

The Council met in regular session 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 Janet Jonas 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: Mike Lawver, Greg Kavan, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Kevin Dunbar.

The Mayor recognized Dalton Rademaker, who is working on the Citizenship in the Community Boy Scout merit badge.

The Mayor read a proclamation declaring March as Problem Gambling Awareness Month.

The Mayor called for audience comments on items not listed on the agenda. None were offered.

A motion was made by Lawver, seconded by Svoboda to approve the following items listed on the consent agenda:

1. Minutes of the February 14, 2013 meeting of the Mayor and Council
2. The following licenses: Derek Turner, Bryant A/C and Heating Co., Lincoln, NE, plumber, renewal; Rod Kubr, Kubr Electric, Wahoo, NE, electrician, renewal; Eric Hoke, Eric's Electric Inc., Lincoln, NE, electrician, renewal

Roll call vote: Lawver, yes; Svoboda, yes; Kavan, yes; Dunbar, yes; Tyler, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Lawver requested the Street Committee schedule a meeting to discuss solid waste and street issues.

Harrell reported the Revenue Committee hearing on LB 531 to repeal the Build Nebraska Act received much opposition, and the bill probably won't make it out of committee. A copy of the Blight Study prepared for Area #8 was distributed. This will be on a future agenda for discussion. Harrell reported a constitutional amendment is proposed to change the terms "substandard and blighted" to a different designation. Tyler suggested a spring work session be scheduled to discuss planning for community growth.

Dunbar reported he attended the League conference and it was very informative.

Kevin Stuhr reported the Parks and Recreation Commission has returned to its original five members, appointed by the Mayor to five-year terms, plus two City Council representatives, and eliminate the Advisory Board.

The Mayor announced the next agenda item was an application for rezoning property known as 345 East 10<sup>th</sup> Street, filed by Lee Chipperfield, and noted that Chipperfield has requested postponement of hearing because he is out of state. Council member Lawver moved that public hearing be opened, motion seconded by Svoboda. Roll call vote: Lawver, yes; Svoboda, yes; Dunbar, yes; Krejci, yes; Kavan, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

The Mayor declared the public hearing on the application filed by Lee Chipperfield, requesting change of zoning from R-2 Residential zoning to NRC Neighborhood Residential Commercial zoning open at 7:10 p.m. Tom Cajka spoke in opposition, stating this would be spot zoning, and any change in zoning should

be done for the good of the community. Becky Henke stated concerns about additional traffic and safety of the children in the neighborhood. Amy Falke also spoke in opposition to the change, stating it is a historic residential neighborhood, and noted the Planning Commission recommended against the change of zoning. Council member Tyler moved to close the public hearing at 7:13 p.m. with motion seconded by Lawver. Roll call vote: Tyler, yes; Lawver, yes; Kavan, yes; Dunbar, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

The application was discussed. Dunbar stated he would have liked to hear information from the applicant prior to making a decision. Council member Tyler moved to deny the application for rezoning from R-2 Residential to NRC Neighborhood Residential Commercial. The motion was seconded by Krejci. Roll call vote: Tyler, yes; Krejci, yes; Dunbar, yes; Svoboda, no; Lawver, yes; and Kavan, yes. Motion to deny the application for rezoning carried.

The Mayor declared the public hearing on an application for conditional use to operate a truck service facility at 1768 North Chestnut, filed by Bryan Banghart, open at 7:20 p.m. Bryan Banghart, operator of Banghart Service LLC, explained his application. His business services light duty trucks, forklifts and smaller equipment. Dunbar asked if the parking area will be paved; Banghart stated he plans to pave the surface. Banghart also stated he does not intend to have vehicles for sale on his lot. No public comments were offered. Council member Tyler moved to close the public hearing at 7:28 p.m., motion seconded by Krejci. Roll call vote: Tyler, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Lawver, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

The application was discussed. It was agreed the conditions should include: any items stored outside of the building should be screened from view; parking requirements will be met as described in applicant's parking plan diagram; the permit will be reviewed in one year. There was discussion regarding requirements for hard-surfacing of parking areas. Gibney reported the property does not currently have sewer service.

**Ordinance No. 2120** was introduced by Council Member Tyler entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICAL ZONING MAP OF THE CITY OF WAHOO, PERTAINING TO LOT 1, BURKLEY SUBDIVISION, LOCATED IN THE SW ¼ SW ¼ SEC 34 T15N, 473 OF THE 6<sup>TH</sup> P.M., BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING AUTOMOBILE SERVICE AND REPAIR, AS ALLOWED UNDER NRC-NEIGHBORHOOD RESIDENTIAL COMMERCIAL ZONING DISTRICT; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2120 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2120 by title.

Council Member Lawver 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 Krejci 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: Lawver, yes; Krejci, yes; Dunbar, no; Svoboda, yes; Tyler, yes; and Kavan, yes. Absent and not voting: None. 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. 2120 may be read by title and moved for final passage in the same meeting.

Council Member Tyler moved that Ordinance No. 2120 be approved and passed and its title agreed to. Council Member Krejci seconded the motion. The Mayor instructed the Clerk to call the roll for the vote

and the following was the vote on this motion: Tyler, yes; Krejci, yes; Lawver, yes; Kavan, yes; Svoboda, yes; and Dunbar, no. Absent and not voting: None. 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 that the Ordinance be forwarded to the Mayor for the Mayor's signature. The 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.

Terry Miller, Saunders County Emergency Manager, addressed the Council. He discussed his duties as emergency manager for the county and the communities within the county; the Local Emergency Operation Plan (LEOP); his role and city official's role in the event of an emergency; and training opportunities available to officials.

The Financial Statements for 2011-12 and Audit report were reviewed. Council member Krejci moved to accept the Financial Statements and Audit report. Motion was seconded by Lawver. Roll call: Krejci, yes; Lawver, yes; Kavan, yes; Tyler, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none.

Gibney reported on the proposed utility rate change ordinance, which reflects costs which are being passed along to Wahoo utilities. Harrell noted correction of a typographical error in the draft ordinance which was previously distributed.

**Ordinance No. 2121** was introduced by Council Member Tyler entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND TITLE III: ADMINISTRATION OF THE WAHOO MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA, BY AMENDING SECTIONS OF CHAPTER 38 ENTITLED UTILITY RATES PERTAINING TO RATES TO BE CHARGED THE CONSUMERS OF THE UTILITIES OF THE CITY OF WAHOO, NEBRASKA; TO PROVIDE THE EFFECTIVE DATES FOR EACH RESPECTIVE UTILITY RATE; TO PROVIDE FOR IMPLEMENTATION OF THE ORDINANCE; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2121 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2121 by title.

Council Member Lawver 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 Svoboda 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: Lawver, yes; Svoboda, yes; Krejci, yes; Dunbar, yes; Tyler, yes; and Kavan, yes. Absent and not voting: None. 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. 2121 may be read by title and moved for final passage in the same meeting.

Council Member Tyler moved that Ordinance No. 2121 be approved and passed and its title agreed to. Council Member Dunbar seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Tyler, yes; Dunbar, yes; Kavan, yes; Lawver, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: None. 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 that the Ordinance be forwarded to the

Mayor for the Mayor's signature. The 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.

Lindahl discussed the proposed ordinance pertaining to public records. Nebraska Statute 84-712.05 provides that there are certain records which may be withheld from the public. The Council members are asked to review the proposed ordinance that enumerates records which would be withheld from the public. The Board of Public Works voted at their December 12, 2012 meeting to consider customer lists, the names and addresses of utility customers, confidential records. This ordinance will be placed on the next agenda.

The Mayor announced the next item of business was discussion regarding sheriff's sale of Kennedy Campus property.

A motion was made by Lawver, seconded by Tyler, to enter into closed session for the purpose of protection of public interest and strategy session regarding acquisition of real estate and litigation. Roll call vote: Lawver, yes; Tyler, yes; Kavan, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried. The Mayor indicated the Council would be entering into closed session at 8:34 p.m. to discuss strategy regarding acquisition of real estate and litigation.

A motion was made by Svoboda, seconded by Kavan, to return to regular session at 9:00 p.m. Roll call vote: Svoboda, yes; Kavan, yes; Lawver, yes; Tyler, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

A motion was made by Svoboda, seconded by Kavan to adjourn at 9:00 p.m.

Approved: \_\_\_\_\_.

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Lucinda Morrow, Deputy Clerk

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Janet A. Jonas, Mayor