

**MINUTES
CITY COUNCIL MEETING
September 2, 2008**

The Wayne City Council met in regular session at City Hall on Tuesday, September 2, 2008, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Verdel Lutt, Don Buryanek, Dale Alexander, Doug Sturm, Kaki Ley, Darrel Fuelberth, and Ken Chamberlain; City Attorney Mike Pieper; 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 August 21, 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.

Councilmember Buryanek made a motion and seconded by Councilmember Chamberlain, whereas the Clerk has prepared copies of the Minutes of the meeting of August 19, 2008, 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 Shelton 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: RANDY ALEXANDER, SE, 250.00; ALLTEL, SE, 547.48; ALTEC INDUSTRIES, INC., SU, 47.82; AMERICAN PUBLIC POWER, SU, 210.00; AMERITAS, RE, 1942.39; AQUILA, SE, 1425.87; ARNIE'S FORD-MERCURY, SE, 56.48; AS COMMUNICATIONS, SE, 448.00; BANK FIRST, RE, 310.00; BENSCOTER PLUMBING, SE, 1771.87; BOMGAARS, SU, 34.98; BROWN SUPPLY, SU, 107.43; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 30.65; CITY OF WAYNE, RE, 2298.30; CITY OF WAYNE, RE, 1400.00; CITY OF WAYNE, PY, 63119.23; CITY OF WAYNE, RE, 185.54; CITY OF

WAYNE, RE, 715.97; CITY OF WAYNE, RE, 181.81; CULLIGAN WATER, SE, 41.00; DGR & ASSOCIATES, SE, 1657.00; ECHO GROUP, SU, 115.05; ELLIS PLUMBING, SE, 314.79; FARMERS AND MERCHANTS, RE, 750000.00; FINGERPRINT EQUIPMENT LAB, SU, 130.82; FIRST NATIONAL BANK, RE, 250000.00; FLOOR MAINTENANCE, SU, 227.32; GERHOLD CONCRETE, SU, 2098.94; GLOCK PROFESSIONAL, SE, 150.00; HAUFF MID-AMERICAN SPORTS, SU, 205.00; HUNTEL CABLEVISION, SE, 30.00; ICMA, RE, 5383.85; IRS, TX, 20658.21; KIWANIS, FE, 130.00; MATTHEW BENDER & CO, SU, 177.80; MIDWEST OFFICE AUTOMATION, SE, 127.40; NE DEPT OF REVENUE, TX, 2680.30; NE DEPT OF ROADS, FE, 500.00; NE POWER REVIEW BOARD, FE, 472.47; NPPD, SE, 292318.07; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 2311.61; PUSH-PEDAL-PULL, RE, 187.04; QWEST, SE, 110.34; QWEST, SE, 203.72; SQUARE D COMPANY, SE, 13028.00; STADIUM SPORTING GOODS, SU, 120.00; STATE NATIONAL BANK, RE, 131.94; STATE NATIONAL BANK, RE, 480.43; TONI HYTREK, SE, 225.00; UNITED WAY, RE, 44.80; US BANK, SE, 4762.09; VIC'S ENGINE SERVICE, SU, 67.15; WAYNE EAST, SU, 100.00; WAYNE INDUSTRIES INC, RE, 27903.00; WESTERN OFFICE PRODUCTS, SU, 334.00; AQUILA, SE, 134.59; CITY OF WAYNE, RE, 745.63; CITY OF WAYNE, RE, 2000.00; CITY OF WAYNE, RE, 25.00; POSTMASTER, SU, 613.10; Q125 COMMITTEE, FE, 5000.00; WHITE DOG LAWN SERVICE, SE, 225.00; ZEE MEDICAL SERVICE, SU, 43.90; STATE NATIONAL BANK, RE, 366.75; NE CHAPTER, APCO INT., FE, 170.00; CLASSY CLEANING LADIES, SE, 345.15

Councilmember Sturm made a motion and seconded by Councilmember Buryanek to approve the claims. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton 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.

Lance Webster, Police Chief, introduced the new dispatchers, Heather Peterson and Julie Anderson.

Greg VanderWeil was requesting Council consideration to allowing them to close off the east end of 10th Street from Providence Road to the First Bank Card Center for an electric vehicle rally on September 27, 2008. OPPD and NPPD would be providing the required \$1,000,000 liability insurance coverage and naming the City as an additional insured.

Councilmember Ley made a motion and seconded by Councilmember Fuelberth approving the request of Greg VanderWeil to close off the east end of 10th Street from Providence Road to the First Bank Card Center for an electric vehicle rally on September 27, 2008, with the stipulation that proof of \$1,000,000 liability insurance and naming the City as an additional insured be provided to the City prior to the time of the event. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to identifying that part of vacated Dearborn Street and Right-of-Way and placing it in the B-1 Highway Commercial Zoning District.

The Planning Commission held a public hearing and recommended that the Council identify that part of vacated Dearborn Street and right-of-way as being in the B-1 Highway Commercial Zoning District pursuant to the following "Findings of Fact":

1. Staff recommendation;
2. It is consistent with the current and future land use maps; and
3. It is consistent with the Comprehensive Plan.

Randy Pick was present questioning the right-of-way and who maintains it.

Administrator Johnson stated that Wayne’s Municipal Code does not differentiate between city right-of-way and state right-of-way.

Mayor Shelton noted that “maintenance” was not part of this agenda item.

City Clerk McGuire had not received any comments for or against this public hearing.

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

Councilmember Buryanek introduced Ordinance 2008-13, and moved for approval thereof; Councilmember Fuelberth seconded.

ORDINANCE NO. 2008-13

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF AN AREA MORE PARTICULARLY DESCRIBED AS THAT PART OF VACATED DEARBORN STREET AND RIGHT-OF-WAY FROM B-3 (NEIGHBORHOOD COMMERCIAL DISTRICT) TO B-1 (HIGHWAY COMMERCIAL DISTRICT).

Councilmember Frevert questioned if there was a reason why this right-of-way couldn’t stay B-3 if Mr. Pick wanted it to. Administrator Johnson stated the Court told the City that we had to zone it something. The Picks gave the okay to zoning it B-1. In addition there is B-1 zoning on both sides of this right-of-way.

Councilmember Frevert understood that the Picks wanted this zoned B-3.

Attorney Pieper stated this is not rezoning anything – only what was previously vacated.

City Clerk McGuire noted that Mr. Pick’s property was rezoned from B-3 to B-1 pursuant to his request several years ago. This right-of-way is now being zoned B-1 to make it consistent with the rest of the property in the area.

Councilmember Buryanek stated if this right-of-way were zoned B-3, it would be surrounded by property zoned B-1. That is spot zoning.

Administrator Johnson stated he thought the Picks were in agreement with the property being zoned B-1 after their meeting.

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

Mayor Shelton declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-710 Parking Regulations, Specifically subsection (c) Parking or Driveway Surfaces, Interior of Lot.

The Planning Commission held a public hearing and forwarded a recommendation of denial amending Sec. 90-710 Parking Regulations, specifically Subsection (c) Parking or Driveway Surfaces, Interior of Lot, based on the following "Findings of Fact": It is not consistent with the Comprehensive Plan because it leads the way for discrimination and the zoning is by user and not by use.

Administrator Johnson stated in response to approximately four properties that the City had complaints about continually parking on grass and mud, we ended up with an ordinance saying that if you are going to park in front of your house, it has to be on a paved surface. After a town hall meeting, the Council amended the ordinance to allow aggregate on the inside of the property in the front yard, but not on the terrace. Enforcement was delayed while we educated the public about having to do this. One of the comments regarding the aggregate was how do you determine what is adequate

aggregate coverage. In order to enforce this, we have to tell them what is acceptable and what is not. We are in the process of coming up with what is adequate aggregate coverage and what is not. We will have a grid designed for measuring soil crop residue. It is a predictable, legally defensible system, but is going to make the City look like the weed cops all over town. It will take away staff's discretion on the matter.

In this whole discussion, we talked about houses that are generally in developed areas where they meet the 30' setback. He does not know of any other discussion the Council ever had about other lots that are acreage in nature. We were looking at those complaint lots and those houses that meet the 30' setbacks. In the wrap up to enforcement, we are finding a lot of properties that have very long driveways that were probably not meant to be covered. They were not meant to be included in the Council discussion. Mr. Ellyson and he proposed some kind of way to distinguish between those lots that are large and an acreage in nature and a normal residential house. Do you need a border 1,000 feet back from the street or was it meant for the lots that have a 30' setback? They proposed to exempt the long driveways (longer than 45') in front of your house. The Planning Commission differed on that opinion. They feel it is discriminating against some people at the favor of other people. They were looking at the use and not the user. That is a legitimate point of view.

Johnson did not think it was the public's or the Council's intent to make people put borders along 500' or 1,000' of gravel.

Bob Liska thought Council was attacking this the wrong way. If the border is the issue of where to stop and start, then that is where you need to be focusing on, not on the residence or how it is used or not used. There needs to be some guidelines on the stop

and start point. On his driveway and numerous driveways, it is clearly defined where the grass begins and the aggregate starts. If there is a question of where that stop and starts, you are already out of compliance and you need to put more aggregate down.

City Clerk McGuire had not received any comments for or against this public hearing.

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

Discussion then took place in regard to amending Sec. 90-710 Parking Regulations, Subsection (c) Parking or Driveway Surfaces, Interior of Lot.

Councilmember Buryanek stated as he was reading the ordinance again and as he recalls, Council was talking about requiring borders for parking areas and keeping areas where you park the cars from aggregate going all over. He did not think the Council ever intended to take driveways and line them with landscaping logs. We seem to have created more of a problem than we thought we solved.

Councilmember Alexander noted that throughout the body of the ordinance it refers to "Parking or Driveway Surface."

Attorney Pieper stated the subsections apply to both parking and driveway surfaces based upon the definitions we are using now.

Mayor Shelton stated one of the things the Council must do is refute the Planning Commission's "Finding of Fact." We have to come up with something that says no, you are wrong, those facts are not right.

Administrator Johnson asked the Council if it was their desire to keep the border. If you don't want to keep the border, then he wasn't sure that staff would have a way to define the area for enforcement purposes.

Councilmember Alexander asked if you have a driveway that is greater than 45', you don't have to put any border down or is it saying you have to put border for at least 45'. Mayor Shelton stated the intention was that if the driveway is over 45' in front of the house, you are exempt from borders.

Councilmember Alexander stated if the ordinance required a border for the first 45', he wondered if the Planning Commission would have had the same recommendation or findings of fact. These parties are required then to do something. He agreed that you are favoring somebody with a longer driveway if you don't require them to do anything.

Mayor Shelton stated her suggestion all along has been that we create an additional zoning category (e.g. R-1A) for lots that are of a larger size that would allow this kind of thing. We are going to have a lot more of them eventually.

Councilmember Buryanek stated another option might be to just remove the border requirement and just put a line in there that says it is the property owner's responsibility to contain the aggregate to his own property so it doesn't run over onto somebody else's property. He thought that was the Council's concern at the time.

It was noted that the terrace has to be paved which keeps the aggregate out of the street.

Administrator Johnson asked Attorney Pieper if he saw enforcement issues if we don't require a border. Attorney Pieper responded no, if we are not requiring the containment. Johnson then asked how do we define too many weeds then. Pieper stated at that point and time it's a question of are they parking on dirt or are they parking on aggregate. Johnson then asked what do you define as dirt – 50%. If we cite someone, we

have to have an answer if the Judge asks how much is too much. He is trying to head off enforcement issues. Without a border, he doesn't know how to tell staff where to start.

Councilmember Chamberlain stated he doesn't care if it is dirt or gravel, if there are weeds and grass growing up through it, that is lawn, isn't it? If there is gravel underneath the grass, they are still parking on the lawn.

Councilmember Buryanek suggested measuring the width of a driveway, staying within the centerline of the driveway and then going out. You wouldn't have to have a border on a driveway. He was just talking about the driveway at this time.

Mayor Shelton stated the containing of the parking area has more to do with keeping it to be less than 50% of the front yard; otherwise, it just starts to creep and creep.

Mr. Liska suggested an 80% gravel/grass requirement on the parking area, and using 12' as the minimum width for single-car driveways. If it is a two-car or three-car driveway, it has to have a minimum width.

Administrator Johnson stated if you are not parking on the aggregate, there is nothing to enforce, because this is not a rock issue, it is a parking issue. We will prepare an ordinance based upon this to bring back to the Council.

There was Council consensus to eliminate the border requirement. The Planning Commission has already made a recommendation on the border requirement, so this change may not have to go back to them. Councilmember Buryanek wanted to think about the border for the parking area. Mayor Shelton stated we can leave that with a border right now, and if that is not what you want two weeks from now, we can always amend it at that point.

Mayor Shelton declared the time was at hand for the public hearing on the proposed FY2008-2009 budget.

The total of the FY2008-2009 budget is \$28,692,160. The property tax proposal for the General Fund operation is \$628,525, which compares to the 2008 tax asking of \$628,525. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$718,525 or .449778 per \$100 of property valuation. The valuation in the community, as reported by the County Assessor for 2008, is \$159,751,116.

Clerk McGuire had not received any communication, written or verbal, for or against this public hearing.

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

Councilmember Buryanek introduced Ordinance 2008-14, and moved for its approval; Councilmember Fuelberth seconded.

ORDINANCE NO. 2008-14

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Buryanek made a motion and Councilmember Sturm seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Buryanek made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2008-14. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

City Treasurer Braden stated that the base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not spent and are not expected to be spent for capital improvements. Cities are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase.

Councilmember Buryanek made a motion and seconded by Councilmember Alexander approving the allowable 1% increase in base limitation of the restricted funds budget. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Buryanek introduced Resolution 2008-79, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2008-79

A RESOLUTION TO ADOPT THE 2008-2009 BUDGET FOR THE CITY OF WAYNE.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who abstained, the Mayor declared the motion carried.

Mayor Shelton declared the time was at hand for the public hearing regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.494873 per hundred dollars of property value is included. The levy equates to a tax request of \$718,525. Last year's tax levy was \$.438485 per hundred dollars of valuation; this year it is \$.416194, excluding the airport.

Clerk McGuire had not received any communication, written or verbal, for or against this public hearing.

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

The following Resolution would approve the final property tax request of \$718,525. This Resolution does not include the airport levy.

Councilmember Buryanek introduced Resolution 2008-80, and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2008-80

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY2008-2009.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who abstained, the Mayor declared the motion carried.

Councilmember Buryanek made a motion and seconded by Councilmember Chamberlain to postpone action on Resolution 2008-81 adopting the new official zoning map until the next meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would increase the threshold for purchase orders from \$250 to \$1,000. Department Heads can require their staff to prepare purchase orders for any purchases below that amount. However, the purchase orders would not need to be signed and approved by the City Administrator.

Councilmember Alexander introduced Resolution No. 2008-82 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2008-82

A RESOLUTION APPROVING ADMINISTRATIVE DIRECTIVE TO INCREASE THE THRESHOLD FOR PURCHASE ORDERS FROM \$250 TO \$1,000.

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

Administrator Johnson stated the following Resolution would approve the Agreement with the Department of Roads regarding Roadway Improvements – Windom Street, East 3rd to East 7th Streets. This is to reconstruct the Windom Street from East 3rd to East 7th Street from a varying 25 to 31 feet wide roadway to a 32-foot wide roadway. The new roadway will consist of 8-inch concrete, storm sewer system upgrades, as well as sidewalks and ADA ramps. The total cost of the project is estimated to be \$590,000. NDOR will allocate \$472,000 of Wayne STP funds to be used to pay 80% of the project costs. The City's share will be 20% which is estimated to be \$118,000. This project is identified in our One & Six Year Street Improvement Plan and is scheduled to take place in 2010.

Councilmember Ley introduced Resolution No. 2008-83 and moved for its approval; Councilmember Fuelberth seconded.

RESOLUTION NO. 2008-83

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS RELATING TO THE ENGINEERING AND CONSTRUCTION SERVICES FOR THE WINDOM STREET, EAST 3RD STREET TO EAST 7TH STREET ROADWAY IMPROVEMENT PROJECT.

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

Councilmember Buryanek introduced Ordinance 2008-11, and moved for approval of the second reading thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2008-11

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 74, ARTICLE III PLAT REVIEW AND SUBMITTAL REQUIREMENTS, SEC. 74-104(17) FINAL PLAT SUBMISSION REQUIREMENTS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Buryanek made a motion and Councilmember Alexander seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion and Councilmember Fuelberth seconded to move for final approval of Ordinance No. 2008-11. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

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

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

Chair Buryanek 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.

The next item on the CDA agenda was to approve the minutes of the August 19, 2008, meeting.

Member Alexander made a motion and seconded by Member Chamberlain approving the minutes of the August 19, 2008, meeting. Chair Buryanek 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 consider the CDA Claim of \$338.80 (2nd half of property taxes).

Member Chamberlain made a motion and seconded by Member Shelton approving the CDA Claim of \$338.80 (2nd half of property taxes). Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next agenda item was the negotiation guidance on Cox Development Claim for engineering costs incurred on the Western Ridge Project.

Administrator Johnson advised the Council that when we started Western Ridge Development, it was a Cox Project. Mr. Cox asked for two things at that time: grant assistance and tax increment financing. We obtained \$380,000 in grant assistance for street, water and sewer improvements. In the process of preparing both a preliminary and final plat for the Planning Commission, we required him to do a topographical map for all 21 acres to locate the borders, etc. He hired JEO Consulting Group to do this and also prepare a Subdivision Preliminary Plat for 17 lots. During that time, Mr. Cox decided that the Council was not going to offer tax increment financing to him, and he could not do the project without it. By mutual agreement, he backed away from the project, and we took it over. The grant money was still in place, and the Council had discussions and decided to move forward with the project. We took his topographical and engineering information on a CD and paid JEO \$500 to release the information to us. Mr. Cox did not ask for any money at that time. We then gave the information to E & A Consulting first, and then we gave it to Kirkham Michael. They took the electronic version and put it in their system, and we saved a fair amount of money. Since that time, we have received a bill from Cox Development for \$11,300 for the engineering costs that we made him do both for the subdivision plat itself of 17 lots and the area that we used outside and didn't pay him for. Johnson's belief is that there is value there, but not \$11,300 worth. Member Sturm has suggested trading Cox Development one of the lots. Mr. Cox is not very interested in that. He would rather have the cash.

Chair Buryanek stated that legally the first survey is his because he paid for it.

Member Lutt stated Mr. Cox was going to start the project. And at one time, we didn't think we were going to use any TIF money to help him is that correct? But now the whole thing is being done by TIF. Somewhere along the line we changed our mind there?

Administrator Johnson stated that both his (Mr. Cox) impression and mine as the discussions went along were that the Council had no interest in tax increment financing for either him or the City if we did the project ourselves.

Member Lutt asked if that was something that was done at a Council/CDA meeting. Administrator Johnson stated it was from comments in general because we never said are you going to TIF on this or not.

Member Sturm stated Mr. Cox never came to the Council/CDA with a plan as to why he needed TIF. He just assumed we wouldn't do it. We never voted on the matter.

Member Lutt asked did we at any time tell him no, we were not going to do TIF.

Member Alexander remembered Mr. Cox being present at a meeting with his attorney.

Member Lutt asked could JEO legally hand out that information to us for \$500. Isn't that information usually guarded? Wouldn't they need to get permission from Mr. Cox?

Administrator Johnson stated JEO had Mr. Cox's okay to release the information.

Member Lutt stated Mr. Cox gave up the information. If we decided we weren't going to TIF the project for him and now we are TIF'ing the whole project, we misled him. But if he agreed to get rid of his \$11,000 worth of studies for \$500 knowing that he

was just going to walk away from project, he could have told JEO not to give us the information.

Member Buryanek stated he remembered discussions where TIF was not real positive at that time, and there was discussion about having people/developers inside of the community doing the project rather than a developer outside of the community.

Member Shelton stated when the TIF vote took place, she was floored that it passed, because she did not think that this Council was favorable toward TIF'ing that project.

Administrator Johnson stated he would place the bill on the CDA agenda at the next meeting. He sensed two things: there was not a lot of support for Cox being the developer and there was not a lot of support for tax increment financing in general. Without a lot more discussion that was how Mr. Cox left it. Johnson did not think that anybody defrauded anybody. We never changed our mind because we never had a vote up front.

The next item on the agenda was to discuss and take action on marketing for Western Ridge. As we look at developing the area and the things that are going to be taking place in the next year, we have to have some eye toward marketing this.

Nancy Braden stated when we extended the grant for the 2005 down payment assistance, we said that DED would let us do some marketing. We have approximately \$17,000 that we are putting towards a marketing campaign for Western Ridge and actually the City of Wayne in general. The project mushroomed into a community-wide "Wayne Works" promotion program. The total package they are looking at is about \$50,000. Part of the cost is coming from Wayne Area Economic Development and

\$17,000 is coming from the grant we already have. They are approaching the different businesses within the community for a minimum investment of \$500 per business into this promotion. Their goal is to get 20 businesses to promote Wayne. This includes radio for 8 weeks on 4 or 5 radio stations that are used frequently by travelers in the area. There will be a six-week ad in the Norfolk Daily News. Ads will also be placed in the Morning Shopper. They will also be working with KTIV and Cable One in Wayne and Norfolk. They were requesting the CDA to consider putting \$5,000 into this promotion. Five thousand brochures are being printed which will cost about \$3,100.

Ms. Braden stated there is a cash balance in the CDA account, but it is money it owes to the Electric Fund.

Ms. Braden stated they hope to receive \$10,000 from the businesses, \$17,500 from the grant, \$5,000 from the CDA, and \$5,000 from Wayne Area Economic Development. Wayne Area Economic Development is putting \$20,000 in next year's budget for promotions.

Dave Simonsen of Wayne Area Economic Development stated this has to be a joint effort in marketing Western Ridge and the community. We also need to market the fact that the City's property taxes have been decreasing over the years. People don't realize that. The marketing campaign goals are going to be to get people to move here and work here and bring in families which will benefit the school system and businesses. This is an investment, and they are selling this to the businesses as an investment. LB840 is going to be key to Wayne Area Economic Development's continued support with this. If we get LB840 approved by the voters, that enables them to put additional monies into marketing. That will also enable them to continue this marketing campaign potentially

for the 15 years that the LB840 is in place. If we can do this for 15 years, the benefits are going to be tremendous to the community. His hope is that they get more than 20 investors.

Della Pries stated some of the grant money was reallocated (\$17,500) for this promotion. She commended the groups who are involved in this endeavor and who are working together to make this project work.

Member Shelton opined she thought we needed to put some money behind this. It will pay off.

Member Lutt, in response to Mr. Simonson's statement, stated property taxes are not going down. The City is doing its best to hold them, but taxes are going up due to valuation increases. Our taxes will never go down, so you can't be going out there promoting Wayne's taxes are going down.

Member Alexander stated what Mr. Simonsen is saying is that it isn't the City's fault. Yes, our taxes are going up, but he still thinks it should be advertised that we can show that the City's mil levy is constantly going down, but your taxes are going up, so look to somewhere else – why are your taxes going up? Don't just blame the city. It doesn't hurt the public to go out and hold the school's feet to the fire and have them balance their budget or finds some ways to reduce their budget. That would reduce our taxes.

Member Ley stated we have to do something. We have to take care of our businesses and our homes and if we don't, we are going to go backwards. We want to maintain our community, which is healthy right now, but we don't want it to go backwards.

Member Lutt did not agree with over-advertising the first year.

Member Sturm thought we needed to market ourselves. The question is where are we going to get the money and how much do we want to do. Do we have to borrow the money from the Electric Fund or should we have budgeted some money in the CDA Budget? This idea should have been brought to us at the budget sessions.

Ms. Braden stated the CDA Account has about \$46,000 in it.

Member Chamberlain thought the proper way to get behind this is as a Council and not as the CDA. We are going to promote everything, not just Western Ridge.

Member Shelton made a motion and seconded by Member Ley to have the CDA pay the bill for printing 5,000 brochures - \$3,100. Chair Buryanek stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Alexander made a motion and seconded by Member Sturm 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.

There was no report given by Gill Hauling concerning the transportation charge increases.

Mayor Shelton requested Council consideration to the following appointment to the Golf Course Cash Reserve Committee: Councilmember Ley.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the appointment of Councilmember Ley to the Golf Course Cash Reserve Committee. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Buryanek reported on the Comprehensive Plan Steering Committee meeting.

Councilmember Buryanek made a motion and seconded by Councilmember Ley to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:12 p.m.