

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, Stuart Krejci, and Jim Svoboda. Absent: 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 Kevin Dunbar
2. Minutes of the May 12, 2016 meeting of the Mayor and Council
3. Minutes of May 10, 2016 meeting of Wahoo Library Board of Trustees
4. Mayor's appointment of Jennifer Kramer to the Wahoo Public Library Board of Trustees (term from July 2016-June 2020)
5. Licenses: Plumbers: Robert Chvatal, Wahoo; Royce Stuchlik, RS Sprinklers, Wahoo. Electrician: Greg Rosenbaum, Marathon Electric, Inc., Elkhorn.

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

Lawver reported the Street committee met and discussed Chestnut Street project, citizen's focus group, and results and recommendations from the traffic study. Svoboda reported Elliot Egr is hired to do maintenance at the airport. Tyler reported Board of Public Works met. Harrell and Morrow reported on the IIMC Conference they attended in Omaha.

Public hearing on request for change of zoning from TA-Transitional Ag to LLR-Large Lot Residential zoning on property described as 3.01 acre parcel in SW ¼ SE ¼ Sec 3-T14N-R7E, known as 500 N. Pine, filed by Joseph E. Vculek opened at 7:13 p.m. No public comments offered. Motion by Kavan, seconded by Svoboda, to close the public hearing at 7:14 p.m. Roll call vote: Kavan, yes; Svoboda, yes; Krejci, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Dunbar. Motion carried. Beavers reported all notifications were done as required, and the Planning Commission recommended approval of the change of zoning. A lot split is planned to separate the house from the remainder of the farm ground.

Ordinance No. 2215 was introduced by Council Member Krejci entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE OFFICIAL ZONING MAP BY CHANGE OF ZONING OF PART OF SW ¼ SE ¼ 3-14-7, CONTAINING 3.01 ACRES MORE OR LESS, FROM TA TO LLR. The Mayor then instructed the Clerk to read Ordinance No. 2215 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2215 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 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: Lawver, yes; Tyler, yes; Svoboda, yes; Krejci, yes; and Kavan, yes. Absent and not voting: Dunbar. 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. 2215 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2215 be approved and passed 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: Krejci, yes; Lawver, yes; Tyler, yes; Kavan, yes; and Svoboda, yes. Absent and not voting: Dunbar. 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 signatures 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 Application for Conditional Use Permit to operate an automobile repair shop in C-1 zoning district on property described as a part of Block 120, County Addition to Wahoo, (859 N Maple) as filed by Larry Cuda and Shane Hake, opened at 7:16 p.m. Shane Hake appeared for the application. No public comments received. Beavers reported the application is for one bay of a five-bay building, and description of the area to be included was discussed.

Motion by Kavan, seconded by Krejci to close the public hearing at 7:25 p.m. Roll call vote: Kavan, yes; Krejci, yes; Svoboda, yes; Lawver, yes; and Tyler, yes. Absent and not voting: Dunbar. Motion carried. Conditions for hours of operation, parking, screening and storage, and review in twelve months were discussed.

Ordinance No. 2216 was introduced by Council Member Kavan entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE OFFICIAL ZONING MAP BY ALLOWING A PERMITTED CONDITIONAL USE, AUTOMOTIVE SERVICE AND REPAIR, IN C-1 ZONING DISTRICT ON PROPERTY DESCRIBED AS 859 N MAPLE. The Mayor then instructed the Clerk to read Ordinance No. 2216 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2216 by title.

Council Member Tyler 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: Tyler, yes; Krejci, yes; Kavan, yes; Lawver, yes; and Svoboda, yes. Absent and not voting: Dunbar. 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. 2216 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2216 be approved and passed 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; Tyler, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: Dunbar. 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 signatures 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 Application for Conditional Use Permit to construct parking stalls on City Right-of-Way adjoining property described as Lot 12 and East ½ of Lot 11, Block 11, Original Town, Wahoo (611 N Walnut) filed by Jim Wambold, opened at 7:32 p.m. No public comments offered. Beavers reported Wambold would like to add three parking stalls to the existing five curbside spaces, for use by the renters, to meet parking requirements. Motion by Lawver, seconded by Kavan to close the public hearing at 7:34 p.m. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: Dunbar. Motion carried. Conditions were discussed.

Ordinance No. 2217 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE OFFICIAL ZONING MAP BY ALLOWING A PERMITTED CONDITIONAL USE, TO-WIT VEHICLE STORAGE AND STANDING SPACE WITHIN CITY RIGHT-OF-WAY, IN NRC ZONING DISTRICT. The Mayor then instructed the Clerk to read Ordinance No. 2217 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2217 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 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: Kavan, yes; Krejci, yes; Tyler, yes; Svoboda, yes; and Lawver, yes. Absent and not voting: Dunbar. 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. 2217 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2217 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; Krejci, yes; Tyler, yes; and Kavan, yes. Absent and not voting: Dunbar. 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 signatures 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 the County Board of Equalization meeting, where adjustment of tax computation on farm ground was approved, subject to the City agreeing to accept the calculation for a four-year term. Motion by Svoboda, seconded by Kavan, to amend the previous action to accept the calculation for a four-year term, and authorize counsel to prepare a memorandum of agreement. Roll call vote: Svoboda, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Lawver, yes. Absent and not voting: Dunbar. Motion carried.

Lawver stated he would abstain from voting on the next two agenda items due to conflict of interest.

Jake Vasa of JEO Consulting Group reported on the Wanahoo Trail Phase II and Pay Application #4. Recent rains delayed progress, but revealed areas for grading adjustments. Motion by Kavan, seconded by Krejci, to approve Pay Application #4 of \$37, 466.20 for Lake Wanahoo Trail Phase II to M E Collins Contracting. Roll call vote: Kavan, yes; Krejci, yes; Tyler, yes; Lawver, abstained; and Svoboda, yes. Absent and not voting: Dunbar. Motion carried.

Vasa reported on Pay Application #1 for J Road improvements by the Dillon project. Motion by Kavan, seconded by Krejci, to approve Pay Application #1 of \$68,947.20 for J Road Improvements to M E Collins Contracting. Roll call vote: Kavan, yes; Krejci, yes; Tyler, yes; Lawver, abstained; Svoboda, yes. Absent and not voting: Dunbar. Motion carried.

Hearing on declaration of unsafe building at 401 East C Street opened. Lausterer presented Exhibits 1, 2, 3, and 4. Beavers reported on abatement cost estimates. Property owner Thanhwa T. Tran did not appear. No public comments.

Council member Lawver introduced the following resolution, **Resolution 2016-08**, and moved for its approval, seconded by Tyler,

“WHEREAS, the City of Wahoo, Nebraska is a City of the Second Class organized and existing under and by virtue of the Constitution and Statutes of the State of Nebraska, and, WHEREAS, pursuant to said Constitution and Statutes, the City of Wahoo, Nebraska has enacted the Wahoo Municipal Code, and,

WHEREAS, contained within said Wahoo Municipal Code is Section 150.046 pertaining to and entitled Unsafe Buildings, and,

WHEREAS, the Building Inspector of the City of Wahoo, Nebraska, did, pursuant to said aforementioned Section, find the following building or structure or portion thereof, located at 401 East C Street, Wahoo, Nebraska, its legal description being described as follows, to wit:

Lot 5, Block 6, Stocking Second Addition to the City of Wahoo, Saunders County, Nebraska, except the South 236 feet thereof, to be an unsafe building and a public nuisance, and,

WHEREAS, said Building Inspector did send, via certified mail, to the owner of said building, Thanhwa T. Tran, a written document entitled “Notice of Unsafe Building and Notice of Hearing”, a copy of which is attached hereto, marked Exhibit “3”, and incorporated herein by reference, and,

WHEREAS, the records of the United States Postal Service indicate that the aforesaid Notice was accepted at the address of record, 1125 Holtorf Street, Lincoln, Nebraska, on May 6, 2016, a copy of said notice having been marked as an exhibit into the hearing record, and,

WHEREAS, the Lancaster County Sheriff’s Office delivered and served a copy of said Notice to Thanhwa T. Tran on May 17, 2016, a copy of said notice having been marked as an exhibit into the hearing record, and,

WHEREAS, said Notices did establish a hearing date and time at which the City Council of Wahoo, Nebraska would determine the issue of whether or not the aforementioned building should be declared to be a public nuisance and abated, said hearing to be on May 26, 2016, at 7:00 o’clock p.m., City Hall, Wahoo, Nebraska, and,

WHEREAS, at said date and time, evidence was submitted to the City Council by Travis Beavers, City of Wahoo Building Inspector.

WHEREAS, a portion of the evidence as submitted at the hearing by the City of Wahoo Building Inspector was the estimated cost of abatement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wahoo, Nebraska, as follows:

1. That the findings here and above made should be and are hereby made a part of this Resolution.

2. That in consideration of the evidence presented, the City Council of Wahoo, Nebraska hereby declares the above described building to be a public nuisance pursuant to the findings of the inspector (a portion of which are referenced in Exhibit 3) and orders the abatement of said public nuisance as set forth in the Notice of Unsafe Building and Notice of Hearing of Travis Beavers, Building Inspector of the City of Wahoo, Nebraska, to Thanhua T. Tran, dated May 4, 2016.

3. That Thanhua T. Tran, as owner of the above building, is hereby granted until August 4, 2016, to abate the public nuisance as aforementioned.

4. That the City of Wahoo Building Inspector should continue to post, at the entrance to the above building, a notice reading "DO NOT ENTER, UNSAFE TO OCCUPY."

5. That the failure of Thanhua T. Tran, to abate said nuisance, as set forth herein and pursuant to Exhibit 3, shall result in said nuisance being abated by the City of Wahoo, Nebraska and the cost of abatement shall be assessed pursuant to subparagraph (H) of Section 150.046 of the Wahoo Municipal Code.

6. That the Clerk of the City of Wahoo, Nebraska shall treat this resolution as a final order of the City and shall file a copy of this Resolution in the office of the Saunders County Register of Deeds pursuant to subparagraph (F) of Section 150.046 of the Wahoo Municipal Code."

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

Krejci asked status of the review of job descriptions; Harrell will report at the next meeting. Lausterer reported work on an interlocal agreement with Saunders County for 15th Street improvement and parking spaces by the courthouse. Work continues on Rescue Squad restructure. Lausterer reported Saunders County agreed to cede zoning jurisdiction to the City for a small parcel in the extraterritorial jurisdiction as requested.

Beavers reported on nuisances, including removal of trailers at the mobile home parks and meetings with a representative of WMHP II.

Motion by Kavan, seconded by Lawver, to adjourn at 8:08 p.m.

Approved:

Melissa M. Harrell, City Clerk

Loren L. Lindahl, Mayor