

**MINUTES
CITY COUNCIL MEETING
February 3, 2009**

The Wayne City Council met in regular session at City Hall on Tuesday, February 3, 2009, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Verdel Lutt, Jon Haase, Dale Alexander, Kathy Berry and Ken Chamberlain; City Attorney Amy Wielbelhaus; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert, Doug Sturm and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 22, 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 Chamberlain made a motion and seconded by Councilmember Alexander, whereas the Clerk has prepared copies of the Minutes of the meeting of January 20, 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:

ADDITIONS AND/OR CORRECTIONS TO CLAIMS LISTING OF 1/20/09: Add CITY OF WAYNE, RE, 45.99

VARIOUS FUNDS: ALLTEL, SE, 455.60; AMERITAS, RE, 2093.43; AQUARIUS TECHNOLOGIES, FE, 2500.00; ARNIE'S FORD-MERCURY, SE, 145.24; AS COMMUNICATIONS, SE, 448.00; ASPEN EQUIPMENT CO, SU, 212.00; BANK FIRST, FE, 180.00; BANK FIRST, RE, 300000.00; BLACK HILLS, SE, 2928.38; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 35965.00; CITY OF WAYNE, RE, 62.59; CITY OF WAYNE, RE, 393.09; CITY OF WAYNE, RE, 2454.95; CITY OF

WAYNE, RE, 5220.00; CITY OF WAYNE, PY, 52358.93; CITY OF WAYNE, RE, 283.30; CITY OF WAYNE, RE, 90.97; DANIELSON/TECH SUPPLY, SU, 194.14; DEMCO, SU, 164.29; ECHO GROUP, SU, 21.94; EDM PUBLISHERS, SU, 99.00; ELECTRICAL ENGINEERING, SU, 557.10; EMBASSY SUITE, SE, 611.97; ENVIRONMENTAL SYSTEM, SE, 1500.00; FARMERS AND MERCHANTS, RE, 200000.00; FIRST SOURCE TITLE & ESCROW, SE, 75.00; FLOOR MAINTENANCE, SU, 700.24; HAUFF MID-AMERICAN SPORTS, SU, 164.60; ICMA, RE, 5098.76; INTERNATIONAL PUBLIC, SU, 361.00; IRS, TX, 18259.70; JEO CONSULTING GROUP, SE, 4891.25; KIPLINGER'S, SU, 20.00; KRIZ-DAVIS, SU, 1201.30; LINWELD, SU, 64.63; MERCY MEDICAL CLINIC, SE, 48.00; MIDWEST OFFICE AUTOMATION, SE, 2136.11; MOONLIGHT TOWING, SE, 122.48; MURPHY TRACTOR & EQUIPMENT, SU, 246.75; NATL ARBOR DAY FOUNDATION, FE, 25.00; NE DEPT OF REVENUE, TX, 2587.86; NE LIBRARY ASSOC., FE, 240.00; NE PUBLIC HEALTH, SU, 256.00; NE RURAL WATER, FE, 275.00; NNPPD, SE, 2185.43; NOVELTY MACHINE & SUPPLY, RE, 156.25; NWOD, FE, 10.00; OLSSON ASSOCIATES, SE, 5777.45; QUILL, SU, 296.75; QWEST, SE, 110.16; QWEST BUSINESS SERVICES, SE, 185.68; RANDOM HOUSE, SU, 328.00; RON'S RADIO, SU, 46.40; SANTA FE SYSTEMS, SU, 535.37; SIRCHIE FINGER PRINT LAB, SU, 187.11; STATE NATIONAL BANK, RE, 950.98; STATE NATIONAL BANK, RE, 500000.00; STEFFEN, SU, 178.73; THE PENDER TIMES, SU, 35.40; TOM'S BODY & PAINT SHOP, RE, 518.65; TOP SAFETY, SU, 117.80; TYLER TECHNOLOGIES, SE, 826.00; UTILITIES SECTION, FE, 850.00; VIAERO WIRELESS, SE, 233.54; VOSS LIGHTING, SU, 261.36; WAYNE AREA CHAMBER, FE, 35.00; WAED, RE, 30,000.00; WAYNE COUNTY TREASURER, FE, 903.00; WESTRUM LEAK DETECTION, SE, 450.00; ZEE MEDICAL SERVICE, SU, 60.56; ALMQUIST, MALTZAHN, SE, 15425.00; AMERICAN BACKFLOW, FE, 70.00; AMERICAN BROADBAND, SE, 30.00; BOMGAARS, SU, 1083.41; CLASSY CLEANING LADIES, SE, 332.35; CLAUSSEN & SONS IRRIG., SU, 415.00; COPPLE & ROCKEY, SE, 352.30; COPY WRITE PUBLISHING, SE, 213.27; CITY OF WAYNE, RE, 1500.00; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 249.41; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 624.67; EISENBRAUN & ASSOC., SE, 4711.58; ELECTRICAL ENGINEERING, SU, 67.93; ENGINEERED FLUID, SU, 122236.52; FLOOR MAINTENANCE, SU, 370.96; GILL HAULING, SE, 1740.28; GRAYBAR ELECTRIC, SU, 1053.67; HAWKINS, SU, 422.04; HEIKES AUTOMOTIVE, SE, 47.93; HOLIDAY INN OF KEARNEY, SE, 268.00; INGRAM BOOK COMPANY, SU, 322.08; IOWA STATE UNIVERSITY, FE, 237.00; JACK'S UNIFORM, SU, 99.75; KELLY SUPPLY, SU, 367.96; LAYNE CHRISTENSEN, RE, 10242.50; LOOSELEAF LAW PUBLICATION, SU, 168.75; LP GILL, FE, 5223.66; LYNN CARD COMPANY, SU, 136.95; MES-MIDAM, SU, 4138.70; MICHAEL TODD & CO, SU, 77.34; MIDWEST TAPE, SU, 49.99; MIDWEST TRANSPORTATION, SU, 180.50; NE RURAL WATER, FE, 150.00; NeFSMA, FE, 100.00; NOVELTY MACHINE & SUPPLY, RE, 209.50; O'KEEFE ELEVATOR COMPANY, SE, 958.75; OLDS PIEPER & CONNOLLY, SE, 2355.00; PAC N SAVE, SU, 18.90; PEERLESS WIPING CLOTH, SU, 202.50; POSTMASTER, SU, 643.97; PROVIDENCE MEDICAL CENTER, RE, 4573.75; PUSH-PEDAL-PULL, SU, 687.85; S.A. VAN DYK, SE, 250.00; SKARSHAUG TESTING LAB, SE, 113.08; STATE

NATIONAL BANK, RE, 980.81; STEFFEN, SU, 20.46; STEVE HARRIS CONSTRUCTION, SE, 50072.51; THE PLAINS TRADING, SU, 47.40; UTILITY EQUIPMENT, SU, 1001.12; VOSS LIGHTING, SU, 371.90; WAED, RE, 3000.00; WAED, RE, 3000.00; WAED, RE, 10000.00; WAYNE COUNTY CLERK, SE, 153.50; WAYNE COUNTY COURT, RE, 1000.00; WEB SOLUTIONS OMAHA, SE, 275.00; WISNER ARTS & REC, FE, 150.00

Councilmember Lutt 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 proclaimed February 6, 2009, as “National Wear Red Day” and February 2, 2009, to be the official Q-125 anniversary of Wayne’s Incorporation.

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 declared the time was at hand for the public hearing on the One and Six Year Street Improvement Program.

Joel Hansen, Certified Street Superintendent, reviewed the One and Six Year Street Improvement Program. This is a yearly requirement to receive Highway Allocation Funds from the State of Nebraska.

Upcoming projects, which include some carry-over projects from previous year(s), include the following:

<u>Project Number</u>	<u>Project Year</u>	<u>Improvement</u>	<u>Estimated Cost</u>
M – 617(96)	2009	Summerfield Dr. from Centennial Rd. East – 1,000’ Construct Concrete Paving, Storm Sewer	\$330,000
M – 617(97)	2009	Mill & Overlay Asphalt on Various Streets – 3,400’ Nebraska from E. 2 nd to 250’ N of E. 6 th E. 6 th St. from Logan to Nebraska; E. 5 th St. from Logan to Nebraska E. 4 th St. from Logan to 200’ E of Windom; E. 3 rd St. from Logan to Windom	\$150,000
M – 617(89)	2009	Lage Subdivision – South of Fairgrounds Avenue – 900’ Construct Concrete Paving, Curb & Gutter, Storm Sewer	\$ 75,000
M – 617(94)	2009	Folk Street from S. Nebraska Street west 150’ Construct Gravel Street, Storm Sewer	\$ 10,000
M – 617(91)	2009	Pedestrian Underpass on W. 7 th Street Located between CAC and Oak Drive	\$300,000
M – 617(80)	2010	East 10 th Street from Main St. to Windom St. – 1,225’ Reconstruct Concrete Paving, Curb & Gutter, Storm Sewer	\$380,000
M – 617(99)	2010	State Project – Main Street from 7 th St. to W. 13 th St. – 2,000’ Remove & Replace Concrete Patches	\$ 14,000
M – 617(87)	2011	West 1 st Street from Main St. to Pearl St. – 350’ Reconstruct Concrete Paving, Curb & Gutter, Storm Sewer, Sidewalks	\$175,000
M – 617(92)	2011	Windom Street from 645’ N of Fairground Ave to E. 7 th – 1,750’ Reconstruct Concrete Paving, Curb & Gutter, Storm Sewer, Sidewalks	\$500,000
M – 617(95)	2012	Schoolview Drive from W. 4 th St. to W. 5 th St. – ‘300 Widen street to allow for parking – safety concerns	\$ 45,000
M – 617(98)	2013	Sherman Street from W. 3 rd St. to W. 7 th St. – 1,200’ Construct Concrete Paving, Curb & Gutter, Storm Sewer, Sidewalks	\$380,000
	2014	Maintenance Only	

Most of these projects involve collector or arterial streets, which allows the City to utilize its federal funding at 80/20 cost-share. The City then pays only 20% of the cost of the project(s). This cost-share option is not available on some streets that need repaired.

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

No written or oral comments had been received by the City Clerk's Office concerning the proposed program.

Councilmember Lutt introduced Resolution 2009-7, and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2009-7

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM.

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 Annexation Plan for the area or property known as the "Kardell Industrial Park Subdivision Area" located east of Great Dane on Centennial Road.

Administrator Johnson reviewed the annexation plan of the Kardell Industrial Park Subdivision, which included the estimated costs to provide utilities (water, sewer and electricity), streets (Summerfield Drive and Industrial Drive) and storm sewer. The property that was sold to Great Dane is not included in the annexation area per the purchase agreement for the sale thereof.

City Clerk McGuire stated she 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 Chamberlain introduced Ordinance 2009-1, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2009-1

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Administrator Johnson stated the following Resolution would direct the City Clerk to certify unpaid mowing costs to become a lien on the property described as 120 West 8th Street.

Councilmember Lutt introduced Resolution 2009-8, and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2009-8

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 75 FEET OF LOT 3, EXCEPT THE NORTH 10 FEET, BLOCK 7, BRITTON & BRESSLER'S ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 120 WEST 8TH STREET, WAYNE, WAYNE COUNTY, 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 approve the purchase of tax increment financing bonds of the City of Wayne Community Development Agency. This is one of the steps in preparing to finance the rest of the improvement costs (street and land grading, etc.) associated with the Western Ridge Project.

Councilmember Chamberlain introduced Resolution 2009-9, and moved for its approval; Councilmember Lutt seconded.

RESOLUTION NO. 2009-9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING THE PURCHASE OF TAX INCREMENT REVENUE BONDS OF THE CITY OF WAYNE COMMUNITY DEVELOPMENT AGENCY.

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 Alexander 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 Verdel Lutt, Jon Haase, Dale Alexander, Lois Shelton, and Kathy Berry; City Attorney Amy Wiebelhaus; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Brian Frevert, Doug Sturm and Kaki Ley.

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 20, 2009, meeting.

Member Shelton made a motion and seconded by Member Alexander approving the minutes of the January 20, 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 to authorize the CDA Chair to sign purchase agreements and closing documents for the sale of lots in the Western Ridge II Subdivision.

Member Shelton made a motion and seconded by Member Alexander authorizing the CDA Chair to sign purchase agreements and closing documents for the sale of lots in the Western Ridge II Subdivision. Chair Chamberlain 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 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.

It was noted that Dave Simonsen, Executive Director of Wayne Area Economic Development, would give his three-year report at the Council Retreat on Friday evening (February 6, 2009).

Administrator Johnson gave a short report on the actions that were taken by city staff regarding the blizzard that took place on January 12th. Administrator Johnson has given all department heads who operate any of the City buildings the authority to make the decision on whether or not to make any building available for emergency use if he is gone. Staff will then notify the Police Dispatchers, who will then follow protocol in the LEOP (Local Emergency Operations Plan).

Nancy Braden, City Treasurer, gave a report on the NIFA Conference she attended.

There were no appointments.

Councilmember Chamberlain made a motion and seconded by Councilmember Alexander to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:15 p.m.