

**AGENDA
CITY COUNCIL MEETING
December 15, 2009**

5:30 Call to Order

1. Approval of Minutes – December 15, 2009
2. Approval of Claims

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the south wall of the City Council Chambers.

Anyone desiring to speak on an agenda item is invited to do so, and should limit themselves to three minutes. After being recognized by the Chair, proceed to the rostrum and state your name and address for the record.

The City 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.

3. Recess
 - a. Convene as Community Development Agency
 - b. Approve Minutes – October 20, 2009
 - c. Approve Claim(s)
 - d. Consideration and Adoption of CDA Res. 2009-8 Recommending Approval of Amended Redevelopment Plan/Contract for Louis Benscoter and Javanah Benscoter

Background: The TIF Agreement for this development was approved during the preliminary plat stage of the subdivision development. The lots to be developed in the TIF Agreement were changed when the final plat was approved, requiring this amendment to reflect the correct development lots in the original TIF agreement. The Planning Commission has approved this amendment

Recommendation: The recommendation of the Finance Director and City Administrator is to approve this amendment
 - e. CDA Res. 2009-9 Bond Resolution – Northeast Nebraska Investors, LLC
 - f. Adjourn CDA and Reconvene as Council
4. Public Hearing: Amended Redevelopment Plan/Contract for Louis Benscoter and Javanah Benscoter

Background: The TIF Agreement for this development was approved during the preliminary plat stage of the subdivision development. The lots to be developed in the TIF Agreement were changed when the final plat was

approved, requiring this amendment to reflect the correct development lots in the original TIF agreement. The Planning Commission has approved this amendment

Recommendation: The recommendation of the Finance Director and City Administrator is to approve this amendment

5. Resolution 2009-111: Approving Amended Redevelopment Plan/Contract for Louis Benscoter and Javanah Benscoter
6. Action on Pay Application No. 3 in the amount of \$70,332.34 to Steve Harris Construction for the Kardell Subdivision Paving, Drainage and Water Improvements Project

Background: This pay application is for work completed on extension of the water and sewer lines along Industrial Road. It has been reviewed and approved by Olsson and Associates, the Engineer on the project.

7. Action to direct the staff to solicit bids for a replacement pickup and snow-plow blade for the Public Works Department.

Background: Funds have been budgeted for a replacement pickup for general work and plowing snow. The State of Nebraska annually bids out contracts to provide pickups and other city and state equipment, and cities are legally authorized to purchase off the list of these state-wide bid items. Our proposal to you will be to sell the 1994 Ford pickup and old snowplow as is and replace them with a new state bid $\frac{3}{4}$ ton, 4-wheel drive pickup and v-blade snowplow. Garry will provide you with details or the options desired in the state bid spec. The replacement snowplow will have to be bid out separately. The approximate state bid for the pickup is \$27,000 set up with snowplow suspension, and the approximate cost of the v-snowplow blade is \$7,000 mounted.

We will have the 1994 Ford to be replaced in the city parking lot for your inspection before the meeting. I have also asked Garry to bring the blue pickup up that we were planning to trade last spring but decided to keep and use for the small sand spreader for street ice.

8. Resolution 2009-113: Amending Wage and Salary Schedule

Background: The City of Wayne participates in the League of Nebraska Municipalities Nebraska Pay Survey each year to provide us with information about the average wage ranges for other Nebraska cities in the population range of Wayne. The policy of the Mayor and Council has been to attempt to pay Wayne city employees within the average pay range comparable to the same job descriptions of the other cities in the survey.

In our more detailed preparation for negotiations with the Police Department for a new labor agreement, we have found that in the past three years we have dropped behind the comparability in some police and some civilian positions. We will not have a labor agreement with the Wayne Fraternal Order of Police before the January meeting.

We have completed the recommended salary scale for the civilian city employees and that recommendation is included in the Resolution. Some details of the

pay range recommendation: 1) Twenty-six Nebraska cities were used for comparability to Wayne; 2) The population range for the cities used range from ½ the size of Wayne to twice the size of Wayne (This is the same size category of array of cities required by the Court of Industrial Relations in case of pay disputes. The list of the cities used is attached in the packet; 3) The beginning wage for each Wayne job description is at or close to the average starting pay of the 26 cities for that position; 4) The top wage for each Wayne job description is at or close to the average top pay of the 26 cities for that position; 5) Hourly wage employees that achieve a satisfactory annual review move from the beginning wage to the top wage in 9 years; 6) Salaried positions generally, but not always, move from the beginning wage to top wage in 9 years; 7) An increase in the pay range for a job description does not necessarily result in a pay raise for the employee, but it gives the employee a higher top pay rate in the future if he or she is successful in their position; 8) Regardless of the Council action on this Resolution, the budget for this fiscal year is already set based on a maximum 4.7% average pay increase for all city staff ; 9) The role of the City Council is to designate the total maximum amount of expenditures in the budget each year for labor; 10) The role of the City Administrator is to allocate with the consultation and advice of the Mayor, those limited labor funds in the best way to provide high quality services to the public; and 11) Any public employee or group of public employees may appeal to the Nebraska Court of Industrial Relations for relief to be paid a “comparable wage for comparable duties” by Nebraska Statutes.

Recommendation: The recommendation of the City Administrator is to continue our past policy to pay set pay ranges for each job description that are comparable to an array of cities provided by the League of Nebraska Municipalities Pay Survey

9. Resolution 2009-114: Accepting and Authorizing the Execution of Supplemental Agreement No. 11 with the Nebraska Department of Roads Relating to the Wayne Trail Project

Background: The Nebraska Department of Roads now requires a local city employee to be designated as the “Responsible Charge” to be responsible for local compliance with the new environmental and property acquisition requirements for projects funded with Federal Highway Administration funds. You may recall that in October, by Council Resolutions, we appointed Joel Hansen as the “Responsible Charge” for the Highway 35 trail underpass grant application, for the 10th St. and Windom St. projects and for this Phase II trail project. This supplemental agreement is the 11th amendment to the NDOR Agreement that grants \$337,000 in funding to help build the Phase II Trail. This amendment acknowledges Joel as the Responsible Charge from the City of Wayne for the trail project.

Recommendation: Recommendation of the Finance Director and City Administrator is to execute the Supplemental Agreement

10. Ordinance 2009-24: Amending Sec. 78-96 of Wayne Municipal Code - Locations Reserved for Handicapped Parking

Background: At the present time, there is only one designated handicapped parking stall for the City Auditorium. I have attended several auditorium events recently where there were 3-4 people attending who had permits for ADA

designated parking. We propose to designate ADA parking in the first two parking places at the east end of the diagonal parking on the north side of the City Auditorium

Recommendation: The recommendation of the City Administrator, Police Chief and Certified Street Superintendent is to approve the ordinance creating two more ADA parking stalls on the north side of the City Auditorium.

11. Action Approving Grant Agreement with the U.S. Environmental Protection Agency for the Water/Wastewater Treatment Facility Project

Background: This Grant Agreement is required for us to receive the \$520,400 grant from EPA to help pay the cost of a new wastewater treatment plant.

Recommendation: This is a requirement of the grant.

12. Action on Proposal from Otte Construction, Inc., in the amount of \$12,795 to Repair the Walking Track at the Community Activity Center

Background: This is a negotiated agreement with Otte Construction, the original general contractor for the Community Activity Center, to repair a section of the walking track damaged by moisture about 3 years ago. The source of the moisture is presumed to be around the roll-up access door that is on the north side of the building. The material that the track and the track surface is constructed of is proprietary, and there is only one source. We have been working with the original installer to make the repairs, but have been unsatisfied with the responsiveness and price. The Otte proposal is for labor and the propriety materials so the repair matches the existing track and is more competitive than the original installer.

Recommendation: Approve the contract for the repair work to be done in March through May of 2010.

13. Discussion Regarding Pending Litigation – Lassila v. City of Wayne, Nebraska Fair Employment Practice Act
14. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator