18

A RESOLUTION ORDERING PUBLICATION AND SETTING BOARD OF EQUALIZATION HEARING ON SIDEWALK IMPROVEMENT DISTRICT NO. 2010-3.

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. 2012-19 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-19

A RESOLUTION ORDERING PUBLICATION AND SETTING BOARD OF EQUALIZATION HEARING ON SIDEWALK IMPROVEMENT DISTRICT NO. 2010-4.

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 plans, specifications and estimate of cost (\$165,000) for the Phase II – Paving Improvement Project for the Western Ridge Subdivision. In addition, it would authorize the City Clerk to begin advertising for bids on the project. One of the advantages with this project is that all utilities are in place so there will not be any excavation of the ground. It will be basically final grade before the streets are paved. There will be some grade removed where vegetation has grown. Settling of the ground should not be an issue. There should also not be an issue where the water and sewer lines are located.

Councilmember Sturm introduced Resolution No. 2012-20 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2012-20

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND APPROVING THE PLANS, SPECIFICATIONS, AND ESTIMATE OF COST FOR THE PHASE II – PAVING IMPROVEMENT PROJECT FOR WESTERN RIDGE SUBDIVISION AS PREPARED BY THE CITY'S ENGINEER AND DIRECTING ADVERTISEMENT FOR BIDS.

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

Gene Hansen, Superintendent of Electric Production, was present concerning his request for Council consideration to approving the purchase of the catalytic converter equipment for the power plant improvement project. The cost of said equipment will be \$315,233. This equipment must be installed by May, 2013, to meet the new EPA air

quality requirements. If we do not install the equipment, we cannot run the power plant except during local outages, and we will also lose our lease capacity payments of around \$650,000 per year from NPPD.

Councilmember Sturm made a motion, which was seconded by Councilmember Ley authorizing staff to purchase the catalytic converter equipment for the power plant project in the amount of \$315,233. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place concerning the tower located on the City Hall property which is leased by Verizon. The City of Wayne installed the communications tower on the north side of City Hall in 1987. Since that time, more antennas have been added and more space has been leased to Verizon for cell-phone antennas. Each time new equipment is added, we not only require a compatibility study to determine that there will be no signal interference, but we also require a structural engineer's determination that the tower is strong enough to hold the extra equipment. The engineer's study from this request shows that the tower no longer meets National Building Code standards for 150' tall pipe leg towers in 90 MPH winds. This would also be the case if Verizon removed their antennas from the City's tower. With the new Verizon antennas, additional reinforcement of the base connections and lower legs is needed. We currently lease tower space and basement control room space to Verizon for about \$2,000 per month. Verizon has bid out the reinforcement construction work, and the bid is \$142,000. Verizon has proposed to split the cost with the City, pay the full cost of the project up front, and abate the monthly lease payments to the City until they have recovered \$71,000

back from us. No action is requested at this time, but an agreement is being prepared. This is for discussion purposes only at this time.

Administrator Johnson advised the Council that in order to provide full-time police and dispatch coverage at this time, we are unable to grant most requests for vacation leave. Under the City's current policy, employees that have accumulated 280 hours of unused vacation leave can no longer accrue additional vacation leave until they use some of that 280 hours up. He recommended that the City temporarily pay out the vacation time the employees are unable to use each pay period until there is enough staff in place to allow vacation leave when requested.

Councilmember Frevert made a motion, which was seconded by Councilmember Ley, authorizing the City Administrator to temporarily pay out police department vacation leave in the amount over the accrual limit at current wage rates.

Mayor Chamberlain noted this matter will be brought before Council when this temporary policy for the Police Department ends.

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 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 6:06 p.m.