

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

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

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 24, 2013, and a copy of the meeting notice and agenda were simultaneously given to the Council President 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 Muir, whereas, the Clerk has prepared copies of the Minutes of the meeting of October 15, 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. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**CORRECTIONS TO CLAIMS LIST OF 10/1/13:** DELETE THOM OSNES, RE, 50.00

**VARIOUS FUNDS:**

**FISCAL YEAR 2012-2013:** AMAZON.COM, SU, 382.47; BAKER & TAYLOR, SU, 835.34; BIG T ENTERPRISES, SU, 18.95; ECHO GROUP, SU, 247.03; INTERSTATE ELECTRIC MOTOR, SU, 19302.64; KELLY SUPPLY, SU, 216.22; MERIT MECHANICAL, SE, 17021.84; MIDWEST SERVICE & SALES, SU, 9082.00; NPPD,

SE, 369119.70; ODEYS, SU, 1812.95; STALP GRAVEL, SU, 1129.39; STATE TREASURER OF NE, SE, 556.78

**FISCAL YEAR 2013-2014:** 4IMPRINT, SU, 825.61; AMERICAN BROADBAND, SE, 2797.30; AMERITAS, SE, 4388.60; ANDREW CONTRERAS, RE, 3000.00; APPEARA, SE, 181.96; ARNIE'S FORD-MERCURY, SU, 24528.00; ARNIE'S FORD-MERCURY, SU, 25747.00; ARNIE'S FORD-MERCURY, SU, 598.73; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 240.00; BARNES DISTRIBUTION, SU, 144.18; CITY EMPLOYEE, RE, 165.65; BIG T ENTERPRISES, SU, 33.95; BLACK HILLS ENERGY, SE, 217.73; CITY EMPLOYEE, RE, 2450.30; BLUE CROSS BLUE SHIELD, SE, 24160.68; BLUETARP FINANCIAL, SU, 42.59; BOMGAARS, SU, 13.78; CITY EMPLOYEE, RE, 142.70; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 1143.91; CITY EMPLOYEE, RE, 150.24; CENTURYLINK, SE, 314.02; CHEMQUEST, SE, 3302.50; CITIZENS STATE BANK, RE, 150000.00; CITY OF NORFOLK, SE, 691.87; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, PY, 134353.08; CITY OF WAYNE, RE, 794.88; CLAUSSEN & SONS IRRIG., SE, 150.00; CLEAN TO A T, SE, 1300.00; COLFAX CO COURT, RE, 250.00; COMMUNITY HEALTH, RE, 8.00; CITY EMPLOYEE, RE, 585.77; COUNTRY NURSERY, SE, 2790.50; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 106.64; DUNRITE, SU, 104.21; DUTTON-LAINSON, SU, 125.88; EAKES OFFICE PLUS, SU, 1199.60; ECHO GROUP, SU, 55.46; ERIC KNUTSON, RE, 303.40; ED. M FELD EQUIPMENT, SU, 1023.35; EDM PUBLISHERS, SU, 98.78; EISCHEID ARTIFICIAL RAIN, SU, 65.85; ELECTRIC FIXTURE, SU, 85.34; EXHAUST PROS, SE, 282.99; FIREMAN'S ASSOCIATION, RE, 5000.00; FLOOR MAINTENANCE, SU, 419.00; FREDRICKSON OIL, SE, 33.00; GAMBLE LANDSCAPING, SE, 2732.00; GAYLORD BROS, SU, 283.41; GEORGINA CASTANEDA, SE, 25.00; GERHOLD CONCRETE, SU, 144.28; GODFATHERS, SU, 100.00; GROSSENBURG IMPLEMENT, SE, 1526.51; GUARANTEE ROOFING, SE, 400.50; HAWKINS, SU, 501.32; CITY EMPLOYEE, RE, 329.46; HEIDI CLAUSSEN, RE, 500.00; HOA SOLUTIONS, SU, 350.45; HOLIDAY INN-DOWNTOWN, SE, 830.60; ICMA, SE, 12646.08; IRS, TX, 52327.90; JEO CONSULTING GROUP, SE, 1115.00; CITY EMPLOYEE, RE, 129.69; JOYCE TREVETT, RE, 500.00; CITY EMPLOYEE, RE, 150.00; KIRKHAM MICHAEL, SE, 3887.00; KRIZ-DAVIS, SE, 1082.90; LAACKE & JOY, SE, 120.00; LOREN PARK, RE, 500.00; LUCAS GUBBELS, RE, 376.96; CITY EMPLOYEE, RE, 135.64; MATT SALTZMAN, SU, 320.00; MES-MIDAM, SU, 632.52; MIRIAN AGUIRRE, SE, 50.00; JIM PAIGE, RE, 500.00; NE DEPT OF LABOR, SE, 144.00; NE DEPT OF REVENUE, TX, 7619.73; NE DEPT OF ROADS, FE, 500.00; NE HARVESTORE, SU, 238.91; NE MUNICIPAL CLERKS ASSOC, FE, 35.00; NE NEB INS AGENCY, SE, 61.00; NE PUBLIC HEALTH, SU, 741.00; NE SAFETY COUNCIL, SE, 78.08; NNPPD, SE, 4923.00; ORIENTAL TRADING CO, SU, 91.71; PARTS ENGINEERING, SU, 277.69; CITY EMPLOYEE, RE, 84.37; PITNEY BOWES, SU, 648.00; CITY EMPLOYEE, RE, 77.40; CITY EMPLOYEE, RE, 311.12; PROVIDENCE MEDICAL CENTER, RE, 10000.00; PUBLIC POWER, SE, 5171.62; QUILL, SU, 861.90; CITY EMPLOYEES, RE, 52.02; RUTJENS CONSTRUCTION, SE, 186723.75; SALT CREEK SOFTWARE, SE, 1065.00; SCOT ANDERSON, SU, 935.00; SINCLAIR/DAYLIGHT DONUT, SU, 380.20; SIOUX CITY

JOURNAL, SU, 203.84; SIOUXLAND TURF PRODUCTS, SU, 1260.00; STADIUM SPORTING GOODS, SU, 318.00; STATE NATIONAL BANK, RE, 9455.00; STATE NATIONAL BANK, RE, 100.95; STEVE'S PLUMBING, SE, 187.00; THE GROUNDWATER FOUNDATION, FE, 35.00; THOM OSNES, RE, 50.00; TOM'S BODY & PAINT SHOP, SE, 222.88; TOP SAFETY, SU, 138.60; CITY EMPLOYEE, RE, 248.32; TRIVIEW COMMUNICATION, SU, 270.76; UNITED RENTALS, SU, 8250.00; US BANK, SU, 3363.02; UTILITIES SECTION, FE, 120.00; VERIZON, SE, 352.01; VIAERO, SE, 271.93; CITY EMPLOYEE, RE, 665.34; VOSS LIGHTING, SU, 322.72; W.T. COX SUBSCRIPTIONS, SU, 1902.83; WAED, SE, 6383.33; WAYNE COUNTY COURT, RE, 186.50; WAYNE COUNTY TREASURER, FE, 3332.83; WAYNE RENTALS, RE, 5000.00; WENDY TAAKE, FE, 200.00; WESCO, SU, 4398.93; WSC FOUNDATION, SU, 100.00; ADVANCED ENERGY FUELS, SU, 69.77; APPEARA, SE, 186.43; BAKER & TAYLOR BOOKS, SU, 1263.12; BARONE SECURITY SYSTEMS, SE, 81.96; BROWN SUPPLY, SU, 9640.00; CHARTWELLS, SE, 6685.04; CITY OF NORFOLK, SE, 162.87; CITY OF PONCA, RE, 12719.91; CITY OF WEST POINT, RE, 18463.56; CITY OF WISNER, RE, 1922.44; COPY WRITE, SE, 183.86; CITY EMPLOYEE, RE, 305.20; DUGAN BUSINESS FORMS, SU, 1418.90; DUTTON-LAINSON, SU, 629.42; EASYPERMIT POSTAGE, SU, 1723.61; ELECTRONIC ENGINEERING, SE, 1070.00; FREDRICKSON OIL, SE, 28.00; GILL HAULING, SE, 155.00; HD SUPPLY WATERWORKS, SU, 658.39; CITY EMPLOYEE, RE, 399.92; HOLIDAY INN OF KEARNEY, SE, 165.90; INGRAM BOOK COMPANY, SU, 110.35; JASON CAROLLO, SE, 140.00; JOHN'S WELDING AND TOOL, SE, 45.00; KRIZ-DAVIS, SU, 1214.84; MARCO INC, SE, 1295.81; MIDSTATES ERECTORS, SU, 15186.20; MIKE TOWNE, SE, 1200.00; NE EXPRESSWAYS, SE, 883.44; NE NEB INS AGENCY, SE, 104.00; NE NEB AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 3700.00; ONE CALL CONCEPTS, SE, 107.05; PIEPER & MILLER, SE, 2704.00; PONCA RURAL FIRE BOARD, RE, 3043.80; PROGRESSIVE BUSINESS PUBL, SU, 299.00; RANDOM HOUSE, SU, 251.25; SIOUX CITY JOURNAL, SU, 203.84; STATE NATIONAL BANK, SE, 66.16; THE GLASS EDGE, SE, 193.00; TRIVIEW COMMUNICATION, SU, 30.00; UNITED WAY, RE, 12.40; UTILITIES SECTION, FE, 645.00; VILLAGE OF WINSIDE, RE, 4068.92; WAED, SE, 8049.99; WAYNE AUTO PARTS, RE, 476.00; WAYNE COMMUNITY HOUSING, RE, 252.86; WAYNE COMMUNITY SCHOOLS, SE, 80.00; WAYNE COUNTY CLERK, SE, 40.00; WAYNE HERALD, SE, 464.00; WAYNE VETERINARY CLINIC, SE, 459.00; WESCO, SU, 1080.76; FIREMAN, RE, 429.33; ZACH OIL, SU, 7072.11

Councilmember Haase made a motion, which was seconded by Councilmember Ley, to approve the claims. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Brodersen 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, she 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.

Jim McNally, City Attorney of Neligh, gave a presentation to Council on how the City of Neligh purchases electric energy from the daily market through MEAN and how their cost of power compares to Nebraska Public Power District contract costs. Joe McNally was also present.

Administrator Johnson stated there has been a request from members of the Lion's Club to restore the Lion's Club Park back to its original condition before the tornado. They had some concerns regarding the future of the park.

It was noted that the City may also be looking at installing a concrete restroom for the park which will also serve as a tornado shelter.

Councilmember Muir made a motion, which was seconded by Councilmember Ley, approving the request of the Lion's Club to restore the Lion's Club Park back to its original condition before the tornado. Council President Brodersen state the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson requested Council consideration to waiving the temporary hook-up fees for electric services for those affected in the tornado area. These will be waived for storm damage only.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, to waive the temporary hook-up fees for electric services for those affected in the tornado area and related to storm damage only. Council President Brodersen stated the

motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated the loan application received from OCC Builders, d/b/a Otte Construction (Keith Moje), is for \$37,000. This loan would be a zero percent interest loan, with a payback period of 15 years. These would be equal annual payments. A lien would be filed against the property.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving the application of OCC builders, d/b/a Otte Construction (Keith Moje), for \$37,000 in LB840 funds to be used as an emergency business loan in the tornado disaster recovery, with an interest rate of 0% and a payback period of 15 years. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated the loan application received from Innovative Protectives, Inc., (Pat Garvin), is for \$10,000. Again, this loan would be a zero percent interest loan, with a payback period of 15 years. These would be equal annual payments, and a lien would also be filed against the property.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the application of Innovative Protectives, Inc., (Pat Garvin) for \$10,000 in LB840 funds to be used as an emergency business loan in the tornado disaster recovery, with an interest rate of 0%, and a payback period of 15 years. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Brodersen declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Final Plat for the Jorgensen Addition.

Ken Jorgensen wants to build a sports bar/restaurant east of McDonald's that would include property he will purchase from the City. The plat will provide for a public access off of Highway 35 for his project, dedicate a portion of the Fire Hall property as Tomar Drive, and create a legal description for the Fire Hall as one lot rather than parts of three separate lots.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the Final Plat for the Jorgensen Addition and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

- Staff's recommendation; and
- The same is consistent with the current and future land use maps, and it is consistent with the Comprehensive Plan.

Ken Jorgensen was present to answer questions.

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

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Giese introduced Resolution 2013-97, and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2013-97

A RESOLUTION APPROVING THE FINAL PLAT FOR THE JORGENSEN ADDITION.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council Brodersen declared the time was at hand for the public hearing on the “Blight and Substandard Area Determination” known as College Hill First Redevelopment Area.

Northeast Nebraska Economic Development District prepared the blight study.

No written or oral comments had been received by the City Clerk’s Office concerning the public hearing.

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Eischeid introduced Resolution 2013-112, and moved for its approval; Councilmember Ley seconded.

#### RESOLUTION NO. 2013-112

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, MAKING FINDINGS AND DECLARING PORTIONS OF THE CITY TO BE BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT – COLLEGE HILL FIRST REDEVELOPMENT AREA.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, to recess as Council and convene as the Community Development Agency. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President 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, Nick

Muir, Kaki Ley, Matt Eischeid, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Ken Chamberlain.

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 Sievers made a motion, which was seconded by Member Muir, to approve the minutes of the October 1, 2013, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Chamberlain who was absent, the Chair declared the motion carried.

The following Memorandums of Understanding are basically fast start documents so the developers can start before all of the tax increment financing documents are finalized. This allows them to break ground, etc., but at their own risk.

Member Muir made a motion, which was seconded by Member Giese, approving the Memorandum of Understanding between Kenneth Jorgensen and the Community Development Agency of Wayne to complete a tax increment financing agreement for new construction. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Chamberlain who was absent, the Chair declared the motion carried.

Member Eischeid made a motion, which was seconded by Member Greve, approving the Memorandum of Understanding between Mid Plains Grain, LLC, (Breck Giese) and the Community Development Agency of Wayne to complete a tax increment financing agreement for demolition and new construction. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member

Chamberlain who was absent and Member Giese who abstained due to a conflict of interest, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would recommend approval of a Redevelopment Contract for the following real estate:

The East 60 feet of Lots 1, 2, 3, 4, 5, and 6, Block 5, College Hill Addition to Wayne, also referred to as College Hill First Addition to Wayne, Wayne County, Nebraska.

The West 90 feet of Lots 1, 2, 3, 4, 5, and 6, Block 5, College Hill Addition to Wayne, also referred to as College Hill First Addition to Wayne, Wayne County, Nebraska.

The vacated portion of North Pearl Street lying North of West 13<sup>th</sup> Street and abutting on Blocks 5 and 6, College Hill Addition to Wayne, Wayne County, Nebraska, and terminating at the northern edge of Blocks 5 and 6, College Hill Addition to Wayne, Wayne County, Nebraska, being 80 feet by 180 feet.

Tom Jacobsen was present to answer questions.

Member Sievers introduced CDA Resolution 2013-14 and moved for its approval;

Member Greve seconded the motion.

#### CDA RESOLUTION NO. 2013-14

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

Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Chamberlain who was absent, the Chair declared the motion carried.

City Attorney Amy Miller advised the Council that the following agenda item, if approved, would allow the homeowner to purchase the lots that are referenced in Kelby Herman's First Right of Refusal agreement, in lieu of Kelby Herman, but still grant him a

25% discount on the lots as stated therein, provided that all other conditions required by the CDA and Council are met. This is being requested due to the fact that homeowners who need to get a construction loan can't because they are not the owners of the properties/lots in question. If approved, this would allow Mr. Herman to still receive the 25% discount, and enable the homeowners to receive the construction loans. She would prepare a document and keep it on file that basically states:

- That the intent was for Kelby Herman to purchase the property;
- That Kelby Herman is the home builder;
- That in order for the homeowner to obtain a loan, they would be the titleholders to the properties/lots in question; and
- Kelby Herman would still receive the 25% discount.

Member Sievers made a motion, which was seconded by Member Muir approving to allow the homeowner to purchase the lots referenced in the "First Right of Refusal" in lieu of Kelby Herman, and grant Kelby Herman the 25% discount on the lots as provided for in the "First Right of Refusal", provided all other conditions required by the Community Development Agency and the City Council are met. Chair Haase stated the motion, and the result of roll call being all Yeas the Chair declared the motion carried.

Member Giese made a motion and Member Sievers 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.

Council President Brodersen 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”) for the following real estate:

The East 60 feet of Lots 1, 2, 3, 4, 5, and 6, Block 5, College Hill Addition to Wayne, also referred to as College Hill First Addition to Wayne, Wayne County, Nebraska.

The West 90 feet of Lots 1, 2, 3, 4, 5, and 6, Block 5, College Hill Addition to Wayne, also referred to as College Hill First Addition to Wayne, Wayne County, Nebraska.

The vacated portion of North Pearl Street lying North of West 13<sup>th</sup> Street and abutting on Blocks 5 and 6, College Hill Addition to Wayne, Wayne County, Nebraska, and terminating at the northern edge of Blocks 5 and 6, College Hill Addition to Wayne, Wayne County, Nebraska, being 80 feet by 180 feet.

The notice of the public hearing was published in the Wayne Herald on October 17 and 24, 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 Council President 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: Tom Jacobsen, d/b/a Wayne Rentals, LLC.

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

Councilmember Sievers then introduced Resolution No. 2013-113 and moved for its passage and approval.

#### RESOLUTION NO. 2013-113

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 (WAYNE

RENTALS, LLC).

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. 2013-113 having been agreed upon by a majority of the Council, the Council President declared Resolution No. 2013-113 passed and approved.

Council President Brodersen declared the time was at hand for the public hearing on the Annexation Plan for the area that includes Pacific Coast Feather, Williams Form, Robert Woehler & Sons Construction, S&M Liquid Tire Fill, the Railroad Right-of-Way and the Wayne Municipal Airport.

This annexation plan is a result of meetings that took place regarding incentives to help Pacific Coast make a decision on whether or not to stay in Wayne. This ordinance must have three readings. Even though Pacific Coast Feather has not yet made a decision on whether or not to stay in Wayne, the intent is to move this process forward until they have made a decision.

Councilmember Eischeid stated the issue he sees is that if Pacific Coast does not rebuild, which would then leave a prime industrial spot open for another business to build, it may be hard to sell once the business(es) realize the property is inside city limits. Most companies prefer being outside city limits for the tax breaks. It also bothered him that the City is potentially rewarding a business that cannot make a decision on what they want to do. He felt they have had an adequate amount of time to make a decision on whether or they intend to rebuild..

Councilmember Sievers agreed, but thought they should move forward. However, when it gets to the third and final reading of the ordinance, the same can be tabled for a long time.

Attorney Miller noted that the annexation process can be cancelled at any time.

City Clerk McGuire had not received any verbal or written comments for or against the public hearing.

There being no further comments, Council President Brodersen closed the public hearing.

Councilmember Sievers introduced Ordinance 2013-50, and moved for its approval; Councilmember Muir seconded.

#### ORDINANCE NO. 2013-50

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Eischeid who voted Nay, the Council President declared the motion carried. The second reading will take place at the next meeting.

Councilmember Sievers introduced Resolution No. 2013-114 and moved for its approval; Councilmember Giese seconded.

#### RESOLUTION NO. 2013-114

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND KENNETH JORGENSEN TO COMPLETE A TAX INCREMENT FINANCING AGREEMENT.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Sievers introduced Resolution No. 2013-115 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2013-115

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND MID PLAINS GRAIN, LLC, TO COMPLETE A TAX INCREMENT FINANCING AGREEMENT.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who abstained due to a conflict of interest, the Council President declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, stated after the tornado, Grossenburg Implement indicated they would like to hook onto the city water system because their new building will require a sprinkler system. Their well will not support this, at least not without a lot of cost. The intent is to take the water line and extend it east across Grossenburg's property. The additional engineering services will be \$2,800.

Councilmember Eischeid introduced Resolution No. 2013-116 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2013-116

A RESOLUTION APPROVING LETTER AGREEMENT AMENDMENT #1 FOR ADDITIONAL PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE "CHIEF'S WAY SANITARY SEWER PROJECT."

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Agenda Item Nos. 20 and 21 – Resolutions establishing hook-up fees for the Chief’s Way Water Main Extension Project and the Chief’s Way Sewer Main Extension Project were pulled from the agenda.

The following Resolution would approve an agreement with JEO Consulting Group, Inc., for the Highway 35/Tomar Drive/Hillside Drive Trail Relocation Project. The fee will be \$4,500 (hourly, not to exceed).

Councilmember Giese introduced Resolution No. 2013-119 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2013-119

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SERVICES WITH JEO CONSULTING GROUP, INC., FOR THE DESIGN, BIDDING, CONSTRUCTION AND POST CONSTRUCTION PHASE SERVICES RELATED TO THE HIGHWAY 35/TOMAR DRIVE/HILLSIDE DRIVE TRAIL RELOCATION PROJECT.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Nancy Braden, Finance Director, advised the Council that the auditors have required that if we borrow money from ourselves (e.g. Electric Fund) to fund other projects, we must obtain approval or authorization from the Council. Council approved \$500,000 in LB840 funds to go towards helping those businesses in the tornado damaged area to rebuild. The City will pay back 3% interest to the Electric Fund.

Councilmember Sievers introduced Resolution No. 2013-120 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2013-120

A RESOLUTION OF THE LB840 ECONOMIC DEVELOPMENT PLAN OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE BORROWING OF FUNDS FROM THE CITY OF WAYNE ELECTRIC FUND, WAYNE, NEBRASKA.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

The following Resolution would adopt the new Down Payment Housing Loan Incentive Program Guidelines. These guidelines will simplify the construction incentives and make it easier for both the lenders and the borrowers. There is a \$10,000 maximum incentive per house. There are no income guideline requirements in this proposal.

It was noted that the requirement that the loan must be paid back in 10 years would be included in the loan documents. In addition, there is approximately \$120,000 currently available for this incentive.

Councilmember Giese introduced Resolution No. 2013-121 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2013-121

A RESOLUTION AMENDING GUIDELINES FOR THE NEW CONSTRUCTION AND DOWN PAYMENT ASSISTANCE PROGRAM.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Annual Christmas on Main Street – Parade of Lights on November 21, 2013.

Councilmember Giese introduced Resolution No. 2013-122 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-122

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Haase, approving Change Order Nos. 2 (\$20,048.00), 3 (-\$3,020.00), 4 (\$6,536.96), 5 (\$4,741.67), and 6 (-\$11,802.03) for the 10<sup>th</sup> Street, Main to Windom improvement Project. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

A pay request has been received from Steve Harris Construction, Inc., for the 10<sup>th</sup> Street, Main to Windom Improvement Project in the amount of \$187,081.79. The engineer on the project has approved the same.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving Pay Application No. 4 (Final) in the amount of \$187,081.79 to Steve Harris Construction, Inc., for the 10<sup>th</sup> Street, Main to Windom Improvement Project. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Rod Hansen, Engineer with Olsson Associates, was present to explain Change Order No. 1 (\$29,135.65) on the Chief's Way Sanitary Sewer & Water Extension Project.

This is a quantity change due to the inclusion or addition of the water main extension to Grossenburg Implement.

These costs will be reimbursed back to the City by way of hook-up fees.

Councilmember Ley made a motion, which was seconded by Councilmember Giese, approving Change Order No. 1 in the amount of \$29,135.65 for the Chief's Way Sanitary Sewer & Water Extension Project. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

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 \$100,944.73. The engineer on the project has approved the same.

Councilmember Muir made a motion, which was seconded by Councilmember Greve, approving Pay Application No. 2 in the amount of \$100,944.73 to Robert Woehler & Sons Construction for the Chief's Way Sanitary Sewer & Water Extension Project. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated no action would be taken on Agenda Item No. 30 - Action Regarding Authorization of the use of \$20,000 of the WAED Marketing Reserve Fund to Participate in the Production and Airing of the "Cities of Distinction" Show, pending final approval of the Mayor and Council President if a Final Approval is needed before the next Council Meeting.

Council President Brodersen requested Council consideration to approving the appointment of Chad Maas to the Recreation-Leisure Services Commission.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the appointment of Chad Maas to the Recreation-Leisure Services Commission. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, to adjourn the meeting. Council President Brodersen stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the meeting adjourned at 6:34 p.m.