

**MINUTES  
CITY COUNCIL MEETING  
April 2, 2013**

The Wayne City Council met in regular session at City Hall on Tuesday, April 2, 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, Dale Alexander, Nick Muir, Kaki Ley, Jennifer Sievers and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 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 March 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** AMERICAN BROADBAND, SE, 990.00; APPEARA, SE, 215.61; AS CENTRAL SERVICES, SE, 448.00; CITY EMPLOYEE, RE, 104.82; BLACK HILLS ENERGY, SE, 1479.93; BLUE CROSS BLUE SHIELD, SE, 24234.52; BLUE DEVIL BOOSTER CLUB, SE, 75.00; CITY EMPLOYEE, RE, 160.21; CITY EMPLOYEE, RE, 141.96; CENTURYLINK, SE, 311.98; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 87.14; CITY EMPLOYEE, RE, 81.72; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 1850.15; DGR & ASSOCIATES, SU, 765.00; CITY EMPLOYEE, RE, 70.38; EAKES OFFICE PLUS, SU, 749.75; ECHO GROUP, SU, 200.59; EMERITUS, RE, 240.00; FIREMEN FIRE SCHOOL, RE, 688.00; FIRST CONCORD GROUP, SE, 3701.94; FREDRICKSON OIL, SE, 175.00; GRAHAM TIRE, SU, 946.32; GROSSENBURG

IMPLEMENT, SU, 747.30; CITY EMPLOYEE, RE, 12.75; HUBER TECHNOLOGY, SU, 244.00; JEO CONSULTING GROUP, SE, 760.00; CITY EMPLOYEE, RE, 5161.53; KELLY MEYER, SU, 959.20; KNOEPFLER CHEVROLET, SU, 281.72; KRIZ-DAVIS, SU, 74.71; L.G. EVERIST, SE, 639.03; MALTZ SALES CO, SE, 1261.38; MICHAEL TODD & CO, SU, 202.51; MIRIAN AGUIRRE, SE, 100.00; NATIONAL LEAGUE OF CITIES, FE, 1117.00; NE NEB INS AGENCY, SE, 63158.00; NE SAFETY COUNCIL, SE, 130.34; NORFOLK IMPLEMENT, SU, 82.44; NORTHEAST COMM COLLEGE, FE, 98.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 3932.00; NORTHWEST ELECTRIC, SE, 582.58; OLSSON ASSOCIATES, SE, 11641.28; ORIENTAL TRADING CO, SU, 100.40; OVERHEAD DOOR COMPANY, SE, 191.00; CITY EMPLOYEE, RE, 288.31; QUILL, SU, 85.65; REGIONAL CARE, FE, 50.00; RON'S RADIO, SU, 895.25; STADIUM SPORTING GOODS, SU, 601.36; STATE NATIONAL BANK, RE, 100.79; TOM'S BODY & PAINT SHOP, SU, 64.00; UNITED WAY, RE, 12.40; VERIZON, SE, 227.97; VIAERO, SE, 207.55; WAYNE COUNTY COURT, RE, 400.00; AMERICAN BROADBAND, SE, 1434.18; CITY EMPLOYEE, RE, 202.38; BLACK HILLS ENERGY, SE, 184.95; BOMGAARS, SU, 1193.00; CARHART LUMBER, SU, 545.84; CHARTWELLS, SE, 5153.65; COPY WRITE, SE, 18.32; DOUG STURM, RE, 6195.40; EASYPERMIT POSTAGE, SU, 912.48; ED. M FELD EQUIPMENT, SE, 229.25; EISENBRAUN & ASSOC., SE, 682.50; ENGINEERED CONTROLS, SE, 740.00; FREDRICKSON OIL, SE, 79.95; GAYLORD BROS, SU, 78.97; GEMPLER'S, SU, 132.30; GILL HAULING, SE, 155.00; GROSSENBURG IMPLEMENT, SU, 498.04; CITY EMPLOYEE, RE, 238.19; HD SUPPLY WATERWORKS, SU, 5281.84; HOLIDAY INN ""MIDTOWN"", SE, 380.00; INDUSTRIAL CHEM LABS, SU, 924.21; IRS, TX, 4446.01; JOHNNY P LEMPKE, SE, 146.00; KELLY SUPPLY, SU, 285.71; KRIZ-DAVIS, SU, 3855.30; L.G. EVERIST, SU, 617.10; LAMAR ADVERTISING, RE, 7500.00; LAUREL ADVOCATE, SU, 27.50; MAEDC, FE, 125.00; MARRIOTT HOTELS, SE, 2856.00; MAXIMUM SOLUTIONS, SU, 449.95; MERIT MECHANICAL, SU, 395.00; MICHAEL TODD & CO, SU, 647.05; NE DEPT OF REVENUE, TX, 690.37; NE FOREST SERVICE, FE, 10.00; ONE CALL CONCEPTS, SE, 20.85; PIEPER & MILLER, SE, 3532.00; SKARSHAUG TESTING, SE, 138.47; STATE NATIONAL BANK, SE, 60.32; STEFFEN, SU, 46.46; UNITED COMMUNICATIONS, SU, 192.00; VERIZON, SE, 101.93; VOSS LIGHTING, SU, 459.00; WAYNE COMMUNITY HOUSING, RE, 531.30; WAYNE COUNTY CLERK, SE, 138.00; WAYNE HERALD, SU, 46.00; WESCO, SU, 886.08; WESTERN ENVIRONMENTAL, SU, 208.25; ZACH OIL, SU, 5496.12

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, 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.

Discussion took place regarding a request to amend the Wayne Municipal Code to allow poultry within the corporate limits of Wayne.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen to amend the Wayne Municipal Code to allow poultry within the corporate limits of Wayne.

Councilmember Alexander pointed out that this matter was brought before Council a couple of years ago and was denied. He was not in favor of allowing farm animals living inside city limits. There is difference between domestic animals and farm animals.

Councilmember Ley stated she did not have a problem with this, because this is the City of the Chicken Show.

Councilmember Sievers and Haase also were not in favor of this proposed amendment to the code. Councilmember Sievers asked if there was going to be a limitation on the number of chickens a person could keep, whether they needed to be put in a pen, and if they would need to be registered, like cats and dogs.

Councilmember Ley suggested the City do as they did recently with allowing four-wheel all-terrain vehicles to be driven inside city limits, and if a problem arises, the City Code can be changed back. Councilmember Van Delden agreed.

Kevin Jurotich was present and spoke in favor of amending the code.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Alexander, Sievers and Haase who voted Nay, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, 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 Cale Giese, Jim Van Delden, Dale Alexander, Ken Chamberlain, Nick Muir, Kaki Ley, Jennifer Sievers, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

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 March 19, 2013, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase stated the next item on the agenda was to approve the following CDA claims:

Advanced Consulting Engineering Services – Western Ridge Re-plat - \$1,306.00  
Wayne Rentals – Incentive Loan - \$35,000.00

Member Chamberlain made a motion, which was seconded by Member Sievers, to approve the CDA Claims. 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 agenda was the consideration and adoption of CDA Res. 2013-5 recommending approval of a Redevelopment Contract (Progressive Property Inspections, LLC) for

**509 Nebraska:** Lot 4 and the 8 feet of vacated alley adjacent thereto, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska; and  
**520 Nebraska:** Lot 12, Block 6, North Addition to the City of Wayne, Wayne County, Nebraska.

Mike Bebee was present wanting to know the specifics of this project. His concerns with this project were parking, traffic flow, maintenance of the alley, and installation of stop signs. He thought those issues needed to be addressed before this project went any farther.

Joel Hansen, Zoning Administrator, advised the Council that multi-family dwellings are a permitted use in this zoning district (R-3). The requirements are one parking space per bedroom.

Kelby Herman was present to answer questions. He did not have a site plan of this project. He advised the Council that the alley behind 520 Nebraska Street is paved. There will be some terrace parking and in the back of the lot. All of the parking will be paved. Setbacks will be similar to the other houses in the block. There will be rock with landscaped edging. The structure will look similar to the one he has just built on First Street. Mr. Herman stated he would be open to installing visual barrier fences from the back of the building to the property line. There will be 3 two bedroom and 2 three bedroom apartments in each building.

Administrator Johnson wanted to clarify bidding out any work being done using TIF funds (water, sewer, street). Some of the other things the CDA did not talk about,

and he didn't think the intent was, to include site prep, concrete work, etc., as part of the bidding process. This will make these projects more complicated if that was the intent.

Member Chamberlain recommended bringing forward a list of the items that TIF can be used for and the Council can go through them individually and try and decide what is best to have bid out.

Member Brodersen stated before they approve TIF financing on any project, she would like to have something visual to review, so they can determine what impact the building or structure will have on the surrounding neighborhood or area.

Member Chamberlain introduced CDA Resolution 2013-5 and moved for its approval, with the requirement that there be a 6' privacy fence installed to cover the parking portion; Member Alexander seconded.

#### CDA RESOLUTION NO. 2013-5

#### A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT AND PLAN FOR PROGRESSIVE PROPERTY INSPECTIONS, LLC, DEVELOPMENT PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

Member Sievers requested Mr. Herman to e-mail the CDA a document showing what the project will look like.

Louis Benscoter was present and stated if the bidding requirement was a stipulation placed upon him, it should also be a stipulation placed upon Progressive Property Inspections, LLC.

Attorney Miller advised the CDA that as of now and based upon what the Council's decision was at the last meeting, anything that is going to be paid for using TIF funds has to be bid out.

Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Brodersen who voted Nay, the Chair declared the motion carried.

The next item on the agenda was CDS Res. 2013-6. This Resolution is needed to issue the tax increment financing bond for Angel Acres, which is the next step in the process.

Member Chamberlain introduced CDA Resolution 2013-6 and moved for its approval; Member Brodersen seconded.

#### CDA RESOLUTION NO. 2013-6

#### A RESOLUTION AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS — BENSCOTER, INC., ANGEL ACRES PROJECT.

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

Member Van Delden made a motion, which was seconded by Member Giese, 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”) — Progressive Property Inspections, LLC:

**509 Nebraska:** Lot 4 and the 8 feet of vacated alley adjacent thereto, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska; and

**520 Nebraska:** Lot 12, Block 6, North Addition 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 March 14, and 21, 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: Mike Bebee and Kelby Herman.

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

Councilmember Alexander then introduced Resolution No. 2013-29 and moved for its passage and approval, with the requirement that a fence be installed, and that any work being done using TIF funds be bid out.

#### RESOLUTION NO. 2013-29

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.

Councilmember Brodersen stated if she going to approve a “Redevelopment Plan”, she would like to see a plan. She wants more information. Councilmember Giese agreed. He wanted to see this Resolution tabled.

On roll call vote, the following Councilmembers voted in favor of the motion: Van Delden, Haase, Alexander, Muir, and Sievers. The following Councilmembers voted against said motion: Giese, Brodersen and Ley.

The passage of Resolution No. 2013-29 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2013-29 passed and, in the presence of the Council, signed and approved Resolution No. 2013-29. The Clerk attested to the passage of Resolution No. 2013-29 by signing the same and affixing the seal of the City to Resolution No. 2013-29.

Mayor Chamberlain declared the time was at hand for the public hearing on the Application for the Nebraska Affordable Housing Program Grant for Angel Village.

Nancy Braden, Finance Director, stated this grant will be for \$579,000, of which \$60,000 will be used for acquisition, \$440,000 for housing rental/new construction, \$44,000 for housing management, and \$35,000 for general administration. The total project will be \$2.9233 million. This application is one of three in the northeast area, and the District is very confident that we should get the award on this. The City is the applicant on behalf of Lou Bencoter. Mr. Bencoter is the sub-recipient.

Lou Bencoter 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 Van Delden introduced Resolution No. 2013-30 and moved for its approval; Councilmember Giese seconded.

#### RESOLUTION NO. 2013-30

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS.

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

Rich Robinson of Kirkham Michael was present regarding a Letter Agreement for additional professional design engineering services for the Wayne Windom Street Project. The fee for the same would be \$6,900. This project has been going on for a while. It started about 2 ½ years ago. The project is on Windom Street, from 7<sup>th</sup> Street south to Third Street. It involves the removal and replacement of paving, water main, storm sewer and sidewalks. This letter agreement is to implement and complete the environmental documentation (hazardous materials memo) for this project, which is a new requirement since the project started.

This does not include construction engineering costs, which could range in the neighborhood of \$70-80,000.

The hope is that this project will get done in the summer of 2014.

Councilmember Van Delden introduced Resolution No. 2013-31 and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2013-31

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL DESIGN ENGINEERING SERVICES BETWEEN THE CITY OF WAYNE AND KIRKHAM MICHAEL FOR THE “WAYNE - WINDOM STREET IMPROVEMENT PROJECT.”

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

Discussion took place on amending the housing construction loan incentives for builders. Mayor Chamberlain stated he was of the understanding that there were two incentives: (1) The \$20,000 construction loan incentives for builders or a \$30,000

housing loan being built by an owner, and (2) The \$5,000 loans per market rate apartment unit or single-family homes. He was under the impression that a builder could utilize two of each (total of 4 incentives). Nancy Braden, Finance Director, was under the impression that a builder could only use 2 incentives. He would like to amend the criteria to be that as soon as there is a certificate of occupancy, the builder can apply for another incentive.

A suggestion was also to change the time frame for paying back the construction loan from 4 years to 18 months.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, to table action on Resolution No. 2013-32 amending the 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.

Nancy Braden, Finance Director, advised the Council that the limit has been reached on construction loan incentives - \$160,000. At this time, she is holding applications for another \$150,000. She recommended increasing the incentive pool to \$300,000. These funds come from the electric reserves.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, to increase the amount allocated for construction loan incentives from \$160,000 to \$300,000. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who abstained, the Mayor declared the motion carried.

Administrator Johnson stated that the following Resolution would approve a Mutual Aid Agreement between the City of Wayne Fire Department and the Elkhorn Valley Mutual Aid Association.

Councilmember Ley introduced Resolution No. 2013-33, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-33

A RESOLUTION APPROVING MUTUAL AID AGREEMENT BETWEEN THE CITY OF WAYNE AND ELKHORN VALLEY MUTUAL AID ASSOCIATION.

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

Joel Hansen, Zoning Administrator stated the following Ordinances are those that were tabled several months ago, pending the sale of property to Robert Woehler & Sons Construction to relocate their concrete crushing business. In regard to Ord. 2013-1, Mr. Hansen recommended deleting the following wording from “General Industry”: *or from raw materials*, for the reason that if you are considered “General Industry”, you are not doing something with raw materials.

The purpose for these recommendations is to broaden the list of permitted uses in the Wayne Zoning Districts by adding these definitions to the list of specific permitted uses. Adding these four definitions would allow the Zoning Administrator additional discretion to approve permitted uses instead of simply checking the list of permitted uses in a zoning district.

This ordinance also specifically includes “concrete mixing and concrete manufacturing/crushing” in the definition of “Heavy Industry”. This use is not currently defined in the Wayne Code. If this ordinance and the next six ordinances are approved, the use “Concrete

mixing and concrete manufacturing/crushing” would become a non-conforming use in all but I-1, I-2, and A-1 zoning districts and would require a Use by Exception Permit in the I-1 and A-1 zoning districts. A “Non-conforming Use” can continue to exist, but cannot expand beyond its current size at the time of final passage of the ordinance.

Councilmember Sievers introduced Ordinance No. 2013-1 and moved for approval thereof, and striking the words “or from raw materials” in General Industry; Councilmember Brodersen seconded.

#### ORDINANCE NO. 2013-1

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I, IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; 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 Sievers made a motion and Councilmember Muir 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 Brodersen who voted Nay, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Muir seconded to move for final approval of Ordinance No. 2013-1. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who voted Nay, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2013-2 and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2013-2

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS BY AMENDING SECTION 90-114 EXCEPTIONS; 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 Muir made a motion and Councilmember Brodersen 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 Muir made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2013-2. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2013-3 and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-3

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS BY AMENDING SECTION 90-482 PERMITTED PRINCIPAL USES AND STRUCTURES; 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 Giese made a motion and Councilmember Muir 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 Giese made a motion and Councilmember Muir seconded to move for final approval of Ordinance No. 2013-3. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, stated the following Ordinance would add Heavy Industrial to the I-1 Light Industrial and Manufacturing Zone. In addition, he requested that an additional Exception – 6) Agricultural Industry be added to Sec. 90-484 or Ordinance No. 2013-4.

Councilmember Giese introduced Ordinance No. 2013-4 and moved for approval thereof, and adding an additional exception — 6) Agricultural Industry thereto; Councilmember Muir seconded.

#### ORDINANCE NO. 2013-4

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS BY AMENDING SECTION 90-484 EXCEPTIONS; 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 Giese made a motion and Councilmember Muir 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 Giese made a motion and Councilmember Muir seconded to move for final approval of Ordinance No. 2013-4. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Hansen stated the following Ordinance would add Agricultural Industry, Light Industry, General Industry, and Heavy Industry to the I-2 Heavy Industrial Zone.

Councilmember Brodersen introduced Ordinance 2013-5 and moved for approval thereof; Councilmember Sievers seconded.

#### ORDINANCE NO. 2013-5

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS BY AMENDING SECTION 90-512 PERMITTED PRINCIPAL USES AND STRUCTURES; 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 Brodersen 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, the Mayor declared the motion carried.

Councilmember Brodersen made a motion and Councilmember Giese seconded to move for final approval of Ordinance No. 2013-5. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Hansen asked Council to not act on Ordinance 2013-6. This was the ordinance that would have made Woehler's concrete crushing business a non-conforming use where they are currently located. After some research, staff determined that if this

ordinance would pass, it would mean everyone would have to comply with the zoning within the date that is set. This would mean if your house did not comply with the zoning setbacks, you would need to correct that. Ordinance No. 2013-6 died for lack of a motion.

In regard to the following Ordinance, Mr. Hansen stated the current code states all operations shall be carried on within an enclosed building. This obviously is not feasible for a concrete crushing operation, so staff is recommending adding the language “All operations, **other than concrete crushing**, shall be carried on within an enclosed building.

Councilmember Muir introduced Ordinance No. 2013-7 and moved for approval thereof; Councilmember Sievers seconded.

#### ORDINANCE NO. 2013-7

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, BY AMENDING SECTION 90-714 PERFORMANCE STANDARDS FOR INDUSTRIAL USES, (b) LIMITED INDUSTRIAL PERFORMANCE STANDARDS, (1) PHYSICAL APPEARANCE; 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 Muir made a motion and Councilmember Sievers 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 Muir made a motion and Councilmember Sievers seconded to move for final approval of Ordinance No. 2013-7. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Ordinance would place a stop sign at the intersection of Hillcrest Road and Walnut Street on the east edge of Wayne State College.

Councilmember Sievers introduced Ordinance No. 2013-22 and moved for approval thereof; Councilmember Muir seconded.

#### ORDINANCE NO. 2013-22

AN ODINANCE AMENDING CHAPTER 78, ARTICLE I, SECTION 78-11 STOP SIGN LOCATIONS; EAST OF MAIN STREET, NORTH OF SEVENTH 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 Sievers made a motion to suspend the statutory rules requiring ordinances to be read by title on three different days. The same died for lack of a second. The second reading will take place at the next Council meeting.

Discussion took place on annexing property on the eastern side of Wayne, which would include the property being purchased by Robert Woehler & Sons Construction, Williams Form, and the Airport. Councilmember Giese noted he would like to have a public hearing at some point and time about annexing all of the Industrial Park, Chief's Way, etc. Administrator Johnson stated if that is the desire of the Council, the next step would be to send the matter to the Planning Commission for consideration. No action was taken on the matter.

Councilmember Giese made a motion, which was seconded by Councilmember Alexander, 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 7:37 p.m.