

**MINUTES  
CITY COUNCIL MEETING  
April 7, 2009**

The Wayne City Council met in regular session at City Hall on Tuesday, April 7, 2009, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jon Haase, Kaki Ley, Kathy Berry and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Verdel Lutt, Dale Alexander and Doug Sturm.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 26, 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 Ley made a motion and seconded by Councilmember Chamberlain, whereas the Clerk has prepared copies of the Minutes of the meeting of March 17, 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 MARCH 3, 2009:** Delete Kriz Davis, Workshop - \$300

**ADDITIONS & CORRECTIONS TO CLAIMS LIST OF MARCH 17, 2009:** Add City of Wayne, Payroll - \$5,523.70

**VARIOUS FUNDS:** ACTION BATTERY WHOLESALER, SU, 1096.62; AFGI, INC, SU, 336.01; ALLTEL, SE, 467.07; AMERICAN TEST CENTER, SE, 900.00; AMERITAS, RE, 2067.86; ARNIE'S FORD-MERCURY, SU, 4.80; AS COMMUNICATIONS, SE, 448.00; BANK FIRST, FE, 210.00; BIG T ENTERPRISES,

SU, 169.90; BILL KAUP, RE, 79.88; BLACK HILLS ENERGY, SE, 1506.75; BOMGAARS, SU, 1427.60; CITY OF WAYNE, RE, 22,300.00; CITY OF WAYNE, RE 150.00; CITY OF WAYNE, RE, 46795.00; CITY OF WAYNE, RE, 695.50; CITY OF WAYNE, RE, 3306.66; CITY OF WAYNE, SE, 50.00; CITY OF WAYNE, PY, 53749.12; CITY OF WAYNE, RE, 185.54; CITY OF WAYNE, RE, 75.00; CITY OF WAYNE, RE, 233.58; CITY OF WAYNE, RE, 322.67; CITY OF WAYNE, SU, 416.50; CITY OF NORFOLK, SE, 526.70; COLONIAL RESEARCH, SU, 165.25; COPY WRITE, SU, 366.00; DANKO EMERGENCY EQUIPMENT, SU, 118.86; DE LAGE LANDEN FINANCIAL, SE, 334.00; ECHO GROUP, SU, 344.58; ED M FELD EQUIPMENT, SU, 56.00; EGAN SUPPLY, SU, 115.04; ELECTRICAL ENGINEERING, SU, 67.65; ELECTRO-TEST & MAINTENANCE, SU, 12042.90; ELLIS PLUMBING & HEATING, SU, 18.03; ENGINEERED CONTROLS, SE, 450.00; FARMERS AND MERCHANTS, RE, 153500.00; FLOOR MAINTENANCE, SU, 607.38; FORT DEARBORN LIFE, SE, 110.08; FREMONT NATIONAL BANK, RE, 93.75; GEMPLER'S, SU, 17.90; GILL HAULING, SE, 1704.28; GLEN'S AUTO BODY, SU, 58.95; GRAYBAR ELECTRIC, SU, 2072.48; CEMEX, SU, 1731.99; HAUFF MID-AMERICAN SPORTS, SU, 135.89; HEWLETT-PACKARD, SU, 1590.00; ICMA, RE, 5190.62; IRS, TX, 16914.99; JEO CONSULTING GROUP, SE, 2357.00; JEO CONSULTING GROUP, SE, 3095.00; JEO CONSULTING GROUP, SE, 5600.50; JINECO EQUIPMENT, SU, 95.71; JOHN'S WELDING AND TOOL, SU, 39.48; KELLY MEYER, SU, 916.45; KELLY SUPPLY COMPANY, SU, 104.47; KRIZ-DAVIS, SU, 787.15; LP GILL, SE, 5106.66; LUNDAHL, EARL, SE, 350.00; M. K. ERVIN, SE, 2430.00; MID CONTINENT TESTING, SE, 240.00; MIDLAND COMPUTER, SU, 112.61; MIDWEST OFFICE AUTOMATION, SE, 62.82; MIDWEST SPECIAL SERVICES, SE, 96.90; MIDWEST TAPE, SU, 99.72; MILLARD ATHLETICS, FE, 260.00; MILO MEYER CONSTRUCTION, SE, 7816.25; MSC INDUSTRIAL, SU, 216.59; MWB BROADCASTING, FE, 230.00; NNEDD, SE, 1000.02; NE DEPT OF REVENUE, TX, 2551.87; NE NEB INS AGENCY, SE, 65439.00; NE PLANNING & ZONING ASSOC, FE, 210.00; NE PUBLIC HEALTH, SU, 567.00; NEBRASKA ENVIRONMENTAL, SU, 265.19; NEW WORLD INN, SE, 0 148.00; NNPPD, SE, 2104.47; NORTHWEST ELECTRIC, RE, 157.50; NOTARY PUBLIC, FE, 87.50; OLDS PIEPER & CONNOLLY, SE, 1278.86; OLSSON ASSOCIATES, SE, 8252.99; OUR SAVIOR LUTHERAN CHURCH, RE, 20.00; PAC N SAVE, SU, 12.16; PENRO, SE, 59643.00; POSTMASTER, SU, 618.34; PUSH-PEDAL-PULL, SE, 162.50; QWEST, SE, 419.15; QWEST, SE, 185.04; ROBERT WOehler & SONS, SE, 487.18; RSC EQUIPMENT RENTAL, SU, 1295.00; S & S WILLERS, SU, 290.97; SCOTT HASEMANN, RE, 500.00; SD MEYERS, SE, 2434.00; SNAKEY JAKES, SU, 36.00; STADIUM SPORTING GOODS, SU, 317.75; STATE NATIONAL BANK, RE, 405873.67; STATE NATIONAL BANK, RE, 6771.84; STATE NATIONAL BANK, RE, 459.89; THE DIAMOND CENTER, SE, 3.25; THE MAX AGAIN, SE, 1210.81; TOM'S BODY & PAINT SHOP, SU, 174.86; UNIVERSITY OF NE-LINCOLN, FE, 85.00; UPSTART, SU, 249.64; US BANK, SE, 2899.70; VEL'S BAKERY, SU, 24.45; VIAERO, SE, 71.52; VIC'S ENGINE SERVICE, SE, 12.50; VOSS LIGHTING, SU, 391.01; WAHOO DIAMOND SPORTS, FE, 190.00; WAYNE COMMUNITY SCHOOLS, RE, 4112.00; WAYNE COUNTY CLERK, SE, 163.00; WAYNE STATE COLLEGE, RE, 1000.00; WAYNE VETERINARY CLINIC,

SE, 182.00; WELLS FARGO FINANCIAL, RE, 17008.20; WESCO, SU, 93.29; WESTERN IOWA TECH, FE, 350.00; WHITE DOG LAWN SERVICE, SE, 50.00; YGSA, FE, 140.00; ZACH OIL, SU, 3,479.73; APPEARA, SE, 222.87; CITY OF NORFOLK, SE, 225.35; CITY OF WAYNE, RE, 2814.09; CITY OF WAYNE, SE, 25.00; CLASSY CLEANING LADIES, SE, 483.65; CONNECTING POINT, SE, 17.90; COPY WRITE, SU, 7.78; DAKOTA BUSINESS SYSTEMS, SE, 73.16; ED M FELD EQUIPMENT, SE, 300.00; ELLIS PLUMBING & HEATING, SE, 123.40; FLOOR MAINTENANCE, SU, 230.63; FREDRICKSON OIL, SU, 29.88; GALE GROUP, SU, 160.13; GREAT PLAINS ONE-CALL, SE, 85.49; HARDING & SHULTZ, SE, 411.08; HEARTLAND STAINLESS, SU, 21.21; HEIKES AUTOMOTIVE, SE, 69.23; IIMC, FE, 125.00; INGRAM BOOK COMPANY, SU, 236.86; JACK'S UNIFORMS, SU, 56.39; JOHN'S WELDING AND TOOL, SE, 127.65; KELLY MEYER, SE, 585.00; KIRKHAM MICHAEL, SE, 7560.00; KTCH, SE, 605.00; M. K. ERVIN, SE, 1,040.00; MENARDS – NORFOLK, SU, 298.00; MIDWEST TAPE, SU, 96.57; MOONLIGHT TOWING, SE, 85.20; MUNICIPAL SUPPLY, SU, 103.68; NNPPD, SE, 11013.42; PAMIDA, SU, 199.61; PLUNKETT'S PEST CONTROL, SE, 40.00; PRESTO X, SE, 74.95; PROVIDENCE MEDICAL CENTER, SE, 5470.25; QUALITY FOOD CENTER, SU, 9.28; QUILL, SU, 505.21; QWEST, SE, 1291.53; SKARSHAUG TESTING LAB, SE, 112.34; STADIUM SPORTING GOODS, SU, 312.00; STANLEY SECURITY SOLUTION, SU, 3091.30; STATE NATIONAL BANK, RE, 1131.37; VAN DIEST SUPPLY, SU, 142.56; WATERLINK, SE, 1053.42; WAED, RE, 6383.33; WAYNE HERALD, SE, 1373.65; WEB SOLUTIONS OMAHA, SE, 275.00; WESCO, SU, 263.91; WAPA, SE, 27800.64; ZEE MEDICAL SERVICE, SU, 63.68

Councilmember Chamberlain made a motion and seconded by Councilmember Ley to approve the claims, with the exception of the claim of Randy Pick in the amount of \$22,300, for attorney reimbursement fee. The same is identified on the Claims List as City of Wayne, Attorney Reimbursement Fees, \$22,300.

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

Councilmember Ley made a motion and seconded by Councilmember Chamberlain denying the claim of Randy Pick in the amount of \$22,300, for attorney reimbursement fee. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm arrived at 5:33 p.m.

Mayor Shelton proclaimed the week of April 16, 17 and 18<sup>th</sup> as “Support Citizens with Mental Retardation Week” and the month of April as “Alcohol Awareness Month.”

Collin Webster and Josh Doorlag addressed the Council regarding the “Alcohol Awareness Month” Proclamation.

Mary Plettner, representing Nebraska Public Power District, presented two awards to the City — Prospect Ready and Successful Business Retention Expansion Awards.

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.

Ken Liska and Tony Kochanash, representing the Q-125 Committee, requested Council consideration to waiving the auditorium rental fees for the Q-125 Celebration Dance on Sunday, October 11, 2009. In addition, they would also like to be reimbursed \$150 for the clean-up deposit.

Councilmember Sturm made a motion and seconded by Councilmember Frevert approving the request of the Q-125 Committee to waive the auditorium rental fees for the Q-125 Celebration Dance on Sunday, October 11, 2009, and to return the clean-up deposit in the amount of \$150. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Street Superintendent, was present to discuss an application for cost-share funding from the Lower Elkhorn NRD for a new building/shelter with handicapped restrooms at Bressler Park. The application is due next Tuesday, April 14<sup>th</sup>. There is money in the budget to put a new roof on the structure in Bressler Park. Since the City will be spending money on the structure to renovate the roof, etc., staff thought it was important to bring this information to the Council before spending the money to rejuvenate what is there, if there was interest in doing something different. The proposal is for a new building, with a cost of about \$75,000. There is space to make the current restrooms ADA compliant. If we receive the grant, it has to be a new building.

Garry Poutre, Supt. of Public Works and Utilities, stated that the department budgeted \$6,500 to repair the roof and do some minor repairs to the building. The ADA issue is separate from anything that they have budgeted for. The question before the Council is whether or not they want to take advantage of \$20,000 worth of funding if we were able to get a grant for a new building.

It was noted that this is a yearly grant. Recommendation was to study the matter further and then apply for it next year, should Council want to do that.

Councilmember Frevert made a motion to approve the application for cost-share funding from the Lower Elkhorn NRD for a new shelter at Bressler Park. The same died for lack of a second.

Councilmember Sturm requested information as to what, if anything, can be done to the existing building to make it ADA accessible.

Mr. Poutre thought this should be handled at budget time. Staff will have recommendations, roof costs, door costs, and costs for making it ADA accessible, etc., at that time.

A request was received from Greg VanderWeil to close off 10<sup>th</sup> Street from Providence Road to Hillside Drive on Saturday, April 18<sup>th</sup>, from 6:30 a.m. to 5:00 p.m. for an electric vehicle car rally.

When asked if port-a-potties were necessary for the event, Police Chief Webster stated last year, there was an incident where several people went behind the church to relieve themselves.

Councilmember Sturm made a motion and seconded by Councilmember Ley approving the request of Greg VanderWeil to close off 10<sup>th</sup> Street from Providence Road to Hillside Drive on Saturday, April 18<sup>th</sup>, from 6:30 a.m. to 5:00 p.m. for an electric vehicle car rally, conditioned upon providing the City with the appropriate Certificate of Liability Insurance and an appropriate number of port-a-potties for the event.

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 interlocal agreement between the City and the Northeast Nebraska Red Cross wherein the City would donate the 1987 Chevrolet Suburban in exchange for them providing a direct service within the Wayne Community by maintaining their office here for five years.

Councilmember Chamberlain introduced Resolution No. 2009-28 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2009-28

A RESOLUTION APPROVING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WAYNE, NEBRASKA, AND THE NORTHEAST NEBRASKA RED CROSS.

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

Dave Simonsen, Director of Wayne Area Economic Development, requested Council consideration to having the City be the applicant for the BECA (Building Entrepreneurial Communities) Grant that WAED will be submitting and administering. Website development is an eligible activity under this grant. The first BECA grant was used for foundation/plan giving and the Entrepreneur Club. This BECA grant will be used for marketing – website design (helping to offset the costs for the WAED organization, City, County and the School District).

Councilmember Sturm made a motion and seconded by Councilmember Ley approving the request of WAED to have the City be the applicant for the BECA Grant that they will be submitting and administering. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Chamberlain introduced Ordinance 2009-6, and moved for approval of the second reading thereof; Councilmember Sturm seconded.

ORDINANCE NO. 2009-6

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 74, ARTICLE III PLAT REVIEW AND SUBMITTAL REQUIREMENTS, SEC. 74-103(h) (19) PRELIMINARY PLAT INFORMATION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Administrator Johnson stated the following Ordinance will amend Chapter 14, Article II Dogs, Sec. 14-71 through 14-77. He proposed the following amendment to Sec. 14-72 regarding the appeals process:

**“The Council shall review the information provided by the police department and the owner of the animal and any other interested party and render a decision ~~to the effect that the dog is vicious or the dog is vicious and should be destroyed~~ on the appeal.”**

Councilmember Chamberlain introduced Ordinance 2009-7, and moved for approval of the second reading thereof as amended; Councilmember Ley seconded.

#### ORDINANCE NO. 2009-7

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 14, ARTICLE II, DOGS, DIVISION 2 VICIOUS DOGS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Chamberlain introduced Ordinance 2009-8, and moved for approval of the second reading thereof; Councilmember Sturm seconded.

#### ORDINANCE NO. 2009-8

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 2, ARTICLE IV BOARDS AND COMMISSIONS, DIV. 6 PLANNING COMMISSION, SEC. 2-443 PURPOSES AND DUTIES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Administrator Johnson stated that nine proposals were received on the First Street Paving and Storm Sewer Project. Recommendation of staff is to approve the proposal of Kirkham Michael for said project. This project is scheduled for 2011.

Because this is a stated-funded project using STP funds, we are not allowed to use cost in any of our considerations.

Councilmember Ley introduced Resolution No. 2009-25 and moved for its approval; Councilmember Sturm seconded.

#### RESOLUTION NO. 2009-25

A RESOLUTION APPROVING KIRKHAM MICHAEL AS THE ENGINEERING CONSULTANT FOR THE FIRST STREET PAVING AND STORM SEWER PROJECT.

Administrator Johnson advised the Council that all of the firms came to Wayne and looked at the street projects.

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

Administrator Johnson stated that nine proposals were also received on the Windom Street Paving and Storm Sewer Project. Recommendation of staff is to approve the proposal of Kirkham Michael for said project. This project is also scheduled for 2011.

Councilmember Ley introduced Resolution No. 2009-26 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2009-26

A RESOLUTION APPROVING KIRKHAM MICHAEL AS THE ENGINEERING CONSULTANT FOR THE WINDOM STREET PAVING AND STORM SEWER PROJECT.

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 contractor on the Power Plant Cooling Project wants to select his own engineer on the project. The contractor, Bill Hilger of Mid-States Erectors, works steadily with HDR. Mr. Hilger advised the Council several weeks ago that he could do a lot of this and reduce our engineering costs. However, the same must still be bid out. The total cost of the project will be somewhere around \$500,000. Mr. Hilger had advised him that they will bill us for engineering fees on a per hour and per materials basis, with the amount not to exceed \$50,000. HDR has agreed to do the grant application and pursue the stimulus funding for the energy package.

Gene Hansen, Electric Production Superintendent, stated this is an energy saving project. This is a situation where we need the engineering stamp to make it legal. Bill Hilger will be the go-between between the City and the engineer.

Councilmember Sturm introduced Resolution No. 2009-27 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2009-27

A RESOLUTION APPROVING HDR AS THE ENGINEERING CONSULTANT FOR THE POWER PLANT COOLING TOWER PROJECT.

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

Finance Director Nancy Braden advised the Council that as a result of reissuing the electric revenue refunding bonds, our bond attorney has advised us to be careful of the arbitrage rebate requirements. Arbitrage applies to the funds that we have to put back in reserve. Our bond attorney is recommending that we put the reserves in a CD. Because we have to do competitive bidding, we will be getting more than what we are paying on the bond, so the arbitrage rules will apply. Richard Pedersen and Phil Lorenzen, our bond attorney and fiscal agent, recommended passing a Resolution adopting a policy and procedures for compliance of the arbitrage rebate requirements.

Councilmember Sturm introduced Resolution No. 2009-29 and moved for its approval; Councilmember Frevert seconded.

#### RESOLUTION NO. 2009-29

A RESOLUTION ADOPTING POLICY AND PROCEDURE FOR COMPLIANCE OF THE ARBITRAGE REBATE REQUIREMENTS FOR REFINANCING OF ELECTRIC REVENUE REFUNDING BONDS, SERIES, 2009.

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

Rod Hansen of Olsson Associates reviewed the plans and specifications for the “Industrial Park Paving” project (Summerfield Drive with the option of doing Industrial Road). As part of the Summerfield Drive Project, all of the grading for Industrial Road will be done, as well as the drainage improvements for the entire site. The second option of paving Industrial Road would be mainly the paving itself. Most of the grade work and drainage will have been taken care of. He reviewed Phases 1, 2, and 3, and these phases can be done as needed.

Administrator Johnson stated the estimated cost to pave Summerfield Drive on the north side of the spec building is \$215,626, plus \$95,208 for the storm sewer. The reason that the total costs for Summerfield Drive are so high is because it is the first paved street and it creates the first need to collect the storm water and deliver it to Logan Creek. These costs will put in place two storm water systems that will service almost all of the Kardell Subdivision.

Administrator Johnson advised the Council that approving this tonight does not have any bearing on assessing the project.

Nancy Braden, Finance Director, presented several options for financing the project.

Councilmember Ley asked how soon the road needed to be paved. Is this time sensitive?

It was noted that a requirement of receiving the grant was that the road would be paved. If the road is not paved, the City may be required to pay back the \$250,000 that we received from DED.

Dave Simonsen of WAED stated most companies/industries want a “shovel ready” site, which means street, water, sewer, electricity, gas, etc., at the site so they can come in and build or expand, etc. If you don’t have that, it gives the companies a reason to throw you out of the project. Projects are time sensitive. As administrator of the LB840 Sales Tax Funds, he would not have any problem going to that committee and recommending that they spend some of that money to pay for the remainder of those costs. He would much prefer to have a “shovel ready” site to market than not, because it does make a difference. He is working on several Requests for Proposals at this time.

Councilmember Ley stated she is not opposed to paving the road. If we get a viable prospect, she thought we could build the road at that time.

It was noted that there is a time line on the grant. If we don't get the road built, we will have to ask for an extension.

Councilmember Chamberlain stated after hearing the results of the Planning Commission's meeting, we will probably not be annexing any of this property, which means we will not be able to assess any of the costs to the abutting property owners.

Councilmember Sturm was concerned about spreading ourselves too thin by doing all of these projects.

Councilmember Chamberlain stated that the City has the ability to recapture some of the extra costs spent on the road, etc., through the sale of the lots. We can add the cost of the road or a portion of the cost of the road to the price of the land.

Councilmember Chamberlain made a motion and seconded by Councilmember Haase approving the plans and specifications for paving Summerfield Drive, which includes the water, storm sewer, etc., and to advertise the same for bids.

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

Administrator Johnson stated we received Pay Application No. 2 for the Ultraviolet Disinfection System in the amount of \$26,932.50 to Penro Construction.

Councilmember Ley made a motion and seconded by Councilmember Frevert approving Pay Application No. 2 for the Ultraviolet Disinfection System in the amount of \$26,932.50 to Penro Construction.

Administrator Johnson updated the Council on the project.

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

Administrator Johnson stated one bid was received on the project to excavate and install moisture barriers at the City Auditorium, and that was from Benscoter Plumbing in the amount of \$4,000. Staff is requesting Council to table action on this matter for two weeks to evaluate whether or not city staff has the time to do it.

Lou Benscoter was present to answer questions.

Councilmember Chamberlain made a motion and seconded by Councilmember Ley to table action for two weeks on the bid received from Benscoter Plumbing to excavate and install moisture barriers at the City Auditorium. 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 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.

Chair Chamberlain called the meeting of the Community Development Agency to order. Those in attendance were: Members Brian Frevert, 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: Councilmembers Verdel Lutt and 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 March 17, 2009, meeting.

Member Frevert made a motion and seconded by Member Sturm approving the minutes of the March 17, 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 was to take action on the following CDA claims:

- City of Wayne (partial loan repayment) - \$145,127.04
- Kirkham Michael (lot pinning) - \$1,683.96

Member Frevert made a motion and seconded by Member Sturm approving the following CDA claims:

- City of Wayne (partial loan repayment) - \$145,127.04
- Kirkham Michael (lot pinning) - \$1,683.96

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

A report was given on Wayne Industries motel market study and request by a local resident developer for the sense of the CDA for support of TIF financing of infrastructure for a new subdivision including a motel, commercial and residential development south of McDonalds.

Dave Simonsen of WAED stated a hotel feasibility study was completed. The result of that study was that Wayne's market will definitely support another hotel in Wayne. The size of that hotel would be a 100-room hotel. They also recommended that the hotel have a 150-200 person meeting room or banquet center, as well as a swimming pool and exercise facility. The brand names that they are looking at are mid-range hotels

and would not compete with the two current hotels. Pricing would range somewhere between \$75 - \$95 a night. They are talking about Holiday Inn Express and Suites, Comfort Inn and Suites, Country Inn and Suites or Hampton Inn. The Norfolk, West Point and Sioux City hotels were included in this study. It was felt by having a 100-room hotel in Wayne, we would be larger than any of those facilities, and therefore, we would be drawing people back this way because of the facilities that would be included in that hotel. The site recommended is the site that Louis and Javanah Bencoter are in the process of purchasing. The Super 8 has 40 rooms, but is only using 37 or 38 of those rooms. The study also suggested that a family style restaurant be built to accommodate the extra traffic created by the hotel.

Louis and Javanah Bencoter, who are in the process of purchasing the proposed tract of land south of the Fire Hall owned by Scottie Thompson, are preparing a joint development proposal with the Wayne Investment Club for a multiple use development of the property. They would like to start building elderly housing on the west side of this property. They would like to use tax increment financing for this project and were asking for Council consensus for the same. This project will probably not take place without it.

There was Council consensus to support tax increment financing for this project.

Member Sturm made a motion and seconded by Member Ley 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.

Discussion took place regarding compensation for the Fire Chief. The position of the Fire Chief is being used more and more because of the requirements of FEMA, etc.

North Platte has implemented a program where they make a contribution to a retirement plan for the Fire Chief, etc. The Rural Fire Board has tentatively approved up to \$5,000 per year in their budget to allocate, if the City matches that, towards the compensation for the Fire Chief.

A suggestion was to have the total package be \$5,000, with the Chief receiving \$2,000 and the two assistant chiefs receiving \$1,500 each. Another suggestion was to have a city employee be the liaison to attend these meetings rather than sending the Fire Chief.

Consensus was to bring this back at the next meeting for further discussion.

There were no reports on meetings attended.

There were no appointments.

Councilmember Ley made a motion and seconded by Councilmember Sturm to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:59 p.m.