

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 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 called for items not listed on the agenda. None presented.

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

1. Minutes of the July 10, 2014 meeting of the Mayor and Council
2. Minutes of July 10, 2014 meeting of Library Board
3. Licenses: Plumbers: Jim Hearn, Express Plumbing, Inc.; Dennis Wellman, 21<sup>st</sup> Century Builders; Vic Huttenmeyer, H & S Plumbing; Anthony Swiczek, Andersen Plumbing; Randy Bouwens, Bouwens Plumbing Co. Inc.; Wade McPherson, McPherson Plumbing; Mike Virka, Webster Well Services, Inc.; Mark Gottula, Mark's Plumbing Inc. HVAC: Brad Provanha, Capitol Heating & A/C Inc. Electricians: Douglas E Moslander, Advance Electric; Jesse Dunavan, Power D Inc.; Samuel D Oris, ORIS Electric Co. Inc.

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

Tyler Bonnicksen and Grant Anderson presented the 2013 Rescue Squad report and discussed staffing, training mandates, professional requirements for EMTs and Paramedics, services which Wahoo Rescue can provide, and number of requests for service.

Svoboda reported the Wahoo Airport Authority met. Dunbar reported Park and Rec is working on changes in fee structure and rates.

The public hearing on application for change of zoning from R-3 Residential Zoning District to R-1 Residential Zoning on property described as Lot 7, Kennedy College Subdivision to the City of Wahoo, commonly known as 1335 North Locust Street, as filed by Steven and Cynthia Gerdts, was declared open by the Mayor at 7:27 p.m. The Mayor called for comments from the public. None were presented. A motion was made by Tyler, seconded by Lawver, to close the public hearing at 7:28 p.m. Roll call vote: Tyler, yes; Lawver, yes; Kavan, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Planning Commission minutes were reviewed. Lawver noted future owners could also request to change zoning.

**Ordinance No. 2158** was introduced by Council Member Lawver, entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, BY CHANGING THE PRESENT ZONING OF THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: LOT 7, KENNEDY COLLEGE SUBDIVISION TO THE CITY OF WAHOO, FROM R-3 RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL DISTRICT; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2158 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2158 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 Svoboda 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; Svoboda, yes; Krejci, yes; Dunbar, yes; Kavan, 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. 2158 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2158 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: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Tyler, 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 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 application for Conditional Use Permit in C-1 Commercial Zoning District to modify cellular tower on property described as 206 West 5th Street, Lot 1, except West 8.5 feet, and Lot 12 and vacated alley adjacent thereto, Block 151, County Addition as surveyed and platted in Saunders County, NE, as filed by U S Cellular, was declared open by the Mayor at 7:37 p.m. The Mayor called for comments from the public. None were presented. A motion was made by Kavan, seconded by Lawver, to close the public hearing at 7:38 p.m. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Nonconforming structures, nonconforming uses, and conditional uses were discussed.

**Ordinance No. 2159** was introduced by Council Member Kavan, entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOT 1, EXCEPT WEST 8.5 FEET, AND LOT 12 AND VACATED ALLEY ADJACENT THERETO, BLOCK 151, COUNTY ADDITION, WAHOO, SAUNDERS COUNTY, NEBRASKA, BY GRANTING A CONDITIONAL USE PERMIT ALLOWING ALTERATION OF AN EXISTING TOWER BY ADDITION OF ANTENNA EQUIPMENT; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2159 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2159 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 Svoboda 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; Svoboda, yes; Tyler, yes; Lawver, yes; Krejci, yes; and Dunbar, 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. 2159 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2159 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; Tyler, yes; Lawver, yes; Krejci, 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 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.

Lawver was excused at 7:42 p.m. due to conflict of interest on the upcoming agenda item.

Pay Application #6 for 23<sup>rd</sup> Street improvements was reviewed. Motion by Kavan, seconded by Tyler to approve Pay Application #6 to M E Collins Contracting for 23<sup>rd</sup> Street Paving Improvements for \$55,721.22. Roll call vote: Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Lawver abstained. Absent and not voting: none. Motion carried.

Lawver returned to the meeting at 7:43 p.m.

Council member Lawver introduced the following resolution, **Resolution 2014-07**, and moved for its approval, seconded by Kavan,

“WHEREAS, City of Wahoo is proposing a transportation project for which it would like to obtain Federal funds;

WHEREAS, City of Wahoo understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS, City of Wahoo and Nebraska Department of Roads (NDOR) wish to enter into a new Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

BE IT RESOLVED by the City Council of the City of Wahoo that:

Janet Jonas, Mayor of the City of Wahoo, is hereby authorized to sign the attached Project Program Agreement between the City of Wahoo and the NDOR.

City of Wahoo is committed to providing local funds for the project as required by the Project Program Agreement.

NDOR Project Number: SRTS-78(33) NDOR Control Number: 13291  
NOOR Project Name: Wahoo Elementary Safe Route to School.”

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

Council member Krejci moved to approve the 2013 audit report of Wahoo Utilities, motion seconded by Lawver. Roll call vote: Krejci, yes; Lawver, yes; Tyler, yes; Dunbar, yes; Kavan, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

Council member Tyler moved to authorize submission of 2013 Audit Waiver Request for Wahoo Public Buildings and Grounds to the Auditor of Public Accounts, seconded by Kavan. Roll call vote: Tyler, yes; Kavan, yes; Lawver, yes; Svoboda, yes; and Dunbar, yes. Krejci abstained due to conflict of interest, because of his role with Wahoo Public Buildings and Grounds. Absent and not voting: none. Motion carried.

Motion by Lawver, seconded by Kavan, to authorize the Mayor to sign Agreement with Snowden Law Firm to represent the City, at no cost to the City, in any subrogation action regarding January 7, 2014 loss at Wahoo Public Library. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

A motion was made by Dunbar, seconded by Lawver, to adjourn at 7:53 p.m.

Approved:

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Lucinda Morrow, Deputy Clerk

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Janet A. Jonas, Mayor