

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, and Kevin Dunbar. Absent: Jim Svoboda.

The Mayor called for 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. Excused absence of Svoboda
2. Minutes of the August 14, 2014 meeting of the Mayor and Council
3. Approval of Jason Semrad as a member of the Wahoo Volunteer Fire Department
4. Licenses: Plumbers: Doug Osborn, Osborn Sales & Service; Jeffery Adair, HandiJeff, Inc.; Gabriel A Ronk, Midlands Mechanical Inc.; Rick Stava, R.A.S. Plumbing & Mechanical. HVAC: Doug Osborn, Osborn Sales & Service; Steve Roberson, Roberson Heating & A/C, Inc.; Dennis Biggerstaff Plbg, Heating & Air; Rick Stava, R.A.S. Plumbing & Mechanical.

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

Finance Committee met with employees, are working on budget. Utilities met, received a request to install a monopole tower on city property. Gibney reported the wastewater plant is running the pressure pump to maintain operations. Work on the reducer station is nearly complete. Harrell reported due to recent heavy rain, corrugated pipe under Hackberry needs to be replaced as soon as possible, and M E Collins Contracting will be on site on Tuesday to begin work to install concrete pipe at a cost of \$27,500. Hackberry Street, north from 15th Street to the Elementary School driveway will be closed for one week, possibly longer, for repairs. Staff is watching drainage and maintenance issues closely.

The public hearing on application for Conditional Use Permit in C-1 Commercial Zoning District to modify cellular tower on property described as 206 West 5th Street, Lot 1, except West 8.5 feet, and Lot 12 and vacated alley adjacent thereto, Block 151, County Addition as surveyed and platted in Saunders County, NE, as filed by AT&T Mobility, was declared open by the Mayor at 7:13 p.m. The Mayor called for comments from the public. Aaron McGuire with AT&T Mobility was present. No other comments presented. A motion was made by Lawver, seconded by Dunbar, to close the public hearing at 7:14 p.m. Roll call vote: Lawver, yes; Dunbar, yes; Kavan, yes; Krejci, yes; and Tyler, yes. Absent and not voting: Svoboda. Motion carried. Lawver noted the antennas are mounted on a grain elevator structure, rather than a tower. Annual inspection reports will be required.

Ordinance No. 2163 was introduced by Council Member Kavan, entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOT 1, EXCEPT WEST 8.5 FEET, AND LOT 12 AND VACATED ALLEY ADJACENT THERETO, BLOCK 151, COUNTY ADDITION, WAHOO, SAUNDERS COUNTY, NEBRASKA, BY GRANTING A CONDITIONAL USE PERMIT ALLOWING ALTERATION OF AN EXISTING STRUCTURE BY ADDITION OF ANTENNA EQUIPMENT; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2163 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2163 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 Dunbar 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; Dunbar, yes; Krejci, yes; Kavan, yes; and Tyler, yes. Absent and not voting: Svoboda. 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. 2163 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2163 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: Kavan, yes; Krejci, yes; Dunbar, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Svoboda. 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 reported no answers yet regarding the questions on the annexation area.

Ordinance No. 2162 was introduced by Council Member Lawver, who moved for its approval on second 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 Tyler. 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: Lawver, yes; Tyler, yes; Dunbar, yes; Krejci, yes; and Kavan, yes. Absent and not voting: Svoboda. Motion carried.

Application for Special Designated License filed by J & J LLC, Chips Restaurant and Bar, 1499 N Chestnut Street, was reviewed. Jennifer Pinkelman reported the correct date is October 4, 2014 from 6:00 p.m. to 11:00 p.m., alternate date is October 11, 2014. They contacted surrounding property owners for parking, and live music will end at 10:00 p.m. Motion by Kavan, seconded by Krejci, to recommend approval of Special Designated License for event on October 4, 2014, with alternate date October 11, 2014, as requested by J & J LLC, Chips Restaurant and Bar. Roll call vote: Kavan, yes; Krejci, yes; Dunbar, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Svoboda. Motion carried.

Kevin Hittle, Travis Beavers, and Jim Gibney reported on a sewer line issue discovered recently, in the alley between 2nd and 3rd Street, Linden and Beech which will alter the St. Wenceslaus Church parking lot plan. They are working to find a solution. Motion by Lawver, seconded by Kavan, to table action on amendment of parking plan, and action to declare the agreement between the City and St. Wenceslaus for the improvement of the alley between 2nd & 3rd and Linden & Beech, null and void. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Svoboda. Motion carried.

Harrell reported on the grant application for Phase II of the Lake Wanahoo Trail project and cost estimate of \$720,000. The City will be responsible for 20% matching funds; a pledge from Wahoo Community Foundation and Keno funds will pay a portion of this. Harrell noted over fifty letters of support for the project so far, and a group at the school plans a video. Maintenance was discussed.

Council member Dunbar introduced the following resolution, **Resolution 2014-10**, and moved for its approval, seconded by Tyler,

“WHEREAS, the City of Wahoo, Nebraska is applying for federal assistance from the Recreational Trails Program for the purpose of the Development of the Lake Wanahoo Trails Project – Phase II, and

WHEREAS, Janet A. Jonas, the Mayor of the City of Wahoo, Nebraska, is hereby authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration, and

WHEREAS, the City of Wahoo, Nebraska currently has the written commitment for the 20% local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for this project, and

WHEREAS, the City of Wahoo, Nebraska will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for 25 years, and

WHEREAS, the City of Wahoo, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act, and

WHEREAS, the City of Wahoo, Nebraska will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project, and

WHEREAS, the City of Wahoo, Nebraska will comply with the Federal accessibility and use standards where they can be reasonably applied.”

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

Next meeting: September 11, 2014, a work session at 6:15 p.m. followed by regular meeting, budget hearing, at 7:00 p.m.

Lawver expressed appreciation for the cooperation of Wahoo’s two schools working together to help move boxes of books at the library.

A motion was made by Lawver, seconded by Tyler, to adjourn at 8:05 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Janet A. Jonas, Mayor