

**MINUTES
SPECIAL CITY COUNCIL MEETING
July 29, 2008**

The Wayne City Council met in special session at City Hall on Tuesday, July 29, 2008, at 5:30 o'clock P.M. in the Western Ridge Subdivision. Council President Doug Sturm called the meeting to order with the following in attendance: Councilmembers Verdel Lutt, Don Buryanek, Dale Alexander, Kaki Ley, Darrel Fuelberth, and Ken Chamberlain; City Attorney Chris Connolly; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Mayor Lois Shelton and Councilmember Brian Frevert.

Notice of the convening meeting was given in advance by posting in three places on July 25, 2008, 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.

Administrator Johnson requested Council to ratify the letter he sent to the Department of Environmental Quality regarding permit compliance and the subdivision construction permit.

Councilmember Fuelberth introduced Resolution 2008-68, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2008-68

**A RESOLUTION RATIFYING THE LETTER TO THE NEBRASKA
DEPARTMENT OF ENVIRONMENTAL QUALITY REGARDING PERMIT
COMPLIANCE AND SUBDIVISION CONSTRUCTION PERMIT.**

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

Councilmember Ley made a motion and seconded by Councilmember Lutt to recess as Council and reconvene as the Community Development Agency. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Chair Don Buryanek called the meeting of the Community Development Agency to order. Those in attendance: Members Verdel Lutt, Dale Alexander, Doug Sturm, Kaki Ley, Darrel Fuelberth, and Ken Chamberlain; City Attorney Chris Connolly; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Lois Shelton and Brian Frevert.

The next item on the CDA agenda was approval of the proposed Purchase Agreement with Rob Woodling's Foundation Development, LLC.

Both Attorney Connolly and Administrator Johnson had reviewed the proposed Purchase Agreement and recommend postponing action on the same until the regular Council meeting on August 5th. Consensus of the CDA members was to leave the purchase price per lot at \$14,000.

The next item on the CDA agenda was to approve the terms of the sale of the lots in the Western Ridge Subdivision. Action on this matter was also postponed until the next regular Council meeting.

Member Ley made a motion and seconded by Member Sturm approving the draft "Question and Answer" brochure regarding the sale of lots in the Western Ridge Subdivision. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Fuelberth made a motion and seconded by Member Sturm authorizing the Wayne Community Housing Development Corporation to negotiate and sell lots on behalf of the CDA and to authorize the CDA Chair to execute purchase agreements and closing documents on the sale of the Western Ridge II lots. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Sturm made a motion and seconded by Member Chamberlain authorizing the CDA Chair to execute the contract with Steve Harris Construction. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Discussion took place on limiting the lot sales to one per person until October 1, 2008, with the exception of those lots being sold to Rob Woodling's Foundation Development, LLC.

Member Sturm did not agree with this and thought the sale of lots should not be limited to one per person.

Member Ley made a motion and Member Chamberlain seconded to limit the lot sales to one per person until October 1, 2008, with the exception of those being sold to Rob Woodling's Foundation Development, LLC. Chair Buryanek stated the motion, and the result of roll call being all Yeas, with the exception of Member Sturm who voted Nay, the Chair declared the motion carried.

Administrator Johnson identified where the small detention dam on the north side of the subdivision would be and where the pipe would be laid for the storm water run-off.

The members had concerns about the lot widths located on the west side subdivision because of the slope. In order to extend the size of the lots, discussion took

place on filling in the drainage ditch by making it a 3-1 slope and quitclaiming that to the property owners, subject to the City retaining an easement on the same, which would then increase the area of the front yard.

Garry Poutre, Supt. of Utilities and Public Works, advised the Council that the utilities will be located in the front yards instead of the back yards. While this is uncommon, Fairway Estates and the Donner Addition have utilities in front. Otherwise utilities are usually located in back because of alley access.

The CDA consented to:

- a. Installing a detention dam above the north side of the WR II project;
- b. Releasing the storm water run-off through a 36" HDPE plastic buried storm water pipe down to the point where it joins the ditch coming from the west dam; and
- c. Burying the 36" pipe and constructing a 1' deep by 20' wide overflow channel.

Member Ley made a motion and seconded by Member Chamberlain to adjourn as the Community Development Agency and reconvene as Council. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Councilmember Ley made a motion and seconded by Councilmember Chamberlain to adjourn the meeting. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the meeting adjourned at 6:11 p.m.