

**MINUTES
CITY COUNCIL MEETING
May 1, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, May 1, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Dale Alexander, Doug Sturm, and Jill Brodersen; City Attorney Amy Miller; and City Clerk Betty McGuire. Absent: Councilmembers Kaki Ley and Kathy Berry; and City Administrator Lowell Johnson.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 19, 2012, 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 Haase made a motion, which was seconded by Councilmember Van Delden, whereas the Clerk has prepared copies of the Minutes of the meeting of April 17, 2012, 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 Chamberlain 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: ADVANCED CONSULTING, SE, 3595.00; AMERICAN TEST CENTER, SE, 1300.00; AMERITAS, SE, 1709.18; APPEARA, SE, 154.50; AS CENTRAL SERVICES, SE, 448.00; BACON & VINTON, SE, 1600.00; BAIRD, HOLM, McEACHEN, SE, 3750.00; BANK FIRST, FE, 140.00; CITY EMPLOYEE, RE, 33.84; BENSCOTER PLUMBING, SE, 43224.02; BIG T ENTERPRISES, SU, 199.90; BLACK HILLS ENERGY, SE, 162.86; CITY EMPLOYEE, RE, 422.90; CITY OF NORFOLK, SE, 410.91; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 58299.58; CLAUSSEN & SONS IRRIG., SU, 1701.44; COMMUNITY HEALTH, RE,

3.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DONNA TIETSORT, RE, 393.23; ECHO GROUP, SU, 37.98; CITY EMPLOYEE, RE, 361.55; ELLIS PLUMBING & HEATING, SE, 80.50; ESRI, SE, 1065.00; FIRST CONCORD GROUP, SE, 3414.88; FLOOR MAINTENANCE, SU, 467.70; FORT DEARBORN LIFE, SE, 116.96; GALE GROUP, SU, 53.91; GEMPLER'S, SU, 200.40; GERHOLD CONCRETE, SU, 2562.00; GROSSENBURG IMPLEMENT, SU, 473.02; HD SUPPLY WATERWORKS, SU, 67.68; CITY EMPLOYEE, RE, 78.90; HELENA CHEMICAL, SU, 1000.00; CITY EMPLOYEE, RE, 8.00; HUBER TECHNOLOGY, SU, 1154.00; ICMA, RE, 5278.62; INTERSTATE ALL BATTERY, SU, 199.60; IRS, TX, 19159.56; JEO CONSULTING GROUP, SE, 2488.50; CITY EMPLOYEE, RE, 245.30; KRIZ-DAVIS, SU, 575.10; MCGUIRE & NORBY, SE, 84.84; MIDWEST OFFICE AUTOMATION, SE, 1110.17; CITY EMPLOYEE, RE, 484.15; NE DEPT OF REVENUE, TX, 3049.08; NE EMERGENCY SERVICE, FE, 45.00; N.E.NE AMERICAN RED CROSS, RE, 59.24; OLSSON ASSOCIATES, SE, 18013.56; OPTIMUM DATA, SU, 1600.00; CITY EMPLOYEE, RE, 1275.54; PIEPER & MILLER, SE, 3081.00; POLLARD PUMPING, SE, 310.00; PRESTO X, SE, 35.15; CITY EMPLOYEE, RE, 353.04; RON'S RADIO, SE, 3705.60; SMEAL FIRE APPARATUS, SU, 381197.00; STANLEY SECURITY SOLUTION, SU, 204.18; STATE NATIONAL BANK, RE, 45161.25; TELEDYNE ISCO, INC., SU, 618.15; TOM'S BODY & PAINT SHOP, SE, 52.00; TRI-CITY SIGN COMPANY, SE, 5355.00; UNITED RENTALS, FE, 50.00; UNITED WAY, RE, 10.00; VAN DIEST SUPPLY, SU, 35.00; VERIZON, SE, 224.00; VIAERO, SE, 169.20; VOSS LIGHTING, SU, 127.28; WAED, FE, 70.00; WAYNE AUTO PARTS, SU, 476.10; WAYNE CO SHERIFF, SE, 18.50; WAYNE COUNTY COURT, RE, 300.00; WESCO, SU, 174.45; AMERICAN BROADBAND, SE, 550.00; AMERICAN BROADBAND, SE, 1440.18; CITY EMPLOYEE, RE, 1606.19; BLACK HILLS ENERGY, SE, 138.24; BOMGAARS, SU, 788.84; CITY EMPLOYEE, RE, 202.32; CENTURYLINK, SE, 308.89; CITY OF PONCA, RE, 14847.07; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 49750.00; CITY OF WISNER, RE, 2243.89; CITY EMPLOYEE, RE, 79.77; EASYPERMIT POSTAGE, SU, 687.96; ECHO GROUP, SU, 93.47; FLOOR MAINTENANCE, SU, 226.37; GEOCOMM INC, FE, 1800.00; GERHOLD CONCRETE, SU, 733.28; GILL HAULING, SE, 155.00; HD SUPPLY WATERWORKS, SU, 118.11; HEARTLAND FIRE PROTECTION, SE, 628.70; JASON CAROLLO, SE, 175.00; JEO CONSULTING GROUP, SE, 6715.99; CITY EMPLOYEE, RE, 548.89; LYNN PEAVEY, SU, 47.88; MAIN STREET AUTO CARE, SE, 90.00; CITY EMPLOYEE, RE, 144.02; NNPPD, SE, 3376.00; CITY OF WAYNE, RE, 5.14; PONCA RURAL FIRE BOARD, RE, 3552.82; QUILL, SU, 138.29; SGP SERVICES, SE, 459.18; SIRCHIE FINGER PRINT LAB, SU, 46.50; SIRSIDYNIX, SE, 3270.03; SKARSHAUG TESTING LAB, SE, 133.75; STATE NATIONAL BANK, RE, 200.00; STATE NATIONAL BANK, RE, 200.00; CITY EMPLOYEE, RE, 175.30; US BANK, SU, 9635.78; VERIZON, SE, 152.52; VILLAGE OF WINSIDE, RE, 4749.57; WAED, SE, 6383.33; WAYNE CO SHERIFF, SE, 18.50; WAYNE HOSPITALITY, RE, 342000.00; WIGMAN COMPANY, SU, 1016.82

Councilmember Haase made a motion and Councilmember Alexander seconded to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor 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. 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.

Alyssa Bisch and Michala Remund, President and Vice-President respectively of the Wayne State College Student Senate, were present requesting Council consideration to closing Highway 15 from Fairground Avenue to Second Street from 3:00 p.m. to 2:00 a.m. on Saturday, August 25th, for Wayne State's Welcome Back Bash or the "Stay-Cation" event hosted by the Wayne State College Student Activities Board. The event will be taking place from 5:30 p.m. until midnight, but they were requesting the extra time to set up and tear down for the event.

City Clerk McGuire noted that since the original request was to close Highway 15 from First Street to Second Street from 3:00 p.m. to midnight, the Resolution would need to be amended to reflect those changes should Council approve the same.

Councilmember Berry arrived at 5:37 p.m.

Councilmember Brodersen introduced Resolution No. 2012-32 and moved for its approval as amended above; Councilmember Frevert seconded.

RESOLUTION NO. 2012-32

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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

Joel Hansen, Street Superintendent, stated the following Ordinance would amend sections of the Wayne Municipal Code to insert a stop sign location at Pheasant Run Road, as well as some stop sign locations that had been missed through the years. In addition, the ordinance deletes some stop sign locations on the Wayne State College campus which are not enforceable by City Code. There are still stop signs at those locations; however, they would be enforceable under State Statutes.

Councilmember Sturm introduced Ordinance 2012-11, and moved for approval thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2012-11

AN ODINANCE AMENDING CHAPTER 78, ARTICLE I, SECTION 78-10 STOP SIGN LOCATIONS; WEST OF MAIN STREET, NORTH OF SEVENTH STREET; SECTION 78-11 STOP SIGN LOCATIONS; EAST OF MAIN STREET, NORTH OF 7TH STREET; SECTION 78-12 STOP SIGN LOCATIONS, EAST OF MAIN STREET, SOUTH OF 7TH STREET; AND SECTION 78-13 STOP SIGN LOCATIONS, WEST OF MAIN STREET, SOUTH OF 7TH STREET; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain 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 Alexander seconded to suspend the statutory rules requiring ordinances to be read by title on three different

days. Mayor Chamberlain 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 Alexander seconded to move for final approval of Ordinance No. 2012-11. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion, which was seconded by Councilmember Sturm, to recess as Council and convene as the Community Development Agency. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Chair Haase called the meeting of the Community Development Agency to order. Those in attendance were: Members Brian Frevert, Jim Van Delden, Dale Alexander Ken Chamberlain, Doug Sturm, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; and City Clerk Betty McGuire. Absent: Member Kaki Ley and City Administrator Lowell Johnson.

Chair Haase 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 April 3, 2012, meeting.

Member Chamberlain made a motion and Member Brodersen seconded approving the minutes of the April 3, 2012, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the CDA agenda was to approve the following claims:

Wayne Country Treasurer	5,394.90
City of Wayne – Attorney fees	301.00

City of Wayne – engineering lot split fees(Advanced Consulting) 895.00

Member Chamberlain made a motion and Member Brodersen seconded approving the claims. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would recommend approval of Redevelopment Plan Amendment for the Bencoter Addition Planned Unit Development Project by adding Lots 12, 14, 15, 16, and 18, Bencoter Addition Planned Unit Development Replat 1 to said plan.

Lou Bencoter was present and stated his intent is to build five homes using the energy star rated program (geothermal wells). In addition, Mr. Bencoter's loan officer was present. With the TIF funding, he can either help subsidize some of the down payments or keep the lots cheaper. He has a couple of people interested at this time. The house payments will be about \$530 to \$540 per month, which does not include real estate taxes or insurance. This would be very affordable for young families.

Mr. Bencoter noted he already has 4 lots with tax increment financing in this subdivision and is now adding another 5. His goal is to build ten houses this year. He will be the one selling the TIF bonds.

Councilmember Sturm told Mr. Bencoter that this is a big undertaking to build 8 to 10 houses in a year, and he would have a hard time approving an extension for him.

Councilmember Brodersen asked how much the TIF money reduces the price of the house. Mr. Bencoter stated that at this time, he is estimating that it is reducing \$12,000 to \$15,000 per house. It will keep the prices affordable.

Kari Wren, Director of the Wayne Community Housing Development Corporation, distributed a handout of the “Housing Study Focus Group Discussions.”

Some of the key issues that came out of the focus groups were:

- The lack of available housing available for sale in the \$100,000 to \$150,000 range;
- The lack of quality rental units available for young professionals and students; and
- The lack of speculative housing construction.

Member Sturm introduced CDA Resolution 2012-3 and moved for its approval;

Member Berry seconded.

CDA RESOLUTION NO. 2012-3

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT AND PLAN AMENDMENT FOR THE BENCOSOTER SINGLE FAMILY RESIDENTIAL DEVELOPMENT PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

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

Chair Haase stated the following CDA Resolution would recommend approval of Redevelopment Plan Amendment for the Western Ridge Single-Family Residential Planned Unit Development Project by adding Lots 2 and 8, Western Ridge II Addition, being a part of Section 12, Township 26 North, Range 3, East of the 6th P.M..

Member Chamberlain explained that this action is just adding Lots 2 and 8 into the “rolling” TIF. This will now start the TIF clock on these two particular lots.

Member Alexander introduced CDA Resolution 2012-4 and moved for its approval; Member Sturm seconded.

CDA RESOLUTION NO. 2012-3

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN AMENDMENT FOR THE WESTERN RIDGE SINGLE FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

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

Member Alexander made a motion and Member Sturm seconded to adjourn as the Community Development Agency and reconvene as Council. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The Mayor stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a resolution approving a redevelopment plan amendment for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”) — Lots 12, 14, 15, 16, and 18, Benscoter Addition. The Clerk reported that notice of the public hearing had been published in the Wayne Herald on April 12, 2012, and April 19, 2012, and that notice of the public hearing had been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: None.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

Councilmember Brodersen then introduced Resolution No. 2012-33 and moved for its passage and approval:

RESOLUTION NO. 2012-33

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS

Councilmember Van Delden seconded the motion. On roll call vote, the following Council Members voted in favor of the motion: Frevert, Van Delden, Haase, Alexander, Sturm, Berry and Brodersen. The following Councilmembers were absent or did not vote: Ley.

The passage of Resolution No. 2012-33 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2012-33 passed and, in the presence of the Council, signed and approved Resolution No. 2012-33. The Clerk attested to the passage of Resolution No. 2012-33 by signing the same and affixing the seal of the City to Resolution No. 2012-33.

The Mayor stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a resolution approving a redevelopment plan amendment for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”) — Lots 2 and 8, Western Ridge II Addition. The Clerk reported that notice of the public hearing had been published in the Wayne Herald on April 12, 2012, and April 19, 2012, and that notice of the public hearing had been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all

parties required by Section 18-2115 of the Act. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: None.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

Councilmember Alexander then introduced Resolution No. 2012-34 and moved for its passage and approval:

RESOLUTION NO. 2012-34

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS

Councilmember Haase seconded the motion. On roll call vote, the following Councilmembers voted in favor of the motion: Frevert, Van Delden, Haase, Alexander, Sturm, Berry and Brodersen. The following Councilmembers were absent or did not vote: Ley.

The passage of Resolution No. 2012-34 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2012-34 passed and, in the presence of the Council, signed and approved Resolution No. 2012-34. The Clerk attested to the passage of Resolution No. 2012-34 by signing the same and affixing the seal of the City to Resolution No. 2012-34.

The following Resolution would approve an agreement with the Nebraska Department of Roads relating to the engineering and construction services for the Highway N-15 in Wayne Logan Creek Bridge Project. This project will consist of

milling and overlaying the bridge deck over the Logan Creek Bridge beginning at the south corporate limits and extending just north of Logan Creek.

Councilmember Sturm introduced Resolution 2012-35 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-35

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS RELATING TO THE ENGINEERING AND CONSTRUCTION SERVICES FOR THE STATE OF NEBRASKA, DEPARTMENT OF ROADS IMPROVING HIGHWAY N-15 IN WAYNE PROJECT (LOGAN CREEK BRIDGE).

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

Mayor Chamberlain stated the next agenda item is to consider allocating \$73,000 of sales tax capital project funds this year to match our communication tower structural upgrade requirements. This was going to be included in next year's budget; however, Verizon would like to upgrade the tower sooner, which means the project could be completed before October 1st of this year.

Councilmember Sturm made a motion, which was seconded by Councilmember Alexander, approving the use of \$73,000 of sales tax capital project funds to match the City's communication tower structural upgrade requirements with Verizon. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution would approve Contract Amendment No. 2 to the Letter Agreement for Professional Services for the Power Plant Cooling Tower Installation Project. The scope of services is being amended so that Olsson Associates will:

- Continue to provide planning and coordination of the contractors for the City of Wayne in an effort to complete the construction by August 3, 2012;
- Provide construction field and testing services as required to assure proper construction of the proposed facilities; and
- Provide professional services, including design as necessary for the proper construction of the proposed facilities.

Councilmember Brodersen introduced Resolution 2012-36 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2012-36

A RESOLUTION APPROVING AMENDMENT #2 TO THE LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE WAYNE POWER PLANT COOLING TOWER INSTALLATION PROJECT.

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

Discussion took place in regard to amending the housing construction loan incentives to builders in light of the fact that the amount was reduced from \$300,000 to \$160,000 at the last meeting as recommended by the LB840 Sales Tax Advisory Committee.

Councilmember Frevert didn't think all of the incentives should be given to just one or two developers. He agreed with Councilmember Haase to limit the number of incentives at first to give everyone a chance at it. If after a year or two there is still money left, it could be opened up for a contractor to apply for all of the incentives.

Mayor Chamberlain recommended setting \$60,000 aside (two - \$30,000 incentives) for those building a house for themselves, and \$100,000 aside (five - \$20,000 incentives) for contractors building spec houses. If the Resolution is not amended, one person can come in and apply for the entire \$160,000.

Councilmember Frevert recommended limiting the number of incentives to two per developer/contractor, and when one or both incentives are paid back, that developer/contractor can reapply for an additional one or two incentives if there is still funds available.

Councilmember Frevert introduced Resolution 2012-37 and moved for its approval with the following amendments:

- Developer/Contractor is limited to two incentives; and
- Developer/Contractor may reapply for an additional incentive after they have paid back an incentive.

Councilmember Haase seconded.

RESOLUTION NO. 2012-37

A RESOLUTION AMENDING HOUSING CONSTRUCTION LOAN INCENTIVES FOR BUILDERS.

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

Mayor Chamberlain requested Council consideration to the following appointments to the ADA Accessibility Committee: Linda Carr and Joel Hansen.

Councilmember Alexander made a motion, which was seconded by Councilmember Brodersen, approving the appointment of Linda Carr and Joel Hansen to the ADA Accessibility Committee. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion, which was seconded by Councilmember Haase, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:21 p.m.

