

The Council met in regular session and in compliance with agenda posted at City Hall, Post Office and First Bank of Nebraska, 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 called for items not listed on the agenda. None presented.

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

1. Minutes of the July 24, 2014 meeting of the Mayor and Council
2. Approval of Mayor's appointment of Lois Fick and Mark Steele to the Wahoo Public Library Board of Trustees
3. Minutes of August 7, 2014 meeting of Planning Commission
4. Minutes of July 21, 2014 meeting of Board of Adjustment
5. Licenses: Plumbers: Christopher Kems, CJK Enterprises, Yutan; Todd Rannals, Millard Sprinkler Inc; Martin Anderson, Service One, Omaha; Joshua Bogardus, Joshua Bogardus Plumbing, Omaha; Tom Trainor, Patriot Plumbing, Lincoln; John H Zohner, John Henry's Plbg, Htg & A/C, Lincoln; Cory Pemberton. Platte Mechanical Inc.; William Thomas, W. Thomas & Son, Inc., Gretna; David Miller, Mainelli Mechanical Contractors Inc., Omaha. HVAC: John H Zohner, John Henry's Plbg, Htg & A/C, Lincoln; Brian Pemberton. Platte Mechanical Inc.; Thomas B. Hester, Brian Hester Htg & A/C, Lincoln; Rick Kaar, Kaar Sheet Metal, Wahoo; Terrence McNeil, Mainelli Mechanical Contractors Inc., Omaha; Electricians: Arthur Andersen, Andersen Electric, Omaha.

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

Denise Lawver reported the Library is getting ready to move back into their building. Beavers reported things continue to be busy. Harrell reported she attended training with the Street Department about conducting a street sign inventory. The Airport Authority discussed continuing the lease of the FBO hangar, conducting an auction for lease of the farm ground, and are looking into private construction of hangar space.

The Finance Committee will meet soon to work on budget. Street Committee met and discussed drainage issues in east Wahoo and the J Road study.

The Engagement Letter with D. A. Davidson & Co. to provide the services described with relation to the local option .5% Sales Tax extension was discussed. Council Member Lawver moved to authorize the Mayor and Clerk to execute the Engagement Letter with D. A. Davidson and Co., seconded by Krejci. Roll call vote: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

The ballot issue for extension of the .5% sales and use tax was discussed. Harrell reported the language for the ballot issue has been reviewed by legal counsel and bond counsel, and wording has been changed slightly to include any capital improvement project. She noted the Legislature changed regulations to require a portion of revenues go to street and roads projects. Kevin Stuhr stated the language is different than that proposed by the Park and Recreation Board, and suggested the change could cause some confusion. An alternative could be to propose continuing the tax to support a bond issue for a specific project. Future capital projects and community needs were discussed. Stuhr reported a group of supporters would help educate the public about the issue.

Council member Lawver introduced the following resolution, **Resolution 2014-08**, and moved for its approval, seconded by Krejci,

“WHEREAS, the Mayor and City Council of the City of Wahoo, Nebraska find and determine that (a) electors of the City at a special election held November 2, 2004 approved a sales and use tax of one-half of one percent (0.50%) with a sunset of said tax to occur upon full payment (or irrevocable provision for payment) of bonds authorized for construction of an aquatic center; (b) the City has determined it to be in best interest of the City to call a special election to authorize continuation of the current one-half of one percent (0.50%) without a break in its collection and (c) in order to provide funds for capital improvements consisting of recreational facilities as shall be determined by the Mayor and City Council, which improvements are proposed to be funded by continuation of the levy and collection of the City’s current one-half of one percent (0.50%) sales and use tax, it is necessary and desirable to place the question of approval of the continuation of the City’s current one-half of one percent (0.50%) sales and use tax before the voters of the City of Wahoo, Nebraska at a special election as provided by law pursuant to Section 77-27,142 Reissue Revised Statutes of Nebraska (Local Options Revenue Act) and,

WHEREAS, a ballot question of the continuation of the City’s current levy of the City’s one-half of one percent (0.50%) sales and use tax, has not been presented and defeated at an election for more than 23 months last past;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAHOO, NEBRASKA, that the question of continuation of the City’s levy of such one-half of one percent (0.50%) sales and use tax be submitted to the qualified electors of the City of Wahoo at a Special Election to be held within the City of Wahoo in conjunction with the statewide General Election on November 4, 2014 as follows:

**Section 1.** An election is hereby called to be held in conjunction with the statewide General Election, Tuesday, November 4, 2014, at which there shall be submitted to the qualified electors of the City the following proposition:

SALES AND USE TAX ELECTION  
CITY OF WAHOO, NEBRASKA  
TUESDAY, NOVEMBER 4, 2014

“Shall the city of Wahoo, Nebraska, continue to levy a sales and use tax of one-half of one percent (0.50%) upon the same transactions within the City of Wahoo on which the State of Nebraska is authorized to impose a sales and use tax, to begin when the current one-half of one percent (0.50%) sales and use tax sunsets; the continuing one half of one percent (0.50%) sales and use tax to be used to provide funds for City capital projects principally consisting of the improvement, development, and maintenance of parks and recreation facilities, each of which capital projects shall be approved by the Mayor and City Council?”

- FOR            said sales and use tax
- AGAINST        said sales and use tax

*If a majority of the votes cast upon such question shall be in favor of the continuation of the levy of the current one-half of one percent (0.50%) sales and use tax then the governing body of the City of Wahoo shall be empowered, as provided by Section 77-27,142, Reissue Revised Statutes of Nebraska, as amended, and shall forthwith proceed to continue to impose said tax pursuant to the Local Option Revenue Act. If a majority of those voting on the question shall be opposed, then the governing body of*

*the City of Wahoo shall not continue to levy beyond the date as provided under terms of its current authorization the levy of said one-half of one percent (0.50%) for said purposes.*

**Section 2.** Notice of said election shall be given to the qualified electors of said City by publication as provided by law prior to such election and a copy of the sample ballot shall be published one time not more than ten days nor less than three days prior to the election, such notice and sample ballot to be published in the *Wahoo Newspaper*, a newspaper published and of general circulation in said City, and the City Clerk of the City be and hereby is directed in cooperation with the County Clerk/Election Commissioner of Saunders County, Nebraska to cause such notice and sample ballot to be published.

**Section 3.** The City Clerk be and hereby is authorized and directed to certify a copy of this Resolution to the County Clerk/Election Commissioner of Saunders County not later than September 1, 2014, who shall designate polling places and determine voting procedures as set out in Section 32-902 through 32-960 Reissue Revised Statutes of Nebraska, 2008, as amended, appoint the election officials and otherwise conduct the election as provided by law. The City does hereby agree to reimburse said County Clerk/Election Commissioner for the expenses of conducting the election. As required by Section 32-802, Reissue Revised Statutes of Nebraska, 2008, as amended, the County Clerk shall provide for publication of the Notice of Election in a newspaper designated by the County Clerk no later than forty (40) days prior to the day of said election and such notice shall be posted in the office of the County Clerk no later than forty (40) days prior to such date of election.

**Section 4.** The form of ballot and form of notice of said election shall be substantially in the form submitted to this meeting, a copy of which forms shall be made a part of the minutes. The City Clerk is hereby authorized and directed, in conjunction with the Saunders County Clerk/Election Commissioner, to arrange for the printing of the necessary ballots for said election and to do all other things and take all other action appropriate or necessary in order to cause said proposition to be submitted to the qualified electors of the City of Wahoo as above provided.

**Section 5.** As provided by Section 32-952, R.R.S. Neb. 2008, such election shall be conducted under the direction of the County Clerk/Election Commissioner.”

Dunbar moved to amend the motion, to remove the portion of the language, “City capital projects principally consisting of”. The motion died for lack of a second.

Roll call vote: Lawver, yes; Krejci, yes; Tyler, yes; Kavan, yes; Svoboda, no; Dunbar, no. Motion carried.

Dunbar stated he supports the continuation of the local option sales and use tax.

Lawver was excused at 7:52 p.m. due to conflict of interest on the upcoming agenda item.

Julie Ogden of JEO Consulting Group explained Change Order #1 for 23<sup>rd</sup> Street Improvements, which results in a deduct in project costs. Motion by Kavan, seconded by Krejci to approve Change Order #1 for 23<sup>rd</sup> Street Improvements. Roll call vote: Kavan, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Tyler yes. Lawver abstained. Absent and not voting: None. Motion carried.

Ogden presented Pay Application #7 and final for 23<sup>rd</sup> Street improvements. It was noted one item, grinding down a tree stump, needs to be completed. Total project costs are \$544,773.40. Motion by Kavan, seconded by Dunbar, to approve Pay Application #7 and final to M E Collins Contracting for 23<sup>rd</sup> Street Paving Improvements for \$47,625.67 upon completion of final item. Roll call vote: Kavan, yes; Dunbar, yes; Tyler, yes; Svoboda, yes; and Krejci, yes. Lawver abstained. Absent and not voting: none. Motion carried.

Ogden reported acceptance of the project will begin the two-year warranty period. Motion by Dunbar, seconded by Svoboda, to accept the improvements to 23<sup>rd</sup> Street into the City of Wahoo Street system. Roll call vote: Dunbar, yes; Svoboda, yes; Krejci, yes; Tyler, yes; and Kavan, yes. Lawver abstained. Absent and not voting: none. Motion carried.

Lawver returned to the meeting at 7:56 p.m.

Chief Jackson recommended continued participation in III Corps, and noted the cost this year is unchanged; he advised Federal grant funds are being reduced for future programs, however.

Council member Lawver introduced the following resolution, **Resolution 2014-09**, and moved for its approval, seconded by Kavan,

“WHEREAS, it is in the best interest of the City of Wahoo to participate in an Interlocal Agreement with members of the III Corps Drug Task Force; and  
WHEREAS, it is the best interest of the members of the III Corps Drug Task Force to participate in an Interlocal Agreement with the City of Wahoo; and  
WHEREAS, the Interlocal Agreement will provide cooperation between law enforcement agencies of the City of Wahoo, City of Blair, City of West Point, City of Ashland, City of Yutan, City of Fremont, County of Cuming, County of Dodge, and County of Saunders; and  
WHEREAS, participation in an Interlocal Agreement and cooperation between the above listed agencies will increase the effectiveness of the investigative efforts in drug and violent crime cases in the jurisdictions listed,  
NOW THEREFORE BE IT RESOLVED by the City Council of Wahoo, Nebraska, that the Mayor is hereby authorized to sign this Resolution and other necessary documents to implement and complete the Interlocal Agreement between the City of Wahoo and members of the III Corps Drug Task Force.”

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

Conditional Use Permit for auto glass repair business at 430 East 5<sup>th</sup> Street was reviewed. Beavers reported no concerns with the business; he will contact them regarding outside storage. A one year review was recommended.

**Ordinance No. 2160** was introduced by Council Member Tyler, entitled: AN ORDINANCE TO EXTEND THE CONDITIONAL USE PERMIT ON PROPERTY DESCRIBED AS: A PART OF LOT 9, BLOCK 146, COUNTY ADDITION, FOR AUTO GLASS REPAIR AND INSTALLATION IN C-3 DISTRICT; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2160 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2160 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 Tyler 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: Kavan, yes; Tyler, yes; Lawver, yes; Krejci, yes; Svoboda, yes; and Dunbar, 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. 2160 may be read by title and moved for final passage in the same meeting.

Council Member Tyler moved that Ordinance No. 2160 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: Tyler, yes; Lawver, 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.

Conditional Use Permit for auto repair business at 215 West 1<sup>st</sup> Street was reviewed. Beavers reported there have been a couple complaints of odors and smoke from a burn barrel and noted an apparent oil spill, otherwise things are going well. David Voboril stated he tries to keep the property clean. A one year review was recommended.

**Ordinance No. 2161** was introduced by Council Member Kavan, entitled: AN ORDINANCE TO EXTEND THE CONDITIONAL USE PERMIT ON PROPERTY DESCRIBED AS: LOT 1, AND THE EAST 34 FEET OF LOT 2, BLOCK 1, STOCKINGS ADDITION, FOR AUTOMOBILE SERVICE IN NRC DISTRICT; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2161 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2161 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 Lawver 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: Tyler, yes; Lawver, yes; Kavan, yes; Krejci, yes; Svoboda, yes; and Dunbar, 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. 2161 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2161 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; Dunbar, yes; Krejci, yes; Lawver, yes; and Tyler, 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.

Records of expenses for the abatement of nuisances at the following locations were presented to the Council: 644 West 2<sup>nd</sup> Street - \$155.00 and 214 East 11<sup>th</sup> Street - \$1,576.70. The Mayor called for any presentation of

objections to these costs and none were presented. A motion was made by Kavan, seconded by Lawver, to approve the statements of expense for the abatement of nuisances at 644 West 2<sup>nd</sup> Street and 214 East 11<sup>th</sup> Street as presented, and authorize the Clerk to file assessments against said properties for recovery of the expenses. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Petition for annexation and annexation plat of property owned by Sid Dillon, Inc. and Hilltop Country Club were reviewed. Lindahl noted the State of Nebraska owns the property directly adjacent to J Road. The question of whether "contiguous" means actually touching, or within 500 feet, has been directed to the Nebraska Attorney General's Office and an answer should be forthcoming in a couple of weeks. The impact of annexation on lane miles and road maintenance expense is also being researched. Annexation requires three separate readings of the ordinance.

**Ordinance No. 2162** was introduced by Council Member Kavan, who moved for its approval on first reading, said ordinance entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO ANNEX THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: A TRACT OF LAND LOCATED IN THE EAST 1/2 OF THE SW1/4 AND ALSO THE SW1/4 OF THE SE1/4 ALL LOCATED IN SECTION 9, TOWNSHIP 14 NORTH, RANGE 7 EAST OF THE 6TH P.M., SAUNDERS COUNTY NEBRASKA, MORE PARTICULAR DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SW1/4 OF SECTION 9; THENCE N03°28'16"W (ASSUMED BEARING) ALONG THE EAST LINE OF THE SE1/4 OF SAID SW1/4 OF SECTION 9, A DISTANCE OF 45.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY NO. 77, ALSO KNOW AS COUNTY ROAD J, AS RECORDED IN BOOK 258 PAGE 1214; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY NO. 77, ALSO KNOW AS COUNTY ROAD J, ON THE FOLLOWING 3 DESCRIBED COURSES: N75°06'53"W, A DISTANCE OF 32.63 FEET; THENCE S83°51'29"W, A DISTANCE OF 230.25 FEET; THENCE S87°56'37"W, A DISTANCE OF 114.83 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY NO. 77, ALSO KNOW AS COUNTY ROAD J AND THE EASTERLY RIGHT OF WAY LINE OF SAID HIGHWAY NO. 77 AS RECORDED IN BOOK 258 PAGE 1214; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY NO. 77 OF THE FOLLOWING 2 DESCRIBED COURSES: N01°45'28"E, A DISTANCE OF 394.59 FEET; THENCE N00°31'43"W, A DISTANCE OF 974.41 FEET; THENCE N86°25'55"E, A DISTANCE OF 289.63 FEET TO A POINT ON THE EAST LINE OF THE NE1/4 OF SAID SW1/4 OF SECTION 9; THENCE S03°34'05"E ALONG SAID EAST LINE OF THE NE1/4 OF THE SW1/4 OF SECTION 9, A DISTANCE OF 92.02 FEET TO THE NE CORNER OF SAID SE1/4 OF THE SW1/4 OF SECTION 9; THENCE N87°33'27"E ALONG THE NORTH LINE OF SAID SW1/4 OF THE SE1/4, SAID LINE ALSO BEING THE NORTH LINE OF A TRACT OF LAND CURRENTLY OWNED BY HILLTOP COUNTRY CLUB, A DISTANCE OF 749.29 FEET TO THE NORTHWEST CORNER OF LOT 12, COUNTRY CLUB ACRES, A SUBDIVISION LOCATED IN SAID SE1/4 OF SECTION 9; THENCE S03°18'16"E ALONG THE WESTERLY LINE OF SAID LOT 12, COUNTRY CLUB ACRES, A DISTANCE OF 10.00 FEET; THENCE S87°33'27"W, A DISTANCE OF 749.29 FEET TO A POINT ON THE EAST LINE OF THE SE1/4 OF THE SW1/4 OF SECTION 9; THENCE S03°28'16"E ALONG SAID EAST LINE OF THE SE1/4 OF THE SW1/4 OF SECTION 9, A DISTANCE OF 1266.93 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND CONTAINS AN AREA OF 453,983 SQUARE FEET OR 10.42 ACRES, MORE OR LESS; TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, AND BY SAID ANNEXATION, TO MAKE SAID ABOVE DESCRIBED REAL ESTATE A PART OF THE CORPORATE LIMITS OF THE CITY OF WAHOO, NEBRASKA; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM. Motion was seconded by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2162 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2162 by title. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote: Kavan, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes; Lawver, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

A motion was made by Kavan, seconded by Lawver, to adjourn at 8:17 p.m.

Approved:

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Lucinda Morrow, Deputy Clerk

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Janet A. Jonas, Mayor