

**MINUTES
CITY COUNCIL MEETING
October 21, 2008**

The Wayne City Council met in regular session at City Hall on Tuesday, October 21, 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, Doug Sturm, Kaki Ley, and Ken Chamberlain; City Attorney Mike Pieper; and City Clerk Betty McGuire. Absent: Councilmember Darrel Fuelberth and City Administrator Lowell Johnson.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 9, 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 Sturm made a motion and seconded by Councilmember Buryanek, whereas the Clerk has prepared copies of the Minutes of the meeting of October 7, 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, 2069.49; APWA, FE, 40.00; ARDENT LIGHTING, SE, 3210.45; BANK FIRST, FE, 210.00; BARCO MUN PRODUCTS, SU, 256.83; BROWN SUPPLY, SU, 839.69; CITY OF WAYNE, RE, 750.00; CITY OF WAYNE, RE, 92.46; CITY OF WAYNE, RE, 2000.00; CITY OF WAYNE, RE, 1918.26; CITY OF WAYNE, RE, 525.00; CITY OF WAYNE, RE, 3743.51; CITY OF WAYNE, RE, 2100.00; CITY OF WAYNE, RE, 238.00; CITY OF WAYNE, RE, 5162.00; CITY OF WAYNE, PY, 53018.13; CITY OF WAYNE, RE, 185.54; CITY OF WAYNE, FE, 50.00; CITY OF WAYNE, RE, 98.97; CITY OF WAYNE, RE, 232.49;

CITY OF WAYNE, RE, 102.00; COPY WRITE, SE, 439.93; COVENTRY HEALTH, SE, 19884.35; DANKO EMERGENCY EQUIPMENT, SU, 1398.03; DE LAGE LANDEN FINANCIAL, SE, 411.00; DIRECT SAFETY COMPANY, SU, 121.88; DULTMEIER SALES, SU, 111.05; DUNRITE, SU, 177.41; EISENBRAUN & ASSOC., SE, 9499.72; ELECTRIC INNOVATIONS, SU, 123.30; ENGINEERED CONTROLS, SE, 450.00; FLOOR MAINTENANCE, SU, 671.07; FORT DEARBORN LIFE, SE, 1593.18; GERHOLD CONCRETE, SE, 432.00; GREAT PLAINS ONE-CALL, SE, 120.19; HD SUPPLY WATERWORKS, SU, 313.09; HYTREK LAWN SERVICE, SE, 255.00; ICMA, RE, 5136.24; INDUSTRIAL CHEM LABS, SU, 458.96; IRS, TX, 18261.84; ITRON, RE, 1049.15; JEO CONSULTING GROUP, SE, 10541.36; KELLY PUBLISHING, SE, 119.50; KIRKHAM MICHAEL, SE, 14350.00; KRIZ-DAVIS, SU, 733.28; KTCH, SE, 80.00; LEAGUE OF NEBRASKA, FE, 280.00; N.E. NEB ECONOMIC DEV, SE, 1796.13; NE DEPT OF LABOR, SE, 100.00; NE DEPT OF REVENUE, TX, 2520.22; NEBRASKA ENVIRONMENTAL, SU, 24.29; NWEA, FE, 140.00; PAMIDA, SU, 368.03; PIERCE TELEPHONE CO, SE, 1073.53; PRESTO X, SE, 71.89; PURCHASE POWER, SU, 500.00; QUALITY 1 GRAPHICS, SU, 20.00; QUILL, SU, 869.54; STADIUM SPORTING GOODS, SU, 168.00; STATE NATIONAL BANK, RE, 339.83; STEVE HARRIS CONSTRUCTION, SE, 65233.64; STRATTON & KUBE, SE, 238.30; UNIVERSITY OF NE-LINCOLN, SU, 30.00; USIS COMMERCIAL SERVICES, SE, 51.90; WATERLINK, SU, 1053.42; WEB SOLUTIONS OMAHA, SE, 275.00; WESCO, SU, 671.16; WAPA, SE, 18983.17; ALLTEL, SE, 242.16; BENSCOTER PLUMBING, SE, 10446.25; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 1000.00; CITY OF WAYNE, RE, 384.20; CLASSY CLEANING LADIES, SE, 364.45; CULLIGAN WATER, SE, 41.00; ELECTRIC FIXTURE, SU, 50.66; FIRST SOURCE TITLE, SE, 245.00; FLOOR MAINTENANCE, SU, 335.07; FORT DEARBORN LIFE, SE, 123.84; GERHOLD CONCRETE, SU, 49.70; HYDRAULIC EQUIPMENT, SU, 703.95; KRIZ-DAVIS, SU, 159.75; NE DEPT OF ENVIRONMENTAL, FE, 150.00; NE DEPT OF HEALTH, SE, 1100.00; NE PUBLIC HEALTH, SE, 474.00; NPPD, SE, 264570.04; PITNEY BOWES, SU, 299.46; PITNEY BOWES, SE, 637.00; QWEST, SE, 309.23; RON'S RADIO, SU, 35.76; STADIUM SPORTING GOODS, SU, 169.00; STATE NATIONAL BANK, RE, 173.78; WAYNE COUNTY COURT, RE, 150.00; WAYNE MANUFACTURING, SU, 2287.64; WINGATE INN, SE, 395.70

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm 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 declared October as “Domestic Violence Awareness Month.”

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.

Brent Doring, Fire Chief, requested Council consideration to approving the Membership Application of Jordan Widner to the Wayne Volunteer Fire Department.

Councilmember Buryanek made a motion and seconded by Councilmember Alexander approving the Membership Application of Jordan Widner to the Wayne Volunteer Fire Department. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Phil Monahan of the Wayne Volunteer Fire Department gave a report on the status of their grant fundraising efforts. In March, FEMA was offering \$540,000,000 in grants for bunker gear. The Fire Department submitted a grant application for bunker gear, but was not awarded any money. Over 21,000 applications were submitted and \$3.2 billion dollars was requested. September 5, 2008, was the last time FEMA issued fire department gear grants. They have been advised by the supplier of the Department's bunker gear that the cost will be going up by about 40% January 1st. A coat and pants, at this time, costs about \$1,350.00. By the first of the year, they will cost about \$2,000.

Mr. Monahan stated that Brian Victors, the grant writer, will be in Wayne on January 19th. They were requesting 30 sets of bunker gear. Between the City and the

Rural Fire, the Department has purchased five more sets of bunker gear. The NFDA recommends replacing bunker gear every eight years. The Department has 10 or 12 sets that are eight years or older. If a fireman would get killed in a fire and he was wearing 10 year old bunker gear, the insurance company would not pay the \$400,000 that the Federal Government would give the surviving family members.

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Business Improvement District No. 2005-1 and declared the public hearing open.

City Clerk McGuire had not received any written objections to these assessments.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District. The following persons appeared:
None

The sidewalk assessments will be spread over seven years with the first payment due in 50 days. The sidewalk assessment is \$25 per linear foot. The interest rate is 5%. After the 50 day time period is up, the unpaid specials will be certified to the County so that the same become a lien on the property. The specials will be collected and paid through the City.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Business Improvement District No. 2005-1, the Mayor declared the hearing closed.

Councilmember Lutt introduced Resolution 2008-94 and moved for its approval; Councilmember Buryanek seconded.

RESOLUTION NO. 2008-94

A RESOLUTION MAKING ASSESSMENTS IN BUSINESS IMPROVEMENT DISTRICT NO. 2005-1 (SIDEWALKS).

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

Gary Boehle of First National Agency reviewed the Coventry Health Insurance Renewal Package. The renewal premium for the current package, with no changes, would be an increase of 11.1%. The renewal premium for the alternate package would be a decrease of 8.1%. The alternate plan is very similar to the current plan. The changes are minimal. One of the changes was made to the “therapies.” The current plan has all of the therapies lumped together and is limited to 20 visits per calendar year. The alternate plan breaks down the therapies into different categories and gives quite a few more calendar visits. The speech and occupation is increased to 24 visits. Cardiac rehab is 36 visits. Manipulative was cut back to 18. Another increase is the life time maximum. The current plan is at \$2,000,000; the alternate plan is \$5,000,000. The out-of-network co-insurance costs will decrease from 80% to 70%. They also increased the net out-of-pocket by \$1,000 single and \$2,000 family. If it is an accident, that is not considered out of network. The first place of treatment is always covered as an “in-network” benefit.

Administrator Johnson asked Mr. Boehle what Coventry would charge for a \$250 deductible with the office visit and prescription co-pays. The proposed Alternate monthly premium is \$17,552. The \$250 deductible plan would have a monthly premium of \$39,000. This is a \$22,000 per month differential. That is the pool of money that the City is self-insuring and using to pay the claims that the individuals have on the deductible.

Councilmember Ley made a motion and seconded by Councilmember Buryanek approving the Alternate Proposal from Coventry Health Insurance. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Gary Boehle of First National Agency reviewed the Fort Dearborn Life and Short Term/Long Term Disability Renewal proposal for 2009-2010. Fort Dearborn reviewed the City's current demographics of its group insurance programs. They have informed us that there will be no change in the existing rates for the upcoming renewal period (two years).

Councilmember Buryanek made a motion and seconded by Councilmember Alexander approving the Fort Dearborn Life and Short Term/Long Term Disability Renewal proposal for 2009/2010. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Troy Johnson of JEO Consulting Group gave a report/update on the Downtown Revitalization Project. The intent is to present the "Plan" to the Council at the November 18th meeting. The "Prioritized Project List" included the following:

- Improvement Guidelines
- Welcome Center/Visitor Center (entails the Depot area)
- Downtown Signage (also includes entrance signage)
- Building Facade
- Green Space/Trail Connection (spin-off of Comprehensive Plan that had a focal point on the east side of the highway)
- Sidewalk Improvements (ADA)
- Alley/Pedestrian Ways
- Involving Wayne Area Youth (need to be cognizant of this demographic - college students)
- Succession Plans for Business Retention and Expansion (keeping businesses and buildings full)
- Community Theater Improvements
- Downtown Housing – (upper level apartments)

The reason for this presentation is that he did not want to bring the Council the final plan without getting their input on whether or not they support the project list. This is phase one of a two part program. They will complete the plan and get support for the plan. The second half of the program will take place when we receive the \$250,000 to implement a portion of the plan. They are trying to create a workable plan that the City can use to continue to go after funding to support the community.

Lisa Hurley of Northeast Nebraska Economic Development District was also present to answer questions. They may be approaching the Council with another application for the Community Theater.

Mayor Shelton stated in regard to the ordinance that would prohibit parking on Claycomb Road, we have received a request that the no parking distance be shortened up by 20' or one car length.

Councilmember Buryanek stated that people are pulling into this man's driveway and do not see the no parking sign that is on the north side of his driveway. The sign needs to be moved to the south side of the driveway so people can see it.

Councilmember Buryanek introduced Ordinance 2008-21, and moved for approval of the second reading thereof, with the same being amended to change the distance to 104'; Councilmember Ley seconded.

ORDINANCE NO. 2008-21

AN ORDINANCE TO AMEND SECTION 78-126 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY; 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.

Councilmember Buryanek made a motion and Councilmember Ley 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 Buryanek made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2008-21. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Lutt introduced Ordinance 2008-22, and moved for approval of the second reading thereof; Councilmember Chamberlain seconded.

ORDINANCE NO. 2008-22

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 74, ARTICLE VIII, DEDICATION OF LAND FOR PARK, RECREATIONAL FACILITIES OR OPEN SPACES, SECTION 74-293 FEES; 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.

Mayor Shelton stated the City is looking to start the process to drill another well. We already have the permit to do so. We are in year three of a five year permit. We are reaching the capacity of our wells sometimes in the summer time and our alternative to doing this would be to limit the use of water.

Councilmember Lutt asked if the new subdivision would have a big effect on the amount of water being used if and when it gets developed. Mayor Shelton thought it would.

Councilmember Lutt made a motion and seconded by Councilmember Chamberlain to authorize staff to solicit Requests for Qualifications for Well No. 11.

Councilmember Buryanek asked if this would replace one of the City's other wells that doesn't pump as much water any more or one that is no longer useable. Mayor Shelton stated this will give us another alternative so that we don't have to use both Wells 9 and 10 at the same time. Certainly, it gives us a back up well.

Garry Poutre, Supt. of Public Works & Utilities, stated part of our problem has been that we didn't realize that NNPPD changed their rate schedule. We thought we couldn't pump both wells at the same time. Now, we know we can. We thought NNPPD had a ratcheting rate schedule like we do and that it would cost us dearly to do that. That is not the case. He does not see the City decommissioning any other wells. If you have a well that will pump, you want to keep it as long as you can keep it. So, Wells 6 and 7 will remain on line. The nitrate problem with Well No. 6 has gone away. We made it go away initially by blending it with the water from the well field, and then, on its own by using it more because it was being blended, which then made the nitrate level come down. Either way, that well is useable now.

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

The Western Ridge Subdivision Agreement was brought before Council for their approval. Councilmember Buryanek stated that the elevation information was completed which was left blank before.

Councilmember Buryanek made a motion and seconded by Councilmember Sturm approving the Western Ridge Second Addition Planned Unit Development Subdivision Agreement. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place regarding the Wayne Comprehensive Plan Proposal for the Park/Commons area east of Riley's.

Mayor Shelton stated this is being brought up in part because of the discussion we are having about the Revitalization Grant, but also in part because the Woehlers are at a point where they have to make some decisions. Ms. Hurley has now come to the City with some funding possibilities that will help the Woehlers if they come to certain decisions. They need to know if the Council has an interest in pursuing the plan to do this "park/commons area." They need to know if the Council is interested in developing this part of the Comprehensive Plan concept.

Councilmember Lutt stated since this would take place in his ward, he has talked to a few people about it, and he has not gotten any positive feedback on it. They don't understand why we would consider putting a park or a commons area down in that area of town.

Mayor Shelton stated this would be used as a gathering place for the public in that area.

Councilmember Alexander asked what would we do with the other park that is just down the street. Mayor Shelton responded that part is located farther from the downtown area to be used.

Councilmember Buryanek stated he would be interested in seeing what is out there, if there are other options, if there is funding, etc. He does not know about moving all of the streets around like what is proposed in the Comprehensive Plan.

Councilmember Sturm stated this is very nice in an ideal situation, but, again, he does not see, even if we get a grant, how we are going to be able to purchase the property, etc. We have an area by Bressler Park that was put in to have entertainment, etc. He thought there were other places for people to gather. He doesn't see Wayne as using this as a gathering place. We have parks as gathering places. He doesn't understand why we think this is going to attract so many people. If it only attracts three, four or five people, it seems like it is going to be a pretty big expense to the City. At this time, he doesn't see how the City can afford it with everything else the City has going on.

Councilmember Frevert asked if the area was looked at to expand retail. If we are trying to keep downtown alive, that would seem more logical.

Councilmember Ley agreed. It looks like a beautiful area. It would be nice if it would attract people, but the idea of moving the streets would be very expensive. It just doesn't seem realistic to her. She likes the plan and thinks it looks great, but she just can't see in these times how the City can rationalize doing something like this. We have Western Ridge going and the Downtown Revitalization. \$250,000 in that first phase of the Downtown Revitalization Project is not going to go that far. She would have a hard time endorsing it if she had to make a commitment this evening.

BJ Woehler was present. They would like to know up front the Council's intention, because they do not want to start making improvements to the area if the Council intends to make it a park/commons area. They are not for or against the park/commons area idea.

Councilmember Ley stated the band shell at Bressler Park used to be a great gathering place. We haven't taken care of it. It could be a gathering place again. It seems like we do a lot of duplication in our town. We already have a beautiful park and a band shell.

Mayor Shelton opined that you would probably have a lot less resistance to performances in the downtown area than you would in a residential area. Ley stated it never used to be a problem (summer concerts). In addition, we also have the Willow Bowl at the College, too. We have places in town that we can gather.

Councilmember Buryanek stated if the Woehlers are interested in retail and residential and want to move ahead with that, he thought there would be a lot of people saying that is a good idea.

Mr. Woehler stated that he attended some of the meetings they had when they were developing the Comprehensive Plan. He felt the reason or the driving force behind the park/commons area being downtown was to get the people into the stores.

Councilmember Sturm asked with all of the things the City has on its plate right now in Wayne, does the Council really think we can afford to do this? Do you really think that we can take more property off the tax rolls and have it be owned by the City? Do you think we can put more work on the plate of city employees and not want to hire more people because somebody is going to have to maintain this area? He has no idea of

how much something like this would cost. He would need some of those figures in front of him before he would even consider it. In an ideal situation, this would be great, but he thinks it is more than something Wayne can afford.

Mayor Shelton stated she would caution Council to look more than one, two or three years down the line. She would caution the Council to think in terms of five to ten years down the line when they are making these decisions because she is not thinking this is going to be done in the next two years. It is going to take the Woehlers that long to get things moved.

Mr. Woehler stated they are also looking to see how development goes in Western Ridge, and whether or not affordable housing in that range is possible in the area where their trailer court is located. The City is going to have the market for probably the next five years.

Councilmember Sturm stated he has a hard time looking five years down the road and knowing what is going to happen. In five years, we may only have three houses in Western Ridge that are lived in. We don't know what is going to happen.

Councilmember Lutt stated this reminds him a lot of the trail project. It looks nice on paper and it is fun for the people that use it. And you get a \$250,000 grant to start it, but once it gets started, you can hardly stop it. It costs you a fortune in the end and then you have a lot of maintenance and upkeep. Then, the fun wears off and it is a project that is there and you have taken up that space and you have stuck a lot of money into it.

Ms. Hurley stated half of the Woehler's property is in the downtown district and half is outside of the district. In the Comprehensive Plan, it was earmarked to be

developed into a park. During the meetings with JEO, the Woehlers talked about moving it to the south. There has been some people at the meetings who have said let's leave that area alone. JEO needs to know where the Council wants that area to go in the next 5 to ten years. The Neighborhood Stabilization Program is a new program. The State of Nebraska is receiving \$19.1 million dollars in additional CDBG funding this coming year. The State of Nebraska, in 2008, had, for all programs, \$12 million dollars, so this is a big jump. It's tied to foreclosures and blighted and dilapidated structures. It has been basically split into six different sessions - some for Omaha, some for Lincoln and some for the Sioux City metro area. That leaves about \$3 million dollars for the rural communities which they are classifying as being under 20,000 in population. The money can be used to go in and take out the dilapidated structures and redevelop it. There is also uniform relocation act money available in this. Relocation is not fun, but it is doable. You can not own the property. The money would just come through you.

As a District, they are putting something together on a regional level. The pre-application is due November 3rd to DED. DED has to take all of their pre-applications and submit a draft application to HUD by November 7th. By April, we would have to be holding public hearings, etc.

Mayor Shelton stated this is something that never comes along, and to have it available to use for this kind of a purpose is something that should be considered.

Ms. Hurley stated Mr. Woehler has talked with her to see if there are any relocation monies available, because as soon as you put federal money into a project, you are looking at relocation fees. If you have a family of 8 living in a two-bedroom trailer, you are not relocating them to a two-bedroom apartment. You are relocating them to a

house or an apartment that is suitable for their family for probably a year. This is money that is never ever eligible, and it requires no matching funds. If the Council would like to look into it, this is the time, because she did not think it was going to come up again.

Mayor Shelton stated this would be an opportunity, regardless of whether we do the park or not, to help Mr. Woehler with the process of getting the trailers moved out and something else put in there.

Councilmember Alexander asked where would we relocate these people to if we did not have available housing for them. Would we relocate them to Wakefield or to another community? Would we have to buy a house for them? How long would we have to pay for their living arrangements? Ms. Hurley replied it may be a year. As a District, they have never had to do this because they always steered their communities away from it.

Councilmember Alexander stated he did not think he wanted to open up that can of worms.

Councilmember Lutt agreed. This is a private responsibility – if they want to redo that area, then they can slowly redo it and phase it out. All of this federal government money is our money that we are spending in taxes. This isn't free money. This park/commons area or new facades on buildings are up to the individual property owners. It is not something that the federal government or the City should get involved with. Everybody should be on their own, instead of waiting for government or city help.

Councilmember Alexander, in response, stated however, if we don't apply for some of those grants, other people are going to.

Ms. Hurley stated once we start the process, we will need to identify what we are going to do with the area, probably by April. It is tied to foreclosures, but the money is coming to the communities instead of to the banks.

Councilmember Ley asked if you relocate these people to a house and you are only going to subsidize them for a year, what does that family do then if they can't afford to stay in that house. Where do they go then?

Mr. Woehler stated there are 40 lots in his mobile home court, and 30 trailers. There are 10-20 that have families in them.

Ms. Hurley stated you have to be careful with relocation. Every single property will have to have a file on it. Their records are going to have to be perfect just to cover the City when it comes down to it.

Councilmember Alexander stated he was not interested in a park/commons area in that area nor was he interested in relocating anybody. Councilmember Ley agreed.

Councilmember Buryanek stated he was not interested in the park, but was interested in development in that area.

Councilmember Ley responded she was also interested in development, but just not this project.

Councilmember Buryanek stated one of the things the Council has talked about for quite a few years is upgrading some of the areas where there are trailers and changing the housing situations there. That is part of the Comprehensive Plan also. He would be interested in seeing if funds are available. He noted there is always the option of doing something with TIF in that area.

Councilmember Sturm stated he was not interested in the park either.

Councilmember Chamberlain stated if the Woehlers have a plan or a couple of ideas and can nail something down by Friday, the Council could support them in whatever plan they want to do, but as far as anything at the City's expense, he looks at this as if we had \$10 or a million dollars to put towards the betterment of our community and the security of our future way of life, and this is not the place where he would want to spend that money.

Mayor Shelton stated she votes for a park in the downtown but it makes no difference. The Council then moved on to the next agenda item.

Mayor Shelton stated Councilmember Sturm asked that the Agreement with Bio-Shaft be brought back for consideration.

Councilmember Sturm stated he did not know how the Council could pick the best system if we don't have something to compare it to. Administrator Johnson approached Bio-Shaft again and they agreed to take out the \$15,000 cost and would bring the system in for minimal set up costs.

Councilmember Lutt stated he does not mind bringing in two pilot plants, but shared concerns as to the amount of time that will be spent by city staff on testing, etc.

Mr. Poutre stated the staff will be doing daily testing on each plant. We don't run our own tests or use our lab. We will pull a sample off of each plant once a day and divide that sample up and send it off to a couple of different labs. It is not going to be terribly time consuming. It might be for JEO, depending upon how much attention they have to pay to it. When we went to Roselle, that engineer was there a lot. There is an advantage of having both pilot plants here and here at the same time, because then they operate in the same conditions.

Councilmember Lutt introduced Resolution 2008-90 and moved for its approval;
Councilmember Sturm seconded.

RESOLUTION NO. 2008-90

A RESOLUTION APPROVING PILOT UNIT TEST AGREEMENT WITH
BIO-SHAFT FOR PLACEMENT OF AN MSAB PILOT UNIT IN WAYNE,
NEBRASKA.

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

Councilmember Alexander made a motion and seconded by Councilmember
Buryanek 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, Dale Alexander,
Lois Shelton, Doug Sturm, Kaki Ley, and Ken Chamberlain; City Attorney Mike Pieper;
City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member
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 October 7,
2008, meeting.

Member Shelton made a motion and seconded by Member Alexander approving
the minutes of the October 7, 2008, meeting. Chair Buryanek stated the motion, and the
result of roll call being all Yeas, the Chair declared the motion carried.

The next agenda item was to take action on the Western Ridge Second Addition Planned Unit Development Subdivision Agreement.

Member Lutt made a motion and seconded by Member Alexander approving the Western Ridge Second Addition Planned Unit Development Subdivision Agreement. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Buryanek stated the following agenda item comes as a result of a recommendation from a meeting that took place on October 3rd with the bankers and real estate agents that we establish a flat fee/rate of \$400 per lot including closing costs.

Attorney Pieper stated he thought it was a good idea to have the realtors involved. This is what they work with on a daily basis, and it's the best opportunity for them to market the lots.

Member Shelton made a motion and seconded by Member Chamberlain to authorize city staff to list the lots in Western Ridge with the local realtors. Chair Buryanek stated the motion, and the result of roll call being all Yeas, 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.

Since Administrator Johnson was not at the meeting, no reports on meetings attended were given.

Mayor Shelton requested Council approving to the following appointments to the Safety Committee: Lauran Lofgren, Jerry Kruger, Jeff Brady, Tim Sutton, Nancy Braden, Todd Hoeman, Lance Webster and Gene Hansen.

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain approving the appointment of Lauran Lofgren, Jerry Kruger, Jeff Brady, Tim Sutton, Nancy Braden, Todd Hoeman, Lance Webster and Gene Hansen to the Safety Committee. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Buryanek made a motion and seconded by Councilmember Sturm 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 7:10 p.m.