

**MINUTES  
CITY COUNCIL MEETING  
October 1, 2013**

The Wayne City Council met in regular session at City Hall on Tuesday, October 1, 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 19, 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 Sievers made a motion, which was seconded by Councilmember Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 17, 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:** AMERITAS, SE, 2241.15; APPEARA, SE, 86.79; AWWA, FE, 165.00; BACON & VINTON, SE, 29500.00; BANK FIRST, FE, 135.00; CITY EMPLOYEE, RE, 256.60; BIG RED PRINTING, SU, 489.69; BLUE CROSS BLUE SHIELD, SE, 24751.40; BOMGAARS, SU, 67.64; CITY EMPLOYEE, RE, 1885.55; CITY OF WAYNE, PY, 62379.23; CENTURYLINK, SE, 313.33; COMMUNITY HEALTH, RE, 4.00; CONTINENTAL FIRE SPRINKLE, SE, 602.25; COUNTRY NURSERY, SE, 2038.40; DAKOTA BUSINESS SYSTEMS, SE, 104.50; DANKO EMERGENCY EQUIPMENT, SU, 881.53; DE LAGE LANDEN FINANCIAL, SE, 77.00; DOUGLAS CO COURT, RE, 149.00; ECHO GROUP, SU, 18.97; ED. M FELD EQUIPMENT, SU, 1499.75; ENDURA, SU, 2250.88; FIRST CONCORD GROUP, FE,

3701.94; FLOOR MAINTENANCE, SU, 439.45; GERHOLD CONCRETE, SU, 255.50; CITY EMPLOYEE, RE, 327.97; ICMA, SE, 6289.51; IRS, TX, 23279.19; JOHNNY P LEMPKE, SE, 73.00; CITY EMPLOYEE, RE, 142.78; JULIE CULL, RE, 5377.20; KCP&L GREATER MISSOURI, SE, 85.55; KELLY SUPPLY, SU, 197.40; LANGEMEIER, WAYNE, RE, 500.00; LOVE SIGNS, RE, 100.00; LUMBERMEN'S BRICK & SUPPLY, SU, 680.00; CITY EMPLOYEE, RE, 22.23; MIKE TOWNE, SE, 1200.00; MILO MEYER CONSTRUCTION, SE, 270.00; MISC, RE, 900.00; NE DEPT OF REVENUE, TX, 3333.02; NE PUBLIC HEALTH ENVIRONM, SE, 699.00; NORFOLK GM AUTO CENTER, SE, 1945.70; NORFOLK IMPLEMENT, SE, 979.56; OLSSON ASSOCIATES, SE, 2683.93; QUALITY 1 GRAPHICS, SU, 90.00; QUILL, SU, 595.25; REPCO MARKETING, SU, 52.25; CITY EMPLOYEE, SU, 150.00; SEVERN TRENT, SU, 310.60; STATE NATIONAL BANK & TRUST, RE, 109.41; STEVE LAMOUREX, SE, 100.00; TAYLOR RACELY, SE, 975.00; THE PENWORTHY COMPANY, SU, 406.07; TOM'S BODY & PAINT SHOP, SU, 86.66; CITY EMPLOYEE, RE, 113.09; VERIZON, SE, 231.86; WESCO, SU, 1751.93; WILLIAM KUGLER, RE, 500.00; APPEARA, SE 67.31; ARLS, FE, 235.00; ARNIE'S FORD-MERCURY, SE, 677.38; AS CENTRAL SERVICES, SE, 448.00; BACON & VINTON, SE, 10000.00; BLACK HILLS ENERGY, SE, 129.11; BLUE DEVIL BOOSTER CLUB, SE, 85.00; BROWN TRAFFIC PRODUCTS, SU, 444.25; CADET BOOSTERS, FE, 320.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 100.00; CITY EMPLOYEE, RE, 41.17; CLEAN TO A T, SE, 1454.00; COPY WRITE, SU, 325.74; EASYPERMIT POSTAGE, SU, 713.98; ECHO GROUP, SU, 105.22; CITY EMPLOYEE, RE, 1034.39; ELECTRIC FIXTURE, SU, 683.78; ENVIRONMENTAL SERVICES, SE, 7674.20; EXHAUST PROS, SE, 16.00; GERHOLD CONCRETE, SU, 1479.00; CITY EMPLOYEE, RE, 47.58; HEWLETT-PACKARD, SU, 1118.20; JACK'S UNIFORMS, SU, 4032.20; JACOB'S ROOM, SU, 254.80; JEO CONSULTING GROUP, SE, 612.50; KAY PARK REC CORP, SU, 790.00; KRIZ-DAVIS, SU, 553.80; LOGAN VALLEY FOOTBALL, FE, 100.00; MADISON COUNTY COURT, RE, 500.00; MIKE TOWNE, SE, 600.00; MIRIAN AGUIRRE, SE, 50.00; MULTIMEDIA SALES & MARKET, SE, 390.00; NACO PLANNING, FE, 100.00; CITY EMPLOYEE, RE, 21.34; NE HARVESTORE, SU, 99.21; NNPPD, SE, 3857.00; ONE CALL CONCEPTS, SE, 113.30; PIEPER & MILLER, SE, 3228.75; CITY EMPLOYEE, RE, 125.12; RON'S RADIO, SU, 46.95; SKARSHAUG TESTING LAB, SE, 220.07; STADIUM SPORTING GOODS, SU, 669.00; STATE NATIONAL BANK, RE, 41.80; TM BOOKS, SU, 515.00; VERIZON, SE, 101.86; VIAERO, SE, 245.58; WAYNE VOLUNTEER FIRE DEPT, RE, 500.00

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 pulled Agenda Item No. 3 – Action to formally name the Wayne Municipal Airport, Stan Morris Field, and Nancy Braden Terminal because he was advised from an Airport Board member that this was not a formal action taken by the Airport Board. Until such time as that happens, this will not be on the agenda.

Administrator Johnson stated that one bid was received for the preparation of the hot meals at the Senior Center. The bid came from Chartwells. Congregate meals will increase to \$4.98 per meal and home-delivered will increase to \$5.24 per meal. This bid is in effect from July 1, 2013, through June 30, 2014.

Penny Vollbracht, Senior Center Coordinator was present to answer questions.

Councilmember Ley made a motion, which was seconded by Councilmember Giese, approving the bid received from Chartwells to prepare the hot meals as part of the nutrition program for the elderly at the Wayne Senior Center. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Ken Jorgensen has made several presentations regarding a sports bar/restaurant on the property located just east of McDonalds on Highway 35. He has presented the City with an offer to purchase the abutting railroad right-of-way and triangular parcel east of the intersection of 6<sup>th</sup> Street and Tomar Drive for the sum of \$5,000.00. The offer to purchase also provides for a permanent utility easement, a temporary easement for the

walking trail, and a requirement that Mr. Jorgensen must build the project within two years or the property reverts back to the City.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the purchase agreement with Kenneth Jorgensen. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution and Ordinance pertain to the sale of said property to Kenneth Jorgensen.

Councilmember Eischeid introduced Resolution No. 2013-98 and moved for its approval; Councilmember Giese seconded.

#### RESOLUTION NO. 2013-98

A RESOLUTION AUTHORIZING THE SALE OF (1) THE RAILROAD RIGHT-OF-WAY, AND (2) A TRACT OF LAND LOCATED IN THE REPLAT OF MCCRIGHT'S FIRST SUBDIVISION TO THE CITY OF WAYNE, WAYNE, COUNTY, NEBRASKA.

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

Councilmember Brodersen introduced Ordinance 2013-46, and moved for its approval thereof; Councilmember Muir seconded.

#### ORDINANCE NO. 2013-46

AN ORDINANCE DIRECTING THE SALE OF (1) THE RAILROAD RIGHT-OF-WAY AND (2) A TRACT OF LAND LOCATED IN THE REPLAT OF MCCRIGHT'S FIRST SUBDIVISION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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 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 Sievers made a motion and Councilmember Greve seconded to move for final approval of Ordinance No. 2013-46. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tom Jacobsen gave a presentation on a proposed multi-unit housing project he would like to build on property he is purchasing from the Carharts on West 13<sup>th</sup> Street and wanted a sense from the Council not only about the project, but also about being approved for tax increment financing. He wants to build 3 eight-plex units and one twelve-plex unit. There will be 90 parking stalls and 76 bedrooms.

Mayor Chamberlain noted that the blight study needs to be completed first. Then the area in question needs to be determined blighted and substandard before a hearing can take place on the redevelopment plan.

Council consensus was that this was a good location for apartment complexes.

Council discussion continued on Ordinance 2013-39 which would amend Sec. 90-147 Minimum Area Requirements in an A-2 Agricultural Residential District. This was tabled from the last meeting.

Mayor Chamberlain advised the Council that no public comments would be taken on this matter.

Councilmember Muir introduced Ordinance 2013-39, and moved for its approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2013-39

AN ORDINANCE AMENDING CHAPTER 90, ARTICLE III, SECTION 90-146 MINIMUM AREA REQUIREMENTS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Giese advised the Council that he had reviewed and studied the Comprehensive Plan and thought the proposed changes to A-2 zoning not only did not meet the plan, but would directly violate all of its core principles that relate to residential growth. Those core components were:

- Use of smart growth of techniques;
- Residential growth centers;
- Commercial and industrial opportunities (doesn't apply);
- A cohesive growth pattern;
- Pre-planned major streets (doesn't apply);
- A linked greenway/trail system (doesn't apply);
- Framework for decision-making (doesn't apply); and
- An annexation policy (doesn't apply)

The proposed changes would also directly violate use of smart growth of techniques, residential growth centers, and a cohesive growth pattern.

He noted the plan specifically states to gain the approval of all stakeholders before deciding to develop an area — achieve stakeholder collaboration in development decisions and provide smart growth tools. Development must accommodate the community as well as the developers. It also goes on to state – build cohesiveness among residents and maintain a community identity that creates a sense of membership. In addition, it states that any growth concept for Wayne has to promote development that reflects the character of the community and maintains a sense of structure and connectedness.

He stated that none of the neighbors have voiced their approval for the changes to this ordinance, and almost all have expressed their disapproval for the passing thereof.

Councilmember Giese went onto further quote sections of the Comprehensive Plan that did not support the amendment to this section of the code.

He stated in conclusion, the approval of this ordinance is inarguably against all of the core components of the comprehensive plan that deal with residential development. It does not fall in line with the proposed guidelines for the proposed growth center by jumping over the proposed boundary of 21<sup>st</sup> Street. The growth is not contiguous with the growth of the city. The integrity of the neighborhood is not kept intact by destroying a large amount of open space that is encouraged by the plan to which the neighbors have repeatedly stressed their disapproval and finally, what he thinks is the biggest takeaway from this, the proposed development will prevent or discourage uncontrolled development that can siphon energy and investment away from already established areas (those contiguous areas) without adding to the City's net economy.

He also added that the suggestion to change this section of the code was not part of the comprehensive plan and was never ratified by the Planning Commission or the City Council. While the Planning Commission did approve the change, he was guessing and judging by everything that the comprehensive plan says that the majority of the Planning Commission has never seen the comprehensive plan or read through it thoroughly, especially those parts pertaining to the sections on residential growth.

Councilmember Eischeid also spoke against the proposed changes to the code. He was concerned that those people most affected in that area do not have a say in this matter, and thought the Council still had to respect what people that reside outside the

city limits, but within the two-mile zoning radius, thought because they are just as much a part of the community of Wayne as those that reside within city limits are. He noted that one of the letters in the packet stated that this would benefit the City. In his opinion, it would not benefit the City until the property was annexed. Revenue received from double water and sewer fees would be minimal. When taking everything into consideration for developing the property in that subdivision, he did not feel the lots would be affordable for the middle class.

Councilmember Ley noted that Vintage Hills still has lots for sale, and that it took 30 years to fill the Carhart Addition. She did not think there was a need to spring board out into the country to create more lots than there already is in town. She was against this at this time because she did not think it was urgent to promote changing the requirements which are going to be a buffer from city to country.

Councilmember Giese stated the comprehensive plan repeatedly refers to contiguous growth – use all vacant lots if possible, and we have a lot of open or vacant lots in this town.

Councilmember Ley noted that when this comprehensive plan was developed, we did not have a lot of open lots, but we do now.

Councilmember Muir stated he could agree with those comments and made reference back to the wellhead protection plan and approving the plan even though the farmers in the outlying areas were against it. In addition, he appreciated the information brought forward by Councilmembers Giese and Eischeid. He also referred back to a part of the Comprehensive Plan that refers to reviewing zoning and subdivision regulations to ensure that standards allow for diversity of housing types and affordability. It doesn't

state whether it applies to agricultural or residential. It also states encourage housing affordable to a variety of income levels by integrating different housing types into the community.

Councilmember Sievers stated the issue she has is that the Council is focusing on just one area of the A-2 property. This A-2 is not just for the Benscoter property; it is for all A-2 zoning areas.

Councilmember Giese stated if you follow the comprehensive plan, he cannot find a way that you can say that this is contiguous growth of the urban development. The reason we are not hearing from the other A-2 property owners is because it's going to be 100 years before this even affects them. The people who it does affect are the people from the A-2 development in the northeast section of town. They have repeatedly showed up to the Council meetings, they have signed a petition, and they have written letters. It was more than six weeks ago that they did all of this, and now the Council gets letters in favor of this ordinance in the past week. Don't forget we have heard overwhelmingly from the people that this affects the most directly.

Councilmember Sievers stated this change in the ordinance may not affect us today or 20 years from now, but it might affect us 100 years from now.

Councilmember Eischeid noted that the majority of the letters in favor of the changes to the ordinance have come from realtors and the developer.

Joel Hansen, Zoning Administrator, advised the Council that RDG did the City's comprehensive Plan in 2006 – this is the document the public has not seen. This is what RDG was proposing in the 2008 draft zoning amendments. The request before you tonight to go to 1.5 and 3 acres was outlined in that zoning draft. RDG said that goes

along with the comprehensive plan. These rules are specific rules that help work towards the general guidance that is in the comp plan. He wanted to make a point that what they were discussing tonight isn't about a specific development. The change tonight doesn't mean that a development gets to take place. The developer would still have to come before the Planning Commission and the City Council with a plat, and the Planning Commission and the City Council would have to approve that plat. He believed at that point is when the comp plan would come into play where you could say that's not the appropriate development in that location. You would then have the right to deny the subdivision plat. Changing the rules this evening doesn't mean you're granting Mr. Benscoter the right to build six houses out there. It just means that those are the rules everybody plays by when they come and ask to subdivide land.

After further discussion, Councilmember Giese called for the vote.

Mayor Chamberlain stated the motion, and the result of roll call being two Yeas (Councilmembers Sievers and Muir), and six Nays (Councilmembers Giese, Greve, Haase, Ley, Eischeid and Brodersen), the Mayor declared the motion failed.

Councilmember Ley made a motion, which was seconded by Councilmember Muir, 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 17, 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:

Pieper & Miller – Closing Costs for Herman/Western Ridge Lot - \$750.00

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.

Discussion took place in regard to amending the Western Ridge II Planned Unit Development and NAHTF Grant New Construction Project document. The proposed amendments to said document would be (1) to take out the requirement of what the maximum purchase price of the home can be and (2) having to comply with the most recent national energy code requirement.

Member Giese made a motion, which was seconded by Member Greve, to amend the Western Ridge II Planned Unit Development and NAHTF Grant New Construction Project document, as presented. 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 the East Half of Lot 7 and the South 40 Feet of the East Half of Lot 8, Block 11, North Addition to the City of Wayne, Wayne, County, Nebraska (Sebade Housing, LLC).

Chad Sebade was present to answer questions and stated he plans to demolish a house at 220 E. 4<sup>th</sup> Street and construct a tri-plex apartment building thereon. He is requesting \$40,000 in tax increment financing.

Administrator Johnson advised the CDA that these redevelopment plans can be amended in the future (once the bond has been paid off) to recapture unused tax increment financing funds which can then be used for some other improvement in that TIF/blighted & substandard neighborhood.

Member Chamberlain introduced CDA Resolution 2013-13 and moved for its approval; Member Sievers seconded the motion.

#### CDA RESOLUTION NO. 2013-13

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

In response to Member Eischeid's inquiry, Mr. Sebade stated he was going to possibly put stone on the front of the structure to dress it up a little bit.

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

Member Muir made a motion and Member Ley 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”) — The East Half of Lot 7 and the South 40 Feet of the East Half of Lot 8, Block 11, North Addition to the City of Wayne, Wayne, County, Nebraska (Sebade Housing, LLC).

The notice of the public hearing was published in the Wayne Herald on September 12 and 19, 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: Chad Sebade. He intends to start the project on November 1<sup>st</sup> and be completed by April 1<sup>st</sup>.

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

Councilmember Ley then introduced Resolution No. 2013-103 and moved for its passage and approval.

#### RESOLUTION NO. 2013-103

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 Eischeid 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. 2013-103 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2013-103 passed and approved.

Councilmember Giese made a motion and Councilmember Muir seconded to adjourn as Mayor and City Council and reconvene as the Board of Equalization. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Street Improvement District No. 2010-5 (Benscoter Addition) and declared the public hearing open.

Administrator Johnson reviewed the assessment process for the Council.

Lou Benscoter, representing Benscoter Development, was present to express his discontent with the services of and the costs charged by Olsson Associates, engineers on the project.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District. There were none.

City Clerk McGuire had not received any written objections to these assessments.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Street Improvement District No. 2010-5, the Mayor declared the hearing closed.

Councilmember Eischeid introduced Resolution 2013-104 and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2013-104

A RESOLUTION MAKING ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NO. 2010-5 (BENSCOTER ADDITION).

The assessments are proposed to be spread out over a period of 15 years at 3.50% interest.

Nancy Braden, Finance Director, stated that after having spoken with Phil Lorenzen this morning, the financing is going to cost 3.5% over the life of the bond for 15 years. This would not include the normal .5% for administration fees. The 3.5% just covers the City's debt service cost. She would recommend setting the interest rate at 4%.

Administrator Johnson stated this project had a lot of problems and did not go well. If Council wanted, he could sit down with them and go through each issue.

Mr. Benscoter asked the Council to consider dropping the interest rate from 4% to 3.5% to take some responsibility for what went on in the project. This would amount to approximately \$22,000 over 15 years.

Jeremy Walker from Olsson Associates stated Administrator Johnson knows exactly what happened out there. He was not involved in this project specifically. He knows the nature of the project. Mr. Walker did not know specifically which issues were on the table as far as errors, and could not speak to the details of it personally.

Councilmember Eischeid amended his motion to include the terms of the assessments to be a 15-year loan with an interest rate of 3.5%; Councilmember Ley seconded the amendment.

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

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Sanitary Sewer Extension District No. 2010-1 and declared the public hearing open.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District.

City Clerk McGuire had not received any written objections to these assessments.

The assessments will be spread out over a period of 15 years at 3.50% interest.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Sanitary Sewer Extension District No. 2010-1, the Mayor declared the hearing closed.

Councilmember Eischeid introduced Resolution 2013-105 and moved for its approval; Councilmember Giese seconded.

#### RESOLUTION NO. 2013-105

A RESOLUTION MAKING ASSESSMENTS IN SANITARY SEWER EXTENSION DISTRICT NO. 2010-1 (BENSCOTER ADDITION).

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

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Water Extension District No. 2010-1 and declared the public hearing open.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District.

City Clerk McGuire had not received any written objections to these assessments.

The assessments will be spread out over a period of 15 years at 3.50% interest.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Water Extension District No. 2010-1, the Mayor declared the hearing closed.

Councilmember Eischeid introduced Resolution 2013-106 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2013-106

A RESOLUTION MAKING ASSESSMENTS IN WATER EXTENSION DISTRICT NO. 2010-1 (BENSCOTER ADDITION).

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 Muir, to adjourn as the Board of Equalization and reconvene as Mayor and City Council. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Council then reviewed a map showing the areas of the City that have been declared blighted and substandard. Discussion took place on what areas could be de-blighted so that more could be declared blighted and substandard without going over the maximum percentage that the city is allowed to have blighted.

It was noted that de-blighting areas can be done at any time.

After further discussion, Councilmember Eischeid introduced Resolution 2013-93 to de-blight the 18 acres owned by Dave and Kaki Ley, and the Wayne East and the Oaks areas/properties, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2013-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, MAKING FINDINGS AND DECLARING PORTIONS OF THE CITY PREVIOUSLY DECLARED BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT NO LONGER BLIGHTED AND SUBSTANDARD

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

Councilmember Giese introduced Ordinance 2013-48, and moved for approval of the second reading thereof; Councilmember Haase 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 13<sup>TH</sup> 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 third and final reading will take place at the next meeting.

The following Ordinance will establish a stop sign on Milo Drive.

Councilmember Giese introduced Ordinance 2013-49 and moved for approval thereof; Councilmember Brodersen seconded.

#### ORDINANCE NO. 2013-49

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE I, SECTION 78-10 STOP SIGN LOCATIONS; WEST 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 Giese 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 Giese made a motion and Councilmember Haase seconded to move for final approval of Ordinance No. 2013-49. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

City Clerk McGuire stated that the pay application on the 10<sup>th</sup> Street, Main to Windom Street Improvement Project was not ready for approval this evening, so no action could be taken on the matter.

A pay request has been received from Robert Woehler & Sons Construction for the Chief's Way Sanitary Sewer & Water Extension Project in the amount of \$83,529.68. The engineer on the project has approved the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving Pay Application No. 1 in the amount of \$83,529.68 to Robert Woehler & Sons Construction for the Chief's Way Sanitary Sewer & Water Extension Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place regarding the down payment housing loan incentive program for new construction. This is redirecting some of the housing incentive money that is not being taken advantage of to a different form that hopefully gets taken advantage of. This would incent the buyer of any new construction home with down payment assistance. There would be no income qualifications. If we start tying it to income guidelines, we could pretty much eliminate most of the developers in town. This

incentives people building houses - people buying new construction houses. We have a lot of incentives that incent the builders. This one incent the buyers.

Amy Miller, Attorney, stated the City would be in a second lien position to the mortgage holder.

Councilmember Eischeid had concerns about that. If a person does not have the money to build a house, then they shouldn't be building a house. We should not be giving money away to people just so they have the opportunity to build a house.

It was noted that at this time, there are only 36 houses for sale in Wayne.

There is approximately \$100,000 remaining for loan incentives.

Councilmember Giese wanted to see something for remodeling as well. There are a lot of nice older homes that have a lot of potential and could benefit from this as well.

Council consensus was for staff to prepare a draft down payment housing loan incentive program for new construction/rehab with a payback/refinance period of 7 years, and bring the same back before Council at a future meeting. A list would be developed identifying what would qualify for rehab.

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 7:34 p.m.