

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 Mayor and President of the Council were both absent from the meeting. A motion was made by Dunbar, seconded by Lawver, to appoint Gerry Tyler as acting President of the Council/Acting Mayor for purposes of this meeting. Roll call vote: Dunbar, yes; Lawver, yes; Kavan, yes; Svoboda, yes; and Tyler, abstained. Motion carried.

The meeting was called to order by Acting Mayor Gerry Tyler at 7:00 p.m. and opened with the Pledge of Allegiance. The Acting 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, Jim Svoboda, and Kevin Dunbar. Absent: Stuart Krejci.

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

1. Excused absence of Mayor Loren Lindahl and Stuart Krejci from April 14, 2016 meeting
2. Minutes of the March 25, 2016 meeting of the Mayor and Council
3. Licenses: Plumbers: Troy Cada, Cada Brothers, Inc., Wahoo; Anthony Leonardo, Tony Leonardo Plumbing, Inc., Nehawka; Jim Hearn, Express Plumbing Inc., Omaha; Donald Pytlik, Ernie's Store, Ceresco; Douglas S. Loftus, Loftus Septic Pumping & Construction, Ashland. HVAC: Daniel L. Johnson, A4K Heating & Air, Seward; Jonathan Mumm, Mumm Heating & Cooling, Inc., Ceresco. Electrician: Ted Kayton, IES Commercial, Inc., Houston, TX.

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

Beavers reported on new construction and upcoming rezoning and conditional use requests. Work continues on nuisances; deadlines for cleanup on several properties are near, and two abandoned trailer nuisances have been abated by the City. Lawver requested Beavers provide a list of current nuisance properties and their status. Denise Lawver encouraged visits to the library during National Library Week. Harrell reported the focus groups and open house for the Comprehensive Plan update were well attended. The Airport Authority met and are finalizing the maintenance contract with the new provider. J Road is closed through mid-June for Dillon project street improvements, but access to the Country Club will still be available. Work on the Lake Wanhoo Trail is progressing well. Harrell asked to schedule a Street Committee meeting.

Matt Hultquist of III Corps multijurisdictional task force provided information to the Council about funding, participation, and the activities of the agency since it was established.

A motion was made by Kavan, seconded by Svoboda, to approve the application from S2 Rolloffs LLC of Fremont as a solid waste hauler within the City of Wahoo. Roll call vote: Kavan, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Krejci. Motion carried.

A motion was made by Dunbar, seconded by Kavan, to approve the new manager application for the Veteran's Memorial Club d/b/a Wahoo Vet's Club, as requested by the Nebraska Liquor Control Commission. Roll call vote: Dunbar, yes; Kavan, yes; Lawver, yes; Tyler, yes; and Svoboda, yes. Absent and not voting: Krejci. Motion carried.

Renewal of the Liberty House Conditional Use permit was discussed.

**Ordinance No. 2211** was introduced by Council Member Svoboda entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA PERTAINING TO LOTS 1, 2 AND THE EAST HALF OF THE VACATED OAK STREET ADJACENT TO BLOCK 13, ALL IN BLOCK 13, DICKINSON'S SECOND ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, AND LOTS 1 AND 2 BLOCK 1, IN ANDRUS ADDITION OF SUBURBAN LOTS TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, CURRENTLY ZONED R-2 RESIDENTIAL DISTRICT BY ALLOWING THEREON A CONDITIONAL USE, I.E.: ASSISTED LIVING FACILITY;. The Acting Mayor then instructed the Clerk to read Ordinance No. 2211 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2211 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 Acting 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; Kavan, yes; Svoboda, yes; and Tyler, yes. Absent and not voting: Krejci. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Acting Mayor declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2211 may be read by title and moved for final passage in the same meeting.

Council Member Svoboda moved that Ordinance No. 2211 be approved and passed and its title agreed to. Council Member Kavan seconded the motion. The Acting Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Svoboda, yes; Kavan, yes; Lawver, yes; Tyler, yes; and Dunbar, yes. Absent and not voting: Krejci. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Acting Mayor declared the Ordinance adopted and, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures thereto. The Acting 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 Acting Mayor stated that the order of agenda items would be changed at the request of the City Attorney.

Results of the 2014-15 Audit report were discussed. Harrell noted the City reports on a cash basis, not under GASB rules. Motion by Kavan, seconded by Lawver, to accept the FY 2014-15 Audit of the City of Wahoo. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: Krejci. Motion carried.

Council member Lawver introduced the following resolution, **Resolution 2016-04**, and moved for its approval, seconded by Kavan,

“WHEREAS, certain municipalities and fire protection districts located in Saunders County, Nebraska desire to enter into an Interlocal cooperation agreement for the creation of a Mutual Finance Organization pursuant to Legislative Bill 1120, 1998;

WHEREAS, the Interlocal Cooperation Agreement for a Mutual Finance Organization would be in the best interests of all participating members; and

WHEREAS, the members desire to enter into a written Interlocal Cooperation Agreement for a Mutual Finance Organization.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wahoo, the City of Wahoo, Nebraska:

Section 1. The Interlocal Cooperation Agreement for a Mutual Finance Organization is hereby approved, ratified and accepted, and the Mayor of the City of Wahoo, Nebraska is hereby authorized, directed and empowered to execute the same;

Section 2. The Interlocal Cooperation Agreement for a Mutual Finance Organization shall not establish a separate legal entity, but rather shall be a joint and cooperative undertaking between the members and that a joint board shall be responsible for administering this joint and cooperative undertaking.

Section 3. All resolutions or parts of resolutions in conflict herewith are repealed.”

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

Request to Saunders County to cede zoning jurisdiction to the City’s extraterritorial zoning jurisdiction for a parcel of property in a new development was discussed. Council member Dunbar introduced the following resolution, **Resolution 2016-05**, and moved for its approval, seconded by Svoboda,

“BE IT RESOLVED by the Mayor and City Council of the City of Wahoo, Nebraska as follows:

WHEREAS, the City of Wahoo has received a preliminary plat for a housing development that is primarily located within the City’s extra-territorial zoning jurisdiction, and

WHEREAS, the City of Wahoo wishes to have zoning jurisdiction over the entire proposed development, and

WHEREAS, Neb. Rev. St. §13-327 describes the procedure for the a governing body of any city of the second class to request the county board formally cede and transfer to the city extraterritorial jurisdiction over land outside the area extending one mile from corporate boundaries of said city of the second class, and

WHEREAS, Neb. Rev. St. §13-327(2) states the county board may, by a majority of its members, grant the request with regard to the requested territory if:

(a) The county has formally adopted a comprehensive development plan and zoning resolution pursuant to section 23-114 not less than two years immediately preceding the date of the city's or village's request;

(b) The city or village, on the date of the request, is exercising extraterritorial jurisdiction over territory within the boundaries of the county;

(c) The requested territory is within the projected growth pattern of the city or village and would be within the city's or village's extraterritorial jurisdiction by reason of annexation within a reasonable period of years;

(d) Not more than a total of twenty-five percent of the territory of the county located outside the corporate boundaries of any city or village within the county shall be ceded to the jurisdiction of one city or village within ten years after the date upon which the initial request for the cession of territory to the city or village was approved by the governing body of the city or village; and

(e) No portion of the territory ceded to the city's or village's jurisdiction by the county lies within an area extending one-half mile from the extraterritorial jurisdiction

of any other city of the first or second class or village on the date the request is approved by the governing body of the city or village.

and

WHEREAS, Saunders County formally adopted a comprehensive development plan and zoning resolution in 2004, which is not less than two years immediately preceding this request; and

WHEREAS, the City of Wahoo does exercise extraterritorial jurisdiction over territories within the boundaries of the county; and

WHEREAS, the requested territory, as shown on the official map attached as "Exhibit A", is within the projected growth pattern of the City of Wahoo and would be within the city's extraterritorial jurisdiction by reason of annexation within a reasonable period of years; and

WHEREAS, this request is the first request the City of Wahoo has made to Saunders County to cede extraterritorial jurisdiction; and

WHEREAS, no portion of the requested area to be ceded to the City of Wahoo lies within an area extending one-half mile from the extraterritorial jurisdiction of any other city or village in Saunders County.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Wahoo, Nebraska, that the city requests Saunders County cede jurisdiction to the City of Wahoo as shown on the attached "Exhibit A" official map in order to square off the city's extra-territorial zoning jurisdiction."

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

Council member Kavan introduced the following resolution, **Resolution 2016-06**, and moved for its approval, seconded by Lawver,

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

Exhibit "A"

Vehicles/Equipment to be declared as surplus:

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>	<u>Estimated Value</u>
2002	Toro	Groundsmaster	325-D w/72" deck	\$250

and,

WHEREAS, the City of Wahoo, Nebraska, does not have a present need to retain ownership of said above described personal property, and,

WHEREAS, the City of Wahoo, Nebraska, deems it in the best interests of the citizens of the City of Wahoo, Nebraska, that said personal property be disposed of, as set forth herein,

WHEREAS, the City of Wahoo, Nebraska, has determined that the fair market value of the above described personal property is less than \$5,000.00, as stated in the attached Exhibit "A"

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

1. That the above described personal property be sold by either sealed bid and/or public auction on a date, time, as advertised in a Notice of Sale of Personal Property posted in three public places in the City of Wahoo, Nebraska, immediately after the passage of said Resolution and not later than seven (7) days prior to the sale of said items, as shall be evidenced by a Notice of Posting of the City of Wahoo Clerk, and,

2. That pursuant to Neb. Rev. Stat. §17-503.01, confirmation of the sale of said personal property by an ordinance is not required.

3. That the City of Wahoo, Nebraska, through the Clerk of the City of Wahoo, Nebraska, shall provide a bill of sale and/or certificate of title to the above personal property indicating that said personal property is being sold "as is" without warranty as to fitness or merchantability for any purpose and that buyer thereof assumes all risks from the utilization of said personal property upon buyer's possession of said items of personal property.

4. That buyer shall receive possession of the above-described items of personal property upon payment in full of the purchase price for each item."

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

Chris Vasa of Roadrunner Transportation LLC addressed the Council regarding the delay of approval of his company's application for solid waste hauling. The process of amendment of the Municipal Code regarding the license cycle and mid-year applications was discussed.

The Acting Mayor announced the next item of business was discussion of filing appeal of taxable status decision to the Saunders County Board of Equalization.

A motion was made by Kavan, seconded by Dunbar, to enter into closed session for the purpose of protection of public interest due to pending or threatened litigation, with Lausterer, Harrell, Morrow, and Gibney, remaining in the chambers. Roll call vote: Kavan, yes; Dunbar, yes; Svoboda, yes; Lawver, yes; and Tyler, yes. Absent and not voting: Krejci. Motion carried. The Acting Mayor indicated the Council would be entering into closed session at 8:03 p.m. for protection of public interest due to pending or threatened litigation.

A motion was made by Tyler, seconded by Svoboda, to return to regular session at 8:21 p.m. Roll call vote: Tyler, yes; Svoboda, yes; Dunbar, yes; Lawver, yes; and Kavan, yes. Absent and not voting: Krejci. Motion carried.

Motion by Tyler, seconded by Dunbar, to adjourn at 8:22 p.m.

Approved:

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Melissa M. Harrell, City Clerk

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Gerry Tyler, Acting Mayor