

**MINUTES
CITY COUNCIL MEETING
September 17, 2013**

The Wayne City Council met in regular session at City Hall on Tuesday, September 17, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Kaki Ley, Matt Eischeid, 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 September 5, 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 Sievers, whereas, the Clerk has prepared copies of the Minutes of the meetings of September 3, 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:

CORRECTIONS TO CLAIMS LIST OF SEPTEMBER 3, 2013: Delete Norfolk Sporting Goods, Su, 60.00

VARIOUS FUNDS: ADVANCED CONSULTING, SE, 23104.50; AMERICAN BROADBAND, SE, 1413.02; AMERICAN LIBRARY ASSOC, FE, 190.00; AMERITAS, SE, 1954.97; APPEARA, SE, 201.14; BAKER & TAYLOR, SU, 1492.85; BANK FIRST, SE, 135.00; BARONE SECURITY SYSTEMS, SE, 138.00; BINSWANGER GLASS, SE, 274.80; CITY EMPLOYEE, RE, 620.88; BSN SPORTS, SU, 248.98; CADET BOOSTERS, FE, 160.00; CARHART LUMBER, SU, 899.38;

CERTIFIED TESTING SERVICE, SU, 296.00; CHARTWELLS, SE, 5257.01; CHINN, MARLEN, RE, 648.00; CITY OF NORFOLK, RE, 1500.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 700.00; CITY OF WAYNE, PY, 60581.28; CITY OF WAYNE, RE, 247.20; CIVICPLUS, SU, 400.00; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SU, 15.52; CITY EMPLOYEE, RE, 148.07; DAVE'S DRY CLEANING, SE, 69.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; DEARBORN NATIONAL LIFE, SE, 1729.61; CITY EMPLOYEE, RE, 78.06; EAKES OFFICE PLUS, SE, 96.63; EASYPERMIT POSTAGE, SU, 1715.16; ECHO GROUP, SU, 5.40; ELECTRIC TRANSPORTATION, SU, 3770.00; ERWIN TRUCKING, FE, 150.00; FLOOR MAINTENANCE, SU, 264.56; FREDRICKSON OIL, SE, 62.70; GEMPLER'S, SU, 194.10; GENA LUHR, RE, 500.00; GERHOLD CONCRETE, SU, 446.22; GP GFOA, FE, 150.00; GROSSENBURG IMPLEMENT, SU, 167.94; HAWKINS, INC, SU, 788.97; HD SUPPLY WATERWORKS, SU, 3120.77; CITY EMPLOYEE, RE, 461.37; HEIKES AUTOMOTIVE, SE, 79.88; HEWLETT-PACKARD, SU, 72.09; HIRERIGHT SOLUTIONS, SE, 126.30; ICMA, SE, 6276.45; INGRAM BOOK, SU, 531.15; IRS, TX, 22465.41; JACK'S UNIFORMS, SU, 207.70; JANWAY COMPANY, SU, 506.49; JASON CAROLLO, SE, 160.00; CITY EMPLOYEE, RE, 1777.06; JORGENSEN LAW OFFICE, SE, 112.50; CITY EMPLOYEE, RE, 44.88; JULIE CULL, RE, 8626.28; CITY EMPLOYEE, RE, 218.28; KELLY SUPPLY, SU, 378.63; KRIZ-DAVIS, SU, 1461.98; KTCH, SE, 1491.32; L.G. EVERIST, SU, 1307.11; LAURAN LOFGREN, RE, 300.00; MAIN STREET AUTO CARE, SE, 90.00; MIDWEST LABORATORIES, SE, 295.85; MIDWEST TAPE, SU, 104.97; MIDWEST TURF & IRRIGATION, SU, 51778.00; NE DEPT OF REVENUE, TX, 3182.27; NE SAFETY COUNCIL, SE, 3.20; NORFOLK DAILY NEWS, SE, 185.70; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 13185.52; OMAHA WORLD-HERALD, SE, 1250.40; ONE CALL CONCEPTS, SE, 79.60; OVERHEAD DOOR COMPANY, SE, 86.00; PAC N SAVE, SU, 130.20; CITY EMPLOYEE, RE, 34.67; PERSHING EXCAVATING, RE, 1356.07; PLUNKETT'S PEST CONTROL, SE, 95.18; POSITIVE PROMOTIONS, SU, 87.35; CITY EMPLOYEE, RE, 64.14; QUALITY FOODS, SU, 19.41; QUILL, SU, 405.30; RANDOM HOUSE, SU, 60.00; RITA MCLEAN, RE, 133.08; ROBERTSON IMPLEMENT, SU, 233.31; S & S WILLERS, SU, 1792.93; SHOPKO, SU, 111.28; SOCIETY FOR HUMAN, FE, 180.00; SPARKLING KLEAN, SE, 1916.70; STATE NATIONAL BANK, SE, 61.44; STATE NATIONAL BANK, RE, 78176.25; SUN RIDGE SYSTEMS, SE, 2600.00; T & S TRUCKING, SE, 402.96; UNITED WAY, RE, 12.40; US BANK, SE, 1717.27; WAED, FE, 417.00; WAYNE AUTO PARTS, SU, 93.13; WAYNE COUNTY CLERK, SE, 86.00; WAYNE HERALD, SE, 2051.56; WAYNE VETERINARY CLINIC, SE, 196.00; WESCO, SU, 984.92; WAPA, SE, 32407.92; ZACH HEATING & COOLING, SU, 1415.00; ZACH OIL COMPANY, SU, 6385.54; ZEE MEDICAL SERVICE, SU, 82.91; AMAZON.COM, SU, 1188.05; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 225.00; CLAUSSEN & SONS IRRIG., SE, 24.95; COUNTRY TRUCK SALES, SU, 19000.00; ED. M FELD EQUIPMENT, SU, 283.50; ELKHORN FENCE, SE, 11646.00; FLOOR MAINTENANCE, SU, 23.40; GERHOLD CONCRETE, SE, 2528.25; GROSSENBURG IMPLEMENT, SE, 3014.24; INDUSTRIAL CHEM LABS, SU, 936.21; KIRKHAM MICHAEL, SE, 690.00; MAGNUM POWER PRODUCTS, SU, 2600.00; CITY EMPLOYEE, RE, 86.33; MIDWEST SERVICE & SALES, SU,

7400.00; NE NEBRASKA VOLUNTEER, FE, 50.00; NE NOTARY ASSOC, SU, 87.50; NPPD, SE, 386067.41; OLSSON ASSOCIATES, SE, 15631.11; OVERHEAD DOOR, SE, 65.50; PIEPER & MILLER, SE, 8123.99; PITNEY BOWES, SU, 648.00; PRESTO X, SE, 106.59; PUSH-PEDAL-PULL, SU, 666.20; STATE NATIONAL BANK, RE, 1500,000.00; TOM'S BODY & PAINT SHOP, SE, 38.50; VOSS LIGHTING, SU, 195.00; WAYNE COMMUNITY SCHOOLS, RE, 1929.50

Councilmember Haase 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, 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 declared September 19th as “No Text On Board – Pledge Day” and September 23rd as “Family Day – A Day to Eat Dinner with your Children.”

Lash Chaffin, Attorney with the League of Nebraska Municipalities, gave a presentation on the Open Meetings Laws, Conflicts of Interest, etc.

Gary Boehle with First National Insurance Agency was present requesting Council consideration to changing the renewal date for the City’s group health and accident insurance policy from January 1, 2014, to December 1, 2013, which would allow an additional 11 months before having to comply with the new affordable healthcare act regulations that take effect 1/1/14.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese approving the recommendation of Gary Boehle of First National

Insurance Agency, to change the renewal date for the City's group health and accident insurance policy from January 1, 2014, to December 1, 2013. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Phil Monahan, Fire Chief, introduced Jacob Stenka and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department. He has also served the fire department in a "cadet" status.

Councilmember Brodersen made a motion, which was seconded by Councilmember Ley approving the membership application of Jacob Stenka to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A request was made by Anthony Cantrell to close off the east end of 10th Street from Providence Road to Hillside Drive for an electric vehicle rally on Saturday, October 5, 2013, from 6:30 a.m. until 5:00 p.m.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen, approving the request of Anthony Cantrell to close off the east end of 10th Street from Providence Road to Hillside Drive for an electric vehicle rally on Saturday, October 5, 2013, from 6:30 a.m. until 5:00 p.m., with the stipulation that proof of \$1,000,000 liability insurance and naming the City as an additional insured be provided to the City prior to the time of the event. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Ley introduced Ordinance 2013-45, and moved for approval of the second reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2013-45

AN ORDINANCE TO AMEND CHAPTER 34, ARTICLE II, BY ADDING SECTION 34-62 NOTICE; 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 Ley 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 Ley made a motion and Councilmember Giese seconded to move for final approval of Ordinance No. 2013-45. 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 essentially eliminate multi-family dwellings in the R-1 and R-2 neighborhoods, and then create a conditional use in the R-3 neighborhoods, with the following conditions:

1. The maximum number of sleeping rooms shall not exceed one per 500 square feet of lot area.
2. The front of the building facing the street shall include one of the following:
 - a. A door and eight (8) percent of the surface area covered with windows.
 - b. Ten (10) percent of the surface area covered with windows.
3. The primary means of egress for any dwelling unit shall not exit into a side yard unless the door is at least 30 feet from the property line it is facing.
4. The primary means of egress must exit onto a covered stoop or deck.
5. Twenty (20) percent of the lot must be maintained as landscaping which is not paved or used for parking.

Councilmember Ley introduced Ordinance 2013-40, and moved for approval of the third and final reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-40

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 3 R-2 RESIDENTIAL DISTRICT, SECTION 90-232 PERMITTED PRINCIPAL USES AND STRUCTURES; SECTION 90-234 PERMITTED CONDITIONAL USES; AND SECTION 90-238 HEIGHT AND AREA REGULATIONS; AND

DIVISION 4 R-3 RESIDENTIAL DISTRICT, SECTION 90-262 PERMITTED PRINCIPAL USES AND STRUCTURES; SECTION 90-264 PERMITTED CONDITIONAL USES; AND SECTION 90-268 HEIGHT AND AREA REGULATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Councilmember Muir questioned whether or not the Council was moving too fast on this based upon past discussions of what it possibly could do to the R-3 zones. Councilmember Sievers shared the same concerns.

Mayor Chamberlain agreed with the changes; however, he thought they needed to be made at the same time the Council makes changes to the zoning map. There are other areas that R-3 would suit quite nicely and other areas that R-3 now should be R-2, or areas that are R-1 should be R-2. Making changes to the definition before making changes to the map is going to, in the meantime, create some issues.

Councilmember Brodersen thought the original language for R-2 was inappropriate. R-2 was meant to be a smaller density than R-3, and right now, they are about the same. Councilmember Ley agreed.

BJ Woehler, Sharon Braun and Kelby Herman spoke against the proposed changes.

Wendy Vawser spoke in favor of the proposed changes.

Joel Hansen, Zoning Administrator, advised the Council that the Planning Commission's recommendation was a conditional use in both the R-2 and R-3 zones.

The Architectural Review Committee met and is recommending that the conditional use language be removed from the R-2 zone. He also noted that the density is set by the lot size, more than the design of the building.

A use by exception requires a hearing before the Planning Commission and the City Council and cannot be denied. However, the rules can be restricted further. A conditional use sets the conditions in the code, and the code official verifies that the plans meet those conditions.

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

The following Resolution will remove an 18-acre parcel of land north of the west water tower from the blight determination and make it ineligible for tax increment financing benefits. In addition, staff is recommending removing the Oaks and Wayne East since their TIF bonds have been paid off. This is needed because the Council has had a request to blight another area of the City, which would put Wayne over the statutory limit of 35% of the city being declared blighted and substandard. In order to blight more areas, other areas need to be un-blighted. However, once an area is deleted from a blighted area, it can never be declared blighted again.

Just removing the Wayne East and the Oaks property out of the blighted and substandard designation would not allow enough room to blight more areas. Staff is looking at blight studies on a couple of more areas in Wayne, and with the 35% limit, Council cannot deem any other areas as blighted and substandard. Council needed to

decide whether they wanted to save the TIF on the 18 acres for the future, or if they wanted to release that now and use TIF for projects at hand.

Council requested a map showing all areas in the city that have been declared blighted and substandard to review before making any decisions this evening.

A motion was made by Councilmember Sievers to table action on Resolution 2013-93 until the next meeting; Councilmember Eischeid seconded. 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, which was seconded by Councilmember Brodersen, 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, Rod Greve, Jennifer Sievers, Ken Chamberlain, Nick Muir, Kaki Ley, Matt Eischeid, 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 Giese made a motion, which was seconded by Member Chamberlain, to approve the minutes of the September 3, 2013, 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 agenda was to approve the following CDA Claim:

City of Wayne – Woehler Land Sale Transfer to Pay Electric Loan - \$43,180.35

Member Giese made a motion, which was seconded by Member Chamberlain, to approve the CDA claim. 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 a Redevelopment Contract for Lots 11 and 12, Block 7, North Addition to the City of Wayne, Wayne, County, Nebraska (Progressive Property Inspections, LLC – Kelby Herman).

Mr. Herman was present to answer questions and stated he plans to build a 10-unit, 2-story apartment complex on this property.

The Architectural Review Committee recommended the following changes: minimum 3' roof cover on the entrance, two shade trees and windows on the end walls.

Mr. Herman stated he has contacted the neighbors.

Member Chamberlain introduced CDA Resolution 2013-12 and moved for its approval, with the conditions put on by the Architectural Review Committee.

Member Eischeid questioned Mr. Herman's "itemized sources of financing" listed in the application, in addition to the list of project eligible expenses on Exhibit "C" of the Redevelopment Contract.

Councilmember Giese thought this needed to be part of the larger discussion involving what was just done with the R-2 districts and how that fits in with the R-3 districts and where the Council wants to target areas of the city for development. Discussions should also take place about what they as a Council think are acceptable uses or practices of TIF, and he would like to see the motion tabled.

Member Chamberlain noted that while he is not a big fan of TIF, he understands the need for it and understands what it does for the community. Yes, it is providing the owners or builders an incentive at the expense of the property taxes, and for 15 years, the property taxes will go towards paying off the TIF bonds. However, most of our actions won't affect us today; they will affect us 10, 15, 20, 30 years from now.

Member Eischeid stated that if this is not approved, then maybe the project would be an 8-plex rather than a 10-plex. The whole idea that it is the City's decision as to whether or not the building gets built, he does not agree with.

The Council has committed to almost \$2.9 million dollars in tax increment financing. The Oaks or Wayne East would not have been built had it not been for TIF. The Federal Government put incentives out there for municipalities to use to help grow communities.

Attorney Miller advised the CDA that if they would deny this TIF application, then they had better be ready to deny it for everyone with a similar situation. You can't pick and choose who you are going to say yes and no to.

Member Giese stated again he thought the CDA or Council needed to have a discussion of where they wanted to have blighted and substandard areas, where they wanted to see development, and where they wanted to see multi-family housing units go before approving anything else.

Member Eischeid did not have any concerns with tax increment financing being used to pay for infrastructure.

Lou Bencoter spoke in favor of tax increment financing being used for demolition, etc., of existing structures. It is a mechanism to help make dilapidated structures going away.

Member Brodersen questioned the amount of money being requested for TIF. She thought the Council needed to discuss what they wanted to see TIF money used for. When we say site improvement, what does that include?

Councilmember Sievers stated she could see both sides, but noted that we're talking \$108,000 on a property that is going to be valued at \$650,000.

BJ Woehler also spoke in favor of tax increment financing.

There being no further discussion, Member Sievers seconded the motion.

CDA RESOLUTION NO. 2013-12

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT.

Attorney Miller reiterated that if this is denied, they had better be prepared for anybody else who wants to come in and use the money for redevelopment or to tear down a house, to also deny them if it's a similar situation.

It was noted that Mike Bacon, the City's tax increment financing attorney, reviews the applications, and if the money was going to be used for something illegal, he would now allow the same to come before the CDA or Council for approval.

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

Member Ley made a motion and Member Brodersen 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 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 11 and 12, Block 7, North Addition to the City of Wayne, Wayne, County, Nebraska (Progressive Property Inspections, LLC – Kelby Herman).

The notice of the public hearing was published in the Wayne Herald on August 29, 2013, and September 5, 2013, and was also 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 Ley then introduced Resolution No. 2013-96 and moved for its passage and approval, including the additional stipulations made by the Architectural Review Committee.

RESOLUTION NO. 2013-96

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.

Councilmember Sievers seconded the motion. On roll call vote, the following Councilmembers voted in favor of the motion: Giese, Greve, Haase, Sievers, Muir, Ley, Eischeid and Brodersen.

The passage of Resolution No. 2013-96 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2013-96 passed and approved.

Mayor Chamberlain advised the Council that Agenda Item Nos. 14 through 18 pertaining to Ken Jorgensen will not be acted upon this evening and postponed until a later date.

The following Ordinance would amend Section 14-49 of the Wayne Municipal Code to read as follows:

Sec. 14-49. Running at Large

An animal shall be deemed to be at large when he is off the property of his owner and not under control or restraint of a competent person. For purposes of this section, restraint shall mean controlled by leash, "at heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of his owner or keeper. **Any animal that is within the City's designated Bark Park enclosed area and is under the supervision of a competent adult shall not be in violation of this section.**

This will allow dogs to run at large within the confines of the new dog park.

Councilmember Giese introduced Ordinance 2013-47, and moved for its approval; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-47

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, CHAPTER 14, ARTICLE II DOGS, SECTION 14-49 RUNNING AT LARGE; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Jessi Hansen updated the Council on the ribbon cutting ceremony for the “Wayne Bark Park” on Sunday at 1:00 p.m.

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 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 Ley seconded to move for final approval of Ordinance No. 2013-47. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Ordinance would release and abandon an easement located on North Pearl Street, being 80-feet wide and 180-feet long abutting on Block 5 and Block 6, College Hill Addition to the City of Wayne. The current owner plans to build over this vacated right-of-way and has asked the City to release the easement. Staff has reviewed this request and no longer sees a need to reserve that easement.

Councilmember Giese introduced Ordinance 2013-48, and moved for its approval; Councilmember Sievers seconded.

ORDINANCE NO. 2013-48

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF ALL UTILITY EASEMENTS ON PROPERTY LOCATED ON THE VACATED PORTION OF NORTH PEARL STREET, LYING NORTH OF WEST 13TH STREET AND ABUTTING ON BLOCKS FIVE (5) AND SIX (6), COLLEGE HILL ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, AND TERMINATING AT THE NORTHERN EDGE OF BLOCKS FIVE (5) AND SIX (6), COLLEGE HILL ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, BEING 80 FEET X 180 FEET.

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

The following Resolution would approve the written complaint procedures that the Problem Resolution Team and the Building Inspector's office have been using. The complaints must be in writing. A form is being created for the public to use in this process.

Councilmember Sievers introduced Resolution No. 2013-99 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2013-99

A RESOLUTION APPROVING THE PROBLEM RESOLUTION TEAM COMPLAINT PROCESS.

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

The following Resolution would rescind the previous resolutions regarding the computer and firearm loan policies. The computer loan program began as an incentive for city staff to purchase a computer for home use to learn more at home when desktops

initially came into offices. It's been determined that the programs are no longer necessary.

Councilmember Ley introduced Resolution No. 2013-100 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2013-100

A RESOLUTION RESCINDING RESOLUTION NO. 96-65 EMPLOYEE COMPUTER TECHNOLOGY PURCHASE PROGRAM AND RESOLUTION NO. 2005-19 FIREARM PURCHASE PROGRAM.

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

One of the main Council retreat goals has been to establish a community-wide plan for an attack on a school or public facility to make the most effective use of the law enforcement personnel available. If the City's dispatchers receive a 911 call about a danger or attack, the police and sheriff officers will be the closest to respond, followed by the State Patrol and neighboring law enforcement. This action will set a time table for the stakeholders involved to develop a plan of action.

Marlen Chinn, Police Chief, stated the main purpose of this plan is to have each entity or institution acting together, which speeds up the process and helps protect the children. This will put into place information needed for everyone to know what the different levels mean before any police officer walks in a door.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, directing staff to develop a community-wide response plan for any attack at any school or children's facilities. 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 approving the reappointment of Nick Hochstein to the Recreation-Leisure Services Commission.

Councilmember Eischeid made a motion, which was seconded by Councilmember Ley, approving the reappointment of Nick Hochstein to the Recreation-Leisure Services Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Muir brought back for discussion Ordinance No. 2013-39 which would amend Section 90-146 Minimum Area Requirements in an A-2 Agricultural Residential District. This ordinance died for lack of a motion on August 20, 2013.

The proposed ordinance would amend the minimum area requirements in the A-2 district from 2.5 acres to 1.5 with city water & sewer, 3 with septic system, and amend the lot width from 200' to 160'.

Mayor Chamberlain stated a public hearing was already held on this matter. However, he will continue to allow for public input, but will hold people to the 3 minutes. He also advised Council that he received a letter from Steve and Mark Meyer in favor of the proposed amendments to the A-2 District.

Lou Benscoter provided cost estimates in the packet showing the infrastructure costs for 2.5, 1.5 and 1 acre lots. He would like to build 6-7 houses on the 10 acres that he purchased, but can only do so if the code is amended. The costs provided are to show how the costs could be broken out to each lot if and when the property might be annexed. This would allow people to have a different choice of bigger lots out in an area away from the community.

BJ Woehler noted that an A-2 district cannot be in city limits. In addition, in 2002, the minimum area requirements were taken from 5 acres to 2.5 acres. He questioned going smaller. He did not want to see A-2 become a residential subdivision area.

Mark Sorensen who is a Planning Commission member asked Council to consider changing it from 2.5 to 3 acres. The reason for this is if it is less than 3 acres, there is a \$450 nonrefundable fee that somebody has to pay to get a well and septic system approved.

Breck Giese spoke against the proposed amendments.

Councilmember Giese stated he saw a lot of similarities between this and agenda item no. 9 that has already been discussed, with the exception that it has gone one step further – there is a developer who is looking to increase the density. We have had a majority of A-2 residents or a majority of A-2 residents residing adjacent to A-2 property come and voice their opinion against this. It would be inconsistent and a little undemocratic because these people don't have a ward representative to allow this discussion to go further.

Breck Giese, for the record, provided a petition signed by people that have land adjacent to the Benscoter development requesting that the code remain the same.

The Planning Commission recommended approval of these changes. The vote was 5-1 in favor of the amendments.

Councilmember Muir made a motion to table action on Ordinance 2013-39 until the next meeting. Councilmember Sievers seconded the motion. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of

Councilmembers Giese and Eischeid who voted Nay, the Mayor declared the motion carried.

The following Resolution would approve an agreement with JEO Consulting Group to design Hillside Drive from Highway 35 South for a sum of \$3,500.

Councilmember Sievers introduced Resolution No. 2013-101 and moved for its approval with the change that the agreement be for a sum not to exceed \$3,500; Councilmember Greve seconded.

RESOLUTION NO. 2013-101

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SERVICES WITH JEO CONSULTING GROUP, INC., FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE HILLSIDE DRIVE FROM HIGHWAY 35 SOUTH PROJECT.

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 an agreement with Northeast Nebraska Economic Development District for the Comprehensive Investment & Stabilization Planning Study for a sum not to exceed \$12,000. The grant funds, if we are successful, will be used to look at the southeast ward and will give us an opportunity to get a plan together to get 75% cost share on new water mains, street improvements, and adding a tornado shelter by the trailer court.

Councilmember Eischeid introduced Resolution No. 2013-102 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-102

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, TO APPROVE A CONTRACT BETWEEN THE CITY OF WAYNE AND NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT FOR THE COMPREHENSIVE INVESTMENT AND STABILIZATION PLANNING STUDY.

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese directing staff to request a special Nebraska Public Power District (NPPD) rate hearing to challenge NPPD's new transmission rate. 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, which was seconded by Councilmember Brodersen, 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 9:22 p.m.