

**MINUTES
CITY COUNCIL MEETING
May 20, 2008**

The Wayne City Council met in regular session at City Hall on Tuesday, May 20, 2008, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Verdel Lutt, Don Buryanek, Kaki Ley, and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Dale Alexander, Doug Sturm, and Darrel Fuelberth.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 8, 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 Frevert made a motion and seconded by Councilmember Buryanek, whereas the Clerk has prepared copies of the Minutes of the meeting of May 6, 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:

VARIOUS FUNDS: AMERITAS, RE, 2049.83; BANK FIRST, FE, 210.00; BOMGAARS, SU, 1530.10; CARHART LUMBER COMPANY, SU, 1607.38; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 1716.00; CITY OF WAYNE, RE, 1152.03; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 54223.61; CITY OF WAYNE, RE, 185.54; CITY OF WAYNE, RE, 2411.41; CLINE,WILLIAMS,WRIGHT, SE, 88.00; COVENTRY HEALTH, SE, 18221.36; DAVE'S DRY CLEANING, SE, 105.00; DEMCO INC, SU, 397.99; EISENBRAUN & ASSOC., SE, 3159.21; EMPLOYERS

MUTUAL, RE, 500.00; ENVIRONMENTAL SYSTEM, SE, 1513.29; FLETCHER FARM SERVICE, SU, 1505.00; FLOOR MAINTENANCE, SU, 320.39; FORT DEARBORN LIFE, SE, 1549.70; FREDRICKSON OIL, SE, 80.50; FULL COMPASS SYSTEMS, SU, 2439.88; GERHOLD CONCRETE, SU, 729.38; GOODWAY TECHNOLOGIES CORP, SU, 90.94; GRAINGER, INC., SU, 100.73; GREAT PLAINS ONE-CALL, SE, 84.48; HATTIG CONSTRUCTION, SE, 21436.00; HAUFF MID-AMERICAN SPORTS, SU, 1731.60; HUNTEL SECURITY, SE, 91.06; ICMA, RE, 556.80; ICMA, RE, 5745.03; INGRAM BOOK COMPANY, SU, 37.46; INNOVATIVE PROTECTIVES, SU, 45.00; IRS, TX, 18307.92; JACK'S UNIFORMS, SU, 182.35; JANWAY COMPANY, SU, 239.36; JOHN'S WELDING AND TOOL, SU, 91.88; K & C GRAIN, SU, 2992.09; KRIZ-DAVIS, SU, 792.04; LERNER PUBLISHING GROUP, SU, 109.72; MICHAEL TODD & CO, SU, 86.55; MIDWEST LABORATORIES, SE, 222.45; MUNICIPAL SERVICE, RE, 5590.14; NATL LEAGUE OF CITIES, FE, 1074.00; NE DEPT OF REVENUE, TX, 2520.24; NE DEPT OF ROADS, FE, 2000.00; NE DEPT OF ROADS, FE, 500.00; NPPD, SE, 162896.33; NMC, SU, 4785.00; NNPPD, SE, 10920.14; OLSSON ASSOCIATES, SE, 2794.40; ORIENTAL TRADING CO, SU, 155.80; PAC N SAVE, SU, 79.88; PAMIDA, SU, 49.10; PATRICIA BURRIS, SE, 300.00; PEPSI-COLA, SU, 307.34; PIZZA HUT, SU, 110.70; POSITIVE PROMOTIONS, SU, 53.40; POSTAGE BY PHONE PLUS, SU, 500.00; PROVIDENCE MEDICAL CENTER, SE, 97.00; QUALITY 1 GRAPHICS, SU, 160.00; QUILL, SU, 1009.92; QWEST, SE, 98.84; RAGAN COMMUNICATIONS, SU, 89.00; RTC, SE, 120.00; STADIUM SPORTING GOODS, SU, 304.08; STATE NATIONAL BANK, RE, 406.55; STRATTON & KUBE PC, SE, 770.00; TRI-STATE CARPORTS, SE, 89.50; UNITED RENTALS, SU, 128.40; UTILITIES SECTION, FE, 1460.00; VAKOC BUILDER'S RESOURCE, SU, 35.92; WAYNE HERALD, SE, 1045.38; WAYNE VETERINARY CLINIC, SE, 146.00; WESCO, SU, 529.58; WAPA, SE, 22789.22; WESTERN CONSULTING, SE, 100.00; ZACH OIL, SU, 5885.90; ZACH PROPANE, SE, 75.00; ZEE MEDICAL SERVICE, SU, 96.06; DAMSON INDUSTRIES, SU, 43.80; ALLTEL, SE, 347.15; BAKER & TAYLOR BOOKS, SU, 769.55; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 47.61; CITY OF WAYNE, RE, 155.70; CITY OF WAYNE, RE, 20.00; CULLIGAN WATER OF NE, SE, 41.00; DAKOTA BUSINESS SYSTEMS, SE, 71.16; DE LAGE LANDEN FINANCIAL, SE, 411.00; DUTTON-LAINSON COMPANY, SU, 306.77; ECHO GROUP, SU, 86.77; FLOOR MAINTENANCE, SU, 262.39; GERHOLD CONCRETE, SU, 166.00; GOV'T FINANCE OFFICERS, SE, 55.00; HD SUPPLY WATERWORKS, SU, 96.75; INNOVATIVE PROTECTIVES, SU, 125.00; JACK'S UNIFORMS, SU, 231.75; KRIZ-DAVIS, SU, 176.01; KTCH, SE, 525.00; LEAGUE OF NE MUNICIPALITIES, FE, 140.00; MICROFILM IMAGING SYSTEMS, SU, 3147.80; MID-STATES ORGANIZED, FE, 75.00; MIDWEST TAPE LLC, SU, 359.98; NE LAW ENFORCEMENT, SE, 300.00; NE PUBLIC HEALTH, SU, 130.00; NE STATE TREASURER, RE, 1389.37; NORFOLK OFFICE EQUIPMENT, SE, 228.00; NORTHEAST EQUIPMENT, SU, 128.35; PAMIDA, SU, 47.83; PITNEY BOWES, SE, 637.00; PRECISION INDUSTRIES, SU, 21.12; PROVIDENCE MEDICAL CENTER, SE, 97.00; RANDOM HOUSE, SU, 272.00; REPCO MARKETING, SU, 35.10; STADIUM SPORTING GOODS, SU, 701.50; STAN HOUSTON EQUIPMENT, SU, 23.57; STATE NATIONAL BANK, RE, 1492.69; THE RADAR SHOP, SE, 117.00;

UNITED STATES PLASTIC, SU, 226.33; VOSS LIGHTING, SU, 235.80; WAYNE AUTO PARTS, SU, 465.52; WAYNE COUNTY COURT, RE, 400.00; WBDA, RE, 1000.00; WEB SOLUTIONS OMAHA, SE, 275.00

Councilmember Buryanek made a motion and seconded by Councilmember Ley 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.

Robert Woehler, Fire Chief, was present to announce that the Department appointed Brent Doring as the new Fire Chief.

Councilmember Buryanek made a motion and seconded by Councilmember Frevert approving the appointment of Brent Doring as Fire Chief. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Gary Boehle, representing the LB840 Committee, updated the Council on the proposed sales tax initiative. The town hall meeting is scheduled for June 5th at 7:30 p.m. at the City Auditorium.

Bill Melena, representing the White Dog Pub, was present requesting Council consideration to approving the request for a Special Designated Liquor Permit for a beer garden in the Carhart Parking Lot on July 12, 2008 (Chicken Show Activities).

Councilmember Buryanek made a motion and seconded by Councilmember Chamberlain approving the request of the White Dog Pub for a Special Designated Liquor Permit for a beer garden in the Carhart Parking Lot on July 12, 2008 (Chicken Show Activities). 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 on the “Blight and Substandard Area Determination” for downtown.

Lisa Hurley of Northeast Nebraska Economic Development District stated this is a two-phase grant. The first phase of the grant is \$30,000 for planning. In January, they will submit the full application for the second phase of the grant which will be the \$250,000.

Anne Thietje-Pantoja of Northeast Nebraska Economic Development District reviewed the Blight and Substandard Determination Study for the downtown area. There were about 250 properties in the area, of which quite a few met the age criteria. The sidewalks were also a big part of the application for the CDBG grant.

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

No written or oral comments had been received by the City Clerk’s Office concerning the public hearing.

Councilmember Buryanek introduced Resolution 2008-40, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2008-40

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, MAKING FINDINGS AND DECLARING PORTIONS OF THE CITY TO BE BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT.

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

Administrator Johnson clarified that there is still another procedure that we will need to go through for determination of a blighted area if we are going to offer TIF in this area. This study could be used for that procedure.

Administrator Johnson stated the following Resolution would approve the Preliminary Plat of the Western Ridge II Subdivision. The Planning Commission reviewed the same and made the following “Findings of Fact:”

1. Proposed residential subdivision is consistent with the existing and future land use map in the Comprehensive Plan;
2. The plat meets the submittal requirements identified in Sec. 74-103 through 74-188 of current Subdivision Regulations;
3. The Developer has designed a silt/storm water detention basin in the southeast corner designed to accommodate the 100 year rainfall event;
4. The Developer will require silt fencing during excavation of the grading plan to retain sediment and erosion on site;
5. All signature spaces are to be signed;
6. Approval is recommended by the Zoning Administrator;
7. The legal description is to be corrected to reflect exact subdivision location in Section 12, T26, R3E of the 6th P.M., Wayne County;
8. The Street named Salvidge Court should be corrected to Savidge Court;
9. There is no separation or division line between Outlots G and H; therefore, delete Outlot H; and
10. An additional street should be named from the intersection of Bressler Court continuing west along the north side of the subdivision to a termination point on the western boundary between Lots 56 and 57 per Municipal Code Sec. 74-142(k)(2).

Councilmember Sturm arrived at 5:43 p.m.

Administrator Johnson stated if the preliminary plat is approved, it will be the preliminary action to set the street names. The final plat will then be made and brought before Council for approval. This would be the time to change the street names if you so desire.

Councilmember Buryanek introduced Resolution 2008-41, and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2008-41

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR THE WESTERN RIDGE II SUBDIVISION.

Mayor Shelton shared the street names with the public. The street coming off of the highway will be Haase Avenue, which is named after the people who owned the property. The street going directly north from there will be Brookedale Drive, which is what Wayne used to be called. The north/south street to the east will be Neihardt Avenue. The three circles will be Wightman Circle, Savidge Court and Bressler Court.

Administrator Johnson stated Phase I is the original 17 lots that the \$380,000 grant is helping to pay for the infrastructure. Phase II is about 9 or 10 additional lots that will also have water, sewer and paving. The grant is not part of that phase, but we have interest from two developers of rent-to-own housing that want to be a part of this project. They will build houses at their own risk and rent the same to people who are income qualified. The rent would then be applied towards owning the house. Phase III will have water, sewer and grading, but no paving.

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 approve the agreement with Kirkham Michael for the permitting and design engineering services for the former Kardell Landfill Improvement for the sum of \$22,900. This does not include construction oversight. The garbage will have to be hauled to Jackson, a licensed landfill.

Councilmember Buryanek introduced Resolution 2008-42, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2008-42

A RESOLUTION APPROVING AGREEMENT FOR PROFESSIONAL PERMITTING AND DESIGN ENGINEERING SERVICES BETWEEN THE CITY OF WAYNE AND KIRKHAM MICHAEL FOR THE FORMER KARDELL LANDFILL IMPROVEMENT PROJECT.

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

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain approving the request of the Combined Softball Association for the City to purchase a power field rake for the softball fields and finance the same over four years.

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

Councilmember Lutt had questions concerning the purchase of the power field rake. The only thing this piece of equipment can be used for is to rake the fields. He thought it was a lot of money for a little tractor that has no other uses than to pull a drag around to rake the fields.

Councilmember Sturm stated he has not seen this machine, but he has seen one similar to it. It will be a great improvement to the way they can take care of the fields.

They have a lot of extra man hours just in hand raking the fields that they won't have to do if they purchase this machine. This is not any different than what the Council has done with the golf course.

Agenda Item No. 12 – Action on Park Agreement Request from Layne Beza was removed from the agenda because they do not have all of the information yet.

Councilmember Sturm made a motion and seconded by Councilmember Ley 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 Brian Frevert, Verdel Lutt, Doug Sturm, Kaki Ley, and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Dale Alexander and Darrel Fuelberth.

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 April 15, 2008, meeting.

Member Shelton made a motion and seconded by Member Chamberlain approving the minutes of the April 15, 2008, meeting. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Shelton made a motion and seconded by Member Chamberlain approving the two claims. 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 contract with Schmitt Construction for the Overlot Grading Project in the Western Ridge II Subdivision. This is the same contract that was approved by the Council at the last Council meeting. Since the CDA is the developer and owner of the site, the CDA also needs to act on this contract.

Member Frevert made a motion and seconded by Member Sturm approving the contract with Schmitt Construction of Laurel for the Overlot Grading Project in the Western Ridge II Addition. 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 Western Ridge II Subdivision Agreement.

Member Shelton made a motion and seconded by Member Frevert approving the Western Ridge II Subdivision Agreement. 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 Amendment No. 2 – Agreement with Kirkham Michael for Professional Construction Phase Engineering Services Overlot Grading Construction Contract for \$13,600.

Administrator Johnson explained how it came to be that Kirkham Michael became the engineer on this project.

Member Shelton made a motion and seconded by Member Ley approving Amendment No. 2 – Agreement with Kirkham Michael for Professional Construction Phase Engineering Services Overlot Grading Construction Contract for \$13,600. 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 between the CDA and Felix Industries and the Purchase Agreement between the CDA and Wayne Industries. This action pertains to Lot 1A that is behind the Felix Industries' building. This started out as a proposal for Felix to sell this property to the CDA at the last meeting. Wayne Industries, for the price of \$7,500 per acre, has been putting together funding options to purchase the property. In the discussion of how are they going to purchase it and where are they going to get the money, Nancy Braden, being a certified block grant administrator, knows the intricacies of how you can make things work in the block grant program. The Wayne Revolving Loan Fund is about \$750,000 of program income that Wayne has gotten back from businesses that paid back their loans from previous block grants to loan out to businesses. Ms. Braden, DED, NNEDD and Attorney Pieper have figured out a way for the CDA to buy this land using Revolving Loan Funds as a grant rather than a loan. The City would grant that money to the CDA to buy the land. The CDA would then be able to sell that to some future businesses. The money does not have to be paid back to the revolving loan fund, and the CDA ends up with \$30,000 in cash.

Nancy Braden, City Treasurer, stated she visited with Sheryl Hyatt of DED, and the City of Norfolk has done something similar to this with the expansion of Affiliated

Foods. Her suggestion was that the CDA, rather than Wayne Industries, be the applicant for the revolving loan fund dollars. The reason for acquiring the land back is to align the road better with Industrial Park Road. That is an allowable use in our plan, so her recommendation would be for the City to grant a forgivable loan/grant to the CDA for the purchase of the land.

Chair Buryanek stated that since the CDA would own the land, the funds would come back to the CDA when the land is sold, and then the CDA wouldn't have to borrow as much money to do things.

Councilmember Lutt stated he thought the 2.2 acres they bought at the last meeting was to realign the road. The CDA turned down the 4 acre parcel at the last meeting. Lutt asked how we could be taking dirt of this parcel when we don't own it.

Dave Simonsen, WAEDI Executive Director, stated that when Wayne Industries was looking at purchasing the property, Danielle signed a purchase agreement (pending financing) which gave Wayne Industries the approval to do the dirt work on that property. It's very similar to the agreement that the CDA made with her on the smaller parcel. Wayne Industries has not backed out of that agreement yet, because if the CDA does not purchase the land, they are still going to try to figure out a way to purchase it. When Ms. Braden found this solution, it seemed cleaner and better for everybody.

It was noted that Ms. Bass will still own the land her building is on, and that the revolving loan fund hearing will be in two weeks.

Member Shelton made a motion and seconded by Member Chamberlain approving the Purchase Agreement between the CDA and Felix Industries for the 4-acre

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

Member Shelton made a motion and seconded by Member Sturm 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.

Mayor Shelton requested Council approval of the following appointments to the Recreation-Leisure Services Commission: Nick Hochstein, Jill Walling and Pat Jenkins.

Councilmember Sturm made a motion and seconded by Councilmember Ley approving the appointment of Nick Hochstein, Jill Walling and Pat Jenkins to the Recreation-Leisure Services Commission. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Buryanek left the meeting at 6:10 p.m.

Dave Simonsen, WAEDI Executive Director, gave a report on an Alternative Energy Trade Show he attended and also on his Siouland Initiative Trip to Washington, DC.

Councilmember Fuelberth arrived at 6:33 p.m.

Nancy Braden, City Treasurer, gave a report on the 2008 NEDA Spring Conference she attended.

Councilmember Frevert made a motion and seconded by Councilmember Chamberlain 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 6:36 p.m.