

**MINUTES  
CITY COUNCIL MEETING  
February 17, 2009**

The Wayne City Council met in regular session at City Hall on Tuesday, February 17, 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 and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Dale Alexander and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 5, 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 meeting of February 3, 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 & CORRECTIONS TO CLAIMS LIST OF FEBRUARY 4, 2009:**  
ADD BANK DRAFT - HOUSING GRANT, 1198.00; TOM'S BODY & PAINT, SE, 6278.35; VOIDED THE FOLLOWING CHECKS & REISSUED THE SAME: CLOTHING REIMBURSEMENT - 19.16; FIRE SCHOOL REIMBURSEMENT-200.00; AND HEALTH REIMBURSEMENTS - 327.23  
**VARIOUS FUNDS:** AMERIPRISE, RE, 141870.15; AMERITAS, RE, 1967.02; APPEARA, SE, 180.14; AQUARIUS TECHNOLOGIES, SE, 2500.00; ASPEN EQUIPMENT, SU, 483.51; ATCO INTERNATIONAL, SU, 52.80; BAKER &

TAYLOR BOOKS, SU, 499.84; BANK FIRST, RE, 650180.00; BIERSCHBACH EQUIPMENT, SE, 748.00; BROWN SUPPLY, SU, 686.19; CARHART LUMBER COMPANY, SU, 300.16; CITY OF WAYNE, RE, 93316.00; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, RE, 2500.00; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 2002.63; CITY OF WAYNE, RE, 2650.00; CITY OF WAYNE, RE, 40.00; CITY OF WAYNE, RE, 33.00; CITY OF WAYNE, PY, 52009.60; CITY OF WAYNE, RE, 404.90; CITY OF WAYNE, RE, 511.19; CITY OF WAYNE, RE, 322.64; CONNECTING POINT, SE, 17.90; COPY WRITE PUBLISHING, SE, 30.50; CUSTOM FILTRATION, SU, 439.00; DAKOTA BUSINESS SYSTEMS, SE, 73.16; DEMCO, SU, 328.84; DOUGLAS CO COURT, RE, 144.00; ECHO GROUP, SU, 401.18; EGAN SUPPLY, SU, 629.35; FARMERS AND MERCHANTS, RE, 500000.00; FIRST SOURCE TITLE & ESCROW, SE, 75.00; GRAYBAR ELECTRIC, SU, 1019.69; GREAT PLAINS ONE-CALL, SE, 9.56; HEARTLAND FIRE PROTECTION, SE, 444.88; ICMA, RE, 5136.78; INVENSYS SYSTEMS, SE, 7.20; IRS, TX, 17646.29; KRIZ-DAVIS, SU, 154.43; KTCH AM/FM RADIO, SE, 605.00; LAUREL ADVOCATE, SU, 23.50; M.E. SHARPE, SU, 139.99; MIDWEST LABORATORIES, SE, 600.70; NE DEPT OF LABOR, SE, 144.00; NE DEPT OF REVENUE, TX, 2461.69; NE RURAL WATER, FE, 50.00; NE SAFETY COUNCIL, SU, 75.00; NORTHEAST EQUIPMENT, SU, 394.36; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 11013.42; OFFICEMAX, SU, 36.51; ORIENTAL TRADING CO, SU, 48.94; PAMIDA, SU, 178.00; PEPSI-COLA, SU, 563.18; PETERSON INDUSTRIAL, SE, 2579.75; PITNEY BOWES, SU, 89.98; PRESTO X, SE, 74.95; PROVIDENCE MEDICAL CENTER, RE, 5033.00; QA BALANCE SERVICES, SE, 90.00; QUALITY FOOD CENTER, SU, 71.72; QUILL, SU, 352.76; QWEST, SE, 1285.43; RANDOM HOUSE, SU, 160.00; RON'S RADIO, SU, 180.00; STATE NATIONAL BANK, RE, 585.35; STATE NATIONAL BANK, RE, 603000.00; TACO'S AND MORE, SU, 106.70; TAK, INC, SE, 72.00; THE COFFEE SHOPPE, SU, 21.30; UNITED WAY, RE, 32.28; USIS COMMERCIAL SERVICES, SE, 110.77; VAKOC BUILDER'S RESOURCE, SU, 123.02; WAYNE AREA CHAMBER, RE, 1175.00; WAYNE AREA ECONOMIC DEVEL, RE, 13951.00; WAYNE AUTO PARTS, SU, 681.43; WAYNE COUNTY COURT, RE, 121.50; WAYNE GRAIN & FEED, SE, 72.00; WAYNE HERALD, SE, 1276.00; WAYNE VETERINARY CLINIC, SE, 1401.00; WAPA, SE, 23957.54; ZACH OIL, SU, 3599.41; ZACH PROPANE, SE, 214.00; ALLTEL, SE, 169.75; BROWN SUPPLY, SU, 40.37; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 426.00; CITY OF WAYNE, RE, 234.69; CITY OF WAYNE, RE, 30.00; CITY OF WAYNE, RE, 47.59; CLASSY CLEANING LADIES, SE, 332.35; COVENTRY HEALTH, SE, 15695.20; CULLIGAN, SE, 41.00; DOUGLAS CO COURT, RE, 144.00; ECCON HEATING, SU, 792.00; ECHO GROUP, SU, 300.08; FLOOR MAINTENANCE, SU, 384.52; FORT DEARBORN LIFE, SE, 1498.20; FORTRESS TACTICAL, SU, 78.49; GEMPLER'S, SU, 163.65; GRAYBAR ELECTRIC, SU, 931.61; HARDING & SHULTZ, SE, 3.37; HD SUPPLY WATERWORKS, SU, 617.12; HEIKES AUTOMOTIVE, SE, 143.79; ICC, FE, 100.00; INDUSTRIAL CHEM LABS, SU, 458.21; JACK'S UNIFORMS, SU, 113.90; KNIFE RIVER MIDWEST, SU, 409.50; KRIZ-DAVIS, SU, 53.25; LIGHT & SIREN, SU, 48.00; NE AMERICAN LEGION, FE, 100.00; NE DEPT OF HHS, FE, 40.00; NPPD, SE, 202011.65; OLSSON ASSOCIATES, SE, 8231.02; PIERCE

TELEPHONE CO, SU, 447.72; PITNEY BOWES, SU, 637.00; PURCHASE POWER, SU, 500.00; PUSH-PEDAL-PULL, RE, 896.39; STATE FARM INSURANCE, FE, 563.00; STATE NATIONAL BANK, RE, 537.72; WAYNE AREA ECONOMIC DEVEL, RE, 6383.33; WAYNE COUNTRY CLUB, RE, 5375.00; WESCO, SU, 1821.15; WESTERN CONSULTING, SE, 900.00

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.

Penny Vollbracht, Senior Center Coordinator, shared with the Council the gifts that were made to underprivileged children through the ME Way Memorial Fund.

Brent Doring, Fire Chief, requested Council consideration to approving the membership application of Cody Henderson to the Wayne Volunteer Fire Department.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving the membership application of Cody Henderson 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 updated the Council on a grant application they want to submit for a used ladder truck. A new ladder truck would cost over \$875,000. A used ladder truck (100' ladder) would cost about \$285,000. If they would be successful, the grant would pay for 95% of the cost, with the City's match then being 5%.

Councilmember Frevert made a motion and seconded by Councilmember Chamberlain authorizing the Wayne Volunteer Fire Department to write and submit a grant application for a used ladder truck. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Phil Lorenzen of D.A. Davidson & Co., the City's fiscal agent, was present to update the Council on the refinancing of the electric revenue bonds and bond anticipation notes. Recommendation is to approve the following Resolution and Ordinances, and if the markets do not allow him to lock in the lowest possible interest rates, the marketing will be abandoned and said ordinances rescinded. The estimated net savings at current market levels will be approximately \$90,000.

Councilmember Sturm introduced Resolution 2009-15, and moved for its approval; Councilmember Frevert seconded.

#### RESOLUTION NO. 2009-15

A RESOLUTION CALLING ELECTRIC REVENUE REFUNDING BONDS, SERIES 2003 FOR REDEMPTION.

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

Councilmember Lutt introduced Ordinance No. 2009-2, and moved for approval thereof; Councilmember Sturm seconded.

ORDINANCE NO. 2009-2

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE ISSUANCE OF ELECTRIC REVENUE REFUNDING BONDS, SERIES 2009, OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION FIVE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$1,535,000), FOR THE PURPOSE OF REFUNDING AND DEFEASING, TOGETHER WITH CASH ON HAND, \$1,655,000 OF OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 1999; PROVIDING FOR NECESSARY RESERVE FUNDS AND PAYING COSTS OF ISSUANCE OF SAID BONDS; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE ELECTRIC PLANT AND DISTRIBUTION SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID ELECTRIC SYSTEM; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID BONDS; REPEALING ANY CONFLICTING ORDINANCES AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Councilmember Sturm made a motion and Councilmember Lutt 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 Lutt made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2009-2. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance No. 2009-3, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2009-3

AN ORDINANCE AUTHORIZING THE ISSUANCE OF COMBINED REVENUE BOND ANTICIPATION NOTES, SERIES 2009, OF THE CITY OF WAYNE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION SEVENTY THOUSAND DOLLARS (\$1,070,000), FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS TO THE SANITARY SEWER SYSTEM AND WASTEWATER TREATMENT FACILITIES AND THE WATER SYSTEM OWNED AND OPERATED BY THE CITY PENDING THE ISSUANCE OF PERMANENT COMBINED REVENUE BONDS; AGREEING TO ISSUE SUCH BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; PRESCRIBING THE FORM OF SAID NOTES; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE COMBINED REVENUE SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID NOTES AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID COMBINED REVENUE SYSTEM; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Councilmember Chamberlain made a motion and Councilmember Sturm seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2009-3. 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 Redevelopment Plan for the Windom Ridge Redevelopment Project.

Administrator Johnson stated this is just a rescheduling of the same project one year later so we can capture the entire 14 years of tax increment financing.

The Planning Commission has reviewed the Redevelopment Plan and recommends approval thereof.

Lou Benscoter, the owner of the property at 814 Windom Street, is applying for \$84,735.02 in tax increment financing to help with the construction of a replacement 10-unit rental apartment complex on the vacant property.

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

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

Councilmember Sturm introduced Resolution 2009-10, and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2009-10

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE; APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.

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.

Mayor Shelton stated the following ordinances would impose the 1% sales tax and establish the creation of the LB840 Citizens Advisory Committee. This is so the sales tax can continue without interruption.

Councilmember Sturm introduced Ordinance No. 2009-4, and moved for approval thereof; Councilmember Chamberlain seconded.

#### ORDINANCE NO. 2009-4

AN ORDINANCE IMPOSING A SALES AND USE TAX IN THE AMOUNT OF ONE PERCENT (1%) UPON THE SAME TRANSACTIONS WITHIN THE CITY OF WAYNE UPON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX; PROVIDING EFFECTIVE DATE; PROVIDING TERMINATION DATE; PROVIDING DEPOSIT IN THE GENERAL FUND AND THE ALLOCATION THEREOF.

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 Councilmember Sturm 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 Sturm made a motion and Councilmember Frevert seconded to move for final approval of Ordinance No. 2009-4. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain introduced Ordinance No. 2009-5, and moved for approval thereof; Councilmember Sturm seconded.

#### ORDINANCE NO. 2009-5

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, TO ESTABLISH THE CREATION OF A CITIZENS ADVISORY REVIEW COMMITTEE; TO ADOPT AN ECONOMIC DEVELOPMENT PROGRAM, TO DESCRIBE THE TERMS, CONDITIONS AND GOALS OF SAID ECONOMIC DEVELOPMENT PROGRAM; TO ESTABLISH THE DURATION OF SAID ECONOMIC DEVELOPMENT PROGRAM; TO PROVIDE FOR YEARS FOR COLLECTION OF FUNDS; TO PROVIDE FOR A SOURCE OF FUNDS; TO PROVIDE FOR A TOTAL AMOUNT TO BE COLLECTED; TO REPEAL CONFLICTING ORDINANCES AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

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

Councilmember Sturm made a motion and Councilmember Frevert 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 Sturm made a motion and Councilmember Chamberlain seconded to move for final approval of Ordinance No. 2009-5. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm left the meeting at 6:00 p.m.

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth, P.C., presented the FY 07-08 Audit. He provided Council with a spreadsheet which identified “benchmarks” of how Wayne compared with other communities its size. For Governmental Activities (general fund and special revenue funds), Wayne is a little less than what the desirable or recommended amount is. Cash reserves need to be increased in the general fund. In regard to debt coverage ratio (water, sewer and electric), consideration should be given to possibly increasing the water rates. In regard to our top five sources of revenues, recommendation was that Wayne needs more retail trade. Sales tax runs \$110 per capita, and Wayne is at \$88. In Overall Income/Total Operating Revenues, the City needs to increase its transfer station rates, electric rates, and internal service fund. In regard to the levy rates in the State of Nebraska, a city of Wayne’s size is asking about \$130 per person. Wayne is asking about \$123 per person. It is the same in debt service. Wayne is asking about \$16 per person. Other cities are asking about \$20 per person. We are not receiving as much highway allocation as other cities our size because our streets are a little narrow compared to other cities our size.

Mr. Galloway then reviewed the per capita costs of departments. The administrative costs to run the City of Wayne is low compared to the other cities.

In Public Buildings, we are running about \$24 per capita. The average is \$25. In Public Safety, we are running about \$157 per capita. The average is \$160. Public Works is \$59 per capita. The average is \$200. The Senior Center is about \$28, with the average being \$25 per capita. The Library is about \$35, with the average being \$35 per capita. Recreation is at \$55 per capita. The average is \$45. Overall, Wayne has done an excellent job in keeping the costs and expenses down in the various departments.

His firm did not encounter any difficulties in performing the audit.

Mr. Galloway, in his comments and suggestions, suggested that the City review the city boundaries for possible annexation of development areas for additional valuation and sales tax revenue. In addition, he suggested we review our internal service fund for our insurance to determine if we could save some dollars by also going partially self-insured on our workers compensation. Another suggestion was to use the unallocated account balances in the Police Retirement Plan to fund the future contributions from the City. The City has done a very good job at being good stewards with the money that is here. The amount in cash reserves is very good. Mr. Galloway commended the City staff on a job well done.

Administrator Johnson stated the following Resolution would amend the agreement with JEO Consulting Group regarding the UV wastewater disinfection system project to include construction services - \$17,815.

Roger Protzman of JEO Consulting Group was present to answer questions. The original agreement and proposal solicited from JEO was just to provide design and

bidding services. That phase has been completed. Mr. Protzman also updated the Council on the problem taking place with the equipment supplier (Servern Trent). He has been in contact with DEQ advising them of the circumstances. They are doing everything in their power to see that the project gets completed on time.

Councilmember Lutt introduced Resolution No. 2009-17 and moved for its approval; Councilmember Frevert seconded.

#### RESOLUTION NO. 2009-17

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES BETWEEN THE CITY OF WAYNE AND JEO CONSULTING GROUP FOR THE CONSTRUCTION SERVICES OF THE ULTRAVIOLET WASTEWATER DISINFECTION SYSTEM PROJECT.

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

Administrator Johnson stated four proposals for an engineering consultant were received on the Well No. 11 Project. Staff recommendation is to award the contract to JEO Consulting Group at a cost of \$36,775.

Councilmember Lutt introduced Resolution No. 2009-16 and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2009-16

A RESOLUTION APPROVING JEO CONSULTING GROUP AS ENGINEERING CONSULTANT FOR WELL NO. 11 PROJECT.

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

Rod Hanson with Olsson Associates stated five bids were received on the Booster Pump Station 2009 Project. Recommendation is to award the project to the low bidder,

Robert Woehler & Sons Construction for the amount of \$48,346.88. This is below the engineer's estimate.

Councilmember Ley introduced Resolution No. 2009-19 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2009-19

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "BOOSTER PUMP STATION – 2009" PROJECT.

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 Redevelopment Plan for the Western Ridge II Redevelopment Project, as amended.

Councilmember Chamberlain introduced Resolution 2009-11, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2009-11

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

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

Councilmember Chamberlain introduced Resolution 2009-12, and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2009-12

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 Berry arrived at 7:05 p.m.

Administrator Johnson stated the following Resolution would approve the wage and salary schedule which includes a 2% cost of living increase. In addition, a Water/Wastewater Foreman position was created at a Labor Grade 23. The Line Foreman/Asst. Supt. position was moved from a Labor Grade 24 to 25. Dispatcher was moved from a Labor Grade 13A to 16 and Dispatch Supervisor was moved from a Labor Grade 15 to 17. Part-Time Dispatcher was placed in a Labor Grade 13 and Part-Time Building Official was placed in a Labor Grade 21.

Discussion took place on the movement of the handi-van drivers from a Labor Grade 7 to a Labor Grade 11 and whether or not that much of a jump was appropriate. Adjusting the rates for riding the handi-van might have to be an option in the future.

Questions arose as to who is liable if someone falls when one of the drivers is helping one of the riders from their home, etc. Attorney Pieper stated that in the absence of the requirements for the Senior Center, we are responsible to pick them up at the vehicle door and exit them out the vehicle door.

Penny Vollbracht, Senior Center Coordinator, spoke in defense of the movement of the handi-van driver position. In addition, she would contact the NDOR for their recommendation on where to pick the riders up.

Councilmember Frevert introduced Resolution 2009-13, and moved for its approval; Councilmember Lutt seconded.

#### RESOLUTION NO. 2009-13

A RESOLUTION APPROVING WAGE AND SALARY SCHEDULE.

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

Administrator Johnson provided background information regarding the annexation of the Kardell Industrial Park Subdivision.

Councilmember Lutt introduced Ordinance 2009-1, and moved for approval of the second reading thereof; Councilmember Chamberlain 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.

Virgil Kardell, Jr., representing the Virgil O. Kardell Family, requested that the Council exclude the Kardell farmstead from the annexation process. The new road would not add any value to their property and is only needed for the use of the property owners to the east of their property. In addition, they have adequate access to their property via Centennial Road. They shared concerns about the notification process of the annexation, and the fact that when they sold the property, it was their understanding at that time that the road to access that property would come from the southeast up by Pacific Coast Feather Company. It didn't make sense to them that they would be assessed while another property owner is exempt from the same. He questioned whether or not this was a right move when the City is trying to attract jobs.

It was noted that the annexation process is separate from the assessment process.

Attorney Pieper stated if this ordinance does not pass on the second reading, it is dead, unless boundaries are changed, or someone who voted against it brings it back for consideration.

Nancy Braden, Finance Director, advised the Council that if the City wants to collect anything for the assessments, we must go through the annexation process. Staff conferred with Phil Lorenzen, the City's fiscal agent, and also Richard Pedersen, Bond Council, who recommended going this route, because if we want to collect any of the costs of improving this road, annexing the property is the easiest way. We could go through the County and create an Industrial Park District, but the assessment process in the future would be very complicated. The property owners (100%) would have to agree to the assessment. If any property owner did not agree, the City would bear 100% of the cost of that road.

Mayor Shelton stated this means that the City will pay for the road with no possibility of getting any money back from any of the property owners. If we do not put the road in, the property is landlocked and not saleable.

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.

Administrator Johnson stated the following Resolution would extend the construction start date for the Wayne Trail — Phase 2 Project to July 31, 2009.

Councilmember Chamberlain introduced Resolution No. 2009-14 and moved for its approval; Councilmember Frevert seconded.

#### RESOLUTION NO. 2009-14

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 10 WITH THE NEBRASKA DEPARTMENT OF ROADS RELATING TO THE WAYNE TRAIL PROJECT (PHASE 2) STPB-90(4).

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 amend the contract with L.P. Gill for the use of the landfill. The transportation fee would be increased from \$9.00 per ton to \$10.00 per ton, with the disposal fee remaining the same at \$26.00 per ton. There will be no increase for the first two years of the agreement. However, thereafter, every year on the anniversary date of the contract, the charges will increase 75% of the CPI for the preceding year. The term of the agreement shall be for a period of 10 years, beginning March 1, 2009.

Councilmember Lutt introduced Resolution No. 2009-18 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2009-18

A RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT WITH L. P. GILL FOR THE USE OF THE LANDFILL.

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

Councilmember Chamberlain made a motion and seconded by Councilmember Ley reaffirming the following appointments to the LB840 Advisory 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). Mayor Shelton

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

Administrator Johnson stated that the First Street Project was identified in the One and Six Year Street Improvement Plan. This is the first step in meeting the state requirements for accessing 80% federal funding for the project.

Councilmember Lutt made a motion and seconded by Councilmember Ley authorizing staff to seek Requests for Proposals for an engineer for the First Street Project. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain made a motion and 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, Kathy Berry, and Kaki Ley; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Dale Alexander and Doug Sturm.

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 February 3, 2009, meeting.

Member Ley made a motion and seconded by Member Shelton approving the minutes of the February 3, 2009, meeting. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Chamberlain stated the next item on the agenda is to take action on Progress Estimate No. 4 in the amount of \$50,072.51 for Steve Harris Construction, contractor on the Western Ridge II Project.

Member Shelton made a motion and seconded by Member Frevert to approve Progress Estimate No. 4 in the amount of \$50,072.51 for Steve Harris Construction (Western Ridge Project). Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Chamberlain stated the following CDA Resolution would authorize the issuance of tax increment financing bonds for the Western Ridge II Subdivision.

Member Shelton introduced CDA Resolution No. 2009-1 and moved for its approval; Member Frevert seconded.

#### CDA RESOLUTION NO. 2009-1

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE; AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS; PROVIDING FOR THE TERMS AND PROVISIONS OF SAID BONDS; PLEDGING REVENUES OF THE DEVELOPMENT AGENCY PURSUANT TO THE COMMUNITY DEVELOPMENT LAW; AUTHORIZING THE SALE OF SAID BONDS; PROVIDING FOR A GRANT; AND PROVIDING FOR THIS RESOLUTION TO TAKE EFFECT.

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

Chair Chamberlain stated the following CDA Resolution would approve the Windom Ridge Redevelopment Project (Louis Benscoter).

Member Frevert introduced CDA Resolution No. 2009-2 and moved for its approval; Member Shelton seconded.

CDA RESOLUTION NO. 2009-2

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

Chair Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Chair Chamberlain who voted Nay, the Chair declared the motion carried.

Member Ley made a motion and seconded by Member Frevert 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.

Administrator Johnson stated that an Interlocal Agreement has been received from the City of Norfolk for building inspection services. Staff recommendation is to approve the same.

Councilmember Ley introduced Resolution No. 2009-20 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2009-20

A RESOLUTION APPROVING INTERLOCAL AGREEMENT WITH THE CITY OF NORFOLK, NEBRASKA, FOR BUILDING INSPECTION SERVICES (2009).

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

Lauran Lofgren, Library Director, presented her annual report.

There were no reports on meetings attended or appointments.

Councilmember Haase 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 7:20 p.m.