

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, Stuart Krejci, Jim Svoboda, and Kevin Dunbar. Absent: Gerry Tyler.

The Mayor called for audience comments on items not listed on the agenda. Ben Moutray voiced a complaint regarding unsafe conditions at the north trailer park, abandoned trailers.

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

1. Acceptance of excused absence of Gerry Tyler
2. Minutes of June 13, 2013 meeting of Council
3. Minutes of June 11, 2013 meeting of Library Board
4. Approval of Mike Vculek as a member of the Wahoo Volunteer Fire Department
5. Approval Mayor's appointment of Craig Breunig to the Board of Public Works, term expiring June, 2017
6. Plumbers: Bradley S Birge, Big Birge Plumbing Co., Omaha (New); Budd Bogatz, Todd Valley Plumbing & Heating; HVAC: Daniel D. Felthouser, Polar Refrigeration, Heating & A/C, Wahoo (New); Electricians: John Jadowski; Dan Reznicek, Reznicek Electric; Budd Bogatz, Todd Valley Plumbing & Heating

Roll call vote: Lawver, yes; Krejci, yes; Kavan, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: Tyler. Motion carried.

Krejci reported the Finance committee met, are working on budget.

The public hearing on an application for Conditional Use Permit to construct a decorative miniature water tower on Lot 19, Wahoo Industries Airpark Addition, commonly known as 3390 Ponderosa Street, filed by Nebraska Rural Water, was declared open by the Mayor at 7:03 p.m. Barney Whatley discussed the structure, stated they do not plan to put any wording on it. No comments by the public were offered. Motion by Kavan, seconded by Svoboda to close the public hearing at 7:05 p.m. Roll call vote: Kavan, yes; Svoboda, yes; Lawver, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Tyler. Motion carried. It was noted this could be considered a pole sign, which falls under a conditional use.

Ordinance No. 2129 was introduced Council Member Krejci entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO GRANT A CONDITIONAL USE PERMIT TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING ERECTION OF A STRUCTURE WHICH MEETS THE DEFINITION OF A POLE SIGN; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2129 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2129 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 Kavan seconded said motion. The Mayor put the question and instructed the Clerk to call 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; Kavan, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: Tyler. 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. 2129 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2129 be approved and passed and its title agreed to. Council Member Svoboda seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Krejci, yes; Svoboda, yes; Dunbar, yes; Lawver, yes; and Kavan, yes. Absent and not voting: Tyler. 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.

The Mayor declared the next item of business was second reading of Ordinance 2127, to grant a Conditional Use Permit to provide an off-premises parking area within 400 feet of an entrance to the principal use on Lot 4 and part of Lot 5, Block 181, Second County Addition filed by St. Wenceslaus Church, and setting conditions. Gary Hanson, west property owner, expressed concerns regarding the use. Kevin Hittle explained plans for surface, fencing and lighting. Hittle stated the plan is to obtain LED lighting which would be shielded from the neighboring property, set on a timer; lighting would be needed after 9:00 p.m. only for events like midnight Mass at Christmas. Motion by Lawver to amend the ordinance to include a provision that lighting be set on a timer to turn off at 9:00 p.m., with exception allowed for church functions which occur at later times. Motion seconded by Svoboda. Roll call vote: Lawver, yes; Svoboda, yes; Dunbar, yes; Kavan, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried.

Council Member Svoboda moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance as amended might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Dunbar seconded said motion. The Mayor put the question and instructed the Clerk to call 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; Dunbar, yes; Lawver, yes; Kavan, yes; and Krejci, yes. Absent and not voting: Tyler. 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. 2127 may be read by title and moved for final passage in the same meeting.

Council Member Dunbar moved that Ordinance No. 2127 as amended 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: Dunbar, yes; Lawver, yes; Krejci, yes; Svoboda, yes; and Kavan, yes. Absent and not voting: Tyler. 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.

Kevin Thiele, Greg Hohl, and Bill Hancock appeared to discuss the amended parking plan for the building project at 6th and Elm Streets. They plan to leave the curb in place to keep water on 6th Street, and will surface the approach and lane with white rock, to slow runoff and allow absorption. Guttering will direct the runoff from the roof to 6th Street. Judy Mink, neighbor, expressed concerns about traffic, lights, and the use of the building. Beavers reported he met with the parties at the property several times, looked at elevations, and the plan appears satisfactory. Council Member Kavan moved to approve the amended parking plan, seconded by Lawver. Roll call vote: Kavan, yes; Lawver, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Tyler. Motion carried.

The Mayor stated the next order of business was determination of status of nuisance on premises at 539 N. Broadway, as the owner was granted until June 26, 2013 to abate the nuisance. Gaylord Anderson reported what he has done, and requested more time to complete work. Tammy Tonniges, owner of the neighboring building, expressed concerns about the building appearance, grading at the rear, and the back door which has been open. Beavers reported he has not seen what has been done, other than exterior fascia and gutter. Council members noted the list of specific defects in the nuisance notice, and that six months has passed since the initial deadline. Harrell suggested that City staff be authorized to put together a list of costs to abate the nuisance and present at the next Council meeting. Council Member Dunbar moved to table action to the next meeting to allow staff to prepare cost estimates. Motion seconded by Kavan. Roll call vote: Dunbar, yes; Kavan, yes; Lawver, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried.

Map illustrating the location of the alley and portion of the west 10 feet of Maple Street in Block 152 proposed for vacation was reviewed.

Ordinance No. 2130 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO VACATE THE ALLEY BETWEEN LOTS 1, 2, AND 3, AND LOTS 10, 11, AND 12, BLOCK 152, COUNTY ADDITION TO THE CITY OF WAHOO; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2130 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2130 by title.

Council Member Dunbar 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 Kavan seconded said motion. The Mayor put the question and instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Dunbar, yes; Kavan, yes; Krejci, yes; Svoboda, yes; and Lawver, yes. Absent and not voting: Tyler. 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. 2130 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2130 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: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Kavan, yes. Absent and not voting: Tyler. 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.

Phil Lorenzen of D. A. Davidson & Co. discussed the City's bonding authority, highway allocation bond funds, and the current bond market. He will return with more information at the July 11, 2013 meeting. Council Member Dunbar moved to table action, motion seconded by Svoboda. Roll call vote: Dunbar, yes; Svoboda, yes; Kavan, yes; Krejci, yes; and Lawver, yes. Absent and not voting: Tyler. Motion carried.

Dennis Jeppson appeared with a request to place private utility lines in public right-of-way. It was noted current regulations do not allow new lots to be created without access to sewer and water connection; there are long-established properties which are served by private sewer lines, which cross other private properties to reach connection with City mains. In this instance a portion of private line which is located in the alley right-of-way needed to be replaced, which would require the City to grant the property owner an easement.

The following resolution, **Resolution No. 2013-18** was introduced by Svoboda, who moved for its approval, seconded by Krejci:

“WHEREAS, Dennis Edwin Jeppson and LeAnn Kay Jeppson, Co-Trustees of the LeAnn Kay Jeppson Living Trust dated July 31, 2007, are the owners of the following described real estate, to wit:

Lots 4, 5, and 6, Block 6, Stocking's Addition to Wahoo, Saunders County, Nebraska, and,

WHEREAS, located upon said real estate is a residential structure, and,

WHEREAS, the house sanitary sewer line from said residence traverses under a portion of the alley located in the aforementioned Block in order for said house sanitary sewer line to connect to the City of Wahoo, Nebraska's sewer main located in “B” Street, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, are willing to grant an easement in the aforementioned alley to the owner of the above described real estate, said owners' heirs, personal representatives, successors and assigns, to maintain, repair, and replace, if necessary, the house sanitary sewer line servicing the aforementioned real estate, subject to certain conditions as contained herein, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, deem the adoption of this Resolution to be in the best interests of the citizens of the City of Wahoo, Nebraska,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That the findings herein above made should be and are hereby made a part of this Resolution as fully as if set out at length herein.

2. That the City of Wahoo, Nebraska, hereby grants unto the current owner, the current owner's heirs, personal representatives, successors and assigns of the following described real estate, to wit:

Lots 4, 5, and 6, Block 6, Stocking's Addition to Wahoo, Saunders County, Nebraska,

an easement in that portion of the alley located in the aforementioned Block 6 to maintain, repair, replace, and reconstruct, at any time, at said owner's expense, a house sanitary sewer line therein, along with two (2) sewer cleanout locations, the legal description of said easement being as follows:

Commencing at the Southwest corner of Lot 3 of Block 6, Stockings Addition to Wahoo, Saunders County, Nebraska; thence 2.08 feet South to the centerline of a metal clean-out lid on line with the extension of the West line of Lot 3 extended South, this being the point of beginning; thence 2.08 feet on the North side and 5.92 feet the South side of a centerline continuing West, a distance of 81.5 feet to the center of a second metal clean-out lid that is also 2.08 feet South of the North alley line; thence Northerly, 4 feet on either side of a centerline to the North boundary line of said alley, hereinafter called "Easement Area".

3. That if the City of Wahoo, Nebraska, and/or its franchisees, determines to locate and bury within the Easement Area utilities of the City of Wahoo, Nebraska, and/or its franchisees, the City of Wahoo, Nebraska, and/or its franchisees may do so and may relocate the aforementioned house sanitary sewer line located in the Easement Area, at the expense of the owner of said house sanitary sewer, and provided further that said relocation does not interfere with the purpose for which said house sanitary sewer line exists. Further, if the City of Wahoo, Nebraska, and/or its franchisees should ever damage the house sanitary sewer line located in the Easement Area, it shall immediately repair the damage at the expense of the City of Wahoo, Nebraska, and/or its franchisees, whichever caused the aforementioned damage.

4. That should said house sanitary sewer line be relocated so as not to be in the aforementioned alley, that then this easement shall terminate.

5. That the City of Wahoo, Nebraska, does not agree to indemnify nor protect said house sanitary sewer line and its owners from any claims relating to said house sanitary sewer line located on the property of the City of Wahoo, Nebraska. Further, the City of Wahoo, Nebraska, does not guarantee or warrant the sufficiency of the public right-of-way at the location of said house sewer line therein for the owner of said house sanitary sewer lines use. All use of said house sanitary sewer line located in the public right-of-way shall be at the express peril of the user thereof.

6. Mayor and the appropriate Department, whether one or more, of the City of Wahoo, Nebraska, are hereby authorized and directed to implement this Resolution, to include, but not be limited to, the filing of a certified copy of this Resolution with the Saunders County Register of Deeds, at the expense of the owner of the aforementioned lots.

7. That the effective date of this Resolution shall be as of the date of its passage and approval as herein noted."

Roll call vote: Svoboda, yes; Krejci, yes; Dunbar, yes; Kavan, yes; and Lawver, yes. Absent and not voting: Tyler. Motion carried.

Beavers reported the request for easement by Hancock/Wahoo State Bank/Johnson is to allow replacement of a water service line to Johnson's building which was removed in construction of a new building. The replacement line would be placed in the Elm Street right-of-way.

The following resolution, **Resolution No. 2013-19** was introduced by Svoboda, who moved for its approval, seconded by Kavan:

"WHEREAS, Gerald D. Johnson, Trustee of the Gerald D. Johnson Revocable Living Trust dated June 30, 2006, and Arlene L. Johnson, Trustee of the Arlene L.

Johnson Revocable Living Trust dated June 30, 2006, are the owners of the following described real estate, to wit:

Lots 7 and 8, Block 146, County Addition to the City of Wahoo, Saunders County, Nebraska, and,

WHEREAS, located upon said real estate is a building, and,

WHEREAS, the previous water service pipe servicing said building commenced at a meter pit located in 6th Street adjacent to the North side of said Block 146 and then traversed underground through Lots 5 and/or 6 of said Block 146, and then across the East/West alley located in said Block 146, before entering onto the real estate now owned by Gerald D. Johnson and Arlene L. Johnson as Trustees of their respective Trust, and,

WHEREAS, a new structure is now being constructed upon the aforementioned Lots 5 and 6 of Block 146, said building being located upon the aforementioned water service pipe, and

WHEREAS, it is therefore necessary to relocate said water service pipe servicing Lots 7 and 8 of said Block 146, and,

WHEREAS, Elm Street of the City of Wahoo, Nebraska, is located immediately adjacent and to the West of said Block 146, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska are willing to grant an easement in portions of the aforementioned 6th Street, Elm Street, and the alley of Block 146, to the owners of the above described real estate, to construct, reconstruct, maintain, repair, and replace, if necessary, the water service pipe servicing the aforementioned real estate, subject to certain conditions as contained herein, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, deem the adoption of this Resolution to be in the best interests of the citizens of the City of Wahoo, Nebraska,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That the findings herein above made should be and are hereby made a part of this Resolution as fully as if set out at length herein.

2. That the City of Wahoo, Nebraska, hereby grants unto the current owners, the current owners, the current owners' heirs, personal representatives, successors and assigns of the following described real estate, Lots 7 and 8, Block 146, County Addition to the City of Wahoo, Saunders County, Nebraska, an easement in the following, to wit:

Easement 1: The east 10.00 feet of Elm Street lying contiguous to Lot 6, Block 146, County Addition to the City of Wahoo, Saunders County, Nebraska, and,

Easement 3: That part of the public alley in Block 146, County Addition to the City Wahoo, Saunders County, Nebraska, described as commencing at the northwest corner of said Lot 7; thence N89°46'24"E, on the north of Lot 7, a distance of 37.91 feet to the point of beginning; thence continuing N89°46'24"E, on said north line, a distance of 6.00 feet; thence N00°13'36"W, a distance of 11.00 feet to a point on the south line of Lot 6; thence S89°46'24"W, on the south line of Lot 6, a distance of 6.00 feet; thence S00°13'36"E, a distance of 11.00 feet to the point of beginning,

as illustrated in Attachment A herein, to construct, reconstruct, maintain, repair, and replace, at any time, at said owners' expense, a water service pipe, said easement area being hereinafter called "Easement Area".

3. That if the City of Wahoo, Nebraska, and/or its franchisees, determines to locate and bury within the Easement Area utilities of the City of Wahoo, Nebraska, and/or its franchisees, the City of Wahoo, Nebraska, and/or its franchisees may do so and may relocate the aforementioned water service pipe located in the Easement Area, at the expense of the owner of said water service pipe, and provided further that said relocation does not interfere with the purpose for which said water service pipe exists. Further, if the City of Wahoo, Nebraska, and/or its franchisees should ever damage the water service pipe located in the Easement Area, it shall immediately repair the damage at the expense of the City of Wahoo, Nebraska, and/or its franchisees, whichever caused the aforementioned damage.

4. That should said water service pipe be relocated so as not to be in the aforementioned streets and/or alley, that then this easement shall terminate.

5. That the City of Wahoo, Nebraska, does not agree to indemnify nor protect said water service pipe and its owners from any claims relating to said water service pipe located on the property of the City of Wahoo, Nebraska. Further, the City of Wahoo, Nebraska, does not guarantee or warrant the sufficiency of the public right-of-way at the location of said water service pipe therein for the owner of said water service pipe use. All use of said water service pipe located in the public right-of-way shall be at the express peril of the user thereof.

6. That the Mayor and the appropriate Department, whether one or more, of the City of Wahoo, Nebraska, are hereby authorized and directed to implement this Resolution, to include, but not be limited to, the filing of a certified copy of this Resolution with the Saunders County Register of Deeds, at the expense of the owners of the aforementioned lots.

7. That the effective date of this Resolution shall be as of the date of its passage and approval as herein noted.”

Roll call vote: Svoboda, yes; Kavan, yes; Krejci, yes; Dunbar, and Lawver, yes. Absent and not voting: Tyler. Motion carried.

Harrell stated the Finance Committee reviewed the proposed agreement between the City of Wahoo, Lower Platte Natural Resources District, and the Nebraska Department of Roads regarding the trail underpass at the expressway, and would like to have this agreement reviewed by outside counsel. Motion by Lawver, seconded by Krejci, to table action pending review by counsel. Roll call vote: Lawver, yes; Krejci, yes; Svoboda, yes; Kavan, yes; and Dunbar, yes. Absent and not voting: Tyler. Motion carried.

The following resolution, **Resolution No. 2013-20** was introduced by Lawver, who moved for its approval, seconded by Svoboda:

“WHEREAS, the State of Nebraska desires to make improvements on a portion of Highway 77/92 within the Corporate Limits of the City of Wahoo under a highway improvements projected denoted as Project No. S-77-2(1025), and

WHEREAS, this highway improvement project will also improve Municipal infrastructure at various locations within the project limits as shown in the agreement, and

WHEREAS, the improvements to be completed within the municipal boundaries are adequately described in the agreement and are understood by the municipality, and

WHEREAS, the City of Wahoo concurs to enter into this agreement with the State of Nebraska, Department of Roads, for said improvement,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Wahoo, that the Mayor is authorized by this City Council to execute this agreement with the State of Nebraska, Department of Roads for Project No. S-77-2(1025)."

Roll call vote: Lawver, yes; Svoboda, yes; Kavan, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried.

A motion was made by Svoboda, seconded by Kavan to adjourn at 8:33 p.m.

Approved: _____.

Lucinda Morrow, Deputy Clerk

Janet A. Jonas, Mayor