

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

The Wayne City Council met in regular session at City Hall on Tuesday, November 17, 2009, at 5:30 o'clock P.M. Council President Doug Sturm called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Kaki Ley, Kathy Berry, and Ken Chamberlain; City Attorney Kyle Dahl; and City Clerk Betty McGuire. Absent: Mayor Lois Shelton; Councilmember Dale Alexander and City Administrator Lowell Johnson.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on November 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 Chamberlain made a motion and seconded by Councilmember Ley, whereas the Clerk has prepared copies of the Minutes of the meeting of November 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.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMERICAN PUBLIC POWER, SU, 54.50; AMERITAS, SE, L 2032.60; APPEARA, SE, 109.82; BACON & VINTON, SE, 946.80; BANK FIRST, FE, 180.00; BOMGAARS, SU, 1898.99; CARHART LUMBER COMPANY, SU, 946.82; CARLTON INDUSTRIES, L.P., SU, 81.13; CITY OF WAYNE, RE, 10250.00; CITY OF WAYNE, RE, 47.06; CITY OF WAYNE, RE, 1344.94; CITY OF WAYNE, RE, 283.50; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 1715.42; CITY OF WAYNE, PY, 56148.21; CITY OF WAYNE, RE, 11910.46; CITY OF WAYNE, FE, 1464.00; CITY OF WAYNE, RE, 742.69; COMMUNITY HEALTH, RE, 4.00; COPY

WRITE PUBLISHING, SU, 777.53; CRANE RENTAL & RIGGING, SE, 722.00; DOESCHER APPLIANCE, SU, 529.00; ED M FELD EQUIPMENT, SU, 303.18; ELECTRONIC ENGINEERING, RE, 286.50; FIRST SOURCE TITLE & ESCROW, SE, 230.00; FLOOR MAINTENANCE, SU, 256.21; FORT DEARBORN LIFE, SE, 1531.95; GEMPLER'S, SU, 75.00; GILL HAULING, SE, 2880.70; GREAT PLAINS ONE-CALL, SE, 64.46; HAUFF MID-AMERICAN SPORTS, SU, 412.46; HD SUPPLY WATERWORKS, SU, 2749.60; HIRERIGHT SOLUTIONS, FE, 20.00; HOLIDAY INN OF KEARNEY, SE, 136.00; ICMA, RE, 5357.86; IFM EFECTOR INC, SU, 147.14; INGRAM BOOK COMPANY, SU, 574.78; INTERNATIONAL CODE, SU, 252.75; IRS, TX, 17258.45; JEO CONSULTING GROUP, SE, 42370.88; JOHN'S WELDING AND TOOL, SU, 446.96; JORGENSEN CONSTRUCTION, SE, 325.00; KAREN BODLAK, RE, 1000.00; KTCH, SE, 940.00; LAYNE CHRISTENSEN, SE, 14035.50; MICHAEL CARNES, RE, 647.50; MIDLAND COMPUTER, SU, 480.95; MIDWEST LABORATORIES, SE, 184.05; MIDWEST OFFICE AUTOMATION, SE, 670.59; N.E. NEB ECONOMIC DEV DIS, SE, 936.66; NE DEPT OF REVENUE, TX, 2607.50; NEBRASKA ENVIRONMENTAL, SU, 237.00; NMPP ENERGY, FE, 100.00; NORTHEAST EQUIPMENT, RE, 900.00; NORTHEAST EQUIPMENT, SU, 577.42; NNPPD, SE, 10698.54; PAC N SAVE, SU, 118.55; PAMIDA, SU, 270.92; PEPSI-COLA, SU, 313.66; POWERPHONE, FE, 378.00; PRESTO X, SE, 74.95; PURCHASE POWER, SU, 1000.00; QUALITY 1 GRAPHICS, SU, 60.00; QUILL, SU, 847.10; QWEST, SE, 331.48; QWEST, SE, 990.15; S & S WILLERS, SU, 1345.12; SANTA FE SYSTEMS, SU, 169.45; SIEMENS WATER TECHNOLOGIES, SU, 150.00; SNAKEY JAKES, SU, 104.00; STATE NATIONAL BANK, RE, 1897.68; STATE NATIONAL BANK, SE, 250.00; TRIVIEW COMMUNICATION, SE, 50.00; US BANK, SU, 2394.77; VAKOC BUILDER'S RESOURCE, SE, 191.42; VEL'S BAKERY, SU, 16.00; WAYNE COMMUNITY SCHOOLS, FE, 10.00; WAYNE COUNTY TREASURER, RE, 11518.26; WAYNE GRAIN & FEED, SE, 100.00; WAYNE HERALD, SE, 1265.77; WAPA, SE, 22793.23; ZACH OIL, SU, 3428.30; ZACH PROPANE, SU, 63.75; AMERITAS, RE, 2168.41; BAKER & TAYLOR, SU, 1425.84; BANK FIRST, FE, 210.00; BINSWANGER GLASS, SE, 218.50; BOMGAARS, SU, 29.73; BROWN SUPPLY, SU, 195.00; CARROT-TOP INDUSTRIES, SU, 604.11; CITY OF WAYNE, RE, 750.00; CITY OF WAYNE, RE, 320.00; CITY OF WAYNE, RE, 4811.21; CITY OF WAYNE, PY, 62043.10; COMMUNITY HEALTH, RE, 4.00; COVENTRY HEALTH, SE, 16282.87; CULLIGAN, SE, 42.25; DAKOTA BUSINESS SYSTEMS, SE, 100.00; DAVE SWANSON, SE, 546.77; DE LAGE LANDEN FINANCIAL, SE, 77.00; ELECTRIC FIXTURE, SU, 436.92; EMPLOYERS MUTUAL CASUALTY, SE, 994.44; FLOOR MAINTENANCE, SU, 166.47; HOLIDAY INN OF KEARNEY, SE, 1213.80; ICMA, RE, 5357.86; IRS, TX, 18759.22; NE DEPT OF REVENUE, TX, 2770.90; N.E.NE AMERICAN RED CROSS, RE, 59.24; OLSSON ASSOCIATES, SE, 5902.46; PAMIDA, SU, 297.41; PETERSON INDUSTRIAL ENGINE, SU, 10584.00; PITNEY BOWES, SE, 637.00; PROVIDENCE MEDICAL CENTER, SE, 103.00; QUILL, SU, 275.00; RANDOM HOUSE, SU, 384.00; STATE NATIONAL BANK, SE, 45.78; STATE NATIONAL BANK, RE, 189.88; SWAN ENGINEERING, SU, 461.96; TRIGGS, JEFF B., RE, 500.00; TYLER TECHNOLOGIES, FE, 500.00; UNITED WAY, RE, 32.40

Councilmember Chamberlain made a motion and seconded by Councilmember Ley to approve the claims. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Mary Plettner of Nebraska Public Power District gave a presentation on the 2009 Wayne County Employment and Demographic Trends Survey that was prepared by Jenny Overhue of the NPPD Economic Development Department. Some of the information taken from the study were:

- Wayne County's non-farm employment fell 5.3% from 2001 to 2008.
- The unemployment number in Wayne County in 2001 was 153; the unemployment number in 2008 was 150. The unemployment number has not really moved.
- Of 2,154 primary jobs (full-time jobs), within the City of Wayne, 1,122 residents live in the City of Wayne.
- Fifty-five percent of Wayne County residents also work in Wayne County, with 45% of them leaving the County to work. The largest percentage are commuting to Madison, Dixon and Cedar Counties.
- Of the 2,667 primary jobs within the city limits, 1,545 of these positions are filled by people living outside of the city limits, and 43.2% or 1,151 people of these positions are filled by people living outside of Wayne County.
- There are 3,871 primary jobs in the County being filled by 2,355 or 60.8% living outside the City of Wayne.
- Of those people working in the County, 45.6% or 1,765 people are working inside Wayne County but living outside the County.
- Wayne County's population decreased by 2.7% from 1950 to 2000 and by 5.9% from 2000 to 2008 or 577 people from 2000 to 2008.
- Wayne County had a 71% in-migration occurring in the 15-24 year age group (1,649 people). The presence of Wayne State College plays a significant role in this phenomenon. A community with a 4-year college is a terrific asset.
- 74.2% of the in-migration into Wayne County from 1995 to 2000 came from other Nebraska locations. Of those migrating from other Nebraska locations to Wayne County, the majority or 12.3% came from Madison, 8.8% from Douglas and 8.5% from Dixon Counties.
- The majority of people leaving Wayne County are staying in Nebraska or 71%. Of those leaving Wayne County but staying in Nebraska, the majority are going to Douglas, Lancaster and Madison Counties. Education and employment opportunities play a major role in migration

patterns, as well as adequate and affordable housing and whether or not there are jobs available.

- The population of Wayne County is significantly younger than Nebraska as a whole. The median age for Wayne County residents in 2008 was 27.5 years compared to 36.2 years of age for residents of Nebraska as a whole. Median means half are above and half are below 27.5 years.
- Wayne County suffers from significant retail leakage. Distance from other large trade centers plays a major role in this phenomenon. Wayne has experienced a decline in retail pull since the early 1990's and an upward trend since 1997.
- Per capita personal income is all the reported income in each area divided by total population. Wayne County has a lower per capita personal income than the average Non-Metro Nebraska per capita income, as well as below the Metro. Nebraska, and Nebraska as a whole. Wayne County's per capita personal income is \$29,370.
- Median family income, which is completely different than per capita income, is the midpoint of the sum of all income for all family members that are 15 years of age or older. Wayne County reports a higher median family income than Non-Metro Nebraska. Wayne County is at \$54,300.

The total fall enrollment of Wayne State College was 3,631. Of those, 1,352 live in the dorms; 2,279 live off-campus (commute to campus or take distance ed courses off campus). Of those who live off-campus, 765 list a local zip code of 68787; 223 of the 765 also list a permanent zip code of 68787. These figures include all students: undergraduate and graduate student and full-time and part-time students.

Ms. Plettner suggested conducting a student survey through Facebook or Twitter at the College or the high school or both, asking what they purchase out of town that would make more sense for them to purchase in Wayne. Find out what their needs and wants are and determine if those are realistic, can it be done, etc. She stated that positive factors for Wayne are the college, great healthcare, great community, and good staff, Councilmembers, leaders, City Administrator and economic development staff. This is half the battle in her opinion. She emphasized keeping relationships strong with the local businesses and companies in Wayne.

Irene Fletcher, representing Wayne Area Economic Development, stated that during the “Welcome Back” event held at WSC, they had students tell them informally that a movie theater was one of the top things they wanted to have in the community. Other things were entertainment venues (go-carts, dog park, Frisbee golf), and then a Target or Wal-Mart.

Council President Sturm 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, he 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.

Council President Sturm stated the following Resolution would approve the Amended Redevelopment Plan for Northeast Nebraska Investors, LLC. The motel project has been downsized from approximately 60 rooms to 44 rooms, which is the reason for the plan having to be amended.

Councilmember Chamberlain introduced Resolution No. 2009-100 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2009-100

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

Council President Sturm stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who abstained from the vote due to a conflict of interest, the Council President declared the motion carried.

City Clerk McGuire stated the following Ordinance would place a stop sign at the new intersection of Summerfield Drive and North Centennial Road.

Councilmember Chamberlain introduced Ordinance 2009-22, and moved for its approval; Councilmember Ley seconded.

ORDINANCE NO. 2009-22

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-11 STOP SIGN LOCATIONS; EAST OF MAIN STREET, NORTH OF SEVENTH STREET OF THE WAYNE MUNICIPAL CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

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

Councilmember Chamberlain made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2009-22. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, stated the following Resolution, more particularly the General Service Demand Rate therein, is being

amended to include the same wording that is in subsection v of the ordinance which requires a customer to have a peak demand of 50 kw for three consecutive months before they are placed on the demand rate. This particular language has been in the ordinance but not in the Resolution.

Councilmember Ley introduced Resolution No. 2009-104 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2009-104

A RESOLUTION ESTABLISHING A SCHEDULE OF ELECTRICAL RATES TO BE CHARGED CUSTOMERS FOR ENERGY AND POWER FROM THE ELECTRIC DISTRIBUTION SYSTEM OF THE CITY; TO REPEAL CONFLICTING RATES AND SCHEDULES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

The following ordinance amends Subsection v. of Sec. 82-83 of the Wayne Municipal Code to change the minimum kw requirement for a utility customer to be placed on demand from 25 kw to 50 kw. This minimum requirement was changed back in March, 2009, by Resolution.

Councilmember Ley introduced Ordinance 2009-23, and moved for its approval; Councilmember Frevert seconded.

ORDINANCE NO. 2009-23

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 82, ARTICLE III, SECTION 82-83 COMMON REGULATIONS AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, AND AN EFFECTIVE DATE.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

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

Councilmember Ley made a motion and Councilmember Chamberlain seconded to move for final approval of Ordinance No. 2009-23. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, stated the following Resolution would establish a rental agreement for city-owned tools and equipment. The City has had rental rates for the equipment by way of an Administrative Directive that was developed years ago, but no formal rental agreement. The policy, although unwritten that the City has been going with for quite some time, has been that if you need a City-owned piece of equipment, you must have exhausted all local possibilities before you can rent it from the City. The new policy states that the renter will be responsible for rental fees until they have paid for lost, damaged or stolen equipment or until the necessary repairs are made.

Councilmember Ley left the meeting at 6:33 p.m.

Councilmember Chamberlain introduced Resolution No. 2009-105 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2009-105

A RESOLUTION ESTABLISHING RENTAL POLICY FOR CITY-OWNED TOOLS AND EQUIPMENT.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

City Clerk McGuire stated the following Resolution would amend the fee schedule to increase fees for fingerprinting from \$15 to \$20, increase the community activity center membership fees, and establish fees for faxes, international faxes and color copies.

Lance Webster, Police Chief, explained the fees for vehicle storage and impounded vehicles. The fees are established to cover the costs passed onto the City by the towing service companies, etc.

Councilmember Chamberlain introduced Resolution No. 2009-106 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2009-106

A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

City Clerk McGuire stated that three bids were received on the “Former Kardell Landfill Stream Restoration Project.” The bids ranged from a low base bid of \$115,617.85 with an alternate bid of \$65,239.87 to a high base bid of \$197,155.00 with an alternate bid of \$144,023.00. Kirkham Michael, the engineer on the project, has reviewed the bids and is recommending that the contract be awarded to the low bidder, Gana Trucking & Excavating, Inc., Martell, NE, in the amount of \$65,239.87, which is the alternate bid. The low bid is under the engineer’s estimate of approximately

\$180,000 for the base bid and \$103,000 for the alternate. Two sources of funding for this project are:

- ❖ A grant from the Environmental Trust Fund for a maximum of \$87,450; and
- ❖ A mitigation cost share grant from the Lower Elkhorn NRD of \$25,000.

Councilmember Chamberlain introduced Resolution No. 2009-107 and moved for its approval, awarding the alternate bid to Gana Trucking & Excavating, Inc., in the amount of \$65,239.87; Councilmember Berry seconded.

RESOLUTION NO. 2009-107

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "FORMER KARDELL LANDFILL STREAM RESTORATION PROJECT."

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

The LB 840 Sales Tax Advisory Committee is recommending a 10-year, zero percent loan in the amount of \$38,000 to James Milliken/Godfather's Pizza to redo their parking lot. Mr. Milliken has agreed to install an in-ground crushed concrete filter/soak away box around the existing parking lot drain. Of the \$38,000 loan, the recommendation is for Council to make 50% of the estimated \$5,000 cost of the storm water run-off demonstration project a grant and not require that portion to be repaid. Therefore, the amount to be repaid would be \$35,500.

Councilmember Chamberlain made a motion and seconded by Councilmember Frevert approving the recommendation of the LB 840 Sales Tax Advisory Committee to approve a 10-year, zero percent loan in the amount of \$38,000 to James Milliken/Godfathers Pizza to be used for the parking lot at Godfather's Pizza located at the corner of 1st and Main Street, with \$2,500 of said amount being a grant to assist in the

storm water run-off demonstration project. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Frevert made a motion and seconded by Councilmember Haase to adjourn the meeting. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the meeting adjourned at 6:45 p.m.