

**MINUTES  
CITY COUNCIL MEETING  
March 17, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, March 17, 2015, 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, Nick Muir, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Jennifer Sievers.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 5, 2015, 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 Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of March 3, 2015, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** AMERITAS LIFE INSURANCE, SE, 2875.03; APPEARA, SE, 164.29; BACKFLOW APPARATUS, SU, 17.25; BAKER & TAYLOR BOOKS, SU, 765.00; BARONE SECURITY SYSTEMS, SE, 138.00; BIG T ENTERPRISES, SU, 715.70; CITY EMPLOYEE, RE, 86.00; BROWN PLUMBING, SE, 65.00; CARHART LUMBER CO, SE, 626.51; CDW GOVERNMENT, SU, 229.49; CHARTWELLS, SE, 5510.26; CITY OF WAYNE, SE, 420.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 64990.36; CITY OF WAYNE, RE, 675.01; COMMUNITY HEALTH, RE, 4.00; CONSOLIDATED MANAGEMENT, RE, 204.00; FIREMAN, RE, 230.00; EAKES OFFICE PLUS, SE, 59.34; ECHO GROUP, SU, 37.70; CITY EMPLOYEE, RE, 1442.14; ELECTRONIC ENGINEERING, RE, 95.00; FLOOR MAINTENANCE, SU, 636.52; GALE GROUP, SU, 107.95; GEMPLER'S, SU, 282.15; GEOCOMM, SU, 3184.00; GRAPHIC CONTROLS, SU, 487.30; GROSSENBURG IMPLEMENT, SU, 63.96; HOLIDAY INN, SE, 166.00; HOMESTEAD HOMES, SE, 690.00; HYPERION, SE, 75.00; ICMA, SE, 6786.80; INGRAM BOOK CO, SU, 39.51; IRS, TX, 23541.55; JOHN'S WELDING AND TOOL, SU, 24.00; KTCH, SE, 625.00; LINPEPCO, SE, 229.00; LUNDAHL, EARL, RE, 350.00; LUTT OIL, SU, 5722.94; MAJESTIC THEATER, FE,

225.00; MARCO, SE, 126.36; MARRIOTT HOTELS, SE, 2052.82; MATHESON TRI-GAS, SU, 26.88; MIDWEST LABORATORIES, SE, 87.00; CITY EMPLOYEE, RE, 47.06; MSC INDUSTRIAL, SU, 181.81; N.E. NEB ECONOMIC DEV DIS, SE, 840.00; CITY EMPLOYEE, RE, 779.79; NE DEPT OF REVENUE, TX, 3325.58; NE LIBRARY ASSOCIATION, FE, 245.00; NE NEBRASKA VOLUNTEER, FE, 50.00; NPPD, SE, 293472.92; NNPPD, SE, 12306.60; NORTHWEST ELECTRIC, SU, 294.13; O'REILLY AUTOMOTIVE STORE, SU, 120.98; OVERHEAD DOOR COMPANY, SE, 243.50; PENGUIN RANDOM HOUSE, SU, 333.75; PROVIDENCE MEDICAL CENTER, SE, 91.64; SPARKLING KLEAN, SE, 2905.57; SHOPKO, SU, 92.61; STATE NEBRASKA BANK, SE, 162.20; TASTE OF HOME BOOKS, SU, 31.98; THE PENDER TIMES, SU, 39.50; VIAERO, SE, 129.35; WAYNE COUNTY, SE, 30.00; WAYNE HERALD, SE, 3441.26; WAYNE STATER, SE, 16.00; WAYNE VETERINARY CLINIC, SE, 98.00; WAPA, SE, 34175.02; ZACH HEATING & COOLING, SE, 332.22; ZEE MEDICAL SERVICE, SU, 101.18; AMAZON.COM, SU, 539.28; APPEARA, SE, 63.52; BACKFLOW APPARATUS, SU, 2612.00; CDW GOVERNMENT, SU, 3018.09; CONSOLIDATED MANAGEMENT, SE, 180.75; EASYPERMIT POSTAGE, SU, 1771.74; ECHO GROUP, SU, 469.58; ENVIRONMENTAL SYSTEM, SE, 1400.00; FASTENAL, SU, 33.16; GALE GROUP, SU, 166.72; GROSSENBURG IMPLEMENT, SU, 22.36; HORNADY MANUFACTURING, SU, 360.00; CITY EMPLOYEE, RE, 62.28; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 200.00; NE AIR FILTER, SU, 131.32; NE LAW ENFORCEMENT, FE, 100.00; NEBRASKA COMMUNITY FND, RE, 200.00; OLSSON ASSOCIATES, SE, 1638.04; PIEPER & MILLER, SE, 1490.00; PITNEY BOWES, SE, 1501.71; RECYCLE ACROSS AMERICA, SU, 99.70; STATE NEBRASKA BANK, RE, 200.00; TOM'S BODY & PAINT SHOP, SE, 981.61; TYLER TECHNOLOGIES, SE, 200.00; VAKOC CONSTRUCTION, SE, 198.62; WESCO, SU, 979.80; WINGATE INN, SE, 179.90

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

Administrator Johnson stated an agreement or Memorandum of Understanding (Permission to Irrigate) has been drafted between the City and Fuoss Limited Partnership. This would allow irrigation to take place on the land around Well No. 11 with offsite water and restrictions, in return for the relocation of the 4<sup>th</sup> Street access to South Centennial Road.

Randy Larson, Wayne County Commissioner, was present to answer any questions Council might have regarding this matter.

Dave Fuoss was also present to answer questions.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the Memorandum of Understanding (Permission to Irrigate) between the City of Wayne and Bob Fuoss (Fuoss Limited Partnership) in regard to allowing irrigation to take place on the land around Well No. 11. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Holly Torres, d/b/a Torres Family Restaurant, was present requesting Council consideration to allowing her to erect or place a business sign on her building located at 118 E. 2<sup>nd</sup> Street. The sign would be approximately 77"x60."

Joel Hansen, Zoning Administrator, advised the Council that Section 18-341 of the Wayne Municipal Code states that it is unlawful for any person to erect or place any business sign or awning in, on or over any sidewalk, street, or public property in the city without obtaining a permit from the Council.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the request of Holly Torres, d/b/a Torres Family Restaurant, for a waiver of City Code Sec. 18-341 regarding sign requirements. Mayor Chamberlain stated the motion, and the result of roll call being all yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to a rezoning request from R-3 Residential to R-5 Residential to allow for the development of high density multi-family dwellings. The applicant is the City of Wayne. The area to be rezoned is described as Blocks 5 and 6, College Hill First Addition.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following “Findings of Fact:”

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

Joel Hansen, Zoning Administrator, stated this is the area north of W. 13<sup>th</sup> Street between Main Street and Lincoln Street. By amending the map, the current multi-family development project that was started under a TIF agreement can continue to be built as designed and meet the zoning requirements, and Council can proceed with the requested change to the language in the R-3 Districts.

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

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

Councilmember Brodersen introduced Ordinance No. 2015-12, and moved for approval thereof; Councilmember Muir seconded.

#### ORDINANCE NO. 2015-12

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF BLOCKS 5 AND 6, COLLEGE HILL FIRST ADDITION, CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT.

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

Joel Hansen, Zoning Administrator, stated the following ordinance represents the changes in density requirements for multi-family dwellings in the R-3 Districts that was tabled in 2014 until a solution could be found to allow a current multi-family development project. That solution was to rezone the neighborhood to R-5 as recommended above. This is the third and final reading on that ordinance.

Councilmember Eischeid introduced Ordinance No. 2014-36, and moved for approval of the third and final reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2014-36

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 4 R-3 RESIDENTIAL DISTRICT, SECTION 90-264 PERMITTED CONDITIONAL USES; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to a rezoning request from R-2 Residential to R-3 Residential to allow for the development of multi-family dwellings. The applicant is Chad Sebade. The area to be rezoned is described as Block 3, John Lake's Addition.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve rezoning only the north half of Block 3, John Lake's Addition, subject to the following "Findings of Fact:"

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

Chad Sebade was present to answer questions. As the property is zoned now, he could build two 4-bedroom apartments. If changed to R-3, he could build one 4-bedroom, one 3-bedroom, and four 2-bedroom apartments. When asked, Mr. Sebade responded that it is not feasible to renovate the existing structure, and that he has owned this property approximately 9 years.

City Clerk McGuire had received a call from Darrel Doescher who was not in favor of this rezoning request.

Those citizens at the meeting who spoke against the rezoning request were: Jack Imdieke (802 Nebraska Street), Matt Risinger (801 Logan Street), Lee Brogie (319 W. 6<sup>th</sup> Street), Jason Barelman (921 Nebraska Street), Ellen Imdieke (802 Nebraska Street), and Kevin Juretich.

Kyle Rohde spoke in favor of the rezoning request.

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

Joel Hansen, Zoning Administrator, advised the Council that he had received four calls regarding this matter. One was against, one was neutral, and two were in favor of the rezoning request.

After discussion, Councilmember Eischeid introduced Ordinance No. 2015-13, and moved for approval thereof. Said motion died for lack of a second.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, Section 90-10 Definitions. The applicant, City of Wayne, seeks the request to delete the following terms: Agriculture; Farm; and Feedlot; and to add the following terms: Crop Production, Animal Production, First Class Animal Production, Second Class Animal Production, and Third Class Animal Production.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

Joel Hansen, Zoning Superintendent, stated that this hearing and the following 10 public hearings are all in regard to agricultural uses. They were brought forward at the request of Mark Sorenson on behalf of the Planning Commission. The City has been looking at redoing the zoning code since the Comprehensive Plan was updated to bring the code into compliance with the vision laid out in the 2006 Comp Plan and to make it more user friendly in format. The

Council, over the past two years, has essentially revised the residential and industrial uses through various hearings and amendments. Once Council has addressed the agricultural issues, we should be ready to bring forward the entire Chapter 90 this year as part of the recodification of the entire municipal Code Book.

Currently, anyone who wants to start or expand an existing livestock operation in the A-1 Districts has to come before the Planning Commission and Council to ask for a use by exception permit. However, anyone wishing to do so in an A-2 District may have up to two animal units per acre without any public input. This seems contrary to reason, as the A-1 District is intended strictly for the raising of crops and livestock, while the A-2 District is intended for low-density, acreage residential development in areas that are in close proximity to the city limits.

The resulting action will be to better define different agricultural uses, place those uses in the appropriate districts based upon intent, and set up reasonable conditions upon which those uses will be allowed, if necessary. Farm places where livestock has existed prior to 1979 are grandfathered to where the animal units and the proposed changes will not impact them unless they were to expand their operation by building new buildings where none existed or create or enlarge confined yards where none existed. If they were to expand in that manner, their entire operation would then need to comply with any new regulations.

This item would eliminate the old definitions, which include the requirement that no one can have livestock unless the parcel is at least 10 acres in size, and create new definitions to separate the raising of crops from the raising of livestock. It will define various classes of animal production to give flexibility in allowing different numbers of animals based upon the zoning district and the proximity to the city limits or any R district.

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

Alan Walton (2115 Highview Drive) spoke against these proposed amendments, more particularly those in Ordinance No. 2015-20.

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

Councilmember Giese introduced Ordinance No. 2015-14, and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2015-14

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I. IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, Section 90-112 Permitted Principal Uses and Structures in the A-1 Agricultural District. The applicant, City of Wayne, seeks the request to delete (2) Agricultural Uses and add Crop Production.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

Joel Hansen, Zoning Administrator, stated this would allow "Crop Production" as a permitted use in A-1 Districts without any conditions or public input.

Mark Sorensen spoke regarding this matter, as well as Lou Benscoter.

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

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

Councilmember Giese introduced Ordinance No. 2015-15, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2015-15

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 2. A-1 AGRICULTURAL DISTRICT, BY AMENDING SECTION 90-112 PERMITTED PRINCIPAL USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, Section 90-114 Exceptions in the A-1 Agricultural District. The applicant, City of Wayne, seeks the request to delete (20) Development and/or expansion of first, second, third, and fourth class feedlots and add First Class Animal Production.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

Joel Hansen, Zoning Administrator, stated this removes the old uses and adds First Class Animal Production as a use by exception, which cannot be denied, but requires public input and can have conditions placed on the use. The intention is to allow more animals than what would be allowed as a conditional use that does not require public input. By definition, the only animals that would be allowed to exceed those numbers would be cattle.

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

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

Councilmember Eischeid introduced Ordinance No. 2015-16, and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2015-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 2. A-1 AGRICULTURAL DISTRICT, BY AMENDING SECTION 90-114 EXCEPTIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, Section 90-115 Conditions for Granting Exceptions in the A-1 Agricultural District. The applicant, City of Wayne, seeks the request to add (3) First Class Animal Production.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

Joel Hansen, Zoning Administrator, stated this puts conditions on any use granted by exception with public input for First Class Animal Production such there can be no more than 999 animal units and any lagoon, or confined feeding yard must be at least 1,000 feet from a house owned by someone else.

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

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

Councilmember Muir introduced Ordinance No. 2015-17, and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2015-17

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 2. A-1 AGRICULTURAL DISTRICT, BY AMENDING SECTION 90-115 CONDITIONS FOR GRANTING EXCEPTIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, to add Section 90-121 Permitted Conditional Uses in the A-1 Agricultural District. The applicant, City of Wayne, seeks the request to add Section 90-121 Permitted Conditional Uses in the A-1 Agricultural District and to add (1) Second Class Animal Production.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

Joel Hansen, Zoning Administrator, stated this creates a new section for uses, which are allowed, but only with conditions which are set within this section. The intent is to allow the development of a livestock operation in A-1 Districts with limitations on the number of animals, which are limited by the proximity to the city limits or an R District and by the size of the property. These developments would need to meet the conditions, but are not be subject to public input.

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

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

Councilmember Giese introduced Ordinance No. 2015-18, and moved for approval thereof; Councilmember Muir seconded.

#### ORDINANCE NO. 2015-18

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 2. A-1 AGRICULTURAL DISTRICT, BY ADDING SECTION 90-121 PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, Section 90-142 Permitted Principal Uses and Structures in the A-2 Agricultural Residential District. The applicant, City of Wayne, seeks the request to delete (1) Agricultural Uses and add Crop Production.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

This allows Crop Production as a permitted use in A-2 without conditions or any public input.

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

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

Councilmember Giese introduced Ordinance No. 2015-19, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2015-19

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS, DIVISION 3. A-2 AGRICULTURAL RESIDENTIAL DISTRICT, SECTION 90-142 PERMITTED PRINCIPAL USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, to add Section 90-150 Permitted Conditional Uses in the A-2 Agricultural Residential District. The applicant, City of Wayne, seeks the request to add Section 90-150 Permitted Conditional Uses in the A-2 Agricultural Residential District and to add (1) Third Class Animal Production.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

Joel Hansen, Zoning Administrator, stated this would create a new section for uses, which are allowed, but only with conditions which are set within this section. The intent is to allow for some animals on smaller lots in an acreage development so people can keep animals for pleasure purposes and 4-H projects. The number of animals allowed are limited by the size of the

property and the proximity to the city limits or any R District. These uses would need to meet the conditions, but is not subject to any public input.

The proposed changes are as follows:

#### Sec. 90-150 Permitted Conditional Uses

A building or premises in an A-2 district may be used for the following in conformance with the prescribed conditions:

1. Third Class Animal Production
  - a. Where the parcel is adjacent to the city limits or any R district, and is over 3 acres in size,
    - i. One (1) animal unit per every acre over 3 acres + 2 animal units.
    - ii. No more than 15 animal units.
    - iii. Any structure housing animals or any confined area must be at least 100' from any property line which borders the city limits or any R district.
    - iv. No more than 2 animal units may consist of swine.
  - b. Where the parcel is not adjacent to the city limits or any R district, and is over 3 acres in size,
    - i. One (1) animal unit per every acre over 3 acres + 2 animal units.
    - ii. No more than 30 total animal units.
    - iii. No more than 2 animal units may consist of swine.
  - c. Where the parcel is 3 acres or less,
    - i. Two (2) animal units.
    - ii. Any structure housing animals or any confined area must be at least 100' from any property line, which borders the city limits, or any R district.

Todd Luedeke spoke against the amendments as written. He recommended property owners in an A-2 District be able to come before Council to ask for additional units, for certain reasons. In addition, he would not be against having to provide a 100' barrier against an R-1 district and changing the units from 15 units to 30+ units. These changes would better accommodate what he wants to do with his property.

Mayor Chamberlain stated he did not like the fact that if you have 16 acres, you can have 15 animals, and if you have 80 acres, you can have 15 animals with this amendment. He thought there had to be a better way to figure out a number that works whether you have 5, 10 or 80 acres.

Councilmember Giese opined, after the definitions of A-1 and A-2 were read, that Mr. Luedeke fitted more in the A-1 category with what he was aiming to do.

Breck Giese suggested finding out what the intent of the person is for their horses (e.g. breeding purposes, etc.). In addition, he asked if the person sells off any of his property, would he be required to reduce the number of horses he has accordingly?

Lou Benschoter did not like the fact that the Council was punishing many good people in the community just because one or two people are bad.

Councilmember Eischeid thought that placing a type of buffer as a requirement in the A-2 District might solve many of the issues.

Councilmember Giese suggested adding “stable” as a use by exception in the A-1 District. Mr. Luedeke could rezone his property as A-1, and we could require him to be 1000 feet from the nearest residence.

Mr. Luedeke would like to leave his property as A-2 and then come up with a reasonable number everyone can live with.

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

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

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, to table action on Ordinance No. 2015-20. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, Section 90-352 Permitted Principal Uses and Structures in the B-1 Highway Business District. The applicant, City of Wayne, seeks the request to delete Raising of crops and Pasturing of Livestock.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following “Findings of Fact:”

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

Joel Hansen, Zoning Administrator, stated this would remove raising of crops and pasturing livestock without any conditions or public input in a B-1 District.

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

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

Councilmember Eischeid introduced Ordinance No. 2015-21, and moved for approval thereof; Councilmember Giese seconded.

#### ORDINANCE NO. 2015-21

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE V. BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 1. B-1 HIGHWAY BUSINESS DISTRICT, SECTION 90-352 PERMITTED PRINCIPAL USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, to add Section 90-363 Permitted Conditional Uses in the B-1 Highway Business District. The applicant, City of Wayne, seeks the request to add Section 90-363 Permitted Conditional Uses in the B-1 Highway Business District and to add (1) Crop Production.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following “Findings of Fact:”

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

Joel Hansen, Zoning Administrator, stated this would allow Crop Production in a B-1 District without any public input, but with the condition that ag related buildings may not be built, such as grain bins or barns that would house animals.

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

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

Councilmember Eischeid introduced Ordinance No. 2015-22, and moved for approval thereof; Councilmember Giese seconded.

#### ORDINANCE NO. 2015-22

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE V. BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 1. B-1 HIGHWAY BUSINESS DISTRICT, BY ADDING SECTION 90-363 PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

The second reading will take place at the next meeting.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, Section 90-482 Permitted Principal Uses and Structures in the I-1 Light Industrial and Manufacturing District. The applicant, City of Wayne, seeks the request to delete (1) Agricultural and add Crop Production.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following “Findings of Fact:”

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

Joel Hansen, Zoning Administrator, stated this removes the old uses and allows Crop Production in any I-1 District without any conditions or public input.

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

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

Councilmember Eischeid introduced Ordinance No. 2015-23, and moved for approval thereof; Councilmember Muir seconded.

#### ORDINANCE NO. 2015-23

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS, DIVISION 2. I-1 LIGHT INDUSTRIAL AND MANUFACTURING DISTRICT, SECTION 90-482 PERMITTED PRINCIPAL USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, Section 90-512 Permitted Principal Uses and Structures in the I-2 Heavy Industrial and Manufacturing District. The applicant, City of Wayne, seeks the request to delete (2) Agricultural and add Crop Production.

The Planning Commission reviewed the matter at their public hearing on March 2, 2015, and forwarded a recommendation to approve the same subject to the following “Findings of Fact:”

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

Joel Hansen, Zoning Administrator, stated this removes the old uses and allows Crop Production in any I-2 District without any conditions or public input.

BJ Woehler stated he owns 10 acres in an I-2 District, and he would like to be able to keep horses or animals out there or at least have the option to do so.

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

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

Councilmember Brodersen introduced Ordinance No. 2015-24, and moved for approval thereof; Councilmember Giese seconded.

#### ORDINANCE NO. 2015-24

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS, DIVISION 3. I-2 HEAVY INDUSTRIAL AND MANUFACTURING DISTRICT, SECTION 90-512 PERMITTED PRINCIPAL USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Eischeid introduced Ordinance No. 2015-8, and moved for approval of the third and final reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2015-8

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOT 4 OF BENSCOTER ADDITION PUD REPLAT 2, CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM B-1 HIGHWAY BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT.

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

Councilmember Eischeid introduced Ordinance No. 2015-9, and moved for approval of the third and final reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2015-9

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE SECTION 78-135 RESTRICTED PARKING FROM 3:00 A.M. TO 5:30 A.M. ON CERTAIN STREETS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Giese introduced Ordinance No. 2015-11, and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2015-11

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE SOUTHWEST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE (SOUTHVIEW ADDITION).

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

The City received five bids on the “2015 Water Storage Tank Rehabilitation Project.” Roger Protzman, the City’s Engineer with JEO Consulting Group, has reviewed the five bids and is recommending that the award go to the low bidder, Champion Coatings, Inc., from Savage,

MN, for \$258,000 (Base Bid and Alternate B). The engineer's estimate on the project was \$250,000.

Councilmember Eischeid introduced Resolution 2015-35, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2015-35

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "2015 WAYNE WATER STORAGE TANK REHABILITATION PROJECT."

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

Administrator Johnson stated Council previously approved the plans and specifications for the Southview Addition Sanitary Sewer and Water Projects. However, the developer, staff and engineer have amended the same.

Councilmember Giese introduced Resolution 2015-36, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2015-36

A RESOLUTION APPROVING AMENDED PLANS AND SPECIFICATIONS FOR SANITARY SEWER EXTENSION DISTRICT NO. 2015-01 (SOUTHVIEW ADDITION).

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

Councilmember Giese introduced Resolution 2015-37, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2015-37

A RESOLUTION APPROVING AMENDED PLANS AND SPECIFICATIONS FOR WATER EXTENSION DISTRICT NO. 2015-01 (SOUTHVIEW ADDITION).

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

Administrator Johnson stated the following Resolution would amend the Wage and Salary Schedule to change the Technology Support Specialist position from a Labor Grade 22 to a Labor Grade 23.

Councilmember Muir introduced Resolution 2015-38, and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2015-38

##### A RESOLUTION AMENDING THE WAGE AND SALARY SCHEDULE.

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

Administrator Johnson stated three quotes were received for a custom-built flatbed, electric powered crane and toolboxes to be mounted on the new CNG F350 Ford truck that was recently purchased. Staff recommendation is to accept the proposal from PalFleet for \$18,087. The other two quotes were \$21,049 from Steffen Body, and \$27,151 from Tiger Industries.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the purchase of a flatbed for the new pickup from PalFleet for the sum of \$18,087. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who was absent, 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, with the exception of Councilmember Sievers who was absent, the Mayor declared the motion carried and the meeting adjourned at 8:33 p.m.