

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. Absent: none.

The Mayor had no recognitions, proclamations, or announcements. The Mayor called for audience comments on items not listed on the agenda. None presented

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

1. Minutes of July 11, 2013 meeting of Council
2. Plumbers: Cory Pemberton, Platte Mechanical Inc; Pat Donahue, Donahue Plumbing Inc., HVAC: Tobias Sommer, Advanced Electrical Services; Brian Pemberton, Platte Mechanical Inc.; Joseph D Gyhra, Falcon Heating & Air Cond.; Electricians: Donald D. Exley, Whitetail Construction (New)

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

Lawver reported Street committee met and discussed the Chestnut Street project and speed limits for the new streets. Tyler reported the Board of Public Works met. Installation of catalytic converters is complete; Saunders Medical Center has been working with utilities to run their generator and help cut peak usage; there was discussion of listing a transformer as an OSC asset, but this could not be done. Krejci reported the Finance committee met to discuss health insurance and COLA for employees. Beavers reported several conditional use applications will be coming to the council, and lots of activity. Harrell reported League staff is looking for information from cities about the impact of funding cuts and what has been necessary to make up lost funding. The Tax Modernization Committee has hearings scheduled to obtain public comments.

The public hearing on an application for Conditional Use Permit to utilize existing and future on-street parking for required parking spaces on Lots 1-12, Block 180 and Lots 5-12, Block 171, Second County Addition, as filed by St. Wenceslaus Church and Elementary School, was declared open by the Mayor at 7:08 p.m. Beavers reported all but four stalls of on-street parking depicted on the plan are already being utilized. Those four stalls are located on an area currently used as a driveway. No comments by the public were offered. Motion by Dunbar, seconded by Svoboda to close the public hearing at 7:11 p.m. Roll call vote: Dunbar, yes; Svoboda, yes; Krejci, yes; Tyler, yes; Kavan, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Lawver asked how many Conditional Uses will be requested to complete this project. Lindahl stated the process of any project depends on the current codes and what is allowed. Harrell stated the requirements for Conditional Use and Council approval were established by the Council to give them more control, rather leaving the decisions to staff. The alternative is to establish strict regulations which allow no variations and would eliminate many projects. This application is required due to occupation of street right-of-way for parking stalls to meet parking requirements for the expansion project. Lindahl noted previous Council action committed to closing 2nd Street if certain conditions are met by St. Wenceslaus Church.

Ordinance No. 2133 was introduced Council Member Kavan entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOTS 1-12, BLOCK 180 AND LOTS 5, 6, 7-12, BLOCK 171, SECOND COUNTY ADDITION TO WAHOO, NEBRASKA, BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING VEHICLE STORAGE AND STANDING SPACE WITHIN CITY RIGHT-OF-WAY TO MEET PARKING REQUIREMENTS, AND ESTABLISH CONDITIONS FOR SAID USE; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2133 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2133 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 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; Kavan, yes; Dunbar, yes; Tyler, yes; and Svoboda, 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. 2133 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2133 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: Kavan, yes; Svoboda, yes; Tyler, yes; Dunbar, yes; Lawver, 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.

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 he received an offer and earnest money to sell the building. Beavers stated the potential buyer understands the abatement order does not end with the sale. Council members noted a signed purchase agreement and timeline for abatement of the nuisance by the buyer must be presented, or abatement can be ordered. Lawver moved to table action until the August 8, 2013 meeting, when a signed purchase agreement and timeline for abatement needs to be presented. Motion seconded by Kavan. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Agreement between the City of Wahoo, Lower Platte North Natural Resources District, and Nebraska Department of Roads regarding construction and maintenance of the trail underpass on the Highway 77/92 Expressway was discussed. Svoboda stated concern over the City's responsibility. Kavan reported the community survey shows trails are very important to the citizens.

The following resolution, **Resolution No. 2013-21** was introduced by Krejci, who moved for its approval, seconded by Lawver.

“WHEREAS, the State of Nebraska desires to make improvements on a portion of Highway 77/92 located around Wahoo, to include a pedestrian trail underpass, under a highway improvement projected denoted as Project No. S-77-2(1025), and

WHEREAS, this highway improvement project will provide a pedestrian trail underpass, and

WHEREAS, the improvements to be completed 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: Krejci, yes; Lawver, yes; Tyler, yes; Dunbar, yes; Kavan, yes; and Svoboda, no. Absent and not voting: none. Motion carried.

Beavers reported St. Wenceslaus Church filed a request to allow construction of the planned addition to match setbacks of other existing structures. The existing school structure does not meet current setback requirements; Zoning Sec. 4.09.03 allows variation of setback if existing structures do not meet setback requirements with Council approval. Existing buildings and regulations were discussed, noting the rules state new construction must conform to the average setback line. A motion was made by Tyler to authorize a variance of setback for the planned St. Wenceslaus expansion to conform to the average setback line. Motion was seconded by Krejci. Roll call vote: Tyler, yes; Krejci, yes; Dunbar, yes; Svoboda, yes; Kavan, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Lawver moved to table action on approval of dedication plat for additional right-of-way for 12th Street. Motion was seconded by Tyler. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; Kavan, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Krejci moved to approval renewal of health insurance benefits effective August 1, 2013 to November 30, 2014 with Blue Cross Blue Shield for City of Wahoo and Wahoo Utilities employees. Motion seconded by Kavan. Roll call vote: Krejci, yes; Kavan, yes; Dunbar, yes; Svoboda, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Photos and information regarding several nuisance properties was distributed to Council members. The Mayor stated Council members should be aware that a number of nuisance situations are being addressed. Harrell advised that some of the parties who received notices are already making efforts to correct the situations. Lawver reported compliments from the public on the work Wahoo is doing. Rates charged for work done by city staff to mow or clean up properties was discussed.

A motion was made by Lawver, seconded by Kavan to adjourn at 8:12 p.m.

Approved: _____.

Lucinda Morrow, Deputy Clerk

Janet A. Jonas, Mayor