

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.

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

1. Minutes of the July 25, 2016 meeting of the Mayor and Council
2. Acceptance of the July 12, 2016 meeting of the Wahoo Library Board of Trustees
3. Approval of Brett Geary as a member of the Wahoo Volunteer Fire Department
4. Licenses: Plumbers: Todd Rannals, Millard Sprinkler Inc., Omaha; Gilbert Balboa, Midlands Mechanical Inc., Omaha; William Thomas, W. Thomas & Sons, Inc., Gretna. HVAC: Thomas B. Hester, Brian Hester Heating & A/C, Lincoln; Rick Kaar, Kaar Sheet Metal, Wahoo. Electrician: Andrew Kavan, Kavan Electric, Fremont; LeRoy B. Dvorak, Dvorak Sales & Service, Prague.

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

Department Head Reports were given. Jansa reported assisting utilities with street light work on 23<sup>rd</sup> Street. Beavers reported on progress with nuisance properties. Denise Lawver thanked those who completed a landscaping project at the Library. Jackson introduced Stacia Nelson, recently hired police officer. Harrell reminded the Council budget hearing is scheduled for September 8; the budget presented will be less detailed than in previous years, and may be amended later. Harrell reported the NDOR project from 12<sup>th</sup> Street to Hwy 109 will begin August 22; sidewalk handicap ramps will be done after road surfacing is complete. Harrell reported a Lake Wanahoo Trail walk-through was done, noted some problems with motor vehicles using the trail and trespassing issues on adjoining property. She reminded users to be respectful of the private property on either side of the designated trail.

Krejci reported on the Heartland 2020 meeting, which discussed walkability. Lawver reported good information and ideas presented at the last focus group meeting. Svoboda and Harrell reported on the Airport Authority meeting.

The public hearing on Application for Menn Commercial Park Subdivision, a replat of Lots 1A and 1B, Commercial Park Addition to the City of Wahoo, containing 7.63 acres, was declared open at 7:19 p.m. Dan Martinez of Apex Land Surveying LLC, reported on the subdivision development plan and addressed access and drainage concerns. Beavers reported he reviewed setback requirements. The Planning Commission recommended approval. No public comments. A motion was made by Lawver, seconded by Kavan, to close the public hearing at 7:24 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.

A motion to approve the Plat for Menn Commercial Park Subdivision, replat of Lots 1A and 1B, was made by Kavan, seconded by Lawver. Roll call vote: Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; Krejci, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Council member Lawver introduced the following resolution, **Resolution 2016-10**, and moved for its approval, seconded by Svoboda,

“WHEREAS, Nebraska Statute 77-3443 (3) requires all political subdivisions subject to city/village levy authority to submit a preliminary request for levy allocation to the city council; and

WHEREAS, the Wahoo City Council is the levy authority for the Wahoo Airport Authority; and

WHEREAS, the City Clerk of the City of Wahoo did receive a preliminary request for levy allocation from the Wahoo Airport Authority prior to August 1, 2016; and

WHEREAS, Nebraska Statute 77-3443 (4) requires the levy authority to adopt a resolution by a majority vote of members present to determine the final allocation to the political subdivisions;

NOW, THEREFORE BE IT RESOLVED that the following is the Wahoo City Council’s tax allocation for budget year 2016-2017 for the Wahoo Airport Authority:

FUND	TAX ALLOCATION
General Fund	\$45,500.00
Bond Fund	\$60,600.00

BE IT FURTHER RESOLVED that said Public Airport has repayment of interest-free loans from the Department of Aeronautics of \$23,580.00 and is included in the above tax allocation from the General Fund as required by law.

BE IT FURTHER RESOLVED that said Board has bonds for \$60,600.00 and is included in the above tax allocation in the Bond Fund.

BE IT FURTHER RESOLVED that said Board has no Lease-Purchase Agreements approved prior to July 1, 1998.”

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

Ordinance No. 2219 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND TITLE III: ADMINISTRATION OF THE MUNICIPAL CODE BY AMENDING CHAPTER 34 PROVISIONS, PERTAINING TO FIRE AND POLICE DEPARTMENTS TO ADD AN EMERGENCY MEDICAL SERVICES DEPARTMENT. The Mayor then instructed the Clerk to read Ordinance No. 2219 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2219 by title.

Members discussed the Physician Medical Director position, its duties and responsibilities, how that individual is selected, and the selection and role of the advisory board.

Council Member Lawver moved that Ordinance No. 2219 be approved and passed on second reading and its title agreed to. Council Member Dunbar 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; Dunbar, yes; Kavan, yes; Svoboda, yes; Tyler, yes; and, Krejci, yes. Absent and not voting: none. Motion carried.

The Mayor noted amendments could be offered and voted upon prior to final reading.

Jake Vasa of JEO Consulting Group presented a proposed amendment to the agreement with JEO for design services for work on 5<sup>th</sup> Street from Chestnut to Maple Street. Motion by Kavan, seconded by Lawver to table the amendment to allow staff to review this further. Roll call vote: Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; Tyler, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Addition of parking spaces on the south side of 5<sup>th</sup> Street, between Chestnut and Walnut, into the City's restricted downtown parking area was discussed. No parking would be allowed between 2:00 a.m. and 6:00 a.m., and the police department would be authorized to issue tickets. These spaces are being reconstructed through Interlocal agreement between the City and Saunders County.

Ordinance No. 2220 was introduced by Council Member Dunbar entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND TITLE VII: TRAFFIC CODE, CHAPTER 70, OF THE WAHOO MUNICIPAL CODE PERTAINING TO OFF STREET PARKING. The Mayor then instructed the Clerk to read Ordinance No. 2220 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2220 by title.

Council Member Svoboda 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: Svoboda, yes; Krejci, yes; Dunbar, yes; Tyler, yes; Kavan, 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. 2220 may be read by title and moved for final passage in the same meeting.

Council Member Dunbar moved that Ordinance No. 2220 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; Tyler, yes; Kavan, yes; Lawver, 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 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.

Harrell reported an easement needs to be obtained to finish piping a storm sewer and tie it into the Westward Subdivision.

Ordinance No. 2221 was introduced by Council Member Svoboda entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO ACQUIRE INTERESTS IN REAL ESTATE BY PURCHASE OR EMINENT DOMAIN FOR STORM WATER DRAINAGE OF THE CITY OF WAHOO. The Mayor then instructed the Clerk to read Ordinance No. 2221 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2221 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; Svoboda, 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. 2221 may be read by title and moved for final passage in the same meeting.

Council Member Svoboda moved that Ordinance No. 2221 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; Dunbar, yes; 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 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.

Max Neighbors of Neighbors Family Homes appeared to request an exception on setback requirements. Beavers reported this is new construction where the eaves of the house will encroach on setback requirements. He noted there are other similar situations in Heritage Heights Subdivision, when rules were interpreted differently; construction requirements can be imposed to meet fire rating safety regulations under the International Residential Code, and in this case the neighboring structures are set back more than the minimum. Granting of waivers and exceptions is permitted under Section 7.26 of the Zoning Regulations. The encroachment does not appear to be an issue with utilities.

Motion to grant an exception was made by Kavan, seconded by Lawver. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Lausterer reported Statute authorizes creating a Wahoo Volunteer Fire Department Trust Fund. Their own Tax ID number and a separate bank account will allow proceeds from fire department fundraisers and donations to be separated from public funds, and give the WVFD full control over these funds.

A motion was made by Lawver, seconded by Tyler, to approve creation of the Wahoo Volunteer Fire Department Trust Fund, and approve transfer of funds. Roll call vote: Lawver, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; Kavan, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

A motion was made by Dunbar, seconded by Kavan, to authorize City Staff to proceed with filing an assessment against Lots 1 and 2, Block 95, County Addition (657 East 13<sup>th</sup> St.) for the abatement of a nuisance in June in the amount of \$913.94. The property owner has not objected. Roll call vote: Dunbar, yes; Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

A motion was made by Dunbar, seconded by Tyler, to authorize City Staff to proceed with filing an assessment against the Balance of Lot 5, Block 6, Stocking Second Addition (401 East C St.) for the abatement of a nuisance in June in the amount of \$190.12. The property owner has not objected. Roll call vote: Dunbar, yes; Tyler, yes; Krejci, yes; Svoboda, yes; Kavan, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Lawver commented on appearance of a property on East 1<sup>st</sup> Street.

A motion was made by Kavan, seconded by Svoboda to adjourn at 8:15 p.m.

Approved:

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Melissa M. Harrell, City Clerk

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R. Michael Lawver, Mayor