

**MINUTES  
CITY COUNCIL MEETING  
March 5, 2013**

The Wayne City Council met in regular session at City Hall on Tuesday, March 5, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Jim Van Delden, Jon Haase, Nick Muir, Kaki Ley, Jennifer Sievers and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Dale Alexander.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 21, 2013, 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 February 19, 2013, 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, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** CITY EMPLOYEE, RE, 121.00; AMAZON, SU, 401.44; AMERICAN BROADBAND, SE, 2428.25; AMERICAN LEGAL, SE, 855.00; AMERITAS, SE, 2013.53; APPEARA, SE, 214.36; ARNIE'S FORD-MERCURY, SU, 16.21; BANK FIRST, FE, 150.00; BLACK HILLS ENERGY, SE, 1711.35; BLUE CROSS BLUE SHIELD, SE, 24234.52; BOMGAARS, SU, 913.45; CARHART LUMBER, SU, 823.56; CENTURLINK, SE, 310.97; CHEMQUEST, SE, 595.00;

CITY OF NORFOLK, SE, 204.21; CITY OF WAYNE, RE, 700.00; CITY OF WAYNE, PY, 63973.09; CITY OF WAYNE, RE, 225.00; COLONIAL RESEARCH, SU, 181.08; COMMUNITY HEALTH, RE, 4.00; CONSOLIDATED MANAGEMENT, RE, 32.75; DAKOTA BUSINESS SYSTEMS, SE, 103.50; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 106.64; ECHO GROUP, SU, 510.50; ELECTRIC FIXTURE & SUPPLY, SU, 127.69; ENVIROTECH SERVICES, SU, 5218.84; FASTENAL, SU, 89.76; FIRST CONCORD GROUP, SE, 3701.94; FLOOR MAINTENANCE, SU, 108.30; FREDRICKSON OIL, SU, 1656.60; GLEN'S AUTO BODY, SE, 180.79; GP GFOA, FE, 85.00; GROSSENBURG IMPLEMENT, SU, 232.07; HOLIDAY INN, SE, 259.90; HOUCHEN BINDERY, SU, 53.75; ICMA, SE, 5734.26; INDUSTRIAL TOOL, SU, 172.01; IRS, TX, 22262.59; CITY EMPLOYEE, RE, 1135.16; KTCH, SE, 88.00; LERNER PUBLISHING GROUP, SU, 284.50; LIVING HERE, SU, 27.00; LYDELL HEGGEMEYER, RE, 214.64; MAIN STREET AUTO CARE, SU, 1169.70; MARCO, SE, 970.46; MENARDS, SU, 227.11; CITY EMPLOYEE, RE, 3608.42; NE DEPT OF HEALTH, FE, 80.00; NE DEPT OF REVENUE, TX, 2951.49; NE PUBLIC HEALTH, SE, 963.00; NORFOLK DAILY NEWS, SE, 59.42; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 5189.00; QUILL, SU, 202.33; CITY EMPLOYEE, RE, 206.00; SHARON M HUGHES, RE, 500.00; STATE FARM INSURANCE, SE, 563.00; STATE NATIONAL BANK, RE, 105.89; TASTE OF HOME BOOKS, SU, 31.98; TRANS-IOWA EQUIPMENT, SU, 163.51; TRI AIR TESTING, SE, 458.00; UNITED WAY, RE, 12.40; VAKOC CONSTRUCTION, SU, 31.99; VIAERO, SE, 206.03; VOSS LIGHTING, SU, 224.10; WAKEFIELD REPUBLICAN, SU, 27.00; WAYNE COUNTRY CLUB, RE, 6425.00; WAYNE COUNTY COURT, RE, 150.00; WESCO, SU, 402.57; AS CENTRAL SERVICES, SE, 448.00; BARONE SECURITY SYSTEMS, SE, 138.00; CITY EMPLOYEE, RE, 23.78; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 259.37; CONSOLIDATED MANAGEMENT, RE, 97.25; COPY WRITE, SE, 635.90; CITY EMPLOYEE, RE, 173.24; DAVE'S DRY CLEANING, SE, 60.00; EAKES OFFICE PLUS, SE, 40.55; EASYPERMIT POSTAGE, SU, 1712.66; CITY EMPLOYEE, RE, 1139.98; ED. M FELD EQUIPMENT, SU, 280.00; FASTENAL CO, SU, 34.85; FLOOR MAINTENANCE, SU, 73.10; GEMPLER'S, SU, 188.50; GILL HAULING, SE, 155.00; HEIKES AUTOMOTIVE, SE, 47.93; INTERSTATE ALL BATTERY, SU, 271.60; KLEIN ELECTRIC, SE, 2007.00; KNOEPFLER CHEVROLET, SU, 303.36; KRIZ-DAVIS, SU, 340.80; LEAGUE OF NEBRASKA, FE, 3751.00; CITY EMPLOYEE, RE, 274.36; MIDLAND COMPUTER, SE, 2236.50; MISS MOLLY'S COFFEE, SU, 53.25; NE RURAL WATER, FE, 1500.00; ONE CALL CONCEPTS, SE, 16.95; PAC N SAVE, SU, 125.64; PIEPER & MILLER, SE, 10994.35; PLUNKETT'S PEST CONTROL, SE, 43.26; QUILL, SU, 693.84; RAINBOW WORLD, RE, 500.00; SHOPKO, SU, 89.95; STATE NATIONAL BANK, SE, 59.60; UNITED COMMUNICATIONS, SE, 111.04; US BANK, SU, 12152.16; VERIZON, SE, 101.93; WAED, RE, 7383.33; WAYNE COMMUNITY HOUSING, SE, 575.00; WAYNE COUNTY CLERK, SE, 188.00; WAYNE HERALD, SE, 1438.35; WAYNE VETERINARY CLINIC, SE, 350.00; ZACH OIL, SU, 5858.81

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, 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.

Mayor Chamberlain stated the following Resolution regarding the adoption of the Wellhead Protection Plan was tabled at the last meeting, so that Councilmembers could do some fact finding and get answers to any questions that they may have. Since a public hearing was held on this matter at the last council meeting, Mayor Chamberlain advised those in attendance that he would not be taking public comments on this matter this evening.

Councilmember Van Delden introduced Resolution No. 2013-9 and moved for its approval; Councilmember Sievers seconded.

#### RESOLUTION NO. 2013-9

##### A RESOLUTION ADOPTING A WELLHEAD PROTECTION PLAN.

Councilmember Ley stated recently a community member approached the City attorney stating that they believed she had a conflict of interest with this Wellhead Protection Plan vote. She believed they were referring to her connection with State

National Bank and the perceived conflict it has created. Out of respect for the City and the Bank, she advised the Mayor and Council that she would be abstaining from voting this evening.

Councilmember Brodersen stated she would like to see the city limits of Wayne included in the wellhead protection area.

Councilmember Giese stated that DEQ is going to take more measurements in the upcoming months, and a new map will be provided at no cost.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Benscoter Addition PUD Replat 2. The Applicant is Windom Ridge, Inc.

Joel Hansen, Zoning Administrator, stated at the last Planning Commission meeting, a plat came before the Commission to re-plat some of the Benscoter Addition PUD; however, due to a number of errors and omissions on the re-plat, it was tabled. The errors have now been corrected, and the re-plat now includes the entire addition rather than just some of the lots.

The Planning Commission reviewed the Replat at their public hearing on March 4, 2013, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Lou Benscoter was present to answer questions.

City Clerk McGuire had not received any comments, for or against, this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Brodersen introduced Resolution 2013-12, and moved for approval thereof; Councilmember Ley seconded.

RESOLUTION NO. 2013-12

A RESOLUTION APPROVING THE REPLAT OF THE BENSCOTER ADDITION PLANNED UNIT DEVELOPMENT REPLAT 2.

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

Joel Hansen, Zoning Administrator, stated the following Ordinance would release and abandon all of the easements in the Angel Acres Subdivision. New easements will be established and drawn on the new plats.

Councilmember Van Delden introduced Ordinance 2013-18 and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2013-18

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF ALL UTILITY EASEMENTS IN ANGEL ACRES ADDITION.

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

Councilmember Van Delden made a motion and Councilmember Giese 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, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Van Delden made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2013-18. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Preliminary and Final Plats for Angel Acres Addition. The Applicant is Windom Ridge, Inc.

The Planning Commission reviewed the preliminary and final plats at their public hearing on March 4, 2013, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Lou and Mandy Benscoter were present to answer questions.

City Clerk McGuire had not received any comments, for or against, this public hearing.

There being no further public comments, Mayor Chamberlain closed the public hearing.

Councilmember Muir introduced Resolution 2013-13, and moved for approval thereof; Councilmember Ley seconded.

#### RESOLUTION NO. 2013-13

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLATS AND SUBDIVISION AGREEMENT FOR ANGEL ACRES, AND AUTHORIZING THE EXECUTION OF THE SUBDIVISION AGREEMENT.

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

Mayor Chamberlain stated that the Planning Commission held a public hearing on the rezoning request of Windom Ridge, Inc., to rezone Angel Acres Addition from R-1 Residential to R-2 Residential. The Planning Commission tabled the rezoning matter until their next regular meeting. Therefore, he was not going to open the scheduled public hearing, but was going to table the same until after the Planning Commission meets in April and forwards a recommendation to them on this matter.

The public hearing on the rezoning of Angel Acres Addition was tabled until the April 2<sup>nd</sup> Council meeting.

Councilmember Ley made a motion, which was seconded by Councilmember Sievers, 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, with the exception of Councilmembers Alexander who was absent, the Mayor declared the motion carried.

Chair Haase called the meeting of the Community Development Agency to order. Those in attendance were: Members Cale Giese, Jim Van Delden, Ken Chamberlain, Nick Muir, Kaki Ley, Jennifer Sievers, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Dale Alexander.

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.

Member Van Delden made a motion, which was seconded by Member Chamberlain, to approve the minutes of the January 15, 2013, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

The next item on the agenda was to approve the CDA Claims:

Kelby Herman Progressive Properties (incentive loan) - \$10,000

Kelby Herman (incentive loan) - \$20,000

Wayne County Treasurer (taxes on Kardell Industrial and Western Ridge) - \$4,998.31.

Member Chamberlain made a motion, which was seconded by Member Giese, to approve the CDA claims. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would recommend approval of a Redevelopment Plan Amendment for the Boyle's First Addition, Lot 2; Boyle's Second Addition, Lots 1, 2, 3, 4; and Lot 1, Admin Subdivision of Boyle's Outlot to the City of Wayne, Wayne, County, Nebraska (Angel Acres).

Administrator Johnson stated this involves the Tax Increment Financing Agreement regarding Angel Acres.

Questions had been raised regarding TIF and how they were disbursed. Nancy Braden, Finance Director, stated that those questions have been answered. The City Attorney's office will advise staff on how to go about the paving of the subdivision. If the TIF dollars are not used for the water and sewer projects, it was the opinion of the City's Attorney, Mike Bacon, that this does not have to be bid, per subsection 4 of Sec. 16-321.

BJ Woehler was present and asked Council to table all of the TIF issues. He was the one who brought these questions up on Monday. In his opinion, the City's attorney and staff have not clearly answered his questions. He reviewed the applications today. The dates in these application of when the projects should be done (February 23, 2013) are expired. He would ask the Council to sit back and look at the money they are giving away to these developers. He is not against TIF, but wants to make sure it is done right and properly. In addition, he stated he had questions regarding fair bidding practices, along with not fully completed applications.

Mr. Woehler wanted any tax dollars used to follow the fair bidding practices. He also indicated he was going to start looking at the LB840 funds. As long as things follow State Statute, he does not have any problem with it. He wants to make sure the City is using these funds properly. He is also on the pool committee, and they found that TIF can go towards that project. He wanted to see included in these TIF agreements a 10 or 20% stipend to go towards the pool project.

Administrator Johnson stated Attorney Mike Bacon advised staff that the application forms are not legal documents. Therefore, the dates are insignificant. What is a legal document is the Redevelopment Contracts before them this evening. The wrong dates in the applications were not a legal issue for him. We are required to show that TIF funds were used for an approved project that was built or started after the TIF was approved.

Attorney Miller stated Mike Bacon is the City's TIF Attorney. She thought tabling the matter might not be a bad idea, which would give her office more time to look at Mr. Woehler's concerns.

Lou Bencoter advised the Council that these are time sensitive projects. He has a \$400,000 grant riding on these documents getting approved this evening. They have houses sold in Angel Acres – they need to get going. If the Council tables this, it will cost him a lot of money.

Member Chamberlain introduced CDA Resolution 2013-1 and moved for its approval, with the requirement that any work being done using TIF funds be bid out; Member Sievers seconded.

#### CDA RESOLUTION NO. 2013-1

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT AND PLAN FOR THE ANGEL ACRES 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, with the exception of Member Alexander who was absent and Member Ley who voted Nay, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would recommend approval of Redevelopment Plan Amendment for Lot 4 of Bencoter Addition Planned Unit Development Replat 1 of the City of Wayne, Wayne County, Nebraska (Angel Village).

Louis and Mandy Bencoter were present to answer questions. This is their senior village project that will be built on Lot 4, which is southwest of the Cobblestone Hotel.

Member Chamberlain introduced CDA Resolution 2013-2 and moved for its approval, with the requirement that any work being done using TIF funds be bid out; Member Van Delden seconded.

#### CDA RESOLUTION NO. 2013-2

#### A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT AND PLAN FOR THE ANGEL VILLAGE 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, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would recommend approval of Redevelopment Plan Amendment for Lots 3 and 25 of Bencoter Addition Planned Unit Development Replat 1 of the City of Wayne, Wayne County, Nebraska.

Nancy Braden, Finance Director, advised the CDA that the Redevelopment Contract will only relate to Lot 3. Lot 25 needs to be removed. This action is just amending the existing Redevelopment Plan. In regard to allocating a percentage to the pool, Ms. Braden thought that language would have to be in the Redevelopment Plan, but that question should be deferred to Attorney Mike Bacon.

Member Van Delden introduced CDA Resolution 2013-3 and moved for its approval, with the proviso that it relate only to Lot 3; Member Giese seconded.

CDA RESOLUTION NO. 2013-3

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT AND PLAN AMENDMENT FOR THE BENSCOTER 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, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

Member Van Delden made a motion and Member Giese 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, with the exception of Member Alexander who was absent, 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”) — Boyle’s First Addition, Lot 2, Boyle’s Second Addition, Lots 1, 2, 3, 4, and Lot 1, Admin Subdivision of Boyle’s Outlot to the City of Wayne, Wayne County, Nebraska. The Clerk reported that notice of the public hearing had been published in the Wayne Herald on February 21, and 28, 2013, 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 Giese then introduced Resolution No. 2013-14 and moved for its passage and approval, with the requirement that any work being done using TIF funds be bid out.

#### RESOLUTION NO. 2013-14

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: Giese, Van Delden, Haase, Muir, Sievers, and Brodersen. The following Councilmembers were absent or did not vote: Alexander (absent) and Ley (nay).

The passage of Resolution No. 2013-14 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2013-14 passed and, in the presence of the Council, signed and approved Resolution No. 2013-14. The Clerk attested to the passage of Resolution No. 2013-14 by signing the same and affixing the seal of the City to Resolution No. 2013-14.

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”) — Lot 4 of Bencoter Addition Planned Unit Development Replat 1 of the City of Wayne, Wayne County, Nebraska. The Clerk reported that notice of the public hearing had been published in the Wayne Herald on February 21, and 28, 2013, 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 Muir then introduced Resolution No. 2013-15 and moved for its passage and approval, with the requirement that any work being done using TIF funds be bid out.

#### RESOLUTION NO. 2013-15

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

Councilmember Giese seconded the motion. On roll call vote, the following Councilmembers voted in favor of the motion: Giese, Van Delden, Haase, Muir, Ley, Sievers and Brodersen. The following Councilmembers were absent or did not vote: Alexander (absent).

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 3 and 25 of Benscoter Addition Planned Unit Development Replat 1 of the City of Wayne, Wayne County, Nebraska. The Clerk reported that notice of the public hearing had been published in the Wayne Herald on February 21, and 28, 2013, 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 Van Delden then introduced Resolution No. 2013-16 and moved for its passage and approval, with the proviso that it pertain only to Lot 3.

#### RESOLUTION NO. 2013-16

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

Councilmember Muir seconded the motion. On roll call vote, the following Councilmembers voted in favor of the motion: Giese, Van Delden, Haase, Muir Ley, Sievers and Brodersen. The following Councilmembers were absent or did not vote: Alexander (absent).

Councilmember Brodersen introduced Ordinance 2013-9 and moved for approval of the third and final reading thereof; Councilmember Van Delden seconded.

ORDINANCE NO. 2013-9

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE ST. PATRICK'S DAY ACTIVITIES.

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

Councilmember Van Delden introduced Ordinance 2013-10 and moved for approval of the third and final reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-10

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE HIGH SCHOOL ALUMNI ACTIVITIES.

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

Councilmember Ley introduced Ordinance 2013-14 and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-14

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 6 ALCOHOLIC BEVERAGES, SECTION 6-18 HOURS OF SALE; 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, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Giese made a motion and Councilmember Van Delden 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, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion and Councilmember Van Delden seconded to move for final approval of Ordinance No. 2013-14. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

No action was taken on Agenda Item No. 21 – Ordinance 2013-20 extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Friday, April 5<sup>th</sup>, and Saturday, April 6<sup>th</sup>, for the Wayne Rugby Tournaments.

Councilmember Sievers introduced Ordinance 2013-15 and moved for approval of the second reading thereof; Councilmember Ley seconded.

#### ORDINANCE NO. 2013-15

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-32 SPECIFIC ENUMERATION; 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, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Ley 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, with the

exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2013-15. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2013-16 and moved for approval of the second reading thereof; Councilmember Van Delden seconded.

#### ORDINANCE NO. 2013-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-39 NUISANCE; DUTY OF OWNER OR OCCUPANT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Discussion took place regarding the fines, amounts, caps, etc.

BJ Woehler suggested that the first step in this process might be for Councilmembers to contact or reach out to those property owners to mow their lawns, etc.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Councilmember Giese introduced Ordinance 2013-17 and moved for approval of the second reading thereof; Councilmember Haase seconded.

#### ORDINANCE NO. 2013-17

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-40 ABATEMENT

OF NUISANCE; 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, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Administrator Johnson stated that four bids were received on the 10<sup>th</sup> Street, Main to Windom Improvement Project. The engineer, Eisenbraun & Associates, reviewed the same and is recommending awarding the contract to the low bidder, Steve Harris Construction, in the amount of \$504,776.06. The engineer's estimate was \$552,000.

Councilmember Haase introduced Resolution No. 2013-17 and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2013-17

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "10<sup>TH</sup> STREET, MAIN TO WINDOM IMPROVEMENT PROJECT."

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

The following Resolution would approve an agreement with Lamar Companies concerning the billboard that is located on Highway 35. If the billboard is not removed, the City will not be able to build Milo Drive. The amount that will be paid to Lamar is \$7,500. That \$7,500 will then be included as a cost to the improvement district and will get assessed back to the property.

Councilmember Giese introduced Resolution No. 2013-18 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2013-18

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF WAYNE AND THE LAMAR COMPANIES REGARDING THE TERMINATION OF A LEASE FOR AN ADVERTISING STRUCTURE LOCATED IN THE WESTERN RIDGE THIRD ADDITION.

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

The following Resolution would approve an agreement with Olsson Associates for professional services regarding the “Milo Drive Paving & Utility Improvements Project” for a sum not to exceed \$37,950. This amount will also get assessed back to the property.

Councilmember Brodersen introduced Resolution No. 2013-19 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2013-19

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE “MILO DRIVE PAVING & UTILITY IMPROVEMENTS PROJECT.”

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

The following Ordinance will create Street Improvement District No. 2013-1 (Milo Drive). Milo Drive will go north approximately two blocks.

Councilmember Haase introduced Ordinance 2013-21 and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-21

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2013-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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

Councilmember Sievers made a motion and Councilmember Van Delden 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, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Van Delden seconded to move for final approval of Ordinance No. 2013-21. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of

roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:08 p.m.