

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

The Wayne City Council met in regular session at City Hall on Tuesday, November 3, 2009, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Jim Van Delden, 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: Councilmembers Brian Frevert and Dale Alexander.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 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 Ley, whereas the Clerk has prepared copies of the Minutes of the meeting of October 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:

VARIOUS FUNDS: AMERITAS, RE, 2041.52; APPEARA, SE, 69.39; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 195.00; BLACK HILLS ENERGY, SE, 376.85; BOMGAARS, SU, 15.24; BROWN SUPPLY, SU, 419.01; CITY OF WAYNE, RE, 849.43; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 1412.24; CITY OF WAYNE, PY, 54289.07; CITY OF WAYNE, RE, 670.51; CITY OF WAYNE, RE, 327.04; CIVICPLUS, SE, 10785.00; CLAYTON BRATCHER, RE, 815.00; DEMCO, SU, 291.91; DISCOUNT FURNITURE, SU, 900.00; ELECTRIC FIXTURE, SU, 87.32; FLOOR MAINTENANCE, SU, 294.15; HD SUPPLY WATERWORKS, SU, 1996.32;

HOWARD JOHNSON RIVERSIDE, SE, 102.82; ICMA, RE, 5537.82; IRS, TX, 17135.53; JACK'S UNIFORMS, SU, 103.80; K & C GRAIN, SU, 2370.51; LOGAN VALLEY NURSERY, SE, 200.00; MID-CONTINENT SALES, SU, 796.48; MIDWEST TAPE, SU, 34.99; MILO MEYER CONSTRUCTION, SE, 240.00; MOONLIGHT TOWING, SE, 85.20; MORLOCK, JEFF, RE, 500.00; MSC INDUSTRIAL, SU, 113.23; NE DEPT OF REVENUE, TX, 2582.71; NE LAW ENFORCEMENT, SE, 18.00; NE LIBRARY COMMISSION, SU, 500.00; NEBRASKA HOIST, SU, 1694.92; N.E. NE RED CROSS, RE, 29.62; NNPPD, SE, 12787.30; PIEPER, MILLER & DAHL, SE, 1618.50; QUALITY 1 GRAPHICS, SU, 30.00; QUILL, SU, 55.79; QWEST, SE, 427.10; QWEST, SE, 168.00; RON'S RADIO, SU, 36.40; SEWER EQUIPMENT, SU, 162.95; SKARSHAUG TESTING LAB, SE, 83.64; STADIUM SPORTING GOODS, SU, 444.00; STAN HOUSTON EQUIPMENT, SU, 89.90; STATE NATIONAL BANK, RE, 10634.83; STEVE HARRIS CONSTRUCTION, SE, 318892.45; TYLER TECHNOLOGIES, SE, 2691.00; UNITED WAY, RE, 13.49; VIAERO, SE, 72.09; W.T. COX SUBSCRIPTIONS, SU, 2437.44; WURDEMAN FAMILY, SE, 275.00; BARONE SECURITY SYSTEMS, SE, 70.00; BRETT GEBHARDT, SU, 50.00; CARLTON INDUSTRIES, L.P., SU, 165.27; CHARTWELLS, SE, 5821.70; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 49.20; CITY OF WAYNE, RE, 535.00; CITY OF WAYNE, RE, 320.00; CITY OF WAYNE, RE, 150.44; CITY OF WAYNE, RE, 400.84; DAVE'S DRY CLEANING, SE, 162.30; ECHTENKAMP, DOUGLAS, RE, 278.66; EGAN SUPPLY, SU, 815.35; FLOOR MAINTENANCE, SU, 23.08; GEMPLER'S, SU, 162.25; HAUFF MID-AMERICAN SPORTS, SE, 587.25; JOHNSON'S PLUMBING & HEAT, SE, 200.00; KELLY SUPPLY COMPANY, SU, 126.83; LCAD, FE, 75.00; LP GILL, SE, 7,144.02; MONAHAN, PHILLIP, RE, 463.23; MSC INDUSTRIAL, SU, 246.79; N.E. NEB ECONOMIC DEV DIS, SE, 1403.15; NICHOLAS LIPP, RE, 500.00; NMPP ENERGY, SU, 654.50; NORFOLK DAILY NEWS, SU, 120.50; PLUNKETT'S PEST CONTROL, SE, 90.00; POSTMASTER, SU, 666.21; PUSH-PEDAL-PULL, SU, 1080.53; RON'S RADIO, SE, 35.00; SHANNAHAN INC, SU, 210.08; STADIUM SPORTING GOODS, SE, 1489.50; STATE NATIONAL BANK, RE, 277.97; TERRACON CONSULTANTS, SE, 4570.00; UNITED STATES PLASTIC, SU, 67.56; UTILITIES SECTION, FE, 585.00; VERIZON, SE, 363.41; VOSS LIGHTING, SU, 163.25; WAYNE COUNTY CLERK, SE, 17.50; WAYNE STATE COLLEGE, RE, 400.00; WAYNE VETERINARY CLINIC, SE, 70.00; WEB SOLUTIONS OMAHA, SE, 275.00

Councilmember Sturm 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.

Attorney Pieper stated in regard to the claim of Don Forney that was submitted on behalf of his son, Ronnie Forney, in the amount of \$581.76 which was for a broken arm

he received during recreation football practice, the insurance company has reviewed the same and has recommended the Council deny it.

Councilmember Sturm made a motion and seconded by Councilmember Haase to deny the claim submitted by Don Forney in the amount of \$581.76 for a recreation program football accident regarding his son, Ronnie Forney. 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.

Because Councilmembers Haase and Ley had to abstain from voting on Resolution 2009-100 concerning the Redevelopment Plan/Contract with Northeast Nebraska Investors, LLC, due to a conflict of interest, there were not enough Councilmembers remaining to act on the Resolution.

Administrator Johnson stated the Planning Commission did however review the Redevelopment Contract at their meeting last night and recommended approval thereof.

Councilmember Chamberlain made a motion and seconded by Councilmember Haase to table action on Resolution 2009-100 until the next meeting. 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 and Utilities, stated a Change Order has been received from Layne Christensen on the Well House and Municipal Well 2009-1 Project. The same is a deduct in the amount of \$5,088. The change order is due to reducing the screen and casing sizes from 18” to 16” and using PVC casing in lieu of steel.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving Change Order No. 1 on the Well House and Municipal Well 2009 Project in the amount of (\$5,088). 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 Haase to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who voted Nay, the Mayor declared the motion carried and the meeting adjourned at 5:38 p.m.