

The Council met in special 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 Loren Lindahl 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.

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

1. Minutes of the December 11, 2014 meeting of the Mayor and Council
2. The following licenses: Plumbers: John Wonka, G & G Backhoe; Ray Clapper, Buckridge Inc. HVAC Installers: John Salmans, Service One; Bradley W. Ohlmann, Custom Cooling & Heating Inc.; Paul P. Frazier, Frazier Company Inc. Electricians: Kevin Jackson, REI Rosenbaum Electric Inc.; Cory Vandenberg, Vandenberg Electric & Communication LLC; Scott Rounph, SECO Electrical Inc.

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

Lawver reported the Street Committee met. Tyler reported the Board of Public Works budget is presented for approval; Tyler and Gibney attended an NPPD meeting. Harrell reported the Airport Authority response was filed Friday, the complainant has ten days to respond.

The public hearing on the 2015 Budget for the Board of Public Works was declared open by the Mayor at 7:03 p.m. The Mayor called for comments from the public. None were presented. Tyler reported there are no rate increases in the budget this year. A motion was made by Tyler, seconded by Kavan, to close the public hearing at 7:04 p.m. Roll call vote: Tyler, yes; Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

A motion was made by Tyler, seconded by Kavan, to approve the 2015 budget as presented for the Wahoo Board of Public Works. Roll call vote: Tyler, yes; Kavan, yes; Lawver, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Troy Johnston of JEO Consulting Group explained the proposed engineering agreement for design of road improvements for County Road J east of Highway 77. The roadway will be 24-foot wide concrete, with six-foot wide shoulders, in conjunction with the proposed Dillon development project. Costs for these improvements would be recoverable through TIF. A motion was made by Lawver, seconded by Tyler, to authorize the Mayor to sign the agreement with JEO. Motion was seconded by Tyler. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Kavan, yes; Dunbar, yes; and Svoboda, no. Absent and not voting: none. Motion carried.

The public hearing on amendment of the Wahoo Comprehensive Plan 2009 by addition of an Energy Element opened at 7:18 p.m. David Potter and Phil Luebbert of JEO Consulting Group reported LB 997 passed by the Legislature in 2010 required all cities and villages with a Comprehensive Plan to add this element when the plan was next amended, or by January 1, 2015. Potter and Luebbert noted additional detail provided by Wahoo Utilities was incorporated in the proposed document after the Planning Commission meeting, and answered questions about the document. No comments from the public were presented. A motion was made by Lawver, seconded by Tyler, to close the public hearing at 7:39 p.m.

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

Ordinance No. 2169 was introduced by Council Member Lawver, entitled: AN ORDINANCE AMENDING ORDINANCE 2022, THE COMPREHENSIVE DEVELOPMENT PLAN 2009 OF THE CITY OF WAHOO, BY THE ADDITION OF AN ENERGY ELEMENT; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2169 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2169 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 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: Lawver, yes; Svoboda, yes; Dunbar, yes; Kavan, 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. 2169 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2169 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: Lawver, yes; Svoboda, yes; Kavan, yes; Tyler, yes; Dunbar, 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 the amendment of the Wahoo Zoning Regulations by addition of an Airport Hazard Overlay District opened at 7:41 p.m. David Potter of JEO Consulting Group reported LB 140 expanded airport hazard zones from three miles to ten miles. Potter noted the zoning authority of the City is confined to Wahoo's one-mile ETJ. Saunders County is impacted by both the Wahoo and Fremont airports, and JEO is working with the County to adopt the same regulations. Current building permit process will not change, however elevation/structure height will need to be confirmed; some projects will require review by Nebraska Department of Aeronautics, the FAA, and the Wahoo Airport Authority. No comments from the public were presented. A motion was made by Kavan, seconded by Lawver, to close the public hearing at 7:56 p.m. Roll call vote: Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; Krejci, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2170 was introduced by Council Member Lawver, entitled: AN ORDINANCE AMENDING ORDINANCE 1886, THE ZONING ORDINANCE OF THE CITY OF WAHOO, BY ADDITION OF SECTION 5.24, AHO – AIRPORT HAZARD OVERLAY ZONING DISTRICT; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2170 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2170 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; Svoboda, yes; Kavan, 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. 2170 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2170 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: Lawver, yes; Dunbar, yes; Krejci, yes; Svoboda, yes; Tyler, 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 the application for Conditional Use Permit for construction of an off-premises pole sign as filed by Saunders Medical Center opened at 7:58 p.m. Beavers reported SMC would like to construct a pole sign north of their site in Trans Ag zoning district on property owned by Saunders County. The Nebraska Department of Roads will also need to review and approve the sign application; NDOR waits until the local jurisdiction reviews and approves sign applications. No comments from the public were presented. A motion was made by Kavan, seconded by Lawver, to close the public hearing at 8:05 p.m. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2171 was introduced by Council Member Kavan, entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, FOR A PARCEL IN THE E½ SW¼ SEC 9 T14R7E, BY ALLOWING A CONDITIONAL USE, ERECTION OF AN OFF-PREMISES POLE SIGN IN TRANSITIONAL AG ZONING DISTRICT; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2171 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2171 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; Krejci, yes; Svoboda, yes; Dunbar, 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. 2171 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2171 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; 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.

Lawver was excused from the meeting at 8:07 p.m. due to conflict of interest on the next agenda item.

Troy Johnston of JEO Consulting Group explained the Final Change Order and Final Pay Application for the 12th Street paving project near Omaha Steel Castings, and recommended final acceptance of the project. A motion was made by Kavan, seconded by Krejci, to approve the Final Change order for 12th Street Improvements, approve Pay Application No. 3 and Final in the amount of \$9,123.60 to M E Collins Contracting Co., Inc., and to accept 2013 12th 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.

Harrell reported JEO is working with OSC on a pavement marking plan to improve safety for turning and stopping traffic.

Lawver returned to the meeting at 8:12 p.m.

Annexation of property at the airport was discussed. Property was purchased in 2005, however was not annexed at that time.

Ordinance No. 2172 was introduced by Council Member Lawver, entitled: AN ORDINANCE TO ANNEX PART OF THE N ½ NE ¼, PART OF THE S ½ NE ¼, PART OF THE SE ¼, AND PART OF THE NW ¼, ALL IN SEC 26, T15NR7E, CONTAINING 57.97 ACRES, MORE OR LESS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2172 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2172 by title.

Council Member Lawver moved that Ordinance No. 2172 be approved on its first reading. 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: Lawver, yes; Krejci, yes; Tyler, yes; Svoboda, yes; Kavan, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

NE Statute 35-901 requires that governing bodies annually authorize volunteer departments to solicit, charge or collect funds for services provided with the use of equipment owned by the taxing authority. A motion was made by Lawver, seconded by Krejci, to authorize the Wahoo Volunteer Fire Department/Wahoo Rescue Squad to solicit, charge or collect funds, fees, or charges for services. Roll call vote: Lawver, yes; Krejci, yes; Kavan, yes; Tyler, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

Amendment of Plan documents for Section 125 Flexible Benefits Plan effective January 1, 2015 to incorporate provisions of IRS Notice 2014-55 Affordable Care Act regulations, was discussed. Motion by Dunbar, seconded by Svoboda to authorize the Mayor and City Clerk to execute Plan Documents for the Flexible Benefits Plan. Roll call vote: Dunbar, yes; Svoboda, yes; Krejci, yes; Tyler, yes; Kavan, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

The Mayor called for audience comments not listed on the agenda. None were offered. No Council comments on items not listed on the agenda were offered. Upcoming meeting dates were reviewed.

A motion was made by Kavan, seconded by Tyler, to adjourn at 8:15 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor