

**MINUTES
CITY COUNCIL MEETNIG
May 15, 2012**

The Wayne City Council met in regular session at City Hall on Tuesday, May 15, 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, Doug Sturm, Kathy Berry, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Dale Alexander, Kaki Ley and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 3, 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 May 1, 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: ADVANTAGE TAPE, SE, 225.00; ALL SEASON PROPERTY MAINT, SE, 175.00; AMERITAS, SE, 2904.04; APPEARA, SE, 158.40; BANK FIRST, FE, 140.00; BARONE SECURITY SYSTEMS, SE, 716.04; CITY EMPLOYEE, RE, 10.54; CITY EMPLOYEE, RE, 40.23; CARHART LUMBER COMPANY, SU, 1179.26; CHARTWELLS, SE, 5293.10; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 800.00; CITY OF WAYNE, PY, 76154.00; CITY OF WAYNE, RE, 256.00; CITY OF WAYNE, RE, 4390.45; CLAUSSEN & SONS IRRIG., SE, 468.29; COMMUNITY HEALTH, SE, 3.00; COPY WRITE PUBLISHING, SE, 141.89;

COUNTRY NURSERY, SU, 320.00; DANKO EMERGENCY EQUIPMENT, SU, 175.01; DCL AMERICA, SU, 15928.00; DEMCO, SU, 165.49; CITY EMPLOYEE, RE, 55.74; ECHO GROUP, SU, 211.15; ED M FELD EQUIPMENT, SU, 825.20; FLOOR MAINTENANCE, SU, 439.34; FORT DEARBORN LIFE, SE, 1402.33; FREDRICKSON OIL, SE, 27.00; GERHOLD CONCRETE, SU, 779.40; GRAINGER, INC., SU, 335.30; GROSSENBURG IMPLEMENT, SU, 164.82; HACH COMPANY, SU, 74.85; HAWKINS, INC, SU, 1535.94; HEIKES AUTOMOTIVE, SE, 58.58; HOBBY LOBBY, SU, 48.02; ICMA, SE, 5286.05; IMLA, FE, 480.00; INGRAM BOOK, SU, 95.18; IRS, TX, 23878.43; JEO CONSULTING GROUP, SE, 794.00; JOHN'S WELDING AND TOOL, SE, 262.42; KITCHEN & BATH, SU, 926.00; KORY LESEBERG, RE, 300.00; KRIZ-DAVIS, SU, 30380.19; KTCH, SE, 705.00; LEAGUE OF NEBRASKA, FE, 95.00; LUMBERMEN'S BRICK & SUPPLY, SU, 930.42; MICROFILM IMAGING SYSTEMS, SE, 495.71; MIDSTATES ERECTORS, SE, 70960.00; MIDWEST LABORATORIES, SE, 1529.85; N.E. NEB ECONOMIC DEV DIS, SE, 532.20; NE DEPT OF REVENUE, TX, 3815.79; NE PUBLIC HEALTH, SU, 85.00; NE SAFETY COUNCIL, SE, 310.49; NPPD, SE, 237296.18; NORFOLK DAILY NEWS, SE, 218.73; NNPPD, SE, 12180.28; O'KEEFE ELEVATOR CO, SE, 732.80; PAC N SAVE, SU, 11.37; PAMIDA, SU, 105.76; CITY EMPLOYEE, RE, 1121.83; PEPSI-COLA, SU, 343.70; PLUNKETT'S PEST CONTROL, SE, 185.12; CITY EMPLOYEE, RE, 27.00; PRESTO X, SE, 121.15; RANDOM HOUSE, SU, 26.25; SPARKLING KLEAN, SE, 1680.01; STATE NATIONAL BANK, SE, 56.84; VOSS LIGHTING, SU, 39.80; WAYNE COUNTY CLERK, SE, 82.50; WAYNE GROCERY, SU, 5.00; WAYNE HERALD, SE, 1778.86; WAYNE VETERINARY CLINIC, SE, 98.00; WESCO, SU, 3990.70; WAPA, SE, 30900.88; WIGMAN COMPANY, SU, 144.25; ZACH HEATING & COOLING, SE, 7845.00; ZACH OIL, SU, 5834.48; BAKER & TAYLOR BOOKS, SU, 241.75; CITY EMPLOYEE, RE, 253.35; BSN SPORTS, SU, 695.04; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, RE, 108.35; COVENTRY HEALTH, SE, 19577.59; DAVE'S UNIFORM CLEANING, SE, 57.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; FIRST SOURCE TITLE&ESCROW, SE, 100.00; GERHOLD CONCRETE, SU, 252.00; GREAT PLAINS ONE-CALL, SE, 65.29; HAWKINS, INC, SU, 1429.85; CITY EMPLOYEE, RE, 38.85; CITY EMPLOYEE, RE, 671.40; CITY EMPLOYEE, RE, 621.85; CITY EMPLOYEE, RE, 543.70; PAC N SAVE, SU, 22.74; PITNEY BOWES, SU, 648.00; REHAB SYSTEMS, SE, 1480.00; SPARKLING KLEAN, SU, 600.00; STADIUM SPORTING GOODS, SU, 165.00; THE CORNHUSKER HOTEL, SE, 198.00; UNITED SALES, SU, 6080.00; VAN DIEST SUPPLY, SU, 112.00; CITY EMPLOYEE, RE, 1105.42; WAYNE AUTO PARTS, SU, 343.01; WINGATE INN, SE, 154.00

Councilmember Sturm made a motion and Councilmember Haase 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.

Administrator Johnson stated a requested has been made by NorthStar Services to annex the property they own located on 14th Street. NorthStar purchased this parcel of real estate from Virgil Kardell and built their main office on this site about nine years ago. The property is served by all city utility services, and annexation will avoid them having to pay double water and sewer rates.

Councilmember Berry arrived at 5:36 p.m.

Councilmember Frevert introduced Resolution No. 2012-38 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-38

A RESOLUTION ACCEPTING A PLAN TO EXTEND CITY SERVICES AND SETTING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AREA TO THE CITY OF WAYNE.

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

Alex Koch, Recreation Services Director, was present requesting Council consideration to approving the request of the Wayne Softball Association to build a new shelter from donated funds on the north end of the Softball Complex. It will be similar to

the one located on the south end of the complex, with the exception that it will be made out of wood, which is going to be donated by Sand Creek Post & Beam.

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen, approving the request of the Wayne Softball Association to build a new shelter from donated funds on the north end of the Softball Complex. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Alex Koch, Recreation Services Director, was presenting requesting Council consideration to approving the request of the Wayne Basketball Development Association to paint basketball lines at the City Auditorium from donated funds. He was also requesting Council consideration to purchasing permanent basketball hoops. More after school activities are taking place at the auditorium. These changes would allow more teams to participate in the tournaments. The revenue from those tournaments taken from this site would be given back to the city. The lines are estimated to cost about \$2,000. The Wayne High Alumni and the WBDA would donate \$1,700 to this project. A standard basketball hoop (set of two) would cost about \$1,500. Basketball hoops that either swing out to the side or swing up would cost 2 to 3 times that amount.

Councilmember Brodersen had concerns about installing permanent basketball hoops and thought that the portable hoops purchased recently for the basketball activities at the auditorium were adequate.

Councilmember Sturm wanted to budget hoops that could be cranked away, similar to what the high school has.

Mayor Chamberlain noted that if Council is agreeable to purchasing new basketball hoops, the funds for the purchase could be put into next year's budget. Mr. Koch will research basketball hoop options and e-mail that information to the Council.

Councilmember Sturm made a motion, which was seconded by Councilmember Haase, approving the request of the Wayne Basketball Development Association to paint basketball lines at the City Auditorium with the funds donated by them. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place regarding the request for no parking on Windom Street between Third and Fourth Streets. Because of the tight traffic during baseball practices and games at Hank Overin Field, this has been requested to be brought forward to the Council for consideration.

Alex Koch, Recreation Services Director, advised the Council that the baseball players have been directed to park their cars on the grass south of the ballpark to eliminate the congestion on the street during the daytime. It was noted that there has not been any complaints since the players are parking in right field.

Administrator Johnson thought Windom Street was scheduled to be widened in 2013 (earliest).

Councilmember Frevert did not think there should be no parking on that street when it is not baseball season.

Garry Poutre, Supt. of Public Works & Utilities, noted that the congestion is more noticeable now since the high school baseball program was implemented a year ago.

Their season starts in March/April, which is the start of the peak ag season. Legion baseball ends around August 1st.

Councilmember Sturm did not like the idea of prohibiting parking as proposed.

Councilmember Brodersen suggested using portable “no parking” signs during baseball games, similar to the ones used at the auditorium. Mayor Chamberlain stated there are already “no parking midnight to 5:00 a.m.” signs. His thought was to just bag those with “no parking” signs.

Councilmember Sturm introduced Ordinance 2012-13, and moved for approval as amended to prohibit parking only on baseball game days; Councilmember Frevert seconded.

ORDINANCE NO. 2012-13

AN ORDINANCE TO AMEND SECTION 78-130 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; PROHIBITED PARKING; SOUTHEAST QUADRANT OF THE CITY; 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 Frevert 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 Haase made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2012-13. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Bill Melena, representing The White Dog Pub, was present requesting Council consideration to approving an ordinance which would allow liquor licensed establishments to be open until 2:00 a.m. on Friday, July 13, 2012, and Saturday, July 14, 2012, for the Wayne Chicken Days Celebration.

Councilmember Frevert introduced Ordinance 2012-12, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2012-12

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR CHICKEN SHOW ACTIVITIES.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Berry who abstained, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Administrator Johnson presented an updated job description for the Community Activity Center Director's position. This puts the position back under the Recreation Services Director. This is a part-time position – 34 hours per week.

Councilmember Sturm made a motion, which was seconded by Councilmember Haase, approving the job description for the Community Activity Center Director position. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson requested Council to table action on Agenda Item No. 8 until the June 5th meeting which is when the City should also have the amended agreement from Verizon.

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen, to table action on Agenda Item No. 8 - Approving the payment of the invoice

in the amount of \$71,000 to Verizon for the City's share of the Tower Reinforcement Project, until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, advised the Council that the upcoming sludge removal project will be much the same as it was last year, with the exception that staff added \$50,000 more to the proposed project (from \$150,000 to \$200,000). The local landowners that were leery last year about taking the sludge and having it applied onto their land have since been educated. He thought the farmers who received the sludge last year were happy they received it and recognized the value in the product and the money that was saved by them. He thought they would be looking at 140 acres on which to apply the sludge. JEO was the engineer on the project last year, and he recommended approving their proposal for sludge removal services in the amount of \$27,500 for this project.

The amount of sludge that will be removed will get the lagoon down to the equivalent of having a 6" depth across the entire 26 acres. As long as we have the lagoon, we will have to remove sludge every two years from now on. We were putting the equivalent of 80,000 gallons of sludge per day into the lagoon with the old plant. Now, it is more like 10,000 gallons per day. There has to be an attempt every two years.

Councilmember Sturm introduced Resolution No. 2012-39 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2012-39

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING LETTER OF UNDERSTANDING WITH JEO CONSULTING GROUP, INC., FOR PROFESSIONAL SERVICES FOR THE LAGOON SLUDGE REMOVAL PROJECT.

Mayor Chamberlain 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 amend the computer technology purchase program by decreasing the loan amount from \$2,500 to \$1,500; reducing the payback period to 26 and 52 pay periods; eliminating digital cameras/camcorders; and adding a provision whereby any employee who has a garnishment filed against them or who files bankruptcy shall not be eligible for participating in the program for three years.

Councilmember Sturm introduced Resolution No. 2012-40 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-40

A RESOLUTION AMENDING EMPLOYEE COMPUTER TECHNOLOGY PURCHASE PROGRAM.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Berry who abstained, the Mayor declared the motion carried.

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen, approving Contractor's Application for Payment No. 1 to Elkhorn Paving in the amount of \$142,480.53 for the Pheasant Run Road Paving Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution and Ordinance pertain to the sale of Outlot A, Western Ridge II Addition to Kelby R. Herman.

Councilmember Frevert introduced Resolution No. 2012-41 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2012-41

A RESOLUTION AUTHORIZING THE SALE OF CERTAIN PROPERTY TO KELBY R. HERMAN.

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

Councilmember Frevert introduced Ordinance 2012-14, and moved for approval thereof; Councilmember Van Delden seconded.

ORDINANCE NO. 2012-14

AN ORDINANCE DIRECTING THE SALE OF OUTLOT A, WESTERN RIDGE II ADDITION, CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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 Frevert 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 Frevert seconded to move for final approval of Ordinance No. 2012-14. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tom Sievers advised the Council that Phil Monahan was appointed as the new Fire Chief by the Wayne Volunteer Fire Department for the upcoming year. Phil

Monahan was present. Jeff Triggs and Julie Melena will be the First and Second Assistants respectively.

Councilmember Sturm made a motion, which was seconded by Councilmember Frevert, approving the appointment of Phil Monahan as Fire Chief. 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, which was seconded by Councilmember Frevert, to enter into executive session for the annual review of the City Administrator and to protect the reputation of the Administrator, and to allow Attorney Miller to be in attendance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 6:25 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session relates to the annual review of the City Administrator.

Councilmember Brodersen made a motion, which was seconded by Councilmember Van Delden, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 6:51 p.m.

Councilmember Berry made a motion, which was seconded by Councilmember Brodersen, to give the City Administrator a 2% cost of living adjustment and to extend his contract for an additional year. 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, which was seconded by Councilmember Frevert, 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 6:53 p.m.