

The Council met in regular session and in compliance with agenda posted at City Hall, Post Office and First National Bank with each Council member being notified of agenda prior to the meeting. The meeting was called to order by Mayor Daryl Reitmajer at 7:00 p.m. and opened with the Pledge of Allegiance. The Mayor informed the public of the location of posting of the Open Meetings Law. Roll call was taken with the following Council members present: Merle Hennings, Diana Vasicek, Gerry Tyler, Jerry Johnson, Jim Svoboda, and Janet Jonas.

The Mayor called for comments from the public and none were presented.

Council Committee reports were given. Jonas reported the Park and Rec Board had met and reviewed 2008 use statistics. In 2008 the Civic Center recorded a use of 60,000. Hennings reported the electric utility reported a new all-time high usage in December. Svoboda reported the Street Committee had met and the issues discussed would be later on the agenda.

Department Head reports were reviewed.

The public hearing for an application for Conditional Use Permit to operate a Family Child Care Home II on property described as Lots 1 & 2 and the East 9' of Lot 3, Block 11, Original Town, commonly known as 659 North Walnut, as filed by Faith Osmera, was declared open at 7:05 p.m. The Mayor called for comments from the public and none were presented. The Planning Commission's recommendation of approval with no additional conditions was reviewed by the Council. A motion was made by Jonas, seconded by Hennings, to close the public hearing at 7:07 p.m. Roll call vote: Jonas, yes; Hennings, yes; Lawver, yes; Tyler, yes; Johnson, yes; and Svoboda, yes. Motion carried.

Ordinance No. 2009 was introduced by Council Member Jonas entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOTS 1 AND 2 AND EAST 9 FEET OF LOT 3, BLOCK 11, ORIGINAL TOWN, WAHOO, SAUNDERS COUNTY, NEBRASKA, COMMONLY KNOWN AS 659 NORTH WALNUT STREET, WAHOO, NEBRASKA BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING TO OPERATE FAMILY CHILD CARE HOME II, AS ALLOWED BY PERMITTED CONDITIONAL USES LISTED UNDER NRC NEIGHBORHOOD RESIDENTIAL COMMERCIAL ZONING OF WAHOO ZONING REGULATIONS SECTION 5.11.03. The Mayor then instructed the Clerk to read Ordinance No. 2009 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2009 by title.

Council Member Jonas moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Lawver seconded said motion. The Mayor put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, yes. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2009 may be read by title and moved for final passage in the same meeting.

Council Member Jonas moved that Ordinance No. 2009 be approved and passed and its title agreed to. Council Member Lawver seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, yes.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

The hearing on the Building Inspector's declaration of a building at 114 East 5th as "unsafe" was opened by the Mayor. The Mayor called for testimony from interested parties. City Attorney Lindahl reported he had received correspondence from the attorney for Manual Sanchez, Personal Representative for the Estate of Rene J. Sanchez that they would not have any testimony to present. Jerry Peterson, Building Inspector, presented the Engineer's Report from October 13, 2008 as evidence in the hearing along with an estimate of cost from a contractor contacted by Joe Vculek to remove the building located at 108 East 5th. Robert Couton, Wahoo State Bank, questioned these items, asking if they were paid for by the City and if the City had shared in costs acquiring the reports. The hearing was then closed by the Mayor.

Council member Lawver introduced the following resolution, **Resolution No. 2009-01**, and moved for its approval, seconded by Tyler:

WHEREAS, the City of Wahoo, Nebraska is a City of the Second Class organized and existing under and by virtue of the Constitution and Statutes of the State of Nebraska, and,

WHEREAS, pursuant to said Constitution and Statutes, the City of Wahoo, Nebraska has enacted the Wahoo Municipal Code, and,

WHEREAS, contained within said Wahoo Municipal Code is Section 150.046 pertaining to and entitled Unsafe Buildings, and,

WHEREAS, the Building Inspector of the City of Wahoo, Nebraska, did, pursuant to said aforementioned Section, find the following building or structure or portion thereof, located at 114 East 5th Street, Wahoo, Nebraska, its legal description being described as follows, to wit:

The East 1 foot of Lot 7 and the West half of Lot 8, Block 149, County Addition to the City of Wahoo, Saunders County, Nebraska,

to be an unsafe building and a public nuisance, and,

WHEREAS, said Building Inspector did send, via certified mail, to the owner of said building, Manuel Sanchez, Personal Representative for the Estate of Rene J. Sanchez, a written document entitled "Notice of Unsafe Building and Notice of Hearing", a copy of which is attached hereto, marked Exhibit "A", and incorporated herein by reference, and,

WHEREAS, the records of the United States Postal Service indicate that Manuel Sanchez, Personal Representative for the Estate of Rene J. Sanchez, received said aforementioned Notice on December 18, 2008, and,

WHEREAS, said Notice did establish a hearing date and time at which the City Council of Wahoo, Nebraska would determine the issue of whether or not the aforementioned building should be declared to be a public nuisance and abated, said hearing to be on January 8, 2009, at 7:00 o'clock p.m., City Hall, Wahoo, Nebraska, and,

WHEREAS, at said date and time, evidence was submitted to the City Council by Jerry Peterson, City of Wahoo Building Inspector.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wahoo, Nebraska, as follows:

1. That the findings here and above made should be and are hereby made a part of this Resolution.

2. That in consideration of the evidence presented, the City Council of the Wahoo, Nebraska hereby declares the above described building to be a public nuisance and orders the abatement of said public nuisance as set forth in the Notice of Unsafe Building and Notice of Hearing of Jerry Peterson, Building Inspector of the City of Wahoo, Nebraska, to Manuel Sanchez, Personal Representative for the Estate of Rene J. Sanchez, dated December 16, 2008.

3. That Manuel Sanchez, Personal Representative for the Estate of Rene J. Sanchez, as owner of the above building, is hereby granted until March 16, 2009, to abate the public nuisance as aforementioned.

4. That the failure of Manuel Sanchez, Personal Representative for the Estate of Rene J. Sanchez, to abate said nuisance, as set forth herein, shall result in said nuisance being abated by the City of Wahoo, Nebraska and the cost of abatement shall be assessed pursuant to subparagraph (H) of Section 150.046 of the Wahoo Municipal Code.

5. That the Clerk of the City of Wahoo, Nebraska be instructed to file a copy of this Resolution in the office of the Saunders County Register of Deeds pursuant to subparagraph (F) of Section 150.046 of the Wahoo Municipal Code.

Roll call vote: Lawver, yes; Tyler, yes; Hennings, yes; Johnson, yes; Svoboda, yes; and Jonas, yes. Motion carried.

Discussion was held on sanitary sewer improvements between Beech and Elm on the north side of 2nd Street. Property owners from that area were present to discuss possible solutions to their problem. Robert Conn expressed concern with the total cost of a project that would extend a city line from the main line in Elm Street to serve all the properties. Discussion was held on the process of a Resolution of Necessity. A motion was made by Johnson, seconded by Jonas, to table any action on this issue to wait for a response from the property owners affected by the project. Roll call vote: Johnson, yes; Jonas, yes; Hennings, yes; Lawver, yes; Tyler, yes; and Svoboda, yes. Motion carried.

Discussion was opened on solid waste disposal issues and options for the City of Wahoo. The Council was reminded that the current agreement with Wahoo Sanitation is set to expire on February 28, 2009. Svoboda reported the Streets and Sanitation Committee had met several times over the past year to discuss how to handle this and did not have a recommendation to make to the Council on whether the contract should be extended with Wahoo Sanitation or whether the City should open up garbage hauling to any company that may be able to meet specifications stated by the Council. Much discussion was held on the issues. Several community members, including Betty Cloyed, Steve Daharsh, Mark Meyer, Ken Braun, Bryan Divis, and Corky Robinson, spoke in favor of the Council opening up garbage service to any provider and allowing residents to have a choice in who provides them service. Lyle Cuda and Barb Vasa, representing Quality Disposal, were also present to request that the City allow customers to choose their garbage provider. Steve Mossman and Jon Bierd were present representing Wahoo Sanitation. Discussion was held on service to the newly annexed areas. Wahoo Sanitation representatives indicated they would be willing to allow Quality to continue to serve those areas for the next two years if an extension was offered by the City. Questions were also raised on regulation of commercial service providers. A motion was made by Jonas to authorize City staff to prepare documents to provide for a two year extension to the existing contract with Wahoo Sanitation/Waste Connections to provide additional time to determine a solid waste disposal plan for the City, seconded by Johnson. Roll call vote: Jonas, yes; Johnson, yes; Hennings, no; Lawver, no; Tyler, yes; and Svoboda, no. The Clerk then called for the Mayor's vote: Reitmajer, yes. Motion carried.

Scott Tinglehoff was present to discuss the preliminary plat for Robinson Creek Subdivision. Tinglehoff indicated there was not an updated plat document for the Council to review but that they would like to proceed and have the final plat on the February 12 agenda. A motion was made by Jonas, seconded by Lawver to table any action on the Preliminary Plat for Robinson Creek until more information is available, seconded by Lawver. Roll call vote: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, yes. Motion carried.

The Mayor then indicated it was time for the next reading of Ordinance No. 2008 entitled: AN ORDINANCE OF THE CITY OF WAHOO FIXING THE SALARIES OF THE APPOINTED OFFICERS OF THE CITY OF WAHOO, NEBRASKA, PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES IN CONFLICT AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. Council Member Hennings moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be moved for final passage. Council Member Jonas seconded said motion. The Mayor put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Hennings, yes; Jonas, yes; Lawver, yes; Tyler, yes; Johnson, yes; and Svoboda, yes. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2008 may be read by title and moved for final passage in the same meeting.

Council Member Hennings moved that Ordinance No. 2008 be approved and passed and its title agreed to. Council Member Jonas seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Hennings, yes; Jonas, yes; Lawver, yes; Tyler, yes; Johnson, yes; and Svoboda, no. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

No action was taken on a proposed ordinance to provide for the election of the President of the Council every two years.

Johnson requested the Mayor create a Public/Private Facilities Committee to address facility needs within the community. No action taken.

A motion was made by Jonas, seconded by Lawver to approve the following appointments by the Mayor: Jerry Johnson to the Wahoo Public Buildings & Grounds Association, Greg Hohl to the Wahoo Parks and Recreation Board, and Michelle Libal to the Wahoo Planning Commission. Roll call vote: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, yes. Motion carried.

A request for the waiver of mandatory garbage collection was presented to the Council by the Clerk on behalf of Thomas Noonan, 961 North Locust. A motion was made by Jonas, seconded by Lawver to deny the request for the waiver. Roll call vote: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, no. Motion passed.

The Clerk presented a request from Radcliffe and Associates regarding the Council's position on the NE Highway Commission's decision to change the "Expressway" designation from 6,000 ADT to 10,000 ADT. A motion was made by Lawver, seconded by Johnson, to authorize the Clerk and Mayor to draft a letter of support to change the ADT count back to 6,000 and send it to be submitted at the NE Highway Commission hearing. Roll call vote: Lawver, yes; Johnson, yes; Hennings, yes; Tyler, yes; Svoboda, yes; and Jonas, yes. Motion carried.

A motion was made by Johnson to enter into closed session to discuss the acquisition of property by the City, and requesting the City Attorney and City Administrator/Clerk/Treasurer remain in the room during the discussion. Motion seconded by Jonas. Roll call vote: Johnson, yes; Jonas, yes; Hennings, yes; Lawver, no; Tyler, yes; and Svoboda, yes. Motion passed. The Mayor then indicated the Council would be entering into closed session to discussion the acquisition of property by the City with the Attorney and Administrator/Clerk/Treasurer remaining in the room at 8:50 p.m.

A motion was made by Lawver, seconded by Svoboda, to return to regular session at 9:07 p.m. Roll call vote: Lawver, yes; Svoboda, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Jonas, yes. Motion carried.

A motion was made by Hennings, seconded by Lawver to accept the following items as presented: Wahoo Parks and Recreation Commission minutes of December 3, 2008. Roll call vote: Hennings, yes; Lawver, yes; Tyler, yes; Johnson, yes; Svoboda, yes; and Jonas, yes. Motion carried.

A motion was made by Jonas, seconded by Lawver to approve the following items listed on the consent agenda: Minutes of the December 11, 2008 meeting of the Council; and the following licenses: Dan Kracht, Dan Kracht Plumbing, Omaha, plumber; Tom King, King & Sons, Lincoln, plumber; Donnie Pierce, DP Plumbing, Elkhorn, plumber; Buckridge, Fremont, plumber; Richard Kusleika, Standard Heating & AC, LaVista, HVAC Installer; Eric Seidl, Benes Heating & AC, Raymond, HVAC Installer; Scott Getzschman, Getzschman Heating & AC, Fremont, HVAC Installer; David Engel, Five Star Electric, Wahoo, electrician; Ray Werner, Ray's Electric, Hickman, electrician; Brian Allison, Sentry Electric, Lincoln, electrician; Kirk Bartek, Weston, electrician; Mike Fitzgerald, Getzschman Heating, Fremont, electrician; John Moore, Moore Electric, Hickman, electrician; and Scott Rounph, SECO Electric, Cedar Bluffs, electrician. Roll call vote: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, yes. Motion carried.

A motion was made by Jonas, seconded by Lawver to adjourn at 9:09 p.m.

Approved: January _____, 2009.

Published: January 15, 2009.

Melissa M. Harrell, Clerk

Daryl Reitmajer, Mayor