

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 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, Stuart Krejci, Jim Svoboda, and Kevin Dunbar. Absent: Gerry Tyler.

The Mayor issued a Proclamation declaring Saturday, May 30, 2015 as Bishop Neumann High School Day, in recognition of their 50 years of existence.

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

1. Excused absence of Gerry Tyler
2. Minutes of the May 14, 2015 meeting of the Mayor and Council
3. Licenses: Plumbers: Tim Hofferber, Wellmann Plumbing, Inc., Lincoln. Electrician: Bernard Brester, Brester Electric, Mead; John Jadowski, Omaha.

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

Results and recommendations of the Rescue Squad Mini-Assessment were presented by Dean Cole of DHHS, Gary Wingrove, and Louis Mendiota. HHS assistance is available, if the entities involved decide to move forward with any recommendations or changes, or want additional study. This will be discussed further to determine what action, if any, will be taken.

Harrell requested a Finance Committee meeting to discuss LARM's recent property review and coverage. A meeting was held with Department of Roads regarding signage for the highway, street names and guide signs to locations within the community. Wahoo Public Schools will contribute up to \$50,000 to the Safe Routes to School trail project, or equal to what the City expends if less than that amount. Staff is working on nuisance complaints. The airport is now open, work on lighting is complete.

Lausterer reported notices will be issued for the Linden Street house, with responses due by July 4. A decision was issued by District Court on WMHPH's appeal from the Board of Adjustment.

Public hearing on Application for Conditional Use to operate a beer garden and sand volley ball courts in C-1 zoning district, on Lots 1-6, Block 1, Chillbergs Addition, commonly known as 1499 N Chestnut, as filed by Todd Jansa, opened at 7:48 p.m. Jennifer Pinkelman, owner of Chips, reported adding this space will increase their occupancy capacity to 125. They have an agreement with Lierman Excavating to use their lot for overflow parking to meet the parking requirements, so will not be asking for curb parking. They plan to do volleyball on Monday, Tuesday, and Wednesday evenings, and tournaments on weekends. No public comments offered. Motion by Kavan, seconded by Svoboda, to close the public hearing at 7:56 p.m. Roll call vote: Kavan, yes; Svoboda, yes; Lawver, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried.

Fencing, parking requirements, lighting, noise, hours of operation, porta-potties, beer garden permit, and review in one year were discussed.

Ordinance No. 2184 was introduced by Council Member Svoboda entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOTS 1 THROUGH 6, BLOCK 1, CHILLBERG'S ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, BY ALLOWING THEREON A CONDITIONAL USE, THAT BEING DEVELOPMENT OF A BEER GARDEN AND SAND VOLLEYBALL COURT, AS ALLOWED BY PERMITTED CONDITIONAL USES LISTED UNDER C-1 DOWNTOWN COMMERCIAL REGULATIONS; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2184 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2184 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 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; Krejci, yes; Dunbar, yes; Svoboda, yes; and Kavan, yes. Absent and not voting: Tyler. 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. 2184 may be read by title and moved for final passage in the same meeting.

Council Member Svoboda moved that Ordinance No. 2184 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: Svoboda, yes; Kavan, yes; Dunbar, yes; Krejci, yes; and Lawver, yes. Absent and not voting: Tyler. 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.

Public hearing on amendment of Ordinance 1886, the Wahoo Zoning Ordinance, Section 4.12 regarding accessory buildings of pole type construction in residential districts, opened at 8:01 p.m. Russell Ahlers spoke in favor of the amendment. Beavers reported the Planning Commission was concerned about appearance, as most pole-type building kits come with metal vertical exterior finish, and specified non-reflective finish and be comparable to residential structures in the area. Motion by Kavan, seconded by Lawver, to close the public hearing at 8:16 p.m. Roll call vote: Kavan, yes; Lawver, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Tyler. Motion carried.

Appearance standards, who will make the decision on appearance, construction methods, minimum 42-inch footing depth, and footing construction requirements were discussed.

Ordinance No. 2185 was introduced by Council Member Lawver entitled: AN ORDINANCE 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 4.12 ACCESSORY BUILDING AND USES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2185 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2185 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 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: Svoboda, yes; Lawver, yes; Dunbar, yes; Krejci, yes; and Kavan, no. Absent and not voting: Tyler. The motion failed.

Council Member Lawver moved that Ordinance No. 2185 be approved on its first reading. 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; Svoboda, yes; Krejci, no; and Kavan, no. Absent and not voting: Tyler. Motion carried.

Carrie Knowlton appeared to request waiver of the full-panel replacement policy for repair in the alley between 11th and 12th, on Orange. Sewer line repair at their residence required work in the alley and will also require removal of concrete in the street. Photos of other patching and repairs in the alley, which all occurred prior to adoption of the current standards in 2012, were provided. Compaction requirements, concrete thickness, and traffic load for an alley versus a street were discussed. Motion by Kavan, seconded by Krejci, to waive the full panel replacement policy for this case only, in the alley only. Roll call vote: Kavan, yes; Krejci, yes; Dunbar, yes; Svoboda, yes; and Lawver, yes. Absent and not voting: Tyler. Motion carried.

Review and renewal of the Conditional Use Permit for Liberty House, 1145 North Laurel Street, was discussed. Review again in one year, April 30, 2016, was recommended.

Ordinance No. 2186 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP BY ALLOWING A CONDITIONAL USE, I.E.: ASSISTED LIVING FACILITY IN R-2 RESIDENTIAL DISTRICT; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2186 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2186 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; Kavan, yes; and Lawver, yes. Absent and not voting: Tyler. 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. 2186 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2186 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: Lawver, yes; Krejci, yes; Dunbar, yes; Kavan, yes; and Svoboda, yes. Absent and not voting: Tyler. 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 Interlocal Cooperation Act Agreement between Saunders County and City of Wahoo for improvement and ongoing maintenance of County Road J between Highway 77 and Chestnut Street was discussed. Motion was made by Svoboda, seconded by Kavan, to approve execution of the Interlocal agreement between the City of Wahoo and Saunders County. Roll call vote: Svoboda yes; Kavan, yes; Dunbar, yes; Lawver, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried.

The engagement letter with DA Davidson & Co. was discussed. Disclosures and an Underwriting Engagement Letter are now required under SEC regulations in order to proceed with discussion on specific projects. Motion was made by Lawver to approve executing the Engagement Letter and Disclosure, seconded by Kavan. Roll call vote: Lawver, yes; Kavan, yes; Dunbar, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: Tyler. Motion carried.

Motion was made by Lawver to table action on issuance of Bond Anticipation Notes for Improvements on County Road J, seconded by Kavan. Roll call vote: Lawver, yes; Kavan, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Tyler. Motion carried.

The following resolution, **Resolution No. 2015-11** was introduced by Lawver, who moved for its approval, seconded by Kavan:

“**RESOLVE:** that in order to provide for a coordinated response to a disaster or emergency in Saunders County, the City of Wahoo City Council deems it advisable and in the best interests of the community and the County to approve the attached Saunders County Local Emergency Operations Plan. Acceptance of this 2014 Local Emergency Operations Plan supersedes all previous approved Saunders County Local Emergency Operations Plans.”

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

The encroachment on right-of-way for 3rd Street between Locust and Laurel Streets, which has existed for many years, was discussed. If the buildings are destroyed, they would need to be rebuilt per code.

Ordinance No. 2187 was introduced by Council Member Kavan entitled: AN ORDINANCE TO GRANT EASEMENTS TO THE OWNER(S) OF LOTS 5, 6, 7, AND 8, BLOCK 30, ORIGINAL TOWN, CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, IN A PORTION OF THIRD STREET, FOR THE PURPOSE OF OCCUPYING SAID THIRD STREET AND MAINTAINING A PORTION OF BUILDINGS WHICH EXIST ON A PORTION OF SAID STREET; SUBJECT TO CONDITIONS, AND GRANTING THE CITY OF WAHOO, NEBRASKA, ACCESS TO THAT PORTION OF ITS STREET OCCUPIED BY THE BUILDING(S); PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2187 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2187 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 Krejci 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: Svoboda, yes; Krejci, yes; Dunbar, yes;

Kavan, yes; and Lawver, yes. Absent and not voting: Tyler. 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. 2187 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2187 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; Svoboda, yes; Lawver, yes; and Dunbar, yes. Absent and not voting: Tyler. 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.

Motion by Kavan, seconded by Lawver, to adopt the revised City of Wahoo Anti-Drug Policy and Alcohol Misuse Policy as required under Pipeline and Hazardous Materials Safety Administration (PHMSA) and Substance Abuse and Alcohol Misuse Policy as required under Federal Motor Carrier Safety Administration (FMCSA). Roll call vote: Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried.

The Mayor noted a letter from Greater Wahoo Development Foundation, requesting the City consider offering a sales tax rebate for building materials delivered to the site for new business development as an economic development tool. It was noted the State of Nebraska has a program for larger scale projects already in place.

Motion by Kavan, seconded by Lawver, to adjourn at 8:58 p.m.

Approved:

Melissa M. Harrell, City Clerk

Loren L. Lindahl, Mayor