

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 Lawver, to approve the following items listed on the consent agenda:

1. Minutes of the August 11, 2016 meeting of the Mayor and Council
2. Minutes of the August 4, 2016 meeting of the Planning Commission
3. Minutes of July 19, 2016 meeting of Parks and Recreation Advisory Board
4. Licenses: Plumbers: Cory Pemberton, Platte Mechanical Inc., Fremont. HVAC: Ron's Plumbing & Heating, Brainard; Richard Peavy, Anthony's Air Conditioning, Ithaca; Gary Kroph, SOS Heating & Cooling, Omaha; Brian Pemberton, Platte Mechanical Inc., Fremont; Steve Roberson, A-1 United Heating & Air, Omaha.

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

Jake Vasa discussed the amended agreement with JEO Consulting Group. Motion by Svoboda to approve amendment of agreement with JEO Consulting Group to add design services for street/sidewalk work on 5<sup>th</sup> Street from Chestnut Street to Maple Street, seconded by Lawver. Roll call vote: Svoboda, yes; Lawver, 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.

Motion to amend Ordinance 2219 by changing the term "director" to "department head", and including a description of the responsibilities of the physician medical director as outlined in statute was made by Tyler, seconded by Krejci. Roll call vote: Tyler, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Lawver, yes; Kavan, yes. Absent and not voting: none. Motion carried.

Council Member Lawver moved that Ordinance No. 2219 as amended be approved and passed on third reading 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; Krejci, 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 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.

Lawver stated he would abstain from discussion and voting on the next item due to conflict of interest.

Jake Vasa of JEO Consulting Group reported on walk-throughs done on the trail and work to be finished. The trail is closed while final work is being completed. Motion to approve Pay Application #7 to M E Collins Contracting for \$19, 098.10 for Lake Wanahoo Trail – Phase II was made by Krejci, seconded by Dunbar. Roll call vote: Krejci, yes; Dunbar, yes; Svoboda, yes; Tyler, yes; Kavan, yes; Lawver, abstained. Absent and not voting: none. Motion carried.

Motion to accept Dillon water mains and sewer mains into the City of Wahoo water system and sanitary sewer system as recommended by the Board of Public Works, subject to the utility easements being filed with the Register of Deeds, was made by Kavan, seconded by Krejci. Roll call vote: Kavan, yes; Krejci, yes; Svoboda, yes; Lawver, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Lausterer reported on discussion with Pontian Land Holdings, which purchased the taxes on property at 402 East C Street, for possible transfer of the property to the City. Pontian needs to obtain a tax deed in order to own the property and process the transfer. The City is ready to abate the nuisance/unsafe building and will incur costs, which will be another lien against the property. Motion by Dunbar, seconded by Tyler, to authorize the Mayor to sign agreement with Pontian Land Holdings LLC for the purchase of property at 401 East C Street. Roll call vote: Dunbar, yes; Tyler, yes; Lawver, yes; Svoboda, yes; Kavan, yes; Krejci, yes. Absent and not voting: none. Motion carried.

SBA Towers IX, LLC, has requested an additional option period for lease of property at 15<sup>th</sup> and Hackberry. Lawver stated he was opposed to any extensions beyond this one. Motion by Lawver, seconded by Svoboda, to authorize the Mayor to sign an additional 6-month option period with SBA Towers IX, LLC, to expire on 3/15/2017, which will be the last extension. Roll call vote: Lawver, yes; Svoboda, yes; Dunbar, yes; Krejci, yes; Kavan, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Council member Kavan introduced the following resolution, **Resolution 2016-11**, and moved for its approval, seconded by Svoboda,

“WHEREAS, the Governing Body of the City of Wahoo, Nebraska, has enacted a Municipal Code, and,

WHEREAS, Wahoo Municipal Code Section 70.01 adopts all portion of the Nebraska Rules of the Road and incorporates them by reference into the Wahoo Municipal Code, and,

WHEREAS, Section 60-680 (1)(b) of the Nebraska Revised Statutes provides the following:

“(1) Any local authority with respect to highways under its jurisdiction and within the reasonable exercise of police power may: ... (b) Regulate traffic by means of peace officers or traffic control devices;” and

WHEREAS, Section 60-624 of the Nebraska Revised Statutes defines a highway as follows:

“Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.” and,

WHEREAS, Section 60-670 of the Nebraska Revised Statutes defines a traffic control device as follows:

“Traffic control device shall mean any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.” and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, as the City of Wahoo’s Governing Body, do desire to adopt this resolution providing for two (2) handicapped parking stalls on the south side of 5th Street between Walnut Street and Chestnut Street, located within the corporate limits of the City of Wahoo, Nebraska,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wahoo, Nebraska, as follows:

Section 1. That the finding hereinabove made should be and are hereby made a part of this Resolution as fully as if set out at length herein.

Section 2. That traffic control devices, to wit: two (2) handicapped parking signs to be erected along the street right-of-way on the south side of 5th Street between Walnut Street and Chestnut Street to provide two (2) handicapped parking stalls for customers of the businesses on the north and south sides of 5<sup>th</sup> Street between Walnut Street and Chestnut Street which are authorized users of handicapped parking stalls.

Section 3. That upon the approval of this Resolution, the aforementioned traffic control devices shall be erected and this Resolution shall remain in full force and effect until the removal of said aforementioned signs, by the City of Wahoo, Nebraska, at which time, this Resolution shall be of no force and effect.”

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

Mayor and Council discussed nuisances and enforcement, building/zoning department budget, and a recent water main break.

A motion was made by Svoboda, seconded by Lawver to adjourn at 7:52 p.m.

Approved:

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Lucinda Morrow, Deputy Clerk

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Loren L. Lindahl, Mayor