

**MINUTES  
CITY COUNCIL MEETING  
April 15, 2008**

The Wayne City Council met in regular session at City Hall on Tuesday, April 15, 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, Doug Sturm, Kaki Ley, Darrel Fuelberth and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Brian Frevert and Dale Alexander.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 3, 2008, 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 Buryanek made a motion and seconded by Councilmember Chamberlain, whereas the Clerk has prepared copies of the Minutes of the meeting of April 1, 2008, 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 OF CLAIMS LIST OF APRIL 1, 2008:** Delete City of Wayne - SB Fee- \$75.00

**VARIOUS FUNDS:** AMERITAS, RE, 1966.04; APPEARA, SE, 222.75; ARNIE'S FORD-MERCURY, SU, 113.78; BANK FIRST, FE, 210.00; BIG T ENTERPRISES, SU, 167.90; BROWN SUPPLY, SU, 1426.41; CARHART LUMBER COMPANY, SU, 59.85; CHAMPLIN TIRE RECYCLING, SE, 408.32; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 68.14; CITY OF WAYNE, RE, 616.51; CITY OF WAYNE, RE, 1962.39; CITY OF WAYNE, PY, 52701.35; CITY OF WAYNE, RE, 185.54; CITY

OF WAYNE, RE, 59.28; CITY OF WAYNE, FE, 75.00; CITY OF WAYNE, RE, 16.02; CITY OF WAYNE, RE, 217.23; CLASSY CLEANING LADIES, SE, 270.01; CONNECTING POINT, SE, 17.90; DE LAGE LANDEN FINANCIAL, SU, 411.00; ED M FELD EQUIPMENT, SU, 309.67; EDM EQUIPMENT, SU, 180.00; EISENBRAUN & ASSOC., SE, 7585.01; ELECTRIC FIXTURE, SU, 288.05; ENGINEERED CONTROLS, SE, 450.00; FLOOR MAINTENANCE, SU, 655.54; FREDRICKSON OIL, RE, 58.00; GILL HAULING, SE, 1744.12; GREAT PLAINS ONE-CALL, SE, 34.99; GUARANTEE OIL, SU, 39.50; HALDEMAN-HOMME, SU, 378.37; HARDING & SHULTZ P.C., SE, 4.14; HARTINGTON SHOPPER, SU, 139.60; HAUFF MID-AMERICAN SPORTS, SU, 393.96; HEIKES AUTOMOTIVE SERVICE, SE, 207.69; HEWLETT-PACKARD, SU, 10139.00; HOPKINS CABLE, L.P., SE, 5209.33; ICMA, RE, 5451.01; IMLA, FE, 455.00; INGRAM BOOK COMPANY, SU, 275.97; IRS, TX, 17548.36; JACK'S UNIFORMS, SU, 148.70; JANWAY COMPANY, SU, 293.43; KIRKHAM MICHAEL, SE, 201.64; KRIZ-DAVIS, SU, 523.95; KTCH, SE, 605.00; LAGE AUCTION, SU, 36.93; LP GILL, SE, 5236.14; MIDLAND EQUIPMENT, SU, 16.25; MIDWEST LABORATORIES, SE, 85.45; NE AMERICAN LEGION, FE, 300.00; NE DEPT OF REVENUE, TX, 2372.35; NE FOREST SERVICE, FE, 15.00; NMPP ENERGY, FE, 1373.28; NMPP ENERGY, FE, 95.00; NMPP ENERGY, SE, 507.00; NORFOLK OFFICE EQUIPMENT, SU, 318.44; NORTHEAST EQUIPMENT, SU, 660.18; NNPPD, SE, 10920.14; OLDS PIEPER & CONNOLLY, SE, 2301.00; OMAHA WORLD-HERALD, SE, 577.43; PAC N SAVE, SU, 6.34; PAMIDA, SU, 34.25; PEPSI-COLA, SU, 358.46; PIZZA HUT, SU, 67.06; PLUNKETT'S PEST CONTROL, SE, 40.00; PRESTO X COMPANY, SE, 71.89; PROVIDENCE MEDICAL CENTER, SE, 5288.50; QUALITY FOOD CENTER, SU, 21.93; QUILL, SU, 25.80; QWEST, SE, 1263.72; ROBERTSON IMPLEMENT, SU, 93.13; S & S WILLERS, SU, 1007.47; SIRSIDYNIX, SE, 2584.41; SOUTHEAST COMMUNITY COLLEGE, SE, 1694.00; STADIUM SPORTING GOODS, SU, 499.50; STATE NATIONAL BANK, RE, 1970.87; STATE NATIONAL BANK, RE, 475.77; STRATTON & KUBE, SE, 83.70; THE CHILD'S WORLD, SU, 167.60; VAKOC BUILDER'S RESOURCE, SU, 120.47; WATERLINK, SE, 1053.42; WAYNE AUTO PARTS, SU, 387.74; WAYNE COMMUNITY SCHOOLS, RE, 4251.07; WAYNE COUNTY CLERK, SE, 17.00; WAYNE GRAIN & FEED, SE, 118.00; WAYNE HERALD, SE, 700.60; WAYNE STATER, SE, 72.00; WEB SOLUTIONS OMAHA, SE, 191.25; WESCO, SU, 1468.42; WAPA, SE, 23738.78; WESTERN IOWA TECH, SE, 210.00; ZACH OIL, SU, 5502.47; ZEE MEDICAL SERVICE, SU, 92.11; ASA, FE, 1625.00; CITY OF WAYNE, RE, 1162.00; CITY OF WAYNE, RE, 978.09; CITY OF WAYNE, SU, 149.99; CITY OF WAYNE, RE, 242.88; CITY OF WAYNE, RE, 965.08; COVENTRY HEALTH, SE, 19325.76; CREDIT BUREAU SERVICES, RE, 60.24; ELECTRIC FIXTURE, SU, 444.99; IIMC, FE, 115.00; INDUSTRIAL CHEM LABS, SU, 99.71; M. LEE SMITH PUBLISHERS, SU, 347.00; OTTE CONSTRUCTION COMPANY, SE, 58519.60; OVERHEAD DOOR COMPANY, SU, 76.00; PITNEY BOWES, SU, 109.48; PURCHASE POWER, SU, 1000.00; SOLOMON CORP, SE, 80.00; STATE NATIONAL BANK, RE, 2746.50; DAVE'S DRY CLEANING, SE, 147.00; VAKOC BUILDER'S RESOURCE, SU, 51.94

Councilmember Buryanek made a motion and seconded by Councilmember Chamberlain 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 proclaimed April 25<sup>th</sup> as “Arbor Day.”

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.

Kent Franzen, Chair of the LB840 Committee, updated the Council on their efforts. Their next meeting will be April 24<sup>th</sup>. They are starting to make plans for a town hall type meeting in the near future.

Mayor Shelton declared the time was at hand for the public hearing in regard to increasing the fee to ride the handi-van from \$1.00 to \$1.50 per one-way trip.

Administrator Johnson stated this came from Council discussions that took place at budget time. Research has taken place, and staff recommends increasing the fee from \$1.00 to \$1.50 per one-way trip. Since 2003, the City has been charging \$1.00 to ride the handi-van.

Connie Christensen, Senior Center Coordinator, stated transportation costs are increasing and she supported the recommendation.

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

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

Councilmember Sturm introduced Resolution 2008-27, and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2008-27

A RESOLUTION TO INCREASE THE FEE TO RIDE THE HANDI-VAN FROM \$1.00 TO \$1.50 PER ONE-WAY TRIP.

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

Mayor Shelton declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Application for Zoning Use by Exception Permit of Jason Schulz, d/b/a "Quality Auto Sales" to allow for auto sales and service, including open air display of new or used cars at 614 Main Street.

George Ellyson, Chief Inspector/Planner, was present and stated the Planning Commission held a public hearing on this matter and recommended approval thereof, based on one condition found in Sec. 90-425 that states if an approved use by exception abuts a Residential Zoning District, it must have a fence on the abutting side thereof. By Zoning Regulations, this states that Mr. Schulz needs a fence on the west side of his property along the alley.

Mr. Ellyson again advised the Council that whenever a use by exception is approved and abuts a residential zoning district, then that use by exception must provide a fence along the area that abuts the residential district, which would be Mr. Schulz's west property line on the east side of the alley. Typical fencing that the zoning has identified indicates a visual barrier type fence.

It was noted that the fence by Arnie's is a chain link fence, however, Mr. Ellyson stated that particular property does not abut a residential district. The zoning is the same on the east side of 7<sup>th</sup> Street. However, as you go west, it goes from commercial to residential.

Mayor Shelton stated the Planning Commission denied the request to rezone that property from residential to commercial, so it is still zoned residential.

Attorney Pieper stated Mr. Schulz could install any kind of a fence unless Council designates what type of fence they want him to install.

Councilmember Buryanek stated that towards the back side of this lot, there is an entrance from the alley for cars to get in and out. Mr. Ellyson stated the fence has to be erected on his property.

Councilmember Sturm stated he did not understand why the fence really needs to be there. On a windy day that fence will just collect garbage, and will also hinder snow removal.

Mr. Ellyson stated the reason this property has to have a fence is because the "use" is a use by exception. When the property to the south was a Hardee's, that was an allowable use. "Vehicle display" are the operative words here. The fence is to shield the residential district from the commercial district.

Councilmember Sturm stated that used to be a place where they fixed cars and they always had cars parked along the alley. Whenever they were done fixing the cars, they would park them there until people came to pick them up. Why is it all of a sudden a problem with selling cars there vs. storing them for the last 30 years when it was a

service station? He does not understand how this got to be such a big deal all of a sudden. The only thing he is doing is selling cars instead of storing cars now.

Mr. Ellyson stated he agreed, but the conditions (Sec. 424) state that a use by exception has to have conditions and Sec. 425 identifies those conditions. He was just sharing the zoning requirement regulations.

Councilmember Lutt stated it has been brought before the Planning Commission to approve the use by exception with a fence. As a Council, how do we go about approving this without a fence? Attorney Pieper advised the Council to just make that motion.

Jason Schulz was present to answer questions. He stated he knew Mr. Ellyson was trying to do diligently what is provided by the law. He just thinks in this situation it is not in the best interest of the City and their future plans.

City Clerk McGuire had not received any comments either for or against this public hearing.

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

Councilmember Sturm introduced Resolution 2008-28, and moved for its approval, with the exception of Subparagraph 1 of Section 90-425 Special Conditions and Conditions for Granting Exceptions (fence); Councilmember Chamberlain seconded.

#### RESOLUTION NO. 2008-28

A RESOLUTION APPROVING APPLICATION FOR ZONING USE BY EXCEPTION PERMIT TO ALLOW FOR AUTO SALES AND SERVICE, INCLUDING OPEN AIR DISPLAY OF NEW OR USED CARS AT 614 MAIN STREET.

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

Mayor Shelton declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Application for Zoning Use by Exception Permit of the City of Wayne to allow for the placement of a single-family dwelling on property whose street address is 502 East 6<sup>th</sup> Street. This is in accord with Sec. 90-424(13) Exceptions of the B-3 Neighborhood Commercial District.

George Ellyson, Chief Inspector/Planner, was present and stated the Planning Commission held a public hearing on this matter and recommended approval thereof. Wayne Municipal Code states that after a legal non-conforming status is vacated for 12 consecutive months, then a use by exception must be applied for and approved to be able to reinstate the legal non-conforming status.

City Clerk McGuire noted that no comments, either for or against this public hearing, were received by her office.

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

Councilmember Sturm introduced Resolution 2008-29, and moved for its approval; Councilmember Fuelberth seconded.

#### RESOLUTION NO. 2008-29

A RESOLUTION APPROVING APPLICATION FOR ZONING USE BY EXCEPTION PERMIT TO ALLOW FOR THE PLACEMENT OF A SINGLE-FAMILY DWELLING ON PROPERTY WHOSE STREET ADDRESS IS 502 EAST 6<sup>TH</sup> STREET.

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

Administrator Johnson stated that a public auction was held on Friday, April 11<sup>th</sup>, at 2:00 p.m. Bids were taken from 2:00 p.m. to 3:00 p.m. He reviewed the conditions of the sale which were as follows:

- 1) Successful buyer must construct or locate a single-family residence on the above referenced property with an occupancy permit issued for the complete residence within 12 months of the closing date of the sale with the city.
- 2) The residence built on the property must be a style and size that will match the existing neighborhood homes as determined by the city building inspector.
- 3) The above referenced property will be sold to the successful buyer with a lien in the amount of \$18,342 held by the City of Wayne attached to the deed, that will be released by the city when all the aforementioned Conditions of the Sale #1, #2 and #3 are confirmed to the city clerk by the city building inspector to have been met.
- 4) The successful buyer will be required to pay 20% of the bid price in cash or certified check to the Wayne City Clerk at the end of the auction and the bid is accepted. The remaining 80% will be due at closing on the sale of the property.
- 5) The sale of the property is subject by state law to a remonstrance period of 30 days from the date of the closing on the sale of the property.
- 6) The cost of the title insurance and closing costs for the property will be that of the seller.
- 7) The City Council reserves the right to refuse any or all bids received for the property and will take final action to accept or reject bids at the next council meeting following the auction on April 15<sup>th</sup>.

Two bidders took part in the auction. The highest bid came from Wayne Community Housing Development Corporation for \$2,750.00.

Councilmember Sturm stated he had a person talk to him about putting a business in there. He advised this person that the Council could reject these bids and then rebid it, but that the Council would probably expect something to be built there within 12 months.

In regard to the WCHDC, Councilmember Sturm had concerns about this organization bidding against a private person.

Councilmember Buryanek responded that this is part of the business they are in -- housing.

Corby Schweers, representing the Wayne Community Housing Development Corporation (Board Member), addressed the Council. He stated that they are a private non-profit corporation and are not funded by the City. They are funded with grants. They are here to help provide low income housing through rehab, down payment

assistance or new construction. This was an open auction and anybody could have bid on it. It went for \$2,750. WCHDC is very careful not to inflate the market in things they do. At \$2,750, he did not think they inflated the market. If we want to try to put some new construction in town, we have to have cheap lots, because to get somebody in that meets low-to-moderate income, you have to be able to afford it. If we have to pay \$10-15,000 for the lot, it is going to push the price of the home over and above what the low-to-moderate income can afford. WCHDC saw an opportunity here to try and get something at a price where they could try to get something new built on the lot. A new home will probably generate more real estate taxes for the City than moving a house onto the lot.

Councilmember Buryanek stated when he was first elected to Council, he was on the WCHDC Board, and one of the things Council was encouraging the WCHDC to do was to build houses. This is a step in the direction we asked them to go eight years ago. It just happens to be that the timing is right.

Mr. Schweers stated they intend to try and get this done as soon as possible because they are trying to get experience in building houses as well. They use local contractors. They do everything they can from that standpoint. Everything they do is for the community. Six to nine months is your typical standard building time for a stick frame home – they hope to get their house up quicker than that. It will not actually be on the taxroll until the next year, but they will be retroactive to when they get their occupancy certificate. WCHDC is not just trying to make money; they are putting themselves at risk on this, too. They think they will be able to get it sold in a reasonable amount of time, but they are taking a financial risk on the incorporation to do this as well.

Councilmember Sturm stated his whole thought process on this is whether or not they have any advantages that the normal person doesn't have. If not, then this is fine.

Della Pries, Executive Director of WCHDC, stated she was given a maximum amount to bid. Anyone who had one dollar over her maximum bid could have gotten the bid.

Mr. Schweers stated that they have always been very careful not to inflate the market. They have proven that over time.

Councilmember Sturm stated he did not know what it was going to cost to move the house, but the value of the house of \$50,195, to him, is a more low-to-moderate income house than what the City is going to build in Western Ridge of \$110,000. Mr. Schweers stated they are not in disagreement with that, but if we want to see how building low-to-moderate works, why not try one, instead of trying a whole subdivision. Maybe we should get one done and see how it works. That is the other part of their thought process. Let's do a little bit of crawling before we start running races.

Ms. Pries also stated that they are putting money into the City because they are using local contractors. They are also going through Homestead Homes.

Melvin Miller stated the option or conditions were very limited as to what you could bid and do. He would like to build a commercial building on the property, but because of the way the auction was set up, he could not do that. Therefore, he thought it was flawed. He would have bid more money, but with these restrictions, he could not do it.

Attorney Pieper stated the Council set the conditions wherein they wanted a house on this property. If Council wants to reject the bids and change the conditions for a new

sale, that is their discretion.

Councilmember Buryanek introduced Resolution 2008-30, and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2008-30

A RESOLUTION AUTHORIZING THE SALE OF THE WEST 50 FEET OF LOTS 8, 9, AND 10, BLOCK 1, EAST ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, ALSO DESCRIBED AS THE WEST ONE-THIRD OF LOTS 8, 9, AND 10, BLOCK 1, EAST ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA (502 EAST 6<sup>TH</sup> STREET), TO WAYNE COMMUNITY HOUSING DEVELOPMENT CORPORATION.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Lutt who voted Nay, the Mayor declared the motion carried.

Councilmember Chamberlain introduced Ordinance 2008-6, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2008-6

AN ORDINANCE DIRECTING THE SALE OF THE WEST 50 FEET OF LOTS 8, 9, AND 10, BLOCK 1, EAST ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, ALSO DESCRIBED AS THE WEST ONE-THIRD OF LOTS 8, 9, AND 10, BLOCK 1, EAST ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA (502 EAST 6<sup>TH</sup> STREET), TO THE WAYNE COMMUNITY HOUSING DEVELOPMENT CORPORATION.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Lutt who voted Nay, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and Councilmember Buryanek seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Shelton stated the motion, and the result of roll call being all Yeas,

with the exception of Councilmembers Lutt and Sturm who voted Nay, the Mayor declared the motion failed. The second reading will take place at the next meeting.

Administrator Johnson stated the following Resolution would approve an interlocal agreement with the Village of Carroll for water and wastewater operations. This would be in effect April 1<sup>st</sup> and go until they find a certified operator. We will keep track of our hours and costs and bill them for those. Harold Reynolds was doing this work for the Village of Carroll, but the company he is employed with determined that was a conflict.

Councilmember Buryanek introduced Resolution 2008-31, and moved for its approval subject to the term of the agreement being amended to 90 days from April 1, 2008; Councilmember Fuelberth seconded.

#### RESOLUTION NO. 2008-31

#### A RESOLUTION TO JOINTLY OPERATE THE MUNICIPAL WATER SYSTEMS AND THE MUNICIPAL WASTEWATER SYSTEMS OF THE CITY OF WAYNE AND THE VILLAGE OF CARROLL.

Garry Poutre, Supt. of Public Works and Utilities, stated the Village of Winside called his office today. Winside has water treatment and needs a Class 3 operator. Winside, however, has an operator. They just don't have a Class 3 operator. They have a Class 4 operator. Mr. Reynolds also did the work for Winside. Winside would do well to incent their own man to get his next certification and not pay Wayne. They are hoping this is short-term.

Councilmember Buryanek amended his motion to reflect that this agreement or resolution would be in effect for 90 days; Councilmember Fuelberth seconded.

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

Administrator Johnson stated three bids were received on the Power Plant North Engine Room Paint Project. Recommendation is to accept the low bid of Glover Painting of Sioux City, Iowa, for \$8,745.00.

Councilmember Sturm introduced Resolution 2008-32, and moved for its approval; Councilmember Buryanek seconded.

#### RESOLUTION NO. 2008-32

#### A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE POWER PLANT NORTH ENGINE ROOM PAINT PROJECT.

Mayor Shelton 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 amend the energy incentive program to include an energy saver program wherein the City would cost-share on a first-come, first-serve basis with its utility customers at a 30% cost-share rate, with a maximum of \$500 per customer for the installation of the following energy saving practices:

- Permanently installed radiant electric heat;
- Attic insulation;
- Non-power attic ventilation;
- Exterior wall insulation;
- Electric heat pumps;
- Electric entrance boxes; and
- Thermal windows.

This does not add additional funds to the program. Johnson wanted to add one more practice onto this and that would be summer peak demand reduction because there are some things we can measure directly, and there are some businesses that, with some incentives, would take a serious look at upgrading some of their efficiency. He would like to pay them what they are going to save the City for the first two years in their reduction to the summer peak demand.

Mayor Shelton recommended adding this language at a later time.

Councilmember Buryanek stated he would like to see some numbers crunched and some examples.

Councilmember Buryanek introduced Resolution 2008-33, and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2008-33

A RESOLUTION AMENDING THE ENERGY INCENTIVE PROGRAM OF THE CITY OF WAYNE TO ESTABLISH AND FUND THE ENERGY SAVER PROGRAM AND PROVIDE FOR COST-SHARING USING A SET ASIDE OF CITY OF WAYNE ENERGY SAVING INCENTIVE FUNDS.

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

Councilmember Alexander arrived at the meeting at 6:33 p.m.

Administrator Johnson stated the following Resolution would approve an agreement with the Wayne Community Development Corporation, wherein the City would set aside \$12,000 each year for incentive funds for the Energy Saver Program (one year).

Councilmember Sturm introduced Resolution 2008-34, and moved for its approval; Councilmember Fuelberth seconded.

RESOLUTION NO. 2008-34

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY HOUSING DEVELOPMENT CORPORATION TO ESTABLISH THE ENERGY SAVER PROGRAM AND PROVIDE FOR COST-SHARING USING A SET ASIDE OF CITY OF WAYNE ENERGY SAVING INCENTIVE FUNDS.

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

Police Chief Lance Webster gave a report on the Homeland Security Critical Assessment Model for Training and Emergency.

Administrator Johnson stated that Aquila is scheduled to undertake a major upgrade of their downtown distribution system this summer. The project will include new gas mains in the alleys, new service lines to all buildings, and relocating meters outside of buildings. The project will result in numerous trenches and holes being cut into the existing alley paving. Aquila will patch all of these trenches and holes with concrete when they are done.

Because of the poor conditions of the alleys in most areas, we have discussed the option of repaving the north/south alley west of Main Street from 1<sup>st</sup> to 4<sup>th</sup> Streets, and the north/south alley east of Main Street from 1<sup>st</sup> to 7<sup>th</sup> Streets in August or September when Aquila is done. The City has in place a cost-share program to pay for 50% of the repaving cost for alleys in commercial areas. The other 50% is assessed to the abutting property owners over a 10-15 year period at about 6% interest.

Recommendation is to have Aquila backfill with crushed rock instead of concrete and contribute the savings towards the repaving of the alleys. We could measure the

square feet of paving that Aquila removed and bill them for that square footage times the actual per square foot cost of the new paving, including engineering.

By creating a paving district, the building owners would be assessed one-half the cost of the project, less Aquila's contribution.

If the Council is favorable towards this project, an ordinance creating the district will be brought forward at the May 6<sup>th</sup> Council meeting. Councilmember Fuelberth wanted to know the history of paving alleys.

Councilmember Buryanek stated he had four business owners talk to him about this matter. They were all in favor of this, but they wanted to know whose responsibility it is from the approaches from the street up to the property line. Administrator Johnson stated that is the responsibility of the City.

The City's share will be approximately \$101,000. This is a small number and probably won't affect any other projects.

Garry Poutre, Supt. of Public Works and Utilities, was present to answer questions. The alleys are certainly driveable, but they are breaking up. The timing right now is favorable because we may be able to get Aquila to pay for some of the costs. Otherwise, we probably wouldn't even be talking about this now.

Councilmember Sturm stated he had two people contact him that did not want to be a part of the district.

Councilmember Chamberlain stated he had three people contact him who were in favor of the district.

Councilmember Lutt made a motion and seconded by Councilmember Buryanek to go ahead with this project and have staff prepare an ordinance creating the alley paving

improvement district for the May 6<sup>th</sup> Council meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm 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 Don Buryanek called the meeting of the Community Development Agency to order. Those in attendance: Members Verdel Lutt, Dale Alexander, Doug Sturm, Kaki Ley, Darrel Fuelberth, and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Brian Frevert.

Chair Buryanek 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 March 4, 2008, meeting.

Member Shelton made a motion and seconded by Member Ley approving the minutes of the March 4, 2008, meeting. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

There were no claims.

The next item on the CDA agenda was to approve the purchase agreement with Wayne Industries to sell Lot 3, Kardell Industrial Park (6.57 acres).

Member Shelton made a motion and seconded by Member Fuelberth approving the Purchase Agreement with Wayne Industries to sell Lot 3, Kardell Industrial Park. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the CDA Agenda was to approve the Purchase Agreement with Felix Industries. This was brought forward from discussion regarding the dirt moving, etc.

Administrator Johnson stated Danielle Bass came to the City and advised us that she wants to sell the back lot for \$7,500 per acre. She will give the City the first chance to buy it. She does not want to go below \$7,500 because she knows that is what we paid the Kardells. The south parcel we sold to her has a building on it and the north parcel we sold to her is a bare lot. If we purchased about 1.99 acres off the east end of her property, we would be able to improve the road and make it line up with the intersection. Ms. Bass is willing to sell that for \$7,500 per acre. There is enough dirt to provide all the fill we need for the spec building, and we will get the road lined up at the same time.

Member Lutt made a motion and seconded by Member Shelton approving the purchase of the east 1.99 acres from Felix Industries.

Member Sturm asked if she was meeting all of her commitments for the Revolving Loan Fund. Administrator Johnson stated she has to provide two full-time job equivalents. Because she is running the business, she qualifies, plus she has a full-time person there. She is also current with her loan payments.

Chair Buryanek stated she is willing to split up her property and not sell us all of it to give us a straight shot on the road.

Gary Boehle, President of Wayne Industries, stated the Purchase Agreement they just signed is actually at \$12,000 per acre, so \$7,500 is not unreasonable.

Member Lutt stated if we don't do this, there will be a 12 foot drop off which will fill up with snow. You have to go out there and walk around to understand where the road would be and where the road would be if we buy this small parcel.

Member Shelton stated the dirt we are getting on this ground is worth more than what we are paying for it.

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 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.

There were no appointments.

There were no reports on meetings attended.

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain to enter into executive session to discuss the evaluation of the City Administrator and to protect the reputation of the Administrator. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 7:00 p.m.

Mayor Shelton again stated that the matter to be discussed in execution session relates to the evaluation of the City Administrator.

Councilmember Sturm made a motion and seconded by Councilmember Ley to resume open session. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 7:20 p.m.

The Council then met as a Committee-of-the-Whole to discuss the following items:

***Discussion Regarding Amending Requirements for Parking Lots to be Paved because of New Storm Water Runoff Requirements***

George Ellyson, Chief Inspector/Planner stated municipal code has a regulation wherein gravel parking lots are allowed for two years, after which they must be paved. There are numerous parking lots throughout the City of Wayne that have been unpaved for his tenure (approx. 9 ½ years). We have done nothing about enforcing this particular section. He brought this before Council about two years after he was employed by the City, and he is again bringing it before Council for their review. He was requesting Council direction so he can take the matter to the Planning Commission for their review. These particular sections target commercial areas rather than residential areas. Mr. Ellyson noted that the zoning section of the Code is being reviewed at this time. Residential parking has been addressed when Council modified Sec. 710(c).

After discussion, it was recommended that Mr. Ellyson and the Planning Commission review the same and make a recommendation to Council, with the initial change being to delete the paving, and come back with something new for the Council to discuss.

***Investment and Portfolio Policy for the City of Wayne.***

Nancy Braden, City Treasurer, reviewed the portfolio currently in place. She can still, at some of the brokerage houses, get 3% on broker CD's. Locally, she can not get

3% on broker CD's. The last one she got was from Farmers & Merchants - \$150,000 for 2.25%.

It was noted that the earnings from the investments are also used for operations.

Councilmember Alexander stated that while there is a need to reinvest in the community, we can't shut off those other places if we can get a better deal. We need to set a certain percentage. If we can go somewhere else and get a better percentage, then we need to be able to do that. Why would we want to limit ourselves to the four local banks if we can get a 2% better interest rate outside that?

Councilmember Sturm posed the question of needing a competitive market and not tying the Treasurer's hands down.

Councilmember Lutt stated he does not consider the City's money any different than a car that we buy or project that we bid out. We go to our local ones first and see what they can do but we don't limit ourselves to that. He doesn't like the idea of us having to limit ourselves to the four institutions in Wayne. Money is no different than a car or roof.

Councilmember Lutt left the meeting.

Councilmember Buryanek agreed that there needs to be some flexibility, but the rule of thumb is if you invest locally, the money turns over 7 times.

Councilmember Alexander thought the money should be offered to the local institutions first, and if they can't match or come within a certain percentage, then we should still have the opportunity to go out. We are giving the banks the opportunity, and whether they take advantage of it or not is up to them. We should be able to go in another direction if they are unable to do that.

Ms. Braden noted that the League of Nebraska Municipalities will tell you that local preference is not a defensible position. She needs to be fiscally responsible with the taxpayer's dollar.

Councilmember Sturm stated every business has to be competitive and he did not know why the banks are any different.

After discussion, Administrator Johnson stated he would bring forward an amended policy which would include a list of the local brokers and banks, with the spread being one percent, and then Council can amend it however they want.

Councilmember Alexander left the meeting at 8:33 p.m.

***Presentation of Budget Schedule.***

Administrator Johnson presented a schedule of the budget sessions which would start on Tuesday, April 22<sup>nd</sup> – Green Community. The meeting would go from 5:30 to 7:00 p.m. The next Tuesday, would focus on wealth creation and ED. There are none scheduled on the days there is a Council meeting. The Council does not have to come to every one, just the ones they are interested in. Councilmember Chamberlain asked if there was any reason why Council can't discuss one after a Council meeting.

***Discussion of Truck Parking.***

Discussion took place regarding some complaints that have been received on truck parking. Administrator Johnson was directed to contact the property owners and inform them of the complaints to see if the issues can be resolved.

***Discussion Regarding Western Ridge Subdivision Agreement.***

Administrator Johnson presented the proposed Subdivision Agreement. He reviewed the same and noted the following changes therein:

- Section IV. Sec. A – delete “commercial buildings”
- Sec. B – change 30” culvert to 48” culvert.
- Sec. C — All future owners of the lots will have to maintain two shade trees on the property.

After discussion, Administrator Johnson would look into the size of the lots and whether or not one tree vs. two trees would be more acceptable.

***Discussion Regarding Sidewalk Improvement Districts.***

Council consensus was that they would like to see this program enacted again; however, they wanted to do something similar to what was done with replacing the water stops. The City would have a fund available for those who want to replace their sidewalks. It was noted that the City cost-shared on the sidewalks downtown.

Councilmember Buryanek made a motion and seconded by Councilmember Ley 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 9:08 p.m.