

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

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

1. Excused absence of Krejci and Dunbar
2. Minutes of the October 8, 2015 meeting of the Mayor and Council
3. The following licenses: Plumbers: Scott Subbert, Subbert Well & Septic LLC, Mead; John H. Zohner, John Henry's Plbg, Htg & A/C, Lincoln. HVAC Installers: John H. Zohner, John Henry's Plbg, Htg & A/C, Lincoln. Electrician: Brian Allison, Sentry Electric, Lincoln.

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

Tyler reported the Board of Public Works met October 21 for an informational meeting on the NPPD contract. Svoboda and Lawver attended. The Board unanimously voted to approve the contract and this will be on the next Council agenda for consideration. Harrell reported the Airport Authority met. The National Guard will hold a training exercise at the airport. The Directors and Operators Policy was dropped due to claim activity, and new coverage was obtained at considerably higher premium and deductible. The strategic planning group met, and would like to meet jointly with the Council on November 12, 2015 at 6:30 p.m. Harrell reported on a USDA Planning Grant available for a housing study; she will meet with the Planning Commission to discuss application and how this fits with the planned revision and update of the Comprehensive Plan.

The Mayor announced the next item of business was discussion of correspondence from LARM on a notice of defense and reservation of rights regarding Hasenbank vs. Ryan Martin, etal.

A motion was made by Svoboda, seconded by Kavan, to enter into closed session for the purpose of protection of public interest due to pending or threatened litigation, with Lausterer, Harrell, Morrow, and Jerry Pigsley, remaining in the chambers. Roll call vote: Svoboda, yes; Kavan, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Krejci and Dunbar. Motion carried. The Mayor indicated the Council would be entering into closed session at 7:08 p.m. for protection of public interest due to pending or threatened litigation.

Dunbar entered the meeting at 7:16 p.m.

A motion was made by Lawver, seconded by Tyler, to return to regular session at 7:27 p.m. Roll call vote: Lawver, yes; Tyler, yes; Dunbar, yes; Kavan, yes; and Svoboda, yes. Absent and not voting: Krejci. Motion carried.

Kevin Stuhr reported on the emerald ash borer and potential impact on ash trees within the city. The tree inventory indicates over 300 ash trees on public property. He asked the Council to look ahead to plan and budget for tree removal and replacement over the next several years.

The public hearing on the application for a change of zoning from NRC – Neighborhood Residential Commercial to R-2 Residential, on property described as Lots 1 through 6, Hospital Subdivision, as filed by Sabatka Bros. Construction, Inc. was declared open at 7:49 p.m. The Mayor called for comments from the audience. None were offered. A motion was made by Lawver, seconded by Kavan to close the public hearing at 7:49 p.m. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Dunbar, yes; and Svoboda, yes. Krejci, absent and not voting. Motion carried.

Ordinance No. 2202 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, BY CHANGE OF ZONING FROM NRC TO R-2 FOR THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOTS 1 THROUGH 6, HOSPITAL SUBDIVISION, CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA. The Mayor then instructed the Clerk to read Ordinance No. 2202 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2202 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 Kavan 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; Kavan, yes; Tyler, yes; Dunbar, yes; and Svoboda, yes. Krejci, absent and not voting. 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. 2202 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2202 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; Tyler, yes; Dunbar, yes; and Kavan, yes. Krejci, absent and not voting. 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 the Mayor, in the presence of the Council, signed and approved the Ordinance and 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.

Beavers reported limited information from Joe Coyle, changing plans for the shelter and equipment cabinets for the tower project conditional use permit. This is different from the original application, and does not appear to meet regulations without SBA requesting a special exception. After discussion, it was decided to proceed with the ordinance based on the original application; SBA would need to apply for a special exception for any change to the equipment shelter that does not meet regulations.

Ordinance No. 2191 was introduced Council Member Kavan, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP BY GRANTING A CONDITIONAL USE PERMIT ALLOWING CONSTRUCTION OF A NEW MONOPOLE COMMUNICATIONS TOWER AND EQUIPMENT SHELTER, ON A PARCEL OF LAND IN THE NE ¼ NW ¼ 4-14-7, and moved that be approved and passed on its third and final reading 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: Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; and Tyler, yes. Krejci, absent and not voting. 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 the Mayor, in the presence of the Council, signed and approved the Ordinance and 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.

Lausterer reported on terms of the lease to SBA Tower V, LLC for the tower project on property at 15th and Hackberry and explained the process for approval.

Resolution No. 2015-22 to enter into written lease agreement with SBA Tower V, LLC, was introduced by Council member Kavan, who moved for approval, seconded by Lawver:

“WHEREAS, the City of Wahoo, Saunders County, Nebraska, is the owner of the following described real property, to wit:

See attached Lease Agreement Descriptions
and,

WHEREAS, the City of Wahoo, Nebraska desires to enter into a written lease agreement, leasing the above-described property to SBA Towers IX, LLC and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, have determined that the fair market value of the above real property leasehold interest has a value greater than \$5,000.00,

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That the Mayor and Council of the City of Wahoo, Nebraska, be permitted to enter into a written lease agreement, leasing and granting easements to the above-described property to SBA Towers IX, LLC pursuant to terms and conditions as set forth in said lease agreement, a copy of which, entitled “Option & Land Lease”, is attached hereto and marked Exhibit “A”, and incorporated herein by reference.

2. That the terms of the Lease Agreement shall be finalized by the adoption by the Mayor and Council of the City of Wahoo, Nebraska, of an Ordinance authorizing the leasing, as aforementioned, of the above real property to SBA Towers IX, LLC, pursuant to the terms and conditions of the aforementioned Lease Agreement.

BE IT FURTHER RESOLVED that the Clerk of the City of Wahoo, Nebraska, shall publish notice of the proposed lease and grant of easements in the above-described real property, and the terms thereof, once each week for three consecutive weeks in the Wahoo Newspaper, a legal newspaper of general circulation in the City of Wahoo, Nebraska, after the passage of this Resolution.

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

Ordinance No. 2203 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO ACQUIRE INTERESTS IN REAL ESTATE BY PURCHASE OR EMINENT DOMAIN FOR STORM WATER DRAINAGE OF THE CITY OF WAHOO, NEBRASKA, IN A PART OF THE NW ¼ OF 4-14-7, SAID INTEREST BEING PERMANENT EASEMENTS. The Mayor then instructed the Clerk to read Ordinance No. 2203 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2203 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 Kavan 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; Kavan, yes; Svoboda, yes; Dunbar, yes; and Tyler, yes. Krejci, absent and not voting. 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. 2203 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2203 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: Lawver, yes; Kavan, yes; Svoboda, yes; Dunbar, yes; and Tyler, yes. Krejci, absent and not voting. 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 the Mayor, in the presence of the Council, signed and approved the Ordinance and 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.

Greg Hohl and Harrell reported on plans for a Wahoo Sign, using the Wahoo arrow theme, on the expressway. The sign committee is working with Saunders County for placement of one sign at the intersection of the expressway and Chestnut, and would like to erect a second sign at the First Street intersection. Motion by Lawver, seconded by Svoboda, to table action on any financial contribution. Roll call vote: Lawver, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Kavan, yes. Krejci, absent and not voting. Motion carried. A Finance committee meeting will be held before the next Council meeting to discuss possible contribution to the project.

Specifications for a detachable snow blower for the Street Department were provided to the Council. A motion was made by Kavan, seconded by Dunbar, to approve the specifications and authorize calling for bids. Roll call vote: Kavan, yes; Dunbar, yes; Tyler, yes; Lawver, yes; and Svoboda, yes. Krejci, absent and not voting. Motion carried.

Troy Johnston of JEO Consulting Group provided plans and specifications for alley improvements as requested by property owners for alley between 4th and 5th Streets, Sycamore and Locust Streets. Motion by Svoboda, seconded by Dunbar, to approve plans and specifications for alley improvements as presented, and authorize calling for bids. Roll call vote: Svoboda, yes; Dunbar, yes; Tyler, yes; Kavan, yes; and Lawver, yes. Krejci, absent and not voting. Motion carried.

There were no audience comments offered.

The Mayor reported Lincoln Action is applying for tax credits to extend housing on North Chestnut Street, and a letter of support has been requested; there were no objections to the Mayor issuing a letter of support. Bids for the Maple Street North Trail project were due, and T. R. Harris of Homer, NE was the apparent low bidder.

Motion by Kavan, seconded by Lawver to adjourn at 8:28 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor