

**MINUTES
CITY COUNCIL MEETING
July 1, 2008**

The Wayne City Council met in regular session at City Hall on Tuesday, July 1, 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, Dale Alexander, Doug Sturm, Darrel Fuelberth, and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 19, 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 Fuelberth made a motion and seconded by Councilmember Sturm, whereas the Clerk has prepared copies of the Minutes of the meeting of June 17, 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: ALLTEL, SE, 90.38; AMERITAS, RE, 1902.97; AQUILA, SE, 40.83; AS COMMUNICATIONS, SE, 448.00; BANK FIRST, FE, 195.00; BOMGAARS, SU, 930.29; BROWN SUPPLY, SU, 153.30; CITY OF WAYNE, RE, 85.98; CITY OF WAYNE, RE, 7855.02; CITY OF WAYNE, PY, 62592.67; CITY OF WAYNE, RE, 185.54; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, RE, 181.51; CITY OF WAYNE, RE, 99.24; CLASSY CLEANING LADIES, SE, 232.78; CREDIT BUREAU SERVICES, FE, 390.00; CREDIT BUREAU SERVICES, RE, 44.36; DAVE'S DRY CLEANING, SE, 150.00; DGR & ASSOCIATES, SU, 795.00;

EDWARD JONES, RE, 750000.00; EMPLOYERS MUTUAL CASUALTY, RE, 158.31; FLOOR MAINTENANCE, SU, 276.06; FORT DEARBORN LIFE, SE, 127.28; GERHOLD CONCRETE, SU, 2676.38; HAUFF MID-AMERICAN SPORTS, SU, 824.10; HOBBY LOBBY STORES, SU, 97.22; HTM SALES, SU, 34.87; ICMA, RE, 5390.66; INTERNATIONAL PUBLIC, SE, 325.00; IRS, TX, 20181.30; ITRON, RE, 878.69; JACK'S UNIFORMS, SU, 22.97; K & M SEEDS, SU, 135.00; KRIZ-DAVIS, SU, 26.63; LEFTY OLSON, FE, 75.00; LOGAN ST RADIATOR, SU, 484.70; MIDLAND COMPUTER, SE, 1240.46; NE DEPT OF REVENUE, TX, 2628.32; NE PUBLIC HEALTH, SU, 78.00; NEBRASKALAND CONF BLDG OFF, FE, 100.00; NINE ONE ONE, SE, 1908.00; NORTHEAST EQUIPMENT, SU, 2632.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; OFFICEMAX, SU, 113.17; PITNEY BOWES, SU, 637.00; PROVIDENCE MEDICAL CENTER, SE, 229.00; QUALITY 1 GRAPHICS, SU, 891.00; QUILL, SU, 318.16; QWEST, SE, 419.88; SO. SIOUX CITY LEGION, FE, 150.00; STANLEY SECURITY SOLUTION, SU, 296.97; STATE NATIONAL BANK, RE, 703.40; TAYLOR TECHNOLOGIES, SU, 102.84; THE RADAR SHOP, RE, 193.86; THOMPSON PUBLISHING GROUP, SU, 409.00; TRI-STATE CARPORTS, SU, 805.50; UNITED WAY, RE, 46.10; WAEDI, SE, 375.00; WAYNE COMMUNITY HOUSING, RE, 2000.00; WAYNE COUNTY TREASURER, TX, 1614.31; WEB SOLUTIONS OMAHA, SE, 275.00; WESCO, SU, 235.37; ALLTEL, SE, 380.70; AMERICAN BROADBAND, SE, 30.00; AQUILA, SE, 4967.92; BARCO MUN PRODUCTS, SU, 2251.85; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, RE, 6381.00; CITY OF WAYNE, RE, 151.50; CLASSY CLEANING LADIES, SE, 168.48; COPY WRITE, SU, 129.81; DIRECT SAFETY COMPANY, SU, 69.14; ELECTRIC FIXTURE, SU, 136.41; ELLIS PLUMBING, RE, 80.00; FARMERS AND MERCHANTS, RE, 200000.00; FEDEX, SE, 72.90; GERHOLD CONCRETE, SU, 525.80; GODFATHER PIZZA, SU, 34.04; HAWKINS, SU, 763.90; HEIKES AUTOMOTIVE, SE 47.93; K & M SEEDS, SU, 300.00; KELLY SUPPLY, SU, 469.61; KIRKHAM MICHAEL, SE, 24900.00; KRIZ-DAVIS, SU, 467.87; MERCY MEDICAL CLINICS, SE, 22.00; MID-STATE ENGINEERING, SE, 2792.00; MID-SUMMER CLASSIC, FE, 75.00; NE DEPT OF HEALTH, SE, 118.00; NE DEPT OF ROADS, SED, 2520.00; NE NEB INS AGENCY, SE, 52647.00; NORTHEAST EQUIPMENT, SU, 87.50; NNPPD, SE, 1848.83; NWEA, FE, 55.00; OLDS PIEPER & CONNOLLY, SE, 3384.00; PAMIDA, SU, 305.06; POLLARD PLUMBING, SE, 285.00; POSTMASTER, SU, 632.59; QUILL, SU, 86.28; QWEST, SE, 197.83; REHAB SYSTEMS, SE, 20497.70; SKARSHAUG TESTING LAB, SE, 371.53; STATE NATIONAL BANK, RE, 1933.29; VIAERO, SE, 71.86; WESCO, SU, 609.61; WEST-E-CON, SE, 5488.55; WESTERN OFFICE PRODUCTS, SU, 1350.00; WHITE DOG LAWN SERVICE, SE, 300.00; Y & Y LAWN SERVICE. SE, 1665.00; ZEE MEDICAL SERVICE, SU, 54.53

Councilmember Sturm 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 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 recognized Officer Jessica Bolles on receiving the MADD Award.

Wes Blecke, Asst. Executive Director of Wayne Area Economic Development, Inc., on behalf of the Chicken Days Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Friday, July 11th, the Committee is requesting the closure of the following streets from 3:00 pm until 12 Midnight for the Annual Henoween Celebration: Main Street from 1st to 4th Street (not including the end intersections); 2nd Street from the alley west of Main Street to the alley east of Main Street; and 3rd Street from Pearl Street (not including the intersection) to the alley East of Main Street.
- ❖ On Saturday, July 12th, the Committee is requesting the closure of the following streets from 6:00 a.m. until 5:00 p.m., for the Annual Chicken Show Celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and Douglas Street from 8th Street to 10th Street. Intersections at 10th and Douglas and 10th and Lincoln Streets are requested to be closed.
- ❖ On Saturday, July 12th for the Annual Chicken Show Parade from 9:00 a.m. to 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main to Lincoln Street.

Councilmember Sturm made a motion and seconded by Councilmember Fuelberth approving the request of the Chicken Days Committee to close certain streets for the Wayne Chicken Show on Friday, July 11th and Saturday, July 12th. 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 City-Wide Sales Tax Usage Plan (LB840 Economic Development Plan).

Kent Franzen, representing the LB840 Committee, was present to answer questions. He noted that the 1% sales tax will raise about \$480,000/yr. Out of that, LB 904 takes out about \$50-60,000 (sales tax on vehicles), which has to go to streets. Out of the remainder, 60% would go towards capital improvement projects and 40% would go towards the LB840 (economic development activities). The Committee felt that the 60/40 split gave the best balance between funding the two projects, and that it would be the most appealing to the general public when it came time to vote on the measure. Mr. Franzen noted that economic development was strongly supported in the survey; however there was not a question on the survey that dealt with the 60/40 split.

Wes Blecke advised the Council on some of the survey results. On the question posed as to what people would want the tax spent on - Capital improvements came with over 70% and economic development came in at over 50%. Over 82% of the people responding to the survey (226) wanted the sales tax to continue.

Nancy Braden, City Treasurer, clarified that the plan must state what we are going to collect over the 15 year life of the issue. The Committee accounted for inflation. Right now we get about a 3% inflation factor every year so that was calculated out. Attorney Pieper divided the total budget by 15 years. You will not receive the full \$217,000 the first year, but by year 15, we probably will receive that, if not more. If we collect more than what is budgeted, the excess goes into the General Fund. The other matter she wanted the Council to be aware of is that with the ballot language, we need to make sure we can take these tax monies outside the lid. There is specific language that

needs to be put in the ballot issue. She has called the League to get the proper language to be placed in the ballot issue.

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

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

Councilmember Lutt introduced Resolution 2008-60, and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2008-60

A RESOLUTION TO ADOPT AN ECONOMIC DEVELOPMENT PLAN; AND TO SUBMIT THE QUESTION OF THE CITY OF WAYNE ECONOMIC DEVELOPMENT PLAN TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF WAYNE, NEBRASKA; AND TO SUBMIT THE QUESTION OF A CITY SALES TAX TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF WAYNE, NEBRASKA.

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 award the contract for the Downtown Revitalization Project to the firm of JEO Consulting Group. Five proposals were received and reviewed by staff and two finalists were interviewed. JEO would be operating off of the \$30,000 grant we received from DED, and the match. The total proposal is \$39,000.

This grant covers 7th Street down to the Logan Creek bridge, and a block and a half east and west. It was noted that if Pac N Save or Pamida wanted to do something, they would not be eligible. Councilmember Lutt questioned why we are always doing grants for downtown, when some of our biggest retailers are located on 7th Street and outside of city limits.

Mayor Shelton responded you will find that it is fairly well recognized that a downtown that is dead will kill the rest of the community.

Councilmember Lutt questioned spending \$39,000 for somebody to walk up and down Main Street one more time and tell us what needs fixed and how to fix it. To him, this is a waste.

Ms. Braden stated the City's contribution would only be \$1,500. Main Street, Chamber, WAEDI, and the Theater Group are all contributing to the match.

Councilmember Buryanek introduced Resolution 2008-61, and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2008-61

A RESOLUTION APPROVING JEO CONSULTING GROUP AS ENGINEERING CONSULTANT FOR THE DOWNTOWN REVITALIZATION INITIATIVE PROJECT.

JEO will be using the Comp Plan and the CADD system which should help keep the costs down. Staff will try to get as much as they can for as little as they can. We don't have to use the entire \$30,000 grant. If we don't spend it, it goes back into the State's pool of resources that they have to work with. The matches would then be reduced accordingly.

Mr. Blecke stated they had to undertake a pre-plan themselves for this grant application. In the pre-plan, they felt building facades were important to preserve as well as tuck pointing of buildings. In addition, they felt some of the sidewalks needed major repairs. There are ADA accessibility issues with some of the entrances to the businesses. They have looked at things time and time again, and they know some of the issues that they are going to provide JEO with and make a recommendation on.

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.

Nancy Braden, City Treasurer, stated the following Resolution would approve the Service/Consultant Agreement with Northeast Nebraska Economic Development District for general administration of the Downtown Revitalization Grant.

Councilmember Buryanek introduced Resolution 2008-62, and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2008-62

A RESOLUTION APPROVING SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT FOR GENERAL ADMINISTRATION OF THE DOWNTOWN REVITALIZATION GRANT.

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.

Nancy Braden, City Treasurer, stated the following Resolution would identify the financial institutions and investment firms that have submitted a request for designation as a depository for monies of the City of Wayne, as per the Investment and Portfolio Policy.

Councilmember Sturm introduced Resolution 2008-63, and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2008-63

A RESOLUTION APPROVING CERTAIN FINANCIAL INSTITUTIONS AND INVESTMENT FIRMS AS DEPOSITORIES FOR THE CITY OF WAYNE.

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

Councilmember Sturm introduced Resolution 2008-64, and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2008-64

A RESOLUTION APPROVING NEBRASKA PUBLIC AGENCY INVESTMENT TRUST (NPAIT) AS A DEPOSITORY FOR THE CITY OF WAYNE.

Administrator Johnson stated he was not sure if the City would use NPAIT or not, but it provides another window into the market for short-term investments.

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

Ms. Braden stated the following Resolution amends the Investment and Portfolio Policy by adding and deleting the different brokerage houses and banks the Council just approved by Resolution.

Councilmember Sturm introduced Resolution 2008-65, and moved for its approval; Councilmember Lutt seconded.

RESOLUTION NO. 2008-65

A RESOLUTION AMENDING INVESTMENT AND PORTFOLIO POLICY FOR THE CITY OF WAYNE.

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 ordinance would establish a 15 mph speed limit on the Softball Complex Road.

Councilmember Sturm introduced Ordinance 2008-8, and moved for approval thereof; Councilmember Buryanek seconded.

ORDINANCE NO. 2008-8

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE V, SECTION 78-212 SPEED MAXIMUM; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

After discussion, Councilmember Sturm amended his motion and Councilmember Buryanek seconded to amend the speed limit to 20 mph on the Softball Complex Road.

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 Councilmember Alexander 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, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and Councilmember Buryanek seconded to move for final approval of Ordinance No. 2008-8. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson asked the Council to postpone action on Agenda Item No. 17 – Directing City Administrator to Submit Letter to NPPD Regarding Cooper Nuclear Energy Cost Allocation and Request for a Rate Hearing until the city staff meets with NPPD staff next week.

Councilmember Sturm made a motion and seconded by Councilmember Buryanek to recess as Council and reconvene 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, Dale Alexander, Doug Sturm, Darrel Fuelberth, and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Kaki Ley.

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 June 17, 2008, meeting.

Member Fuelberth made a motion and seconded by Member Sturm approving the minutes of the June 17, 2008, meeting. 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 CDA claims.

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

Administrator Johnson presented the Redevelopment Plan for the Western Ridge II Addition which was prepared by Attorney Mike Bacon. If this plan is approved, it throws in \$500,000 into the mix to help pay for the cost of this project (54 lots). He reviewed the project costs, both estimated and actual. There will not be any out-of-

pocket costs on Phase I if we use TIF to pay the \$93,000 loss. The same would be true of Phase II if we use TIF to pay the \$70,000 loss and also of Phase III. All of the engineering costs associated with the paving of the streets in all phases will be covered mostly by this contract.

Member Shelton introduced CDA Resolution 2008-2, and moved for its approval; Member Chamberlain seconded.

CDA RESOLUTION NO. 2008-2

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN.

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

Administrator Johnson stated the proposal to covert the center drainage ditch to an access alley is cost prohibitive. The estimate from Kirkham Michael to do this is \$123,800. In order to make this work, we would have to take at least one lot out of construction and put it into storage up above.

Member Fuelberth made a motion and seconded by Member Sturm rejecting the proposal to covert the center drainage ditch to an access alley to be able to place garages behind the houses on seven of the lots on both sides of the alley in Western Ridge II Addition. Chair Buryanek stated the motion, and the result of roll call being all Yeas, with the exception of Member Shelton who abstained, the Chair declared the motion carried.

Member Alexander 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 declared the time was at hand for the public hearing on the Redevelopment Plan for the Western Ridge II Addition.

The Planning Commission reviewed the Redevelopment Plan for the Western Ridge II Addition and found it to be in conformity with the general plan for the development of the City of Wayne as a whole and conformed with the requirements for the zoning in the area, and on the basis of that review, recommends approval by the City Council.

Dave Simonsen, Executive Director of WAEDI, commended Council on the development of this subdivision.

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

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

Councilmember Buryanek introduced Resolution 2008-59, and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2008-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAYNE APPROVING A REDEVELOPMENT PLAN AND MAKING FINDINGS WITH REGARD TO SUCH PLAN.

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

Mayor Shelton requested Council approval of the following appointments to the Planning Commission: Reappointment of Kelby Herman and Lee Brogie, and

appointment of Buffany DeBoer who will replace Stephanie Hansen beginning with the August meeting.

Councilmember Buryanek made a motion and seconded by Councilmember Sturm approving the reappointment of Kelby Herman and Lee Brogie, and appointment of Buffany DeBoer, who will replace Stephanie Hansen beginning with the August meeting, to the Planning Commission. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton requested Council approval of the following reappointments to the Housing Authority: Reappointment of John Melena and Jean Lutt.

Councilmember Fuelberth made a motion and seconded by Councilmember Buryanek approving the reappointment of John Melena and Jean Lutt to the Housing Authority. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson gave a report on the status of the Nebraska Department of Environmental quality Permit for the Wastewater Treatment Plant. DEQ has not released the sewer design for Western Ridge II; however, the information has been submitted on our ammonia control and also our plan for installation of a UV system. They are working on their analysis of that right now. The latest ammonia tests are very low. Ammonia tests vary throughout the day and throughout the week. The samples are taken and then sent to Midwest Labs.

Councilmember Ley arrived at 6:50 p.m.

The Council then met as a Committee-of-the-Whole. Discussions took place regarding the parking ordinance and weed enforcement. Administrator Johnson updated the Council on the goals set at the Council Retreat last winter.

Councilmember Buryanek made a motion and seconded by Councilmember Fuelberth 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 7:40 p.m.