

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 Dunbar.
2. Minutes of the August 13, 2015 meeting of the Mayor and Council
3. Approval of Jacob Sladky as a member of the Wahoo Volunteer Fire Department
4. Licenses: Plumbers: Seth Crawford, SC Plumbing, Lincoln; Anthony Swiczak, Andersen Plumbing, Waterloo; Todd Rannals, Millard Sprinkler, Inc., Omaha; Martin Anderson, Service One, Omaha; Jim Cloyed, Cloyed Heating & A/C, Wahoo; Jim Wotipka, JW Plumbing, Wahoo. HVAC: Jim Cloyed, Cloyed Heating & A/C, Wahoo. Electricians: Andrew Kavan, Kavan Electric, Fremont.

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

Jake Vasa of JEO Consulting Group reported work on the Lake Wanhoo Trail Phase II is on schedule for plan approval in October and bid letting in November. He explained the proposed route, surfacing, drainage, and site preparation. Harrell reported departments are working on a maintenance plan.

The public hearing on an application for Conditional Use Permit for ground monument sign on property described as a Tract in 4-14-7 north of Westview Apartments, commonly known as 1313 N. Hackberry, as filed by Carriage House, Inc., zoned R-3 Residential was declared open at 7:21 p.m. The Mayor called for comments. Beavers reported the original sign was removed, the new sign will need to be moved to meet setback requirements. No comments from the public. A motion was made by Kavan, seconded by Krejci to close the public hearing at 7:26 p.m. Roll call vote: Kavan, yes; Krejci, yes; Svoboda, yes; Lawver, yes; and Tyler, yes. Absent and not voting: Dunbar. Motion carried.

Members discussed the process for changing the face of the sign, which would require a building permit, but no additional Conditional Use permit.

**Ordinance No. 2189** was introduced by Council Member Lawver, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP PERTAINING TO A PARCEL IN THE NE ¼ NW ¼ 4-14-7 BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, ERECTION OF A GROUND MONUMENT SIGN; TO AUTHORIZE THE MAYOR AND THE CLERK OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, PURSUANT TO THIS ORDINANCE. The Mayor then instructed the Clerk to read Ordinance No. 2189 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2189 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; Kavan, yes; Krejci, 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. 2189 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2189 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; Tyler, yes; Krejci, 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 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 an application for Conditional Use Permit for ground monument sign on property described as Lots 2 and 3, Block 70, County Addition to Wahoo, commonly known as 1410 N. Chestnut, as filed by KSS Investments LLC, zoned C-1 Commercial was declared open at 7:29 p.m. The Mayor called for comments. Beavers reported the sign is located at the fence by the parking area. No comments from the public. A motion was made by Kavan, seconded by Lawver to close the public hearing at 7:31 p.m. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: Dunbar. Motion carried.

**Ordinance No. 2190** was introduced by Council Member Svoboda, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP PERTAINING TO LOTS 2 AND 3, BLOCK 70, COUNTY ADDITION TO WAHOO, BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, ERECTION OF A GROUND MONUMENT SIGN; TO AUTHORIZE THE MAYOR AND THE CLERK OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, PURSUANT TO THIS ORDINANCE. The Mayor then instructed the Clerk to read Ordinance No. 2190 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2190 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; Svoboda, yes; and Krejci, 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. 2190 may be read by title and moved for final passage in the same meeting.

Council Member Svoboda moved that Ordinance No. 2190 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: Svoboda, yes; Lawver, 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 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 an application for Conditional Use Permit to erect a new 120-foot monopole tower and equipment shelter on property described as tract in the NE ¼ NW ¼ 4-14-7, as filed by SBA Towers V, LLC, zoned R-2 Residential was declared open at 7:32 p.m. The Mayor called for comments. Joe Coyle of SBA Towers reviewed the site selection process, ability to co-locate multiple antennas, and work on terms of lease. No public comments. Process for the lease and Conditional Use Permit were reviewed. A motion was made by Kavan, seconded by Lawver to close the public hearing at 7:41 p.m. Roll call vote: Kavan, yes; Lawver, yes; Svoboda, yes; Krejci, yes; and Tyler, yes. Absent and not voting: Dunbar. Motion carried.

**Ordinance No. 2191** was introduced by Council Member Lawver, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP PERTAINING TO A PARCEL IN THE NE ¼ NW ¼ 4-14-7 BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, CONSTRUCTION OF A NEW 120-FOOT MONOPOLE TOWER AND EQUIPMENT SHELTER; TO AUTHORIZE THE MAYOR AND THE CLERK OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, PURSUANT TO THIS ORDINANCE. The Mayor then instructed the Clerk to read Ordinance No. 2191 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2191 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. Motion died for lack of a second.

Council Member Lawver moved that Ordinance No. 2191 be approved on first reading. 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; and Svoboda, yes. Absent and not voting: Dunbar. Motion carried.

The Mayor declared the meeting of the City Council adjourned to proceed with the next agenda item.

The meeting of the Community Development Agency was convened at 7:43 p.m. Members present: Lawver, Kavan, Tyler, Krejci, and Svoboda. Absent: Dunbar.

Harrell reported on proposed changes to the redevelopment contract. Dave Mitchell, attorney for Sid Dillon, addressed the Council.

The following Resolution, **Resolution No. 2015-16**, was introduced by Kavan, who moved for its approval, seconded by Krejci:

“WHEREAS, the Community Development Agency of the City of Wahoo, Nebraska (the “Agency”), in furtherance of the purposes and pursuant to Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (the “Act”), has recommended approval of a general redevelopment plan in the form attached as Attachment 1 (the “Redevelopment Plan”), for a redevelopment area of the City of Wahoo, Nebraska (the “City”), described in Attachment 2 (the “Redevelopment Area”);

WHEREAS, pursuant to and in furtherance of the Act, the Agency has caused to be prepared a substantial modification to the Redevelopment Plan in the form attached

as Attachment 3 (the “Plan Amendment”), the purpose of which is to authorize certain community redevelopment projects (collectively, the “Project”) within that portion of the Redevelopment Area described in Attachment 4 (“Project Area”);

WHEREAS, pursuant to the Plan Amendment, the Agency or the City would agree to incur indebtedness for the purposes specified in the Plan Amendment, in accordance with and as permitted by the Act;

WHEREAS, the City has previously adopted and has in place a comprehensive plan, which includes a general plan for development of the City within the meaning of Section 18-2110 of the Act; and

WHEREAS, the Agency has made certain findings and pursuant thereto has determined that it is in the best interests of the City to approve the Plan Amendment and to carry out the Project.

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

Section 1. The Agency has determined that the proposed land uses and building requirements in the Redevelopment Area are designed with the general purposes of accomplishing, and in conformance with the general plan of the City, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and communitive facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

Section 2. The Agency has conducted a cost benefit analysis for the Project in accordance with the Act, and has found and hereby finds that the Project would not be economically feasible without the use of tax increment financing, the Project would not occur in the Project Area without the use of tax increment financing and the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, have been analyzed and have been found to be in the long term best interests of the City.

Section 3. The Agency hereby recommends approval of the Plan Amendment, following publication of notice and a public hearing with respect to the Plan Amendment pursuant to the Act.

Section 4. The Chair and Secretary are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out this Resolution.

Section 5. All prior resolutions of the Agency in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

Section 6. This resolution shall be in full force and effect from and after its passage and approval.”

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

Motion by Lawver, seconded by Kavan, to adjourn as the Community Development Agency and reconvene as Council at 7:48 p.m. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: Dunbar. Motion carried.

The Council reconvened at 7:48 p.m.

Beavers reported on a request for variation of front yard setback at 659 N. Broadway to conform with the average setback on the block, for a new garage. One of the structures on the block was built after the adoption of the regulations; Beavers will try to get information on the house which existed before, to calculate an average. Motion by Svoboda, seconded by Lawver, to approve the variation in setback to conform with the average of structures, as determined by Beavers. Roll call vote: Svoboda: yes; Lawver, yes; Kavan, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Dunbar. Motion carried.

**Resolution 2015-17**, to request the Nebraska Department of Roads to set a speed limit of 55 mph on a portion of the 77/92 Expressway was introduced by Lawver, who moved for its approval, seconded by Krejci. Roll call vote: Lawver, yes; Krejci, yes; Tyler, no; Svoboda, no; and Kavan, no. Absent and not voting: Dunbar. Motion failed.

Lausterer and Harrell reported on a change in Nebraska Statutes which allows nuisance declarations to be held before a hearing officer, rather than the Mayor and Council. The revised procedure speeds up the process, allows an individual to request a hearing without waiting until the next Council meeting; this will require amendment of the Municipal Code.

**Ordinance No. 2192** was introduced by Council Member Lawver, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE MUNICIPAL CODE, TITLE IX GENERAL REGULATIONS, CHAPTER 94 HEALTH AND SAFETY, REGARDING NUISANCES. The Mayor then instructed the Clerk to read Ordinance No. 2192 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2192 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; Krejci, 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. 2192 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2192 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; Svoboda, yes; and Krejci, 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 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.

Motion was made by Lawver to adopt the proposed Chapter 94 Hearing Rules of Procedure, seconded by Kavan. Roll call vote: Lawver, yes; Kavan, yes; Svoboda, yes; Krejci, yes; and Tyler, yes. Absent and not voting: Dunbar. Motion carried.

Proposal by Saunders County, asking City of Wahoo to pay half the cost of replacing concrete parking spaces on the south side of 5<sup>th</sup> Street, was discussed. This area is not within designated parking areas as set forth in ordinance. No action taken.

Motion by Krejci, seconded by Lawver, to authorize membership for FY 2015-16 in Southeast Nebraska Development District (SEND) and Southeast Nebraska Affordable Housing Council (SENAHC). Roll call vote: Krejci, yes; Lawver, yes; Svoboda, yes; Kavan, yes; and Tyler, yes. Absent and not voting: Dunbar. Motion carried.

There were no audience comments offered.

Garage setback issues and ideas for amending the regulations, were discussed.

Lausterer reported a formal complaint was filed and served on the property owner regarding the violations at the accessory building sales lot. There was discussion of what situations can be abated by the City, and what requires an injunction, as well as writing a clause into Conditional Use ordinances of cause for revocation.

Lindahl reported he and Harrell met with representatives of the Fire Department and Rescue Squad to discuss proposed job descriptions and a budget for paid EMS, and asked fire and rescue departments to submit reports to the Council periodically, to increase awareness of activity within the department.

Members discussed the opening of expressway, changing traffic patterns, and zoning and infrastructure planning for the expressway frontage area.

The Mayor suggested consideration of regulations to allow golf carts on city streets, and asked Council members to consider meeting on a different night of the week.

Motion by Kavan, seconded by Lawver to adjourn at 8:38 p.m.

Approved:

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Melissa M. Harrell, City Clerk

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Loren L. Lindahl, Mayor