

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 read a proclamation declaring September 17-23, 2013 as Constitution Week, recognizing the 226<sup>th</sup> anniversary of the drafting of the Constitution. Denise Lawver reported the Wahoo Public Library will host a special display for Constitution Week, and pamphlets about the Constitution are available at the library.

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

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

1. Minutes of August 8, 2013 meeting of Council
2. Plumbers: John H. Zohner, John Henry's Plumbing, Htg & A/C; HVAC: John H. Zohner, John Henry's Plumbing, Htg & A/C; Bart Bosc, Total Comfort Heating & Air Conditioning; Electricians: Leon Bruhn, Anchor Electric Inc. (New)

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

Lawver reported Street committee met and Chestnut Street is now open. Krejci reported the Finance committee met for budget review and will meet again next week. Tyler reported the Board of Public Works met. They are working on the rate structure for Omaha Steel Castings and still need some information regarding usage. Infrastructure work is nearly finished. Work on the reducer station will be done next year.

The public hearing on application for Conditional Use Permit to construct a ground monument sign with electronic message display on Lots 1, 2, 3, 10, 11, and 12, Block 136, County Addition, known as 637 North Maple Street, as filed by Wahoo Public Library, was declared open by the Mayor at 7:05 p.m. Dennis Jeppson appeared to explain the sign location and operation. Beavers reported the sign will meet zoning requirements. No comments by the public were offered. Motion by Svoboda, seconded by Lawver to close the public hearing at 7:14 p.m. Roll call vote: Svoboda, yes; Lawver, yes; Kavan, yes; Tyler, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

**Ordinance No. 2134** was introduced by 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, 2, 3, 10, 11, and 12, BLOCK 136, COUNTY ADDITION, BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING ERECTION OF GROUND MONUMENT SIGN WITH ELECTRONIC MESSAGE DISPLAY, 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. 2134 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2134 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; Svoboda, yes; Tyler, yes; Dunbar, 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. 2134 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2134 be approved and passed and its title agreed to. Council Member Tyler 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; Tyler, yes; Lawver, yes; Krejci, yes; Svoboda, yes; and Dunbar, 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 public hearing on an application for Conditional Use Permit to operate an auto glass repair and installation business at 430 East 5<sup>th</sup> Street, on part of Lot 9, Block 146, County Addition, and surrounding property owned by condominium association, in C-3 zoning district as filed by Joel Lindstrom, was declared open by the Mayor at 7:16 p.m. Beavers reported the application has been reviewed, meets zoning requirements, and no negative comments have been received. No comments by the public were offered. Motion by Lawver, seconded by Svoboda to close the public hearing at 7:17 p.m. Roll call vote: Lawver, yes; Svoboda, yes; Tyler, yes; Kavan, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: none. Motion carried. Lawver requested that the application be subject to review in one year.

**Ordinance No. 2135** was introduced by Council Member Lawver 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: PART OF LOT 9, BLOCK 146, COUNTY ADDITION, BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING AUTO GLASS REPAIR AND INSTALLATION, AS ALLOWED BY PERMITTED CONDITIONAL USES LISTED UNDER C-3 GENERAL COMMERCIAL ZONING DISTRICT, 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. 2135 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2135 by title.

Council Member Kavan 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 the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Kavan, yes; Lawver, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Krejci, 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. 2135 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2135 be approved and passed and its title agreed to. Council Member Tyler 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; Tyler, yes; Dunbar, yes; Svoboda, yes; Krejci, yes; and Kavan, 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 public hearing on application for Conditional Use Permit to operate an auto repair and service business in NRC zoning district on Lot 1 and east 34 feet of Lot 2, Block 1, Stockings Addition, known as 215 West 1<sup>st</sup> Street, filed by David Voboril, was declared open by the Mayor at 7:19 p.m. David Voboril explained his father had an auto repair business on the site years ago, and he is continuing the business; he understands that zoning regulations require the conditional use permit. Beavers reported he has reviewed the application, parking meets requirements, and he will verify the floor catch basin is connected to sanitary sewer. No comments by the public were offered. Motion by Kavan, seconded by Dunbar to close the public hearing at 7:21 p.m. Roll call vote: Kavan, yes; Dunbar, yes; Svoboda, yes; Krejci, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. Motion carried. Lawver requested that the application be subject to review in one year.

**Ordinance No. 2136** was introduced by Council Member Lawver 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: LOT 1 AND THE EAST 34 FEET OF LOT 2, BLOCK 1, STOCKINGS ADDITION, BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING AUTOMOBILE SERVICE AND REPAIR, AS ALLOWED BY PERMITTED CONDITIONAL USES LISTED UNDER NRC ZONING DISTRICT, 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. 2136 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2136 by title.

Council Member Tyler 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 the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Tyler, yes; Svoboda, yes; Dunbar, yes; Krejci, yes; Kavan, yes; and Lawver, 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. 2136 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2136 be approved and passed and its title agreed to. Council Member Kavan 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; Kavan, yes; Tyler, yes; Dunbar, 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.

The public hearing on proposed amendment to Ordinance 1886, the Wahoo Zoning Ordinance, regarding Section 7.12 Fences, was declared open by the Mayor at 7:22 p.m. Beavers reported the amendment is proposed because common practice in security fencing for industrial uses has been chain link fence six feet high with barbed wire above it. The amendment requires a conditional use permit only for fences which will exceed eight feet in height, and specifies use of barbed wire be approved by the building inspector. Mert Oden asked if fencing would be required; Beavers stated it is not. No comments by the public were offered. Motion by Svoboda, seconded by Lawver to close the public hearing at 7:25 p.m. Roll call vote: Svoboda, yes; Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

**Ordinance No. 2137** was introduced by Council Member Kavan entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND ORDINANCE NO. 1886, KNOWN, AND CITED, AS THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, ADOPTED JANUARY 27, 2005 BY THE AMENDMENT OF SECTION 7.12 FENCES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2137 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2137 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 Tyler 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; Tyler, yes; Kavan, yes; Lawver, yes; Dunbar, yes; and Krejci, 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. 2137 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2137 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; Krejci, yes; Dunbar, yes; Tyler, yes; and Lawver, 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.

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

The levy authority request from the Wahoo Airport Authority was reviewed. Lawver stated he feels the Airport Authority has done well in managing the airport and making improvements, and noted the amount requested has not changed in over ten years. Mert Oden stated he served on the Airport Authority for many years, and feels they have used federal funds well to enhance the facility and encourage usage. Walker Luedtke was present and offered his opinion of airport operations.

The following resolution, **Resolution No. 2013-23** was introduced by Krejci, who moved for its approval, seconded by Lawver.

“WHEREAS, Nebraska Statute 77-3443 (3) requires all political subdivisions subject to city/village levy authority to submit a preliminary request for levy allocation to the city council; and

WHEREAS, the Wahoo City Council is the levy authority for the Wahoo Airport Authority; and

WHEREAS, the City Clerk of the City of Wahoo did receive a preliminary request for levy allocation from the Wahoo Airport Authority prior to August 1, 2013; and

WHEREAS, Nebraska Statute 77-3443 (4) requires the levy authority to adopt a resolution by a majority vote of members present to determine the final allocation to the political subdivisions;

NOW, THEREFORE BE IT RESOLVED that the following is the Wahoo City Council’s tax allocation for budget year 2013-2014 for the Wahoo Airport Authority:

FUND	TAX ALLOCATION
General Fund	\$40,400.00
Bond Fund	\$60,600.00

BE IT FURTHER RESOLVED that said Public Airport has repayment of interest-free loans from the Department of Aeronautics of \$23,580.00 and is included in the above tax allocation from the General Fund as required by law.

BE IT FURTHER RESOLVED that said Board has bonds for \$60,600.00 and is included in the above tax allocation in the Bond Fund.

BE IT FURTHER RESOLVED that said Board has no Lease-Purchase Agreements approved prior to July 1, 1998.”

Roll call vote: Krejci, yes; Lawver, yes; Kavan, no; Dunbar, yes; Svoboda, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Lindahl reported he has received no response from the Austins regarding the current proposed agreement. Harrell reported to date Austins have not signed any agreement with the City. She advised the Council that all dirt requested was delivered and work is completed, as Austins hired a contractor to build the berm. Tyler noted if Austins feel there is a problem, they need to communicate that.

Lawver moved to authorize the Mayor to sign the proposed agreement between the City of Wahoo and Louis and Lola Austin regarding property along A Street. Motion seconded by Krejci. Roll call vote: Lawver, yes; Krejci, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Krejci moved to accept the 12/31/2013 Audit of the Wahoo Utilities, seconded by Kavan. Roll call vote: Krejci, yes; Kavan, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Harrell requested that all Council members plan to attend a work session at 6:00 p.m. on Thursday, September 12, 2013 to go over details of the budget. Public hearing on the budget will take place during the regular Council meeting at 7:00 p.m.

Tyler requested that information be distributed regarding the upcoming League Meeting as soon as it is available. Harrell invited the Mayor and Council to attend the forum sponsored by Three Rivers Clerks Association on November 7, 2013, in Fremont.

A motion was made by Kavan, seconded by Krejci to adjourn at 7:37 p.m.

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

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Lucinda Morrow, Deputy Clerk

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Janet A. Jonas, Mayor