

The Council met in regular session in compliance with agenda posted at City Hall, Post Office and First National Bank with each Council member being notified of agenda prior to the meeting. The meeting was called to order by Mayor Janet Jonas 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.

The Mayor recognized Seth Varner, who is attending the meeting to earn his Boy Scout Citizenship merit badge.

The Mayor reported several Council members are interested in attending the Heartland 2050 meeting on October 11, 2013, which would affect the Council's regular meeting, and stated a change of the first October meeting date would be discussed during this meeting.

The Mayor called for audience comments on items not listed on the agenda. Several members of the Senior Citizens program were present. Harrell reported a meeting with the Finance Committee regarding the Park and Recreation department expanding and placing the Busy Wheels and the Thrift store under the City's authority. The Finance Committee had no concerns with this change, which would become effective October 1, 2013.

Council members appreciated the opportunity to tour the Omaha Steel Castings facility at the special meeting on September 18.

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

1. Minutes of September 12, 2013 and September 18, 2013 meetings of Council
2. Minutes of September 10, 2013 meeting of Library Board
3. Minutes of September 9, 2013 meeting of Park and Recreation Board
4. Licenses: Plumbers: Doug Osborn, Osborn Sales & Service, David City; Duane Bradley, Bradley Brothers Plumbing Inc., Omaha; Vic Huttenmeyer, H & S Plumbing, Lincoln; Hugh Sieck III, H & S Plumbing, Lincoln; Keith Lacy, Simmons Plumbing, Inc., Lincoln. HVAC Installers: Doug Osborn, Osborn Sales & Service, David City; Dennis Biggerstaff, Biggerstaff Plumbing, Heating & Air, Lincoln.

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

Lawver reported Street committee did not meet. Krejci reported the Finance Committee met. Tyler reported the testing of the catalytic converters was done. Harrell reminded the Council the early registration deadline for the League Conference on October 9, 10, and 11 is Monday.

The public hearing on application for Conditional Use Permit to operate an auto repair and service business in C-3 zoning district, on part of Lot 2, Lot 3, and part of Lot 4, Block 146, County Addition, known as 431 East 6th Street, as filed by Shane Hake, was declared open by the Mayor at 7:07 p.m. Jerry Johnson stated the Planning Commission heard concerns about vehicles with expired registrations, late hours of operation, and parking congestion. He also stated concern about the business operating

without collecting sales taxes. Shane Hake appeared to explain he has worked out a parking plan, and is willing to limit his hours to no later than 10:00 p.m. in the summer and 9:00 p.m. in the winter. No other public comments were received. Motion by Svoboda seconded by Kavan to close the public hearing at 7:12 p.m. Roll call vote: Svoboda, yes; Kavan, yes; Krejci, yes; Dunbar, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Beavers reported the parking area located south of the building is rock-surfaced, and would meet parking requirements. Concerns about noise, outside storage, unlicensed vehicles, and fence on street right-of-way were discussed. Dunbar stated he felt the building is not set up for this type of use. Lawver noted similar uses in the same area. Conditions discussed included: Open storage of materials attendant to the use shall be permitted only within an area surrounded or screened by a solid wall or fence, and shall not be on street right-of-way; parking requirements shall be met as required in zoning regulations, as per plan submitted on September 26, 2013; permit shall be reviewed on or about September 25, 2014; hours of operation shall be no later than 10:00 p.m. during Daylight Savings Time, 9:00 p.m. during the remainder of the year; vehicles stored outside must be licensed.

Ordinance No. 2138 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: PART OF LOT 2, LOT 3, AND PART OF LOT 4, BLOCK 146, COUNTY ADDITION, BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING AN AUTO REPAIR AND SERVICE BUSINESS IN C-3 ZONING DISTRICT, AND ESTABLISH CONDITIONS FOR SAID USE; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2138 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2138 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 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; Tyler, yes; and Kavan, yes. Absent and not voting: none. 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. 2138 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2138 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; Dunbar, no; Kavan, yes; Krejci, 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 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 public hearing on proposed amendment to Ordinance 1886, the Wahoo Zoning Ordinance, regarding Section 7.01 Off-Street automobile storage and stacking and parking, was declared open by the Mayor at 7:24 p.m. Beavers reported the amendment is proposed to address parking requirements in C-1 zoning areas where the City does not maintain on-street parking spaces. Lawver stated many businesses along Chestnut Street provide parking spaces which are in street right-of-way, but these are not maintained by the City. Harrell stated parking within right-of-way would require a Conditional Use Permit. No comments by the public were offered. Motion by Kavan, seconded by Lawver to close the public hearing at 7:31 p.m. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Dunbar, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2139 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, 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 7.01 OFF-STREET AUTOMOBILE STORAGE AND STACKING, AND PARKING REQUIREMENTS IN C-1 ZONING DISTRICT; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2139 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2139 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 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; Krejci, yes; Dunbar, yes; Svoboda, yes; and Tyler, yes. Absent and not voting: none. 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. 2139 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2139 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; Dunbar, yes; Svoboda, 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 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 public hearing on proposed amendment to Ordinance 1886, the Wahoo Zoning Ordinance, regarding Section 4.12 Accessory Building and Uses, was declared open by the Mayor at 7:33 p.m. Beavers reported the amendment is proposed to make accessory building construction requirements within city limits clear. Motion by Svoboda, seconded by Kavan to close the public hearing at 7:34 p.m. Roll call vote: Svoboda, yes; Kavan, yes; Krejci, yes; Tyler, yes; Dunbar, yes; and Lawver, yes. Absent and

not voting: none. Motion carried. Foundation, footing, and construction standards were discussed. Jeff Buckmaster offered comments.

Ordinance No. 2140 was introduced by Council Member Kavan entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, 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 74.12 ACCESSORY BUILDING AND USES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2140 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2140 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 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; Svoboda, yes; Dunbar, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. 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. 2140 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2140 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; Dunbar, yes; Svoboda, yes; Lawver, no; 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 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 public hearing on proposed amendment to Ordinance 1886, the Wahoo Zoning Ordinance, regarding permitted and conditional uses, performing arts instruction, definitions and conditions, was declared open by the Mayor at 7:46 p.m. Megan Reisen, owner of Wahoo Dance Academy, stated this would allow her look at other options to house her business. Beavers reported the amendment would define "academies" and make academies a Conditional Use in residential areas, which would allow control over conditions. Motion by Lawver, seconded by Kavan to close the public hearing at 7:47 p.m. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Definition of home occupation involving instruction versus academies was discussed. The term "academies" would include instruction in dance, music, gymnastics, and martial arts, not as a home occupation and not as part of school facilities. Home occupations definitions may need to be examined.

Ordinance No. 2141 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND ORDINANCE NO. 1886, KNOWN, AND CITED, AS THE ZONING

ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, ADOPTED JANUARY 27, 2005 BY THE ADDITION OF DEFINITION OF ACADEMIES, AND INCLUSION AS A CONDITIONAL OR PERMITTED USE IN ZONING DISTRICTS; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2141 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2141 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 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; Svoboda, yes; and Krejci, yes. Absent and not voting: none. 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. 2141 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2141 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; Krejci, yes; Tyler, yes; Dunbar, yes; and Svoboda, 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 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 Mayor opened hearing to review status of nuisance on premises at 539 N. Broadway and related action. Jeff Buckmaster reported most of the public safety issues have been addressed: doors have been replaced, concrete was poured to correct drainage, and tuck pointing is done. Windows have been ordered. Beavers stated Buckmaster has made good progress to abate the nuisance and he will continue to monitor this.

A motion was made by Lawver to declare the nuisance at 539 N Broadway abated. Motion was seconded by Svoboda. Roll call vote: Lawver, yes; Svoboda, yes; Krejci, yes; Tyler, yes; Dunbar, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Jake Vasa of JEO Consulting Group reported on the status of Chestnut Street Improvements. Vasa presented Change Order No. 9, for a deduct of \$14,701.40.

Council Member Lawver moved that Change Order No. 9 to the contract with TAB Construction, for a deduct in the amount of \$14,701.40 for Chestnut Street Improvements be approved, seconded by Kavan. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Vasa recommended acceptance of project. Motion by Dunbar, seconded by Lawver, to accept 2012 Chestnut Street Improvements. Roll call vote: Dunbar, yes; Lawver, yes; Svoboda, yes; Kavan, yes; Tyler, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Vasa presented Application for Payment No. 11 and Final to TAB Construction Co. for 2012 Chestnut Street Improvements for \$57,413.42. Council Member Lawver moved that Application for Payment No. 11 to TAB Construction Co. for 2012 Chestnut Street Improvements, for \$57,413.42 be approved, seconded by Krejci. Roll call vote: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

The application for a Special Designated License filed by Michael Beckman was reviewed. Motion by Lawver to approve the application for Special Designated License filed by Michael Beckman, Spirits by Beckman, to serve alcoholic beverages at a reception on October 26, 2013. Motion was seconded by Krejci. Roll call vote: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Ken Houfek appeared to request that his Conditional Use Permit be continued, and requested a longer review period. The Building Inspector reported no problems. Lawver recommended that the permit be reviewed again in two years, on or about September 28, 2015.

Ordinance No. 2142 was introduced by Council Member Krejci entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND ORDINANCE 2105 PROVIDING A CONDITIONAL USE PERMIT FOR THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: THE NORTH 50 FEET OF LOTS 7 AND 8, BLOCK 18, ORIGINAL TOWN, WAHOO, SAUNDERS COUNTY, NEBRASKA, BY EXTENDING THE CONDITIONAL USE PERMIT TO ALLOW THEREON A PERMITTED CONDITIONAL USE, THAT BEING LIMITED FOOD SERVICE BUSINESS, AS ALLOWED UNDER NRC-NEIGHBORHOOD RESIDENTIAL COMMERCIAL ZONING DISTRICT SECTION 5.11.03 OF THE WAHOO ZONING REGULATIONS. The Mayor then instructed the Clerk to read Ordinance No. 2142 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2142 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; Krejci, yes; and Svoboda, yes. Absent and not voting: none. 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. 2142 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2142 be approved and passed and its title agreed to. Council Member Tyler 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; Tyler, yes; Lawver, yes; Svoboda, yes; Dunbar, yes; and Kavan, 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 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.

Renewal of participation with III Corps was discussed. Cost is unchanged, and Chief Jackson reports the program has been working well. Motion was made by Lawver, seconded by Tyler, to authorize the City of Wahoo to participate in III Corps, a multi-jurisdictional drug task force, for fiscal year 2013-14, at a cost of \$2,254.00. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Kavan, yes; Svoboda, yes; and Dunbar, yes. Motion carried.

Solid waste applications submitted by Waste Connections and Quality Disposal were reviewed. Complaints of trucks from both companies leaking fluid from garbage on the city streets were noted. A motion was made by Kavan to accept the applications and approve the permit to haul solid waste for Waste Connections of NE Inc. and Quality Disposal Service LLC, and notify both haulers that they need to prevent spillage on the streets. Krejci seconded the motion. Roll call vote: Kavan, yes; Krejci, yes; Svoboda, yes; Lawver, yes; Tyler, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

The Mayor and Council discussed the October 10, 2013 Heartland 2050 meeting, which is scheduled from 6:00 to 8:30 p.m. As many Council members would like to attend, it was agreed to change the Council meeting date to Tuesday, October 8, 2013, instead of Thursday, October 10. It was agreed to schedule the second November meeting for Tuesday, November 26, 2013. The second December meeting will remain scheduled for December 26, 2013.

A motion was made by Lawver, seconded by Kavan to adjourn at 8:18 p.m.

Approved: _____.

Lucinda Morrow, Deputy Clerk

Janet A. Jonas, Mayor