

MINUTES
CITY COUNCIL MEETING
January 20, 2009

The Wayne City Council met in regular session at City Hall on Tuesday, January 20, 2009, 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, Jon Haase, Doug Sturm, Kaki Ley, Kathy Berry and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Dale Alexander.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 8, 2009, 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 Ley, whereas the Clerk has prepared copies of the Minutes of the meetings of December 30, 2008, and January 6, 2009, 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, 2094.34; ASCAP, FE, 312.00; BANK FIRST, FE, 195.00; BARNES & NOBLE, SU, 66.36; BIG T ENTERPRISES, SU, 95.95; BLUE DEVIL BOOSTER CLUB, RE, 75.00; BROWN SUPPLY, SU, 230.53; CARHART LUMBER, SU, 540.50; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, SU, 902.07; CITY OF WAYNE, RE, 2102.33; CITY OF

WAYNE, PY, 52457.05; CITY OF WAYNE, RE, 185.54; CITY OF WAYNE, RE, 300.90; CITY OF WAYNE, RE, 366.98; CITY OF WAYNE, RE, 3946.91; COPY WRITE, SU, 311.66; DANKO EMERGENCY EQUIPMENT, SU, 201.00; DUTTON-LAINSON, SU, 88.06; ELECTRICAL ENGINEERING, SU, 44.62; ELECTRONIC SYSTEMS, SU, 96.00; FBINAA-NE CHAPTER, FE, 75.00; FORT DEARBORN, SE, 1520.70; GALE GROUP, SU, 519.98; GEMPLER'S, SU, 23.90; GERHOLD CONCRETE, SU, 294.00; GLEN'S AUTO BODY, RE, 500.00; GREAT PLAINS ONE-CALL, SE, 26.33; HARDING & SHULTZ, SE, 225.50; HEIKES AUTOMOTIVE, SE, 47.93; ICMA, RE, 5148.82; IMPACT SPECIALTIES, SU, 630.75; INGRAM BOOK COMPANY, SU, 75.86; IRS, TX, 18240.51; J.P. COOKE COMPANY, SU, 121.06; JORGENSEN CONSTRUCTION, SE, 250.00; KELLY SUPPLY, SU, 359.22; KRIZ-DAVIS, SU, 73.81; KTCH, SE, 605.00; KUSTOM SIGNALS, SU, 71.50; LAW ENFORCEMENT SERVICES, SE, 240.00; LINWELD, SU, 74.76; LOGIN/IACP NET, FE, 250.00; MATTHEW BENDER & CO, SU, 265.80; MES-MIDAM, SU, 245.00; MICROFILM IMAGING SYSTEMS, SE, 509.01; MID-STATES ORGANIZED, FE, 100.00; MIDWEST LABORATORIES, SE, 1817.00; MIDWEST TAPE, SU, 69.28; MOONLIGHT TOWING, SE, 351.45; MURPHY TRACTOR & EQUIPMENT, SU, 659.16; N.E. NEB ECONOMIC DEV DIS, SE, 1197.42; NE CODE OFFICIAL ASSOC, FE, 100.00; NE DEPT OF REVENUE, TX, 2571.68; NE LIBRARY COMMISSION, FE, 17.08; NE SAFETY COUNCIL, SU, 48.16; NORFOLK DAILY NEWS, SE, 606.80; NORTHEAST EQUIPMENT, SU, 259.75; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 10341.87; NOVELTY MACHINE & SUPPLY, SU, 411.83; PEPSI-COLA, SU, 358.79; POSTMASTER, SU, 106.00; PRESTO X, SE, 74.95; PURCHASE POWER, SU, 1000.00; QUALITY 1 GRAPHICS, SU, 75.00; QUALITY FOOD CENTER, SE, 1412.92; QUILL, SU, 1195.83; QWEST, SE, 115.54; SIOUX CITY NIGHT PATROL, SU, 100.00; SOOLAND BOBCAT, SU, 73.71; STATE NATIONAL BANK, SE, 243.11; STATE NATIONAL BANK, RE, 393.40; THE JOURNAL OF LIGHT, SU, 59.95; ULTIMATE OFFICE, SU, 149.13; UNITED WAY, RE, 32.28; UTILITIES SECTION, FE, 130.00; VOSS LIGHTING, SU, 450.24; WATERLINK, SE, 1053.42; WATSON LABEL PRODUCTS, SU, 213.54; WAED, SE, 6383.33; WAYNE AUTO PARTS, SU, 1758.40; WAYNE COMMUNITY SCHOOLS, RE, 7114.25; WAYNE COUNTY CLERK, SE, 136.25; WAYNE GRAIN & FEED, SE, 118.00; WAYNE HERALD, SE, 968.46; WAYNE VETERINARY CLINIC, SE, 93.00; WEB SOLUTIONS OMAHA, FE, 275.00; WESCO, SU, 241.28; WAPA, SE, 25924.02; ALLTEL, SE, 174.59; BAKER & TAYLOR BOOKS, SU, 800.00; BATTERYZONE, SU, 129.27; BOMGAARS, SU, 50.14; CITY OF WAYNE, RE, 1112.07; CITY OF WAYNE, RE, 770.43; CITY OF WAYNE, RE, 311.60; CLASSY CLEANING LADIES, SE, 296.10; COVENTRY HEALTH, SE, 16478.76; CULLIGAN, SE, 41.00; DAKOTA BUSINESS SYSTEMS, SE, 73.16; DE LAGE LANDEN FINANCIAL, SE, 411.00; DEREK ANDERSON, SE, 50.00; ECHO GROUP, SU, INC JESCO, SU, 48.72; FORT DEARBORN, SE, 110.08; FREDRICKSON OIL, RE, 62.53; J.F. AHERN, SE, 315.00; KNOEPFLER CHEVROLET, SE, 689.23; KRIZ-DAVIS, SU, 7436.90; LERNER PUBLISHING GROUP, SU, 149.16; LIBERAL GASKET, SU, 284.63; LINWELD, SU, 294.03; MARSHALL CAVENDISH, SU, 146.90; MES-MIDAM, SU, 70.00; MSC INDUSTRIAL, SU, 220.91; NE DEPT OF REVENUE, SE, 19.01; NE EXPRESSWAYS, SE, 581.04; NE LIBRARY COMMISSION, RE, 1.11; NE PUBLIC

HEALTH, SE, 78.00; NPPD, SE, 197151.24; NE REGIONAL, FE, 30.00; NORFOLK DAILY NEWS, SE, 46.30; NORTHEAST LIBRARY SYSTEM, FE, 45.00; PAC N SAVE, SU, 84.45; PAMIDA, SU, 346.39; PITNEY BOWES, SE, 637.00; PROVIDENCE MEDICAL CENTER, SE, 97.00; QUALITY 1 GRAPHICS, SU, 30.00; QUILL, SU, 190.76; QWEST, SE, 311.23; ROBERT WOEHLE & SONS, SE, 216.00; STADIUM SPORTING GOODS, SU, 62.50; STATE NATIONAL BANK, RE, 2008.06; THE CHILD'S WORLD, SU, 119.60; UNITED RENTALS, SU, 220.00;

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 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.

Joel Hansen, who serves on the Board of Directors of the Lower Elkhorn Natural Resources District, presented the Wayne Community Development Agency with a check in the amount of \$12,100 on behalf of the Urban Conservation Assistance Program. This project was a retention dam on the Western Ridge II Addition to the City that will prevent sedimentation from entering the storm sewer system and ultimately the Logan Creek watershed.

Administrator Johnson advised the Council that the City has received the Annual Renewal Maintenance Agreement from the Nebraska Department of Roads. This is a standard form agreement.

Councilmember Ley made a motion and seconded by Councilmember Sturm approving the Annual Renewal Maintenance Agreement (2009) with the Nebraska Department of Roads. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, and Doug Echtenkamp, Water/Wastewater Department employee, updated the Council on the Aquarius Pilot Plant operation. After being operational for two and one-half weeks, the plant is putting out the quality of effluent that meets the City's discharge permit requirements. The plant is doing what they said it would do right now.

Phil Lorenzen of D. A. Davidson & Co. gave a report and/or update on the financial and debt status of the City. He stated the City's debt is low, it is short-term and that Wayne is in great shape financially.

Mayor Shelton declared the time was at hand for the public hearing on the Application to the Nebraska Department of Economic Development for Community Development Block Grant Funds for financial assistance to the City for Downtown Revitalization Phase II Activities.

Lisa Hurley of the Northeast Nebraska Economic Development District stated that the City is requesting \$250,000, of which \$144,800 will be for exterior ADA accessibility to businesses, \$90,200 for commercial rehab, and \$15,000 for general administration. The total project budget is \$499,600, with local matching funds of \$249,600 for sidewalk

replacement on 1st, 2nd and 3rd Streets from Main Street to Pearl Street and the east side of Pearl Street from 1st to Third Street. The CDBG funded activities are unlikely to result in the residential displacement of people, and should such displacement occur, it will be minimized and resolved pursuant to the City of Wayne Anti-displacement and relocation plans.

Administrator Johnson stated if the Council approves this, they are consenting to contributing \$98,000 of City funds to pay for one-half the cost of replacing the sidewalks in this area. He thought if one could show that there was not a need for new sidewalk in front of a building, the same could be legally exempted.

Wes Blecke, representing WAED, advised the Council that they have talked to business owners, and the question or issue did come up of whether or not good sidewalk would be replaced. In addition, they visited with the property owners about pavers, tearing out 18" of sidewalk for concrete pavers, stamping the concrete or coloring the concrete. They (WAED staff) would prefer to have the Main Street District tie in with the Pearl Street District.

It was noted that lighting can not be a part of the grant, but it could be done in connection with it if the City so chose to put it in the budget.

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

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

The following Resolution would authorize the Mayor to sign the application for CDBG Funds.

Councilmember Sturm introduced Resolution 2009-2, and moved for its approval;
Councilmember Ley seconded.

RESOLUTION NO. 2009-2

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FINANCIAL ASSISTANCE TO THE CITY OF WAYNE FOR DOWNTOWN REVITALIZATION PHASE II ACTIVITIES.

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.

Administrator Johnson stated the following Resolution would direct the City Clerk to certify unpaid razing costs to become a lien on the property described as 418 West First Street.

Councilmember Sturm introduced Resolution 2009-3, and moved for its approval;
Councilmember Chamberlain seconded.

RESOLUTION NO. 2009-3

A RESOLUTION DIRECTING CITY CLERK TO CERTIFY RAZING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE EAST 48 FEET OF THE WEST 100 FEET OF LOTS 4, 5, AND 6, BLOCK 24, ORIGINAL TOWN TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 418 WEST FIRST STREET, WAYNE, NEBRASKA.

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

Councilmember Sturm introduced Resolution 2009-4, and moved for its approval;
Councilmember Ley seconded.

RESOLUTION NO. 2009-4

A RESOLUTION AMENDING EMPLOYEE COMPUTER TECHNOLOGY PURCHASE AND TRAINING ASSISTANCE PROGRAM.

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

The following Resolution would set a public hearing for February 3, 2009, at 5:30 p.m., on the proposed annexation of the “Kardell Industrial Park”, which is located across from Great Dane on Centennial Road.

Councilmember Chamberlain introduced Resolution 2009-5, and moved for its approval; Councilmember Lutt seconded.

RESOLUTION NO. 2009-5

A RESOLUTION ACCEPTING A PLAN TO EXTEND CITY SERVICES AND SETTING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AREA TO 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 2009-6, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2009-6

A RESOLUTION APPROVING REIMBURSEMENT OF FUNDS TEMPORARILY ADVANCED TO PAY FOR SEWER SYSTEM IMPROVEMENTS.

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

Dave Simonsen, Executive Director of the Wayne Area Economic Development, stated the WAED Board is requesting to be the administrative entity for the LB840 Economic Development Program. WAED staff will make recommendations to the

Board. Then the Board will approve and then pass those recommendations along to the Committee. The Committee will then either approve or deny the recommendation. Upon approval, the recommendation will then come before the Council for their consideration.

Councilmember Chamberlain made a motion and seconded by Councilmember Lutt approving the request of the Wayne Area Economic Development staff to be appointed as the “Program Administrator” of the LB840 Economic Development Program. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Nancy Braden, City Treasurer, reviewed the Investment Policy and explained her bidding procedures with the Council.

Councilmember Lutt made a motion and seconded by Councilmember Frevert 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 Chamberlain called the meeting of the Community Development Agency to order. Those in attendance were: Members Brian Frevert, Verdel Lutt, Jon Haase, Lois Shelton, Doug Sturm, Kaki Ley, and Kathy Berry; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Dale Alexander.

Chair Chamberlain 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 January 6, 2009, meeting.

Member Sturm made a motion and seconded by Member Shelton approving the minutes of the January 6, 2009, meeting. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the agenda was to take action on the Black Hills Energy proposal in Western Ridge Subdivision.

Gabe Tramp, representing Black Hills Energy, was present to answer questions about the agreement. The total cost to pipe natural gas to Western Ridge is \$41,009. Of that \$41,009 investment, Black Hills will bear \$34,209, and is requesting \$6,800 from the City. Black Hills will then contribute back to the City \$2,500 in 2009, and an additional \$1,500 in 2010 for cooperative advertising. In addition to that, Black Hills will pay the City \$500 for each home that is built with a primary gas service application turned in prior to the end of the contract. This incentive will continue until December 31, 2011 for every home that meets these requirements. Black Hills will accept three annual payments from the City in the amount of \$2,267.

Member Ley made a motion and seconded by Member Shelton approving the proposal of Black Hills energy to install natural gas in the Western Ridge Subdivision.

Mr. Tramp stated that Black Hills does ask for contributions in other developments, but every development is specifically its own development. If the City denies this, then natural gas won't be piped into Western Ridge. They would like to believe that it will help sell lots. Customers want options on heat sources, etc.

After further discussion, Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Discussion then took place regarding some of the terms of the Purchase Agreement to sell lots in Western Ridge, which included the following:

- To raise the cap from \$120,000 to \$200,000, with the value of the lot included, on all of the remaining lots priced under \$12,000;
- Allowing the option of building a two-car garage at a later date; and
- Lowering the \$10,000 lien to \$5,000.

Chair Chamberlain stated he has received calls from people who have qualified for the loan, have their financing in place, and are ready to build, but are struggling to get underneath the cap that has been set. After a meeting with City staff and Della Pries, it was recommended to set all of the lots at the \$200,000 value (that being the amount the Assessor gives to the entire property when the project is completed). This allows the size of the lot to determine the size of the house, and it allows the bank to determine how much money somebody can spend on building their house.

Jennifer Davis, who wants to purchase a lot, was present requesting Council consideration to raising the cap from \$120,000 to \$200,000 on the remaining lots in the subdivision. She has done everything she could to get the price of the house under \$120,000, but has not been able to do so.

Member Shelton made a motion and seconded by Member Ley to raise the cap from \$120,000 to \$200,000, with the value of the lot included, on all of the remaining lots priced under \$12,000. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Chamberlain stated right now we require every house built in Western Ridge to have a two-car garage. It was suggested, to provide more affordability to build,

that we might want to allow the property owners the option of building a two-car garage at a later date, as long as they leave enough room for a two-car garage. The nine LMI houses are required to have a two-car garage. Some of the builders he has talked to have said if they (the property owners) can't afford a two-car garage when they are building the house, then they are not going to be able to afford it five or ten years down the road.

Member Sturm made a motion and seconded by Member Shelton to allowing property owners the option of building a two-car garage at a later date, as long as they leave room for a two-car garage, on the market rate lots. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Members Chamberlain, Frevert and Lutt who voted Nay, the Chair declared the motion carried.

The next item of discussion was to consider lowering the \$10,000 lien to \$5,000. This is a performance lien. Chair Chamberlain's opinion was that the same seemed excessive.

Member Sturm made a motion and seconded by Member Haase reducing the \$10,000 lien to \$5,000. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Members Lutt and Shelton who voted Nay, the Chair declared the motion carried.

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

There were no reports on meetings attended.

Councilmember Sturm left the meeting at 7:33 p.m.

Annual reports were given by Nancy Braden, City Treasurer, and the Building/Planning Department.

Mayor Shelton requested Council consideration to appointing Ed Brogie to the Wastewater Treatment Plant Facility Committee.

Councilmember Chamberlain made a motion and seconded by Councilmember Ley approving the appointment of Ed Brogie to the Wastewater Treatment Plant Facility Committee. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton requested Council consideration to appointing the following people to the LB840 Committee: Gary Boehle (4 years), Darrel Miller (3 years), Curt Frye (2 years), Della Pries (2 years), Don Buryanek (2 years), Traci Bruckner (1 year) and Liz Hagmann (1 year).

Councilmember Chamberlain made a motion and seconded by Councilmember Frevert approving the appointment of Gary Boehle (4 years), Darrel Miller (3 years), Curt Frye (2 years), Della Pries (2 years), Don Buryanek (2 years), Traci Bruckner (1 year) and Liz Hagmann (1 year) to the LB840 Committee. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Lutt made a motion and seconded by Councilmember Frevert 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 7:42 p.m.