

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, Jim Svoboda, and Kevin Dunbar. Absent: none.

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

1. Minutes of January 25, 2018 meeting of Council
2. Minutes of January 9, 2018 meeting of Wahoo Library Board
3. Acceptance of annual Keno report for FY 2016-17
4. Licenses: Plumbers: Michael Virka, Webster Well Services, Morse Bluff; Adam Gilleland, Aspen Builders, Lincoln; Kevin Pote, TSI Mechanical, LLC, LaVista. HVAC: Richard Kusleika, Standard Heating and Air, LaVista. Electricians: Kirk Bartek, Weston; Tom Stentz, Palmyra; Brian Ulch, Ulch Electric & Construction, Goehner; Michael Reynolds, Michael Reynolds Electrical LLC, Cedaredge, CO. Tree Contractors: Tim Mongar, Tim's Tree Service, Wahoo; Scott Nielson, Wahoo Tree, LLC, Wahoo.

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

Department head written reports were presented. Ken Jackson was recognized for his service as Chief of Police. Bruce Ferrell will begin duties on Monday. Harrell reported she and the Mayor met with the County Board of Supervisors regarding the Chestnut Street project and sales tax proposal. She presented a letter prepared to the Legislature opposing LB 1102, proposing an increase in Keno tax, which would reduce funds available to cities for community improvement projects.

Motion by Kavan, seconded by Dunbar, to approve Change Order #1 to the contract with Elkhorn Fencing for Hackberry Fencing Project, to change project completion deadline. Roll call vote: Kavan, yes; Dunbar, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2266 was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE ZONING ORDINANCE 1886 REGARDING FENCE REQUIREMENTS IN I-1 AND I-2 ZONING DISTRICTS. The Mayor then instructed the Clerk to read Ordinance No. 2266 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2266 by title.

Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so 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: Roll call vote: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Kavan, yes; and Tyler, yes. Absent and not voting: none. Motion carried. 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. 2266 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2266 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; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, 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, 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.

Waiver request to allow ingress/egress from Lot 15 Heritage Heights onto J Road, due to median on Maly Boulevard, was discussed. No motion offered, no action taken.

Conditional Use Permit for family child care home II, as requested by Chris and Amy Davis was reviewed. Beavers noted no complaints, and fence has been installed. Agreed to review in two years with current conditions continued.

Ordinance No. 2267 was introduced by Kavan entitled: AN ORDINANCE OF THE CITY OF WAHOO TO EXTEND CONDITIONAL USE PERMIT FOR FAMILY CHILD CARE HOME II. The Mayor then instructed the Clerk to read Ordinance No. 2267 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2267 by title.

Council Member Dunbar moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so 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: Roll call vote: Dunbar, yes; Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: none. Motion carried. 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. 2267 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2267 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: Kavan, yes; Svoboda, yes; Dunbar, yes; Lawver, yes; Tyler, 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, 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.

Conditional Use Permit for automobile service and repair business, David Voboril, was reviewed. Beavers noted fewer issues with burning, parking in right-of-way; some unlicensed vehicles on property were handled through nuisance process. Recommended to continue with annual review.

Ordinance No. 2268 was introduced by Svoboda entitled: AN ORDINANCE OF THE CITY OF WAHOO TO EXTEND CONDITIONAL USE PERMIT FOR AUTOMOBILE SERVICE AND REPAIR. The Mayor then instructed

the Clerk to read Ordinance No. 2268 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2268 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 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: Roll call vote: Tyler, yes; Kavan, yes; Svoboda, yes; Krejci, yes; Dunbar, yes; and Lawver, no. Absent and not voting: none. Motion carried. 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. 2268 may be read by title and moved for final passage in the same meeting.

Insertion of language regarding revocation into the conditions of Ordinance 2268 was discussed. Motion by Lawver, seconded by Dunbar to table Ord. No. 2268 to allow staff to work on language for ordinance, and ask property owner to attend the meeting. Roll call vote: Lawver, yes; Dunbar, yes; Kavan, yes; Tyler, yes; Svoboda, yes; and Krejci, yes. Motion carried.

Amendment of Municipal Code to remove the Park and Recreation Commission, and make the Park and Recreation Director an appointed official, was discussed.

Ordinance No. 2269 was introduced by Dunbar entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE MUNICIPAL CODE TITLE III, ADMINISTRATION, CHAPTER 33 PARK AND RECREATION COMMISSION, AND CHAPTER 31 APPOINTMENT. The Mayor then instructed the Clerk to read Ordinance No. 2269 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2269 by title.

Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so 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: Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: none. Motion carried. 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. 2269 may be read by title and moved for final passage in the same meeting.

Council Member Dunbar moved that Ordinance No. 2269 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: Dunbar, yes; Krejci, yes; Svoboda, yes; Lawver, yes; Kavan, yes; and Tyler, 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, 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.

The Mayor appointed Kevin Stuhr as Park and Recreation Director, pursuant to Ord. No. 2269. Motion by Kavan, seconded by Krejci, to approve the Mayor's appointment. Roll call vote: Kavan, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Lawver, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Harrell reported the Interlocal Agreement between Saunders County and the City of Wahoo for a local option sales tax was presented to the Saunders County Supervisors. Supervisors were favorable to the agreement, and requested improvements adjoining the courthouse/law enforcement center also be extended along 5th Street between Chestnut and Walnut. The agreement was reviewed by bond counsel.

Motion by Lawver, seconded by Dunbar, to adopt the Interlocal Agreement between Saunders County and the City of Wahoo for a local option sales tax as a financing option for Chestnut Street improvements. Roll call vote: Lawver, yes; Dunbar, yes; Svoboda, yes; Kavan, yes; Krejci, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Council member Kavan introduced the following **Resolution No. 2018-02**, the City of Wahoo to authorize placement of the question of a one half cent sales tax on the ballot, subject to approval by bond counsel and city and county's counsel, seconded by Lawver:

“WHEREAS, the City of Wahoo local sales and use tax rate currently is one and one-half percent (1 ½%) pursuant to the Nebraska Statutes Section 77-27,142, and Ordinance No. 1670 and Ordinance No., 2174 respectively; and

WHEREAS, Nebraska Revised Statute Section 77-27, 142, upon an affirmative vote of at least 70% of all of the members of the governing body of the City of Wahoo, permits the City to submit to voters a proposal to increase the City sales and use tax to a rate greater than one and one-half percent (1 ½%) at a primary or general election within the City; and

WHEREAS, the City desires to propose to qualified electors of the City at the 2018 primary election to increase the City's sales and use tax rate by an additional one-half of one percent (1/2 %) from one and one-half percent (1 % %) to two percent (2%); and

WHEREAS, a proposed ballot question for such purpose is submitted with this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wahoo, Nebraska that all of the following actions are hereby adopted and approved:

1. The Mayor and City Council hereby propose to increase the City of Wahoo sales and use tax rate by an additional one-half of one percent (1/2 %) from one and one-half percent (1 ½%) to two percent (2%) and that the additional one half of one percent (1/2%) sales and use tax shall be used for public infrastructure improvements, including the Chestnut Street Project. It will be implemented and related revenues collected beginning as soon as practicable after voter approval, with such increased sales and use tax continuing for a period of ten years unless bonds are issued with some or all of the additional revenues pledged for payment of such bonds, in which case the increased sales and use tax rate will remain in effect and additional revenues will be collected until payment in full of such bonds and any refunding bonds

2. Said proposal to increase the City of Wahoo sales and use tax rate by an additional one-half of one percent (1/2%) from one and one-half percent (1 1/2 %) to two percent (2%) shall be submitted to a vote of qualified electors of the City of Wahoo at the May 2018 primary election.

3. The question, in form and content presented with this Resolution as "OFFICIAL BALLOT - CITY OF WAHOO - PROPOSAL TO INCREASE LOCAL SALES AND USE TAX RATE" and incorporated herein by this reference, is hereby approved and shall appear on the ballot for qualified electors of the City of Wahoo at the May 2018 primary election, subject to any modifications the City Administrator/Clerk/Treasurer or designee determines necessary or advisable.

4. The City Administrator/Clerk/Treasurer or her designee is authorized, directed and ordered to submit said question by attesting to and submitting a certified copy of this Resolution to the Election Commissioner or County Clerk in accordance with applicable law.

5. The City Administrator/Clerk/Treasurer or designee is hereby authorized and directed to take any other actions as necessary or appropriate to carry out the actions approved in this Resolution, including without limitation providing any notice required of the governing body or otherwise by applicable law.”

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

No audience comments presented.

The Mayor presented a draft ordinance proposing changes for the Fire and EMS Department, providing Fire Department membership would establish qualifications for Fire Chief and nominate candidate(s) for Fire Chief at their annual meeting; the Mayor would review candidates and appoint the Fire Chief in the same manner as other appointed officials. The Mayor asked Council members to review and offer input on the ordinance prior to the next council meeting.

Maps depicting the Fire Districts and EMS Districts in Saunders County were distributed, which are used by dispatch to determine which department to send to incidents. Lausterer noted there is statutory authority for establishing Fire Districts; EMS districts overlap into multiple Fire Districts; interlocal agreements between entities might be advisable. This will be discussed further.

Motion by Tyler, seconded by Kavan, to adjourn at 8:02 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor