

**MINUTES
CITY COUNCIL MEETING
November 4, 2008**

The Wayne City Council met in regular session at City Hall on Tuesday, November 4, 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, Dale Alexander, Doug Sturm, Kaki Ley, and Ken Chamberlain; City Attorney Chris Connolly; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Don Buryanek and Darrel Fuelberth.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 23, 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 Lutt made a motion and seconded by Councilmember Frevert, whereas the Clerk has prepared copies of the Minutes of the meeting of October 21, 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, 378.98; AMERICAN BROADBAND, SE, 30.00; AMERICAN LIBRARY ASSOC, FE, 148.00; AMERITAS, SE, 2019.19; AQUILA, SE, 181.98; AS COMMUNICATIONS, SE, 448.00; BANK FIRST, FE, 210.00; BIERSCHBACH EQUIPMENT, SU, 1224.00; BLACKSTRAP, INC., SU, 1359.80; BROWN SUPPLY, SU, 241.06; CARLTON INDUSTRIES, SU, 83.11; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 497.12; CITY OF WAYNE, RE, 179.01; CITY OF WAYNE, PY, 52608.29; CITY OF WAYNE, RE, 185.54; CITY OF WAYNE, SU, 162.98; CITY

OF WAYNE, RE, 187.26; CITY OF WAYNE, RE, 741.44; CITY OF WAYNE, RE, 115.80; DEMCO, SU, 504.89; DIAMOND SALES, SU, 148.25; EISENBRAUN & ASSOC., SE, 1535.39; ELECTRIC FIXTURE, SU, 141.13; FLOOR MAINTENANCE, SU, 225.28; GALE GROUP, SU, 2468.46; GAYLORD BROS, RE, 395.35; GERHOLD CONCRETE, SU, 646.00; GLEN'S AUTO BODY, SE, 956.72; GORDY'S TOWING, SE, 35.00; ICMA, RE, 5136.24; IRS, TX, 17827.44; JEO CONSULTING GROUP, SE, 8636.50; KNOEPFLER CHEVROLET, SU, 43.76; M. K. ERVIN, SE, 1800.00; MARRIOTT HOTELS, SE, 291.70; MICROFILM IMAGING, SE, 481.84; MIDLAND COMPUTER, SU, 578.34; MIDWEST OFFICE AUTOMATION, SE, 998.33; N.E. NEB ECONOMIC DEVEL, SE, 1260.00; NE DEPT OF REVENUE, TX, 2435.96; NE LIBRARY COMMISSION, SU, 1039.10; NE MUNICIPAL CLERKS ASSOC, FE, 35.00; NE RURAL WATER, FE, 185.00; NE SOCIETY OF FIRE, SE, 384.75; N.E. NE AMERICAN RED CROSS, RE, 40.00; NNPPD, SE, 2490.62; OLSSON ASSOCIATES, SE, 19412.72; PAMIDA, SU, 28.52; QWEST, SE, 110.52; QWEST, SE, 194.38; R WAY, SE, 24.57; RDG PLANNING & DESIGN, SE, 498.18; SKILLPATH, FE, 149.00; STADIUM SPORTING GOODS, SU, 1181.96; STANLEY STEAMER, SE, 1677.00; STATE NATIONAL BANK, RE, 11026.25; THOMPSON PUBLISHING GROUP, SU, 438.50; TYLER TECHNOLOGIES, SE, 1491.00; UNITED WAY, RE, 35.10; UPSTART, SU, 95.48; WAEDI, SE, 10000.00; WAYNE GRAIN & FEED, SE, 94.00; WESCO, SU, 622.36; WINDCALL PUBLISHING, SU, 72.70; 4IMPRINT, SU, 261.52; ALARM PROS, SU, 2199.68; ALL AMERICAN PUBLISHING, SU, 215.00; ARNIE'S FORD-MERCURY, RE, 331.41; BARONE SECURITY SYSTEMS, SE, 70.00; BOMGAARS, SU, 512.92; CARHART LUMBER COMPANY, SU, 1168.19; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 1200.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 2094.30; CITY OF WAYNE, RE, 2329.09; CLASSY CLEANING LADIES, SE, 276.75; CONNECTING POINT, SU, 17.90; COPY WRITE, SU, 1178.25; CUSTOM FILTRATION, SU, 495.00; ECHO GROUP, SU, 28.16; ELECTRIC FIXTURE, SU, 415.48; ENGINEERED FLUID, SU, 30559.13; GEMPLER'S, SU, 153.60; GRAYBAR ELECTRIC, SU, 865.21; HAASE REMODELING, SE, 572.50; HEIKES AUTOMOTIVE SERVICE, SE, 69.23; HHS REGULATION, FE, 94.00; JEO CONSULTING GROUP, SE, 8950.00; KELLY SUPPLY, SU, 379.24; LEAGUE OF NEBRASKA, FE, 50.00; OLDS PIEPER & CONNOLLY, SE, 1106.00; PAC N SAVE, SU, 66.40; PLUNKETT'S PEST CONTROL, SE, 90.00; POSTMASTER, SU, 637.56; QUALITY 1 GRAPHICS, SU, 490.00; SD MEYERS, SE, 60.00; US BANK, SU, 3158.42; WAEDI, SE, 5000.00; WAYNE COUNTY CLERK, SE, 68.00; WAYNE COUNTY COURT, FE, 71.50; WAYNE VETERINARY CLINIC, SE, 45.00; WESCO, SU, 2923.43; WHITE DOG LAWN SERVICE, SE, 187.50; ZACH OIL, SU, 5619.61; ZACH PROPANE, SU, 414.75

Councilmember Alexander made a motion and seconded by Councilmember Frevert 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.

Councilmember Sturm introduced Ordinance 2008-16, and moved for approval of the third and final reading thereof; Councilmember Lutt seconded.

ORDINANCE NO. 2008-16

AN ORDINANCE AMENDING SECTION 78-139 OF THE WAYNE MUNICIPAL CODE REGARDING PROHIBITED PARKING; UNIMPROVED AREA; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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.

Councilmember Sturm introduced Ordinance 2008-22, and moved for approval of the third and final reading thereof; Councilmember Ley 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.

Councilmember Sturm introduced Resolution 2008-95 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2008-95

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE UV DISINFECTION SYSTEM PROJECT.

Garry Poutre, Superintendent of Public Works & Utilities, advised the Council that two bids were received on the UV Disinfection System Project. JEO Consulting Group has reviewed the bids and is recommending that the contract be awarded to the low bidder, Severn Trent Water Purification, Inc., as follows: Base Bid - \$89,901.00; Bid Option 1 - \$2,940.00 (chemical cleaning tank); Bid Option 2 - \$10,922.00 (flow pacing equipment); Bid Option 3 - \$4,108.00 (portable hoist and base). The City will hire a second contractor to install the system.

Administrator Johnson noted that \$250,000 has been placed in the budget for this project.

Councilmember Sturm amended his motion and Councilmember Chamberlain seconded the amendment that the contract include not only the Base Bid, but also Bid Options 1, 2, and 3.

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

Administrator Johnson stated two bids were received in regard to razing the house located at 418 West First Street. George Ellyson, Chief Inspector/Planner, has reviewed the same and recommended that the contract be awarded to the low bidder, Benscoter Plumbing & Construction. The breakdown is as follows:

- | | |
|---|-----------------------|
| ➤ Cost to fill 40 yd dumpster | \$250.00 per dumpster |
| ➤ Cost to haul concrete away | \$60.00/ton |
| ➤ Price to haul, level and compact dirt | \$7.00/cubic yard |
| ➤ Abandon water at curb stop | \$150.00 |
| ➤ Abandon Sewer | \$75.00 |

Councilmember Ley introduced Resolution 2008-96 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2008-96

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON RAZING THE STRUCTURE LOCATED AT 418 WEST FIRST STREET.

Staff was directed again to prepare a uniform “bid sheet” for the contractors to complete and fill in the blanks and submit back to clear up any irregularities in the process.

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

Ian Webster gave a report on his Eagle Scout Project - Bat Houses. He also requested Council consideration to allowing him to place bat houses on public property (e.g. near the lagoon, the back nine of the golf course, near the softball complex, and along the walking trail).

Councilmember Ley made a motion and seconded by Councilmember Chamberlain approving the request of Ian Webster to place bat houses on public property near the lagoon, the back nine of the golf course and along the walking trail. 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 on amending Sec. 90-710 Parking Regulations, specifically subsection (c) Parking or Driveway Surfaces, Interior of the Lot.

George Ellyson, Chief Inspector/Planner, through a memorandum to the Council, stated the Planning Commission held a public hearing on this matter and made a motion

to not forward a recommendation of approval amending Sec. 90-710(c) based on the following “Findings of Fact”:

1. There is inconsistency of the language;
2. Enforcement of the grid language is vague meaning how many times will it be dropped, will it be based on square footage or the length of the driveway;
3. The driveway width of 12’ is inconsistent with parking regulations that a normal width of a parking space is eight foot wide; and
4. Given the last 30 to 60 days, there has been a considerable effort by the community members to deal with the areas that were not in compliance.

Administrator Johnson then presented the following proposed changes to the Ordinance:

- ~~“2. All of the above materials (except a and b above) shall be prevented contained within a suitable barrier of sufficient height e.g. (landscape timber, railroad ties, landscaping blocks, lumber, but excluding tires) that retain the material, and shall conform to the abutting surface topography, sufficiently anchored to resist movement, and must retain the parking surface material~~ from spreading into the street, ~~alleys,~~ or abutting ~~vegetative areas~~ **properties.**
- 3. The driveway surface area is defined as that area within 4 feet on either side of the center line and for the entire length of the driving lane or lanes in the interior front yard of the property and the parking surface area is defined as any area in the interior front yard where any vehicle is parked.**
- 4. No Weeds, grass, or other vegetation or exposed dirt shall not be allowed within the defined area of parking or driveway surfaces. This defined area shall be subject to a 16 square foot evaluation grid, applied one time to the area with the most apparent violation of vegetation or dirt, of which 80% of the grids shall be free and clear of any exposed dirt patches, weeds, grass or other vegetation.”**

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 Sturm introduced Ordinance 2008-23, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2008-23

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III, BY AMENDING SECTION 90-710(c) PARKING OR

DRIVEWAY SURFACES, INTERIOR OF THE LOT BY ADDING SUBSECTIONS 2, 3, AND 4; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Chamberlain had concerns regarding the language in subparagraph 4. Attorney Connolly suggested leaving the language as is in said paragraph.

Police Chief Webster stated they are issuing a lot of warnings on the vehicles that are parked in places that are unimproved and also contacting the property owners. The violation has to be fairly blatant for the police department to get very excited about it. It is almost on a complaint driven basis.

Administrator Johnson felt these amendments address the issues that the Planning Commission cited in their "Findings of Fact." If the property owners refuse after several warnings, etc., we will then start the process to seek an injunction to have the property owner comply with the zoning regulations.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Chamberlain who voted Nay, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Administrator Johnson stated the following Resolution would start the process of creating a water utility district in the Muhs Acres Subdivision. The City has hired Olsson Associates as engineers on the project. He is conferring with the City's attorney on this matter, Dave Copple of Norfolk, to come up with language so it is clear to the property owners when they receive the City's notice exactly how they are going to be assessed on the project. Mr. Copple is trying to come up with the wording that says if you own a house on a full lot or a half lot, you get assessed the same amount. This also includes the

properties along West 21st Street that have varying frontage widths. It sounds simple to do this, but it is legally tougher to put it into words that are definable and defensible in court. The risk for the City Utility is if we build it, and there is a flaw in the creation of the district and someone challenges their assessment and the City loses, then there is no way to collect the \$175,000 for building the water line. This is more complicated because they are already being served by city water and are outside the city limits.

Councilmember Frevert questioned the fairness of the district being assessed on a per house basis.

Attorney Connolly stated this has been discussed, and the neighborhood is willing to change the assessment so that everyone is being assessed the same amount. Some people will pay more than others if it is done on a front footage basis.

Administrator Johnson stated being assessed on a front footage basis is the standard way of assessing improvement costs.

Councilmember Lutt introduced Resolution 2008-97 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2008-97

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND APPROVING PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN WATER SYSTEM IMPROVEMENTS TO BE CONSTRUCTED OUTSIDE OF THE CORPORATE LIMITS BUT WITHIN THE JURISDICTIONAL LIMITS 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 amend the uniform allowance, on-call amount and meal reimbursement amounts in the Personnel Manual.

The impact on the budget is insignificant. The proposed changes are in red below:

Sec. 9.100. Uniform Allowance. (Last Amended by Res. 2000-77, 11/28/00)

“2. Uniforms, as provided below, shall be provided by the City on an “as needed basis” for employees of other departments/divisions who work outdoors year round (e.g. Custodian, Building Inspector, Electric Production, Electric Distribution, Water/Wastewater, and Public Works).

- a. Shirts, Pants and Jacket (maximum City cost \$250 per employee per year)**
- b. One (1) insulated or non-insulated coverall (maximum City cost \$100)**

3. **Four** ~~Three~~ **(4)** ~~(3)~~ shirts or blouses shall be provided by the City for employees of other departments/divisions (e.g. Administration, Dispatch, Recreation-Leisure Services, Senior Center, Handi-Van Drivers, and Library Personnel).

4. Two pairs of slacks/pants shall be provided by the City for police dispatchers.”

Sec. 14.80. On-Call Time. (Last Amended by Res. 2003-5, 1/28/03).

The employees of the City of Wayne, excluding the Police Department, when they are "on call", are not required to be on the City premises. The City allows the employees to leave telephone numbers or use the City paging system, where said worker may be reached while said worker is "on call", and said employee is not restricted in any manner whatsoever, other than being available for "on call", if called or paged by the City. An employee who is "on call" with the City shall be paid the sum per hour as herein provided for the period that said employee is "on call". Further, any time an employee is called to work by the City while the employee is "on call", the employee shall be credited with a minimum of one hour for each period that said employee is called to work, even though the actual work period is less than one hour. Any work period in excess of the one hour minimum, shall be credited by the actual time. The "on-call" sum to be paid per hour commencing the first full payroll period of November will be **\$.75** ~~35 (1998), \$.40 (1999), \$.45 (2000), and \$.50 (2001 and thereafter).~~

Sec. 15.40. Meals. (Last Amended by Res. 94-74, 11/8/94)

Reimbursement guidelines for individual meal expenses shall be: (a) Breakfast - **\$10.00** ~~5.50~~, (b) Lunch - **\$12.00** ~~7.50~~, (c) Dinner **\$20.00** ~~12.00~~. Receipts are not necessary for reimbursement of meal expenses that are within these guidelines. Exceptions may be granted for meals included as part of registration fees or special meetings. Reimbursement for individual meal expenses related to out-of-state travel beyond a 200

mile radius shall not exceed ~~\$52.00~~ ~~32.00~~ per day. Receipts must be submitted for consideration of an exception or when they represent meals for more than one person.

The reimbursement guidelines for individual meal expenses shall be the same for the Fire Department personnel.

Councilmember Lutt introduced Resolution 2008-98 and moved for its approval;
Councilmember Frevert seconded.

RESOLUTION NO. 2008-98

A RESOLUTION AMENDING SECTION 9.100 UNIFORM ALLOWANCE, SECTION 14.80 ON-CALL TIME, AND SECTION 15.40 MEALS OF THE CITY OF WAYNE PERSONNEL MANUAL.

Councilmembers Chamberlain and Sturm thought the meal allowance was excessive, as amended.

Administrator Johnson explained that receipts are required if they exceed the allowed amount in the Personnel Manual.

After a lengthy discussion, Councilmember Lutt made a motion and Councilmember Frevert seconded to amend Sec. 15.40 Meals as follows:

“Reimbursement guidelines for individual meal expenses shall be: Receipts shall be required for all meal expenses within a 200 mile radius. ~~(a) Breakfast – \$10.00 5.50, (b) Lunch – \$12.00 7.50, (c) Dinner – \$20.00 12.00. Receipts are not necessary for reimbursement of meal expenses that are within these guidelines. Exceptions may be granted for meals included as part of registration fees or special meetings.~~ Reimbursement for individual meal expenses related to ~~out-of-state~~ travel beyond a 200 mile radius shall not exceed ~~\$42.00~~ ~~52.00~~ ~~32.00~~ per day unless accompanied by receipts. Receipts must be submitted for consideration of an exception or when they represent meals for more than one person.

Further discussion followed. Councilmember Alexander thought there needed to be a specific amount allowed for the meals, and Councilmember Sturm thought receipts should be required for all meals.

Councilmember Frevert called for the question.

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

Administrator Johnson stated the following action will allow us to exercise our rights to the easements on the property.

Attorney Connolly noted we are not looking to shut down the operation, but we are having difficulty getting information about what is being put on the ground.

Councilmember Lutt made a motion and seconded by Councilmember Alexander directing the City Attorney's Office to start the litigation process to discover farming activities on properties containing Well Nos. 9 and Test Well No. 11. 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 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.

Member Doug Sturm called the meeting of the Community Development Agency to order. Those in attendance: Members Brian Frevert, Verdel Lutt, Dale Alexander, Lois Shelton, Kaki Ley, and Ken Chamberlain; City Attorney Chris Connolly; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Chair Don Buryanek and Member Darrel Fuelberth.

Member Sturm 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 21, 2008, meeting.

Member Shelton made a motion and seconded by Member Alexander approving the minutes of the October 21, 2008, meeting. Member Sturm stated the motion, and the result of roll call being all Yeas, Member Sturm declared the motion carried.

The next agenda item was to take action on Change Order No. 1 to the Contract with Steve Harris Construction in the amount of \$5,934.60.

Administrator Johnson was requesting the CDA to not take action this evening on Change Order No. 2. Mark Weiner of Steve Harris Construction was present and wanted to have some comments on the latest additions to the Change Orders we are reviewing. Additional costs have been incurred by the contractor to help dry the soil for the trench back fill and sub-grade compaction under the street paving – approximately \$21,000. Harris Construction addressed this matter with both Mid-States and Kirkham Michael. Typically, when a contractor comes up with an issue, they contact the engineering firm who then looks at whether it is a good idea or not. They put a dollar value on it and then they bring it to the Administrator who then brings it before Council. That did not happen. We are looking at our timeline, and we believe we did not delay the start. The soil dries better in the summer. We did not have a discussion about whether to add the fly ash and how much the cost was going to be. Kirkham Michael did not bring that to him and he

did not bring it to the Council. The job was done right, and everybody knew there was a problem with the moisture.

Mr. Weiner stated he questioned the engineer at the pre-bid meeting about if they encountered unsuitable sub-grade for the concrete how was that going to be dealt with. The engineer, at that time, stated: "We will deal with it if it arises." On October 2nd, he e-mailed Rich Robinson, the engineer, to describe the fact that they did have issues with the sub-grade. At that time, he included the costs per ton for fly ash. During that time, Steve had talked to the soil engineer, and then on October 3rd, he had e-mailed Administrator Johnson and described the conditions and recommended using fly ash. They were ready to do the sub-grade prep at that time. It is hard to wait to get a change order. He submitted the request to the engineer on October 1st. He signed it the 9th of October and he got a copy of the letter from the engineer directed to Administrator Johnson which was signed October 22nd. Mr. Weiner stated they just don't have that time, especially at this time of year, plus they can't sit for three weeks waiting for a decision to be made. So, they made the decision, hoping they would get reimbursed for it. Otherwise, they would not have gotten the project done otherwise. Soil borings were taken before any dirt work was done. They didn't have any idea of the moisture in the sub-grade which is why he brought it up at the pre-bid meeting. Normally if the engineer suspects wet soils, he will include a bid item for fly ash or some other kind of sub-grade stabilization.

Administrator Johnson stated that the letter from Mr. Robinson states that other contractors were questioning this so it was an issue, and they should have known enough to deal with it. His recommendation, generally, is to not approve the additional \$21,000.

There is no issue of somebody trying to cheat somebody. It simply did not get addressed and this contractor moved on.

Mr. Weiner stated he did talk to Mr. Robinson and he advised him that they generally go with the soil person's recommendations.

A suggestion was made to have the engineer at the next meeting to answer questions.

Member Lutt made a motion and seconded by Member Chamberlain approving Change Order No. 1 to the Contract with Steve Harris Construction in the amount of \$5,934.60. Member Sturm stated the motion, and the result of roll call being all Yeas, Member Sturm declared the motion carried.

Member Sturm stated the following agenda item is to take action on Progress Estimate No. 2 for Steve Harris Construction on the Western Ridge Project in the amount of \$424,352.10.

Member Shelton made a motion and seconded by Member Chamberlain approving Progress Estimate No. 2 for Steve Harris Construction on the Western Ridge Project in the amount of \$424,352.10. Member Sturm stated the motion, and the result of roll call being all Yeas, Member Sturm declared the motion carried.

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

The following reports were given by Administrator Johnson and Mayor Shelton:

— Nebraska State Historical Society Workshop on Preservation of Historic Buildings

- Meeting with Bankers and Local Real Estate Agencies about Western Ridge Lot Sales
- Nebraska Workforce Investment Board Meeting
- Trip to Marietta, Georgia, to meet with Representatives of Digital Blue
- League Legislative Initiative
- Department of Roads' District III Meeting

Attorney Connolly updated the Council on the lawsuit that has been filed against the Wayne Police Department. A lawsuit has been filed in Federal District Court alleging harassment by the Wayne Police Department. EMC Insurance has taken the case over, and the attorney is Mark Fitzgerald of Norfolk.

There were no appointments.

Councilmember Alexander made a motion and seconded by Councilmember Lutt 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 7:16 p.m.