

**MINUTES
CITY COUNCIL MEETING
January 2, 2008**

The Wayne City Council met in regular session at City Hall on Wednesday, January 2, 2008, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Verdel Lutt, Don Buryanek, Dale Alexander, Kaki Ley, Darrel Fuelberth, and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert and Doug Sturm.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on December 20, 2007, 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 Fuelberth made a motion and seconded by Councilmember Alexander, whereas the Clerk has prepared copies of the Minutes of the meeting of December 18, 2007, 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 Shelton 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:

ADDITIONS & CORRECTIONS TO CLAIMS LISTING OF DECEMBER 18, 2007: ADD CITY OF WAYNE, RE, 388.21; DELETE MIDWEST LABORATORY, SE, 72.25 AND 11/01/07 G-M ROAD MARKING, SU, 235.89

VARIOUS FUNDS: ALLTEL, SE, 523.66; AMERITAS, RE, 1929.69; AQUILA, SE, 1933.07; AVATECH SOLUTIONS, SE, 250.00; BANK FIRST, FE, 195.00; BOMGAARS, SU, 911.46; CARHART LUMBER COMPANY, SU, 140.35; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 2419.96; CITY OF WAYNE, PY, 51060.33; CITY OF WAYNE, RE, 428.78; CITY OF

WAYNE, RE, 166.60; CITY OF WAYNE, RE, 76.60; ELECTRIC FIXTURE, SU, 1405.00; FARMERS & MERCHANTS, RE, 165000.00; FBINAA-NE CHAPTER, FE, 40.00; FIRST NATIONAL BANK, RE, 500000.00; FLOOR MAINTENANCE, SU, 485.85; FORT DEARBORN LIFE, SE, 123.84; G-M ROAD MARKING, SE, 235.89; HAUFF MID-AMERICAN SPORTS, SU, 182.90; HUNTEL, SE, 30.00; ICMA, RE, 5183.76; IRS, TX, 17636.71; JACK'S UNIFORM, SU, 65.90; KRIZ-DAVIS, SU, 2002.20; MATT FRIEND TRUCKING, SU, 400.00; MERITAIN HEALTH, FE, 10.00; MIDLAND COMPUTER WEB SOL, SE, 275.00; MOBILITY SALES & RENTAL, SU, 119.43; NE AMERICAN LEGION, SU, 47.28; NE DEPT OF REVENUE, TX, 2573.54; NE LAW ENFORCEMENT, FE, 178.00; NPPD, SE, 146857.57; N.E. NE AMERICAN RED CROSS, RE, 59.24; PAMIDA, SU, 227.81; POAN, FE, 70.00; PUSH-PEDAL-PULL, SU, 933.42; QUILL, SU, 20.45; QWEST, SE, 418.95; RON'S RADIO, RE, 120.66; STATE NATIONAL BANK, RE, 19100.00; STATE NATIONAL BANK, RE, 623.67; ULTIMATE OFFICE, SU, 117.38; UNITED WAY, RE, 86.10; WAYNE COMMUNITY SCHOOLS, RE, 6749.75; WESCO, SU, 112.89; ALLTEL, SE, 184.96; AMERITAS, RE, 1951.21; AQUILA, SE, 143.68; ARNIE'S FORD-MERCURY, RE, 229.54; ASCAP, FE, 294.00; BANK FIRST, FE, 195.00; CITY OF WAYNE, RE, 1809.91; CITY OF WAYNE, PY, 50554.59; CITY OF WAYNE, RE, 428.78; CITY OF WAYNE, SU, 123.00; CITY OF WAYNE, RE, 587.85; CLASSY CLEANING LADIES, SE, 202.60; COPPLE & ROCKEY, SE, 2523.65; CORNHUSKER STATE IND, SU, 1138.00; COVENTRY HEALTH, SE, 18830.01; CUSTOMER SOLUTIONS, FE, 75.00; DAS COMMUNICATIONS, SE, 448.00; FORT DEARBORN LIFE, SE, 1,534.67; HACH COMPANY, SU, 691.75; ICMA, RE, 5183.76; IRS, TX, 17173.99; KELLY SUPPLY, SU, 54.90; KIRKHAM MICHAEL, SE, 194.81; KONE, SE, 3645.00; MIDWEST OFFICE AUTOMATION, SE, 29.09; MIKE TOWNE, SE, 1700.00; NE DEPT OF LABOR, SE, 100.00; NE DEPT OF REVENUE, TX, 2324.99; NE LIBRARY ASSOCIATION, FE, 195.00; NMC, INC., SU, 84.71; NORFOLK DAILY NEWS, SE, 69.45; NNPPD, SE, 1292.46; OLDS PIEPER & CONNOLLY, FE, 1698.11; PEERLESS WIPING CLOTH, SU, 202.50; POSTMASTER, SU, 593.69; QWEST, SE, 207.66; SKARSHAUG TESTING LAB, SE, 105.65; US BANK, SU, 3995.07; VIAERO, SE, 69.04; WHITE DOG LAWN SERVICE, SE, 50.00; ZACH OIL, SU, 6193.90; ALLTEL, SE, 184.96; AMERITAS, RE, 1951.21; AQUILA, SE, 143.68; ARNIE'S FORD-MERCURY, RE, 229.54; ASCAP, FE, 294.00; BANK FIRST, FE, 195.00; CITY OF WAYNE, RE, 1809.91; CITY OF WAYNE, PY, 50554.59; CITY OF WAYNE, RE, 428.78; CITY OF WAYNE, SU, 123.00; CITY OF WAYNE, RE, 587.85; CLASSY CLEANING LADIES, SE, 202.60; COPPLE & ROCKEY P.C., SE, 2523.65; CORNHUSKER STATE IND, SU, 1138.00; COVENTRY HEALTH, SE, 18830.01; CUSTOMER SOLUTIONS, FE, 75.00; DAS COMMUNICATIONS, SE, 448.00; FORT DEARBORN LIFE, SE, 1534.67; HACH COMPANY, SU, 691.75; ICMA, RE, 5183.76; IRS, TX, 17173.99; KELLY SUPPLY COMPANY, SU, 54.90; KIRKHAM MICHAEL, SE, 194.81; KONE INC., SE, 3645.00; MIDWEST OFFICE AUTOMATION, SE, 29.09; MIKE TOWNE, SE, 1700.00; NE DEPT OF LABOR, SE, 100.00; NE DEPT OF REVENUE, TX, 2324.99; NE LIBRARY ASSOCIATION, FE, 195.00; NMC, INC., SU, 84.71; NORFOLK DAILY NEWS, SE, 69.45; NNPPD, SE, 1292.46; OLDS PIEPER & CONNOLLY, SE, 1698.11; PEERLESS WIPING CLOTH, SU, 202.50; POSTMASTER, SU, 593.69; QWEST, SE, 207.66; SKARSHAUG TESTING LAB, SE, 105.65; US

BANK, SU, 3995.07; VIAERO, SE, 69.04; WHITE DOG LAWN SERVICE, SE, 50.00; ZACH OIL COMPANY, SU, 6193.90

Councilmember Buryanek made a motion and seconded by Councilmember Alexander to approve the claims. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton 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, she 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.

Mayor Shelton declared the time was at hand for the public hearing to consider submitting a grant application for the purchase of additional handi-van for the Wayne Senior Center.

Administrator Johnson stated that at the last Council meeting, a proposal was brought forward for Council consideration to purchase a second handi-van for the Senior Center operation. The State will provide 80% of the funding, and the City will contribute 20%. The idea of purchasing a second handi-van was brought forward when the Department of Roads came to Wayne and reviewed the records and operation. The DOR recommended that we purchase another handi-van. This van would not have a wheelchair lift; it would simply be a transportation van. The grant application has already been submitted.

Connie Christensen, Senior Center Coordinator, distributed a survey taken of cities and counties and their charges for their handi-van service. An additional driver will not be hired right away. She stated this service is very important. She understood that the City did not want to lose money, but this is not a profit making service. This is a service that you provide the citizens of Wayne. This is a way for people to stay in their home longer, to keep them independent and be a part of their community. The van is not just for senior citizens, it is public transportation, too.

Georgia Janssen who works for the Department of Roads was present to show her support for purchasing an additional handi-van. In the last two years, the DOR has not had any vehicles available to purchase. This would be a mini-van and will get better mileage than the current handi-van. She noted that the City can change it's fare or fee for riding the handi-van, and that it can be referred to as a "fee" and not as a "suggested donation." Handi-van services are very needed across the state. A lot of people have applied to receive grants for this particular mini-van because every small town would like to have a vehicle such as this which is easier to board, etc.

Councilmember Ley stated Seniors want to be independent, and if the City can help them stay independent, that is a nice goal for them as a community. Plus, a lot of people don't have a family or somebody they can rely on, so she would be in favor of purchasing this mini-van.

Nancy Braden, City Treasurer, distributed the proposed expenditures and revenues that could be associated with purchasing a second mini-van. She noted the numbers represent a worst case scenario. We will probably not be running the current van as much. It may become the secondary vehicle rather than the first vehicle that is

loaded. She estimates that ridership will be more than what she had in the proposal, and that it will probably be a breakeven operation rather than costing the city additional expenses.

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

City Clerk McGuire stated she had not received any comments, either verbal or in writing, for or against this public hearing.

Councilmember Ley introduced Resolution No. 2008-1 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2008-1

A RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS FOR THE PURCHASE OF A HANDI-VAN.

Councilmember Lutt asked what percentage of riders are under the age of 40. Ms. Christensen responded that she thought approximately 40 percent were. Lutt stated he was not against using the van to transport seniors or members of Northstar. He did have concerns, however, in regard to transporting children back and forth from school to daycare at a cost that is well below what it would cost for a parent to start their car and pick their children up. He was not opposed to taking care of the elderly. And that was his only reason for raising the fee to \$1.50.

Mr. Christensen responded that there are college students and single parents that are trying to make a better life for themselves who don't necessarily have a car or can afford a car so the handi-van is their transportation.

It was noted that a public hearing would also have to be held to increase the fees to ride the handi-van.

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

Councilmember Ley introduced Ordinance 2007-26, and moved for approval of the second reading thereof; Councilmember Fuelberth seconded.

ORDINANCE NO. 2007-26

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, BY AMENDING SECTION 90-10 DEFINITIONS AND SECTION 90-710(c) PARKING OR DRIVEWAY SURFACES, (d) and (e); TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Johnson stated the following Resolution would approve an agreement with the Northeast Nebraska Thunderbirds to use the Rugby Field to play amateur football on.

Darin Barner, representing the Wayne State College Rugby Group, and Brent Pick, representing the Northeast Nebraska Thunderbirds, were present to answer questions. Mr. Barner stated that this group will help with the mowing and upkeep of the fields. In addition, he stated that Mr. Pick advised him that the money they used to pay for rent can be used to help fluff up the Wayne fields. The rugby season is a spring and fall sport – March-April and September-October. The football league plays in late May through mid August so there should not be any conflicts in using the fields.

Mr. Pick stated their team has been in existence for eight years. They are wanting to relocate to Wayne because of the cost of liability insurance, maintenance of the fields,

etc. There are about 14-15 teams in their league. Their game times will not interfere with the Rugby Group's schedule.

Councilmember Buryanek introduced Resolution 2008-2, and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2008-2

A RESOLUTION APPROVING INTERLOCAL AGREEMENT WITH NORTHEAST NEBRASKA THUNDERBIRDS FOR AMATEUR FOOTBALL USE OF THE RUGBY FIELD.

Administrator Johnson recommended the term of the agreement be 5 years, which would coincide with the agreement with WSC Rugby Club. Mr. Pick stated they would like to make the agreement a long-term one.

Councilmember Buryanek stated he would include that with his motion, and Councilmember Chamberlain seconded the same.

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

Garry Poutre, Supt. of Public Works and Utilities, stated that 7 bids were received on the used loader. Recommendation is to award the bid to Klein Farms of Murray, Nebraska, for \$18,501.00. The new loader is expected to be delivered mid January.

Councilmember Buryanek introduced Resolution 2008-3, and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2008-3

A RESOLUTION APPROVING BID ON USED LOADER.

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

Administrator Johnson stated he, George Ellyson, Chief Inspector Planner, and Tom Hattig of Hattig Construction, met this week to look at the Architect's suggestions for remedies on the Library/Senior Center building. The remedies were to seal off the upper layer of the Library/Senior Center with a flat sheet rock barrier on the bottoms of the trusses and then install a vapor barrier and then insulation over that. Then, the different areas would be sealed up, and it would just be an unheated attic. The estimates you had in the packet were from Hattig Construction. We've been looking at the Architect's recommendations and at all of the different spaces, areas, levels, protrusions, penetrations, etc., and asking how can we do this. Before we brought a proposal to you, the Mayor asked that we nail it down the details more specifically from Mr. Hattig. The purpose of this week's meeting was to figure out more exactly what the costs of the Architect's remedies were going to be.

George Ellyson, Chief Inspector/Planner, stated in the attempts to reinstate the building back to its original design and intent and the way it was supposed to mechanically function, he asked Administrator Johnson what the objective was. Through those discussions, the objective has always been 1) the vapor barrier and 2) the lack of 1 inch ventilation between the sheathing and the insulation that is currently there. Ellyson drew up a proposal and sent it to the engineer for his review. The engineer reviewed the proposal and thought that it was a good approach, and if we were going to spend the money on new shingles, we should address all of the issues. This proposal will involve more sheathing. In addition, it requires that we remove all of the sheathing off the roof so we can address the vapor barrier, reinstall the insulation, place the 1" baffle to get a

ventilation gap back between the insulation and the sheathing, reinstall the sheathing and then shingle the roof.

Tom Hattig of Hattig Construction was present and stated the new estimate for this proposal is \$76,203. The only thing that is not included in this estimate is the cost to address some drainage pipes so there is easier access between the bathrooms, and some electrical work that needs to be done which the City can take care of.

Councilmember Buryanek made a motion and seconded by Councilmember Fuelberth approving the change order for Tom Hattig of Hattig Construction on the Library/Senior Center Project. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson commended Mr. Ellyson and Mr. Hattig for their work on this project.

Administrator Johnson gave a report on the \$3.00 per ton increase in the Transfer Station Class A Hauler Rates to meet the \$2,000 per month net revenue target. He stated that the Council authorized him to monitor the net revenues from the Transfer Station operation and to adjust the Class A rate as needed to meet the net revenue target. The Transfer Station generated no net revenues for 2007. Revenues are needed to replace long-term equipment at the Transfer Station and to pay costs associated with the mitigation of Logan Creek eroding into the old city landfill in the Kardell Industrial Park. The options are to either take it out of tax money or take it out of the utility where it should have been paid for. His recommendation is that we continue to make some net revenues off the transfer station. He thought the \$3.00 per ton increase will get us close.

If we get to mid-June and we are still not there, then we may need to adjust something else. We currently charge \$50 per ton.

Administrator Johnson stated the following Ordinance would amend City Code to levy an occupation tax on mobile telecommunication services (cell phones). The tax would be the same as what is levied on telephone companies – 5%. We have had a substantial decline in occupation tax revenues from the lan line phone companies. The occupation tax for the cell phones would be on those that that reside in city limits. We don't know what those untapped revenues might be. This will recapture some of the loss that we have had, and it will be a level playing field between the lan line phone companies and the cell phone companies.

Councilmember Buryanek introduced Ordinance 2008-1 and moved for approval thereof; Councilmember Chamberlain seconded.

ORDINANCE NO. 2008-1

AN ORDINANCE OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA AMENDING SECTION 22-31 OF THE WAYNE CITY MUNICIPAL CODE TO LEVY AN OCCUPATION TAX ON MOBILE TELECOMMUNICATION SERVICES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next Council meeting.

Jacki Zeiss, representing the Wayne Baseball Association, was present requesting Council consideration to cost sharing in the renovation of the press box at Hank Overin Baseball Field. They have obtained two estimates which are around \$4,000. The

industrial tech class from Wayne State College will provide the labor for the project at 10% of the material costs. The Association is requesting consideration to splitting the cost with them. Wayne has one of the nicest facilities in the State of Nebraska. Wayne, however, has not hosted a State Tournament since 1987. She has been told that Wayne has a great facility, but the press box is in need of renovation. There has not been any update on the press box since 1962.

Mayor Shelton stated that the funds could be taken out of the Park Funds to pay for the City's share of this project.

Councilmember Buryanek made a motion and seconded by Councilmember Ley to cost-share 50% in the renovation of the press box at Hank Overin Baseball Field (cap of \$2,200). Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Rich Robinson of Kirkham Michael presented two options for the "Logan Creek Bank Stabilization Project." KMA was retained by the City to prepare a mitigation plan to submit to the Nebraska Department of Environmental Quality for the site. Once Council approves one of the options, KMA will submit the same to NDEQ and the Corps of Engineers for approval. Once NDEQ and the Corps of Engineers approve the plan, KMA will design the project for construction and assist in the bidding and construction oversight process.

The two options are as follows:

Option A: Gabion Rock Baskets and Vegetative Cover

- 1) Excavate the creek bank back to a 2:1 slope to stabilize it
- 2) Build steel mesh Gabion baskets and fill them with rocks, starting at the base of the sloped bank below the water line and stacking part way up the bank

- 3) Plant a vegetative cover on the upper part of the slope above the Gabion baskets of rock
- 4) Repair the slumping area of creek bank south of the landfill site
- 5) Estimated Cost: \$409,050.

Option B: Riprap Stabilization with Large Rocks

- 1) Excavate the creek bank back to a 3:1 slope to stabilize it
- 2) Cover the lower part of the slope with large loose rocks
- 3) Plant a vegetative cover on the upper part of the slope
- 4) Repair the slumping area of creek bank south of the landfill site
- 5) Estimated Cost: \$274,185

Mr. Robinson noted he would research grant options and bring the information back to the Council.

Staff recommendation is to approve Option B, but exclude the Slumping Segment portion thereof.

Councilmember Buryanek made a motion and seconded by Councilmember Alexander approving Option B – Riprap Stabilization for the Mitigation Concept Plan for the Former Kardell Landfill Project, without the Slumping Segment portion thereof. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Fuelberth made a motion and seconded by Councilmember Chamberlain to recess as Council and convene as the Community Development Agency. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Chair Buryanek called the meeting of the Community Development Agency to order. Those in attendance: Members Verdel Lutt, Don Buryanek, Dale Alexander, Lois Shelton, Kaki Ley, Darrel Fuelberth, and Ken Chamberlain; City Attorney Mike Pieper;

City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Brian Frevert and Doug Sturm.

The next item on the CDA agenda was to approve the minutes of the November 6, 2007, meeting.

Member Shelton made a motion and seconded by Member Alexander approving the minutes of the November 6, 2007, meeting. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Chamberlain made a motion and seconded by Member Fuelberth approving the claims of the CDA. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Administrator Johnson stated that two proposals for services have been submitted by KMA. Alternate No. 1 would be for "Total Subdivision Design" for the amount of \$64,200. Alternate No. 2 would be for "Phase I Design" for the amount of \$33,100.

The estimate to do the total subdivision, which includes paving, water, sanitary sewer, and drainage/storm sewer is \$883,000. To do the same for Phase I only would be approximately \$357,000.

The time frame is critical on this project. The goal is to start breaking ground in mid May.

Mr. Robinson then reviewed several Concept Layout Plans for Western Ridge Subdivision. Mr. Robinson also reviewed the Concept Layout proposals drafted by John Adler, Senior Vice President of KMA. The access road to the subdivision was moved from Oak Drive to Donner Pass. In addition, the centerline of the north-south drainageway was shifted to the east, thereby permitting a street with lots on both sides to

be developed. Since the drainageway is relatively flat, shifting the centerline should not affect the drainage.

In Layout No. 1, 60 foot right-of-ways with 32 foot wide streets were used per the subdivision regulations. This layout uses the curvilinear concept with three short cul-de-sacs with small islands and a loop road, plus a stub street for access to the area to the west when it is developed.

In Layout No. 2, 50 foot right-of-ways with 25 foot wide streets were used. In addition, roundabouts were provided on both ends of the west north-south street as well as three short cul-de-sacs with larger islands

The major difference between these two Layouts is how you treat the intersections. For both Layouts, the recommendation was to reduce the front setback to 20 feet and the side yard setback to 5 feet. In addition, their recommendation was to reduce the paving width to 25 feet with 50 foot right-of-ways, thereby saving 20% of the cost of the paving, which is the largest item of the infrastructure costs.

Administrator Johnson stated Council needed to determine how many lots they wanted to develop, which Layout they preferred, and how wide they wanted the streets to be. We need to develop at least 17 lots because of the grant stipulations.

Member Fuelberth stated he preferred the wider streets.

Administrator Johnson stated the plan is to have all of these houses built with two car attached garages.

Chair Buryanek stated he has mixed feelings on the street width. If we want to encourage development, but one of the hindrances has been the 32' wide streets because it drives up the cost of the lots, we may have to do some things differently. This is

certainly something the CDA should consider or at least think about. If we put in 32' wide streets, how much will that add to the cost of the lot and the cost of the home? If this becomes a Planned Unit Development, we may be able to do some things differently in this development that haven't been done for 20 years.

Member Ley liked the Layout with the roundabouts. Mr. Robinson stated that roundabouts demonstrate better safety. There is a pretty significant accident decrease with a roundabout situation.

Member Lutt stated roundabouts may provide good traffic flow, but he didn't think they are needed in this subdivision. He had concerns about snow removal.

Member Shelton had concerns about the narrower streets. She suggested a wider street on the west side which leads out onto Highway 35, with the street on the east side (loop) being 25' wide. She also suggested taking out the northern roundabout and just leaving the one at the south end.

Member Shelton stated if they approved Alternate No. 1, the design part would be done. However, the subdivision could still be done in phases. This would be a better deal because prices will increase.

Mr. Robinson said while the design phase would be done, there would still be expenses associated with the additional phases, which would include the final platting and bidding phase for the contract documents.

George Ellyson stated, as the City Planner, he was going to look very hard at the grading concept for the entire 21 acres. He knows the Planning Commission is going to want that addressed as far as the preliminaries on Phase 1. He also believes that all of those interested parties downstream from that area are going to want to see how this

entire area is going to be fixed so as to reduce or eliminate the erosion threat to them downstream.

Mr. Robinson responded by clarifying that the grading plan will be done within the preliminary plat phase. That is not contract documents to set it up to bid. We will still need construction drawings, specifications, etc.

Administrator Johnson stated that Olssons has been contracted to design a 12-inch water line going from the water tower to Highway 35. They do not know anything about this project yet. A decision will have to be made in the future as to which firm should do that project.

Mr. Robinson thought the layouts could be mixed and matched somewhat. It is a little more expensive to have roundabouts, plus it's taking a little more area for street right-of-way.

Administrator Johnson opined that he liked the islands in the cul-de-sacs in Concept Layout No. 2.

Member Shelton made a motion and seconded by Member Fuelberth approving Alternate No. 1 of the Professional Civil Engineering Services Agreement (\$64,200). Chair Buryanek stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Lutt who voted Nay, the Chair declared the motion carried.

Member Chamberlain made a motion and seconded by Member Fuelberth approving Concept Layout No. 1 for the Western Ridge Subdivision.

Mr. Robinson stated there would be quite a bit of "wobble room" as long as the CDA agrees that this is the basic concept of the street layout and the lots. Street widths can be done about any time. The first decision they would have to make is right-of-way

widths. More information would be provided to Mr. Robinson after the next Council meeting. To meet this schedule, everything should probably be tied down within the next couple of weeks.

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

Administrator Johnson distributed the “Draft Joint Venture Agreement” between the City and Wayne Community Housing Development Corporation. This is similar to what Norfolk uses. The grant money and the sale of the lots will not cover all of the development costs that are expected on this project. One option is to pay the shortfall for the water, sewer and streets out of each respective department. The other option is to use tax increment financing to fill the gap. Instead of using the City’s cash, you use the incremental new taxes off of the houses to fill the gap. This draft is based off of numbers prepared by Mike Bacon for Cox Development based on estimated taxes on 17 houses built over a period of 3 years. The incremental increase in taxes from the TIF could generate \$200-250,000. We only need around \$100,000. This does not need to be decided this evening. Our focus or goal in all of this has been to build something that sells and will increase the population and enrollment at the school. Johnson also distributed a “Draft Tax Increment Financing Agreement” for the Western Ridge Single-Family Residential Development Project for Council to review.

Member Chamberlain made a motion and seconded by Member Alexander to adjourn as the Community Development Agency and reconvene as Council. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

George Ellyson, Chief Inspector/Planner, discussed the enforcement of the Energy Code. Mr. Ellyson wanted direction from the Council on what role they wanted him to play in enforcing the Code that the State of Nebraska and the City of Wayne have already adopted. Currently, he does not do any inspections for this particular code. However, there are currently ways to go about enforcing this Code if Council so chooses. He can physically do the inspections, but there is a secondary means which is a free computer program that can be downloaded that verifies compliance of the 2006 Energy Code, which is what he would recommend. In a response to a questions posed, Mr. Ellyson stated that once the house meets energy requirements, the contractor, by code, is required to place a certificate in the distribution panel box of that structure.

Councilmember Lutt stated that since this is not a safety issue, he would not include it in the permit process.

After discussion, Council consensus was to have Mr. Ellyson use the free computer download to prove compliance of the 2006 Energy Code.

George Ellyson, Chief Inspector/Planner, reported on the Fema FIRM Flood Plain Rate Map. In 2000, the City began this project. In September, 2007, the City received information that our Flood Plain Map had been approved. He has received the proposed ordinance that the City has to approve to adopt the new floodplain and floodplain overlay. This will be placed on the next Council agenda. Once this is in place, on March 18th of this year, our floodplain will be revised to reflect 1,468 acres taken out of the floodplain.

Lance Webster, Police Chief, gave his annual report.

Nancy Braden, Treasurer, gave her annual report.

Mayor Shelton requested Council consideration to approving Lance Webster (4 yr. term), Phil Shear (4 yr. term), Dale Alexander (4 yr. term) and Steve Schwarz (1 yr. term) to the Police Retirement Committee.

Councilmember Buryanek made a motion and seconded by Councilmember Chamberlain approving the appointment of Lance Webster (4 yr. term), Phil Shear (4 yr. term), Dale Alexander (4 yr. term) and Steve Schwarz (1 yr. term) to the Police Retirement Committee. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson gave a short report on the Staff Energy Cost Savings Committee Meetings. He will e-mail more information to the Council.

Councilmember Buryanek made a motion and seconded by Councilmember Alexander to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 8:05 p.m.