

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: Greg Kavan, Gerry Tyler, Jim Svoboda, and Kevin Dunbar. Absent: Stuart Krejci, Mike Lawver.

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

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

1. Excused absence of Mike Lawver and Stuart Krejci
2. Minutes of the October 9, 2014 meeting of the Mayor and Council
3. The following licenses: Plumbers: Scott Subbert, Subbert Well Septic LLC; Michael J Virka, Webster Well Services, Inc.; Duane Bradley, Bradley Brothers Plumbing Inc.; Troy Reddick, Reddick Plumbing. HVAC: Hugh J Sieck III, H & S Plumbing; Tom Hardesty, Wellmann Heating & A/C. Electricians: Matt Harris, Harris Electric.

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

Tyler reported on topics covered at the League meeting in North Platte. Svoboda reported on the Airport Authority meeting held October 13. Harrell reported the Board of Adjustment met on October 22 to hear an appeal of a decision by the Building Inspector/Zoning Administrator; the Board affirmed the decision, and the applicant has 10 days to file an appeal to the District Court.

Krejci entered the meeting at 7:13 p.m.

The public hearing on application for Conditional Use Permit in I-2 Industrial Zoning District to erect a pole sign on property described as 921 East 12th Street, 19.88 acres in the S ½ NE ¼ Sec 3, T14N R7E, as filed by Omaha Steel Castings Company, LLC, was declared open by the Mayor at 7:13 p.m. The Mayor called for comments from the public. No comments presented. A motion was made by Kavan, seconded by Svoboda, to close the public hearing at 7:13 p.m. Roll call vote: Kavan, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Lawver. Motion carried. Beavers reported no problems with the application.

**Ordinance No. 2165** 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: 19.88 ACRES IN THE S ½ NE ¼ SEC 3, T14N R7E, SAUNDERS COUNTY, NEBRASKA, BY GRANTING A CONDITIONAL USE PERMIT ALLOWING CONSTRUCTION OF A POLE SIGN IN I-2 INDUSTRIAL ZONING DISTRICT; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2165 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2165 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 Svoboda 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: Dunbar, yes; Svoboda, yes; Krejci, yes; Tyler, yes; and Kavan, yes. Absent and not voting: Lawver. 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. 2165 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2165 be approved and passed and its title agreed to. Council Member Dunbar 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; Dunbar, yes; Tyler, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: Lawver. Motion carried.

The Mayor stated the next item of business was the public hearing upon application by Viaero Wireless for Conditional Use Permit in TA-Transitional Ag Zoning District to construct a new 170' self-supporting lattice communications tower and equipment building. City Attorney Lausterer reported the Wahoo Airport Authority requested additional time to gather information from the Nebraska Department of Aeronautics regarding impact of the tower, and counsel for the applicant requested that public hearing and associated action be tabled. The Airport Authority will meet on November 10. Motion by Krejci, seconded by Svoboda to table this agenda item. Roll call vote: Krejci, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Kavan, yes. Absent and not voting: Lawver. Motion carried.

Harrell reported the annexation plat and a revised legal description for the area to be annexed, based upon Department of Roads recommendations, has been received. Motion was made by Kavan, seconded by Tyler, to amend Ordinance 2162 to include the new legal description of area to be annexed. Roll call vote: Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Lawver. Motion carried.

Lausterer reported counsel for applicant requests a meeting to discuss Tax Increment Financing for the project and improvements.

**Ordinance No. 2162** was introduced by Council Member Tyler, who moved for its approval on third and final reading, said ordinance entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO ANNEX THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: 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 OF SECTION 9, AND ALSO THE NW1/4 OF SECTION 16, ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 7 EAST OF THE 6TH P.M., SAUNDERS COUNTY NEBRASKA, MORE PARTICULAR DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4 OF SECTION 9; THENCE S03°29'13"E (ASSUMED BEARING) ALONG EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY NO. 77, SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD J, A DISTANCE OF 33.00 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY NO. 77 AND SOUTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY NO. 77; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY NO. 77 ON THE FOLLOWING TWO DESCRIBED COURSES: S71°07'59"W, A DISTANCE OF 206.01 FEET; THENCE S87°56'38"W, A DISTANCE OF 183.73 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY NO. 77 AND THE EASTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY NO.77; THENCE S84°04'37"W, A DISTANCE OF 243.33 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY NO. 77 AND THE WESTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY NO. 77; THENCE N06°27'05"W, A DISTANCE OF 213.90 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY NO. 77 AND THE WESTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY NO. 77; THENCE N00°56'17"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY NO. 77, A DISTANCE OF 1294.76 FEET; THENCE N86°25'55"E, A DISTANCE OF 579.15 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 1312.50 FEET TO THE POINT OF BEGINNING; 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: Tyler, yes; Krejci, yes; Dunbar, yes; Kavan, yes; and Svoboda, yes. Absent and not voting: Lawver. 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.

Annual report for the Aquatic Center and past transfers for operating deficits were reviewed. Motion was made by Kavan, seconded by Krejci, to authorize the transfer of \$32,689 from the Aquatics Center Operating Fund to Wahoo Parks and Recreation for the 2014 season operating deficit. Roll call vote: Kavan, yes; Krejci, yes; Tyler, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Lawver. Motion carried.

Applications for hauling solid waste filed by Waste Connections and Quality Disposal were reviewed. Harrell reported she discussed concerns over fluids leaking onto the street from garbage trucks with the companies. A motion was made by Svoboda to accept the applications and approve the permit to haul solid waste for Waste Connections of NE Inc. and Quality Disposal Service LLC. Motion seconded by Kavan. Roll call vote: Svoboda, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Lawver. Motion carried.

Licensing requirements for HVAC, electricians, and plumbers, testing, and language in the Municipal Code regarding licensing were discussed. The building inspector is authorized to review qualifications and issue or revoke licenses for cause. Lausterer suggested review of the language in this section. Beavers stated he is requesting permission to grant a waiver to issue an HVAC license to an individual who was previously licensed as an electrician. There was no HVAC license at the time he originally became licensed; there is currently no written test to administer. Motion by Krejci, seconded by Svoboda, to approve the waiver and issuance of license. Roll call vote: Krejci, yes; Svoboda, yes; Dunbar, yes; Kavan, yes; and Tyler, yes. Absent and not voting: Lawver. Motion carried.

Information regarding housing grant to Georgine Fouts was reviewed. Motion by Tyler, seconded by Krejci, to authorize the Mayor and City Clerk to execute the necessary documents to verify compliance with terms and release of Deed of Trust. Roll call vote: Tyler, yes; Krejci, yes; Kavan, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: Lawver. Motion carried.

Amendment of Plan documents for Section 125 Flexible Benefits Plan to incorporate Affordable Care Act regulations was discussed. Motion by Krejci, seconded by Kavan to authorize the Mayor and City Clerk to execute Plan Documents for the Flexible Benefits Plan. Roll call vote: Krejci, yes; Kavan, yes; Svoboda, yes; Tyler, yes; and Dunbar, yes. Absent and not voting: Lawver. Motion carried.

Krejci reported he attended a Heartland 2050 meeting. The group is gathering information and discussing future development in the Omaha and surrounding area with communities and planners. He reported many who were there like what Wahoo is doing to plan for growth.

A motion was made by Kavan, seconded by Svoboda, to adjourn at 7:42 p.m.

Approved:

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Lucinda Morrow, Deputy Clerk

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Janet A. Jonas, Mayor