

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 comments not listed on the agenda. Dave Rood was present to ask for the Council’s assistance in problems with graffiti and vandalism to the elevator property he owns at 5th & Maple. Ken Jackson was also present and told Mr. Rood that if he would visit with the Police Department they would be able to assist. Jonas indicated the Council had discussed this in the past and had instructed the Police Department to enforce regulations more aggressively in that area.

The Mayor called for Council Committee reports. Jonas reported the Finance Committee had been meeting working on budget. She also reported there was not a quorum at the last Park and Recreation meeting. Hennings reported there would be a rate increase coming for Council approval in the near future.

Department Head Reports were reviewed.

Jim Gibney, Utility General Manager, presented information to the Council on load control devices that have been installed on air conditioner units on residences. He presented information on how they work, the effectiveness of their use and how much they have saved the Utilities in recent years. He reported they would be purchasing an addition 250 devices for installation next year.

The public hearing on the FY 2008-09 Budget and 2008 Property Tax levy was declared open by the Mayor at 7:30 p.m. Jonas stated the Finance Committee had met several times with Department Heads and were recommending approval of the presented budget by the Council. Tyler questioned the amount of funds spent on employee benefits and Jonas agreed that this is something that would be closely reviewed in next year’s budget process. The 2008 Tax Levy was reviewed by Harrell with the Council. A motion was made by Hennings, seconded by Johnson, to close the public hearing at 7:38 p.m. Roll call vote: Hennings, yes; Johnson, yes; Vasicek, yes; Tyler, yes; Svoboda, yes; and Jonas, yes. Motion carried.

A motion was made by Henning, seconded by Tyler to approve FY 2008-09 budget as presented. Roll call vote: Hennings, yes; Tyler, yes; Vasicek, yes; Johnson, yes; Svoboda, yes; and Jonas, yes. Motion carried.

A motion was made by Jonas, seconded by Johnson, to authorize an additional 1% increase in the restricted funds budget for FY 2008-09 (as required by state statutes). Roll call vote: Jonas, yes; Johnson, yes; Hennings, yes; Vasicek, yes; Tyler, yes; and Svoboda, yes. Motion carried.

The following resolution, Resolution No. 2008-20, was introduced by Jonas who moved for its approval, seconded by Vasicek:

“WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Wahoo passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of Wahoo that the property tax request for the current year be a different amount that the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Wahoo, by a majority vote, resolves that:

1. The 2008 property tax request be set and allocated as follows:

	<u>Tax Amount</u>	<u>Levy</u>
General Fund	\$1,010,421.00	.48397
Debt Service Fund	\$135,706.00	.06500
City Bond Fund (Public Safety)	<u>\$104,388.00</u>	<u>.05000</u>
Total	\$1,250,515.00	.59897

2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2008.”

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

The recommendation by the Planning Commission of September 4, 2008 on annexation of the following identified areas in the 2007 Annexation Study: Areas 3, 4, 5, 8, and 9 was discussed. The Planning Commission's recommendation was in favor of moving forward with annexation. Johnson reported he had attended the meeting and that there were no property owners present at the meeting. A motion was made by Johnson, seconded by Svoboda, to authorize staff to have annexation plats and ordinances prepared for Areas 3, 4, 5, 8, and 9. Roll call vote: Johnson, yes; Svoboda, yes; Hennings, yes; Vasicek, yes; Tyler, yes; and Jonas, yes. Motion carried.

Amendments to the CDBG Revolving Loan Fund Reuse Plan were presented to the Council for review. Discussion was held on changes and the impacts of the changes. The following resolution, Resolution No. 2008-21 was introduced by Jonas who moved for its approval, seconded by Johnson.

NEED RESOLUTION

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

Ordinance No. 2002 was introduced by Council Member Svoboda entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND TITLE XI: BUSINESS REGULATIONS, CHAPTER 112: OCCUPATION TAXES, SECTION 112.01(A) OF THE MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO OCCUPATION TAXES BY AMENDING ELECTRICIAN, PLUMBER AND HVAC CONTRATORS (MECHANICAL) LICENSE OCCUPATION TAX RATES. The Mayor then instructed the Clerk to read Ordinance No. 2002 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2002 by title.

Council Member Svoboda 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 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: Svoboda, yes; Jonas, yes; Hennings, yes; Vasicek, yes; Tyler, yes; and Johnson, 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. 2002 may be read by title and moved for final passage in the same meeting.

Council Member Svoboda moved that Ordinance No. 2002 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: Svoboda, yes; Jonas, yes; Hennings, yes; Vasicek, yes; Tyler, yes; and Johnson, 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 following resolution, Resolution No. 2008-22, was introduced by Jonas who moved for its approval, seconded by Vasicek:

“PURSUANT TO TITLE XV: LAND USAGE, Chapter 150, Building Regulations, and specifically §150.049 FEES of the Wahoo Municipal Code as amended from time to time, the following shall be the Building Permit Fees for the City of Wahoo, Nebraska, effective as of **October 1, 2008**.

I.

The Building Permit Fee for the erection of any new building or for any alteration or remodeling of any building shall be the total of paragraphs **A, B, C, D and E**, hereof, computed as follows, subject to Section IV hereof.

A. CONSTRUCTION COSTS:

(1) Apartments, Duplexes, Dwellings

Frame Construction (with or without basement)	\$75.00
Brick or any brick veneer construction (with or without basement)	\$80.00
Each additional floor (brick or frame)	\$40.00

(2) Garages (attached or unattached, brick or frame)

Single Stall Garage	\$15 per sq. ft. or contractor's estimated cost, whichever is greater
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Double Stall Garage	\$15 per sq. ft. or contractor's estimated cost, whichever is greater
Three Stall Garage	\$15 per sq. ft. or contractor's estimated cost, whichever is greater
Single Carport	\$1,000.00
Double Carport	\$1,500.00
Each additional carport	\$700.00

(3) *Commercial-Recreational Buildings (with or without basement)*

Masonry, concrete, or frame construction	\$60 per sq. ft. or contractor's est. cost, whichever is greater
Steel construction	\$50 per sq. ft. or contractor's est. cost, whichever is greater
Each additional floor	\$30 per sq. ft. or contractor's est. cost, whichever is greater

(4) *Warehouse Storage (with or without basement-unfinished interior)*

Masonry, concrete, or frame construction	\$40 per sq. ft. or contractor's est. cost, whichever is greater
Steel construction	\$35 per sq. ft. or contractor's est. cost, whichever is greater
Each additional floor	\$20 per sq. ft. or contractor's est. cost, whichever is greater

(5) *Remodeling any residence, garage, commercial building – use contractor's estimated cost*

B. VALUATION FEE:

(1) \$1.00 to \$500.00	\$10.00
(2) \$501.00 to \$2,000.00	\$10.00 for the first \$500.00, plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$1,900.00
(3) \$2,001.00 to \$25,000.00	\$40.00 for the first \$2,000.00 plus \$8.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
(4) \$25,001.00 to \$50,000.00	\$224.00 for the first \$25,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
(5) \$50,001.00 to \$100,000.00	\$349.00 for the first \$50,000.00 plus \$4.00 for each additional \$1,000.00 fraction thereof, to and including \$100,000.00
(6) \$100,001.00 to \$200,000.00	\$549.00 for the first \$100,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$200,000.00
(7) \$200,001.00 to \$300,000.00	\$849.00 for the first \$200,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof, to and including \$300,000.00
(8) \$300,001.00 and up	\$949.00 for the first \$300,000.00 plus \$.50 for each additional \$1,000.00 or fraction thereof

C. BUILDING PERMIT ISSUANCE ADMINISTRATIVE FEE \$30.00

D. CERTIFICATE OF OCCUPANCY PERMIT FEE \$250.00 (SEE Section III hereof)

E. DISCOUNTED FEES: Any tax-exempt entity applying for a Building Permit is eligible for a 50% discount on the valuation fee calculated in paragraph B of the above section. All other permit fees and charges shall apply.

II.

The following fees shall be charged for the specific items and shall be in addition to the Building Permit Fee as set forth in Section I hereof:

A. Moving Building. Before any building is moved, a permit for such removal shall be obtained. The fee for such permit shall be the sum of \$50 except in the case of private garages and small buildings not exceeding 240 sq. ft. of floor area, in which case the fee shall be the sum of \$15.00.

B. Demolish Buildings. Before any building is demolished, a permit to do so shall be obtained and County Assessor's and County Treasurer's offices notified and all taxes are to be paid on said property. The fee for such permit shall be \$30.00 for 240 sq. ft. or less. For buildings over 240 sq. ft., \$30.00 plus \$3.00 for each additional 100 sq. ft. or fraction thereof.

C. Erection of Signs. Before any sign is erected a permit shall be obtained. The City of Wahoo shall charge and collect the following fee:

For signs valued at \$50 - \$500	\$25.00
All over \$500	Use above fee schedule

<u>Mechanical Permit</u>	Permit issuance fee:	\$25.00
Up to 100,000 BTU		\$20.00
Over 100,000 BTU		\$30.00
Air Conditioner or Heat Pump		\$20.00

<u>Plumbing Permit</u>	Permit issuance fee:	\$25.00
Sewer or Septic		\$20.00
Water Service or Well		\$20.00
Gas System		\$10.00
Water heater		\$ 7.00
Each fixture		\$ 7.00

<u>Electric Permit</u>	Permit issuance fee:	\$25.00
Estimated Cost from \$1.00 to \$500		\$10.00
Over \$500.00		\$10.00 plus \$2.00 per hundred of evaluation

Occupancy certificate will not be issued until final State Electrical Inspection is complete.

III.

After the construction and/or remodeling of a building is completed, the owner thereof shall contact the Building Inspector/Zoning Administrator to conduct an occupancy inspection of said building pursuant to Section 9.05 of the Zoning Ordinance of the City of Wahoo, Nebraska. Upon the Building Inspector's/Zoning Administrator's determination that all Ordinances, Codes, Rules and Regulations of the City of Wahoo, Nebraska, reference the construction of said building have been complied with, the Building Inspector/Zoning Administrator shall issue a Certificate of Occupancy and refund to the owner thereof the aforementioned Certificate of Occupancy Permit Fee of \$250.00. If there are violations of said Ordinances, Codes, Rules and Regulations, the Building Inspector/Zoning Administrator shall now issue the Certificate of Occupancy until all violations have been corrected. If the owner has moved into the newly constructed and/or remodeled building prior to the issuance of the Certificate of Occupancy, or if the owner is using the newly constructed and/or remodeled building prior to the issuance of the Certificate of Occupancy, the Building Inspector/Zoning Administrator, in his/her discretion, may deduct from the Certificate of Occupancy Permit Fee a reasonable amount for said violation and/or violations, prior to the issuance of the Certificate of Occupancy.

IV.

All building permits as set forth in the Building Permit Fee Schedule must be applied for and obtained before construction or any work is begun upon the building or remodeling of a building. If construction or work is begun prior to obtaining of the permit, the City of Wahoo shall charge and collect double the amount of fee otherwise specified. All fees for building permits of any type shall be collected before said permit is issued. All such fees for obtaining building permits shall cover the costs of inspections required by the City of Wahoo and no additional fees shall be required for anyone applying for such permit. All fees for building permits of any type shall be payable to the City Clerk and the City of Wahoo and shall be deposited for the use and purposes of the General Fund of the City of Wahoo, Nebraska."

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

A motion was made by Jonas, seconded by Tyler to authorize the City of Wahoo's participation in the Nebraska Expressways for Economic Development for FY 2008-09. Roll call vote: Jonas, yes; Tyler, yes; Hennings, yes; Vasicek, yes; Johnson, yes; and Svoboda, yes. Motion carried.

A motion was made by Hennings, seconded by Jonas, to authorize the temporary closing of 6th Street from the west side of City Hall to Maple Street from noon to 4:00 p.m. on Sunday, October 5th. Roll call vote: Hennings, yes; Jonas, yes; Vasicek, yes; Tyler, yes; Johnson, yes; and Svoboda, yes. Motion carried.

A motion was made by Jonas, seconded by Vasicek to approve the Mayor's appointment of Scott Nielsen to the Wahoo Planning Commission, term expiring July 2010. Roll call vote: Jonas, yes; Vasicek, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, yes. Motion carried.

A motion was made by Svoboda, seconded by Jonas, to accept the minutes of the Wahoo Planning Commission of 9/4/08 and the 8/13/08 meeting of the Library Board. Roll call vote: Svoboda, yes; Jonas, yes; Hennings, yes; Vasicek, yes; Tyler, yes; and Johnson, yes. Motion carried.

A motion was made by Jonas, seconded by Johnson to approve the minutes of the Council of August 28 as presented and the following licenses: Anthony Swiczek, Anderson Plumbing, Waterloo, plumber, renewal; Jeff Adair, Wahoo, plumber, new; John Reinick, Reinick Heating & Air, Lincoln, HVAC Contractor, renewal; John Clark, J. Clark Htg & Cooling, Avoca, HVAC Contractor, renewal; Rod Kubr, Kubr Electric, Wahoo, electrician, renewal; and Richard Peavy, Anthony's Air Conditioning, Ithaca, electrician, renewal. Roll call vote: Jonas, yes; Johnson, yes; Hennings, yes; Vasicek, yes; Tyler, yes; and Svoboda, yes. Motion carried.

A motion was made by Johnson, seconded by Vasicek to adjourn at 8:05 p.m.

Approved: _____, 2008.

Melissa M. Harrell, Clerk

Daryl Reitmajer, Mayor