

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.

The Mayor presented proclamations: Municipal Clerk's Week, May 7-13, 2017, and Police Week, May 15-21, 2017 and Peace Officer's Memorial Day, May 15, 2017.

Motion made by Lawver, seconded by Svoboda, to approve the following items listed on the consent agenda:

1. Minutes of April 13, 2017 meeting of the Mayor and Council
2. Minutes of April 11, 2017 meeting of Wahoo Library Board

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

Michelle Martinez and Sarah Fentress of Community Action Partners reported on services provided by their agency. Svoboda reported on the Airport Authority meeting. Tyler reported the Board of Public Works met.

Council member Lawver introduced the following resolution, **Resolution 2017-09**, and moved for its approval, seconded by Svoboda,

"BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

Section 1. That the Mayor and City Council will meet as a Board of Equalization at 7:00 o'clock p.m., on the 8th day of June, 2017, at the City Hall in Wahoo, Nebraska to consider the levy of special assessments in Alley Improvement District No. 2015-01; and

Section 2. That the above notice of said meeting be published in four (4) issues of the Wahoo Newspaper, Wahoo, Nebraska, on the following dates:

May 11, 2017

May 18, 2017

May 25, 2017

June 1, 2017

Section 3. That the City Clerk be and hereby is instructed to mail a copy of said Notice to all known resident and non-resident owners of property in Alley Improvement District No. 2015-01 and to any other party appearing to have a direct interest in such action or proceedings; and

Section 4. That at said time and place, the Mayor and City Council of said City will grant a hearing to all persons interested and will pass a resolution making said special assessments as provided by law."

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

Motion by Kavan, seconded by Tyler, to authorize the Mayor to enter into interlocal agreements with various communities to provide mosquito spraying at rates to be established. Roll call vote: Kavan, yes;

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

Discussion opened on request for encroachment into right-of-way of Maple Street next to 205 West 5th Street, Wahoo Locker, for septic tank/grease trap. Gibney stated utilities objects to the proposed placement due to existing utility infrastructure in the right-of-way, lack of vehicle rating for the structure, and potential for materials to enter the sanitary sewer system. Beavers stated the existing trap needs to be maintained frequently, and there have been problems with overflow and odors. Harrell noted that ten feet of Maple Street right-of-way was vacated and transferred to the property owner when the building was built.

Motion by Lawver, seconded by Kavan, to table action on the request for encroachment. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Harrell reported on the proposal from Felsburg, Holt and Ullevig (FHG) for traffic study of intersections at 23rd and Chestnut and 15th and Hackberry Streets. Lawver stated concerns with doing a traffic count based on a one-day 24-hour count. Tyler asked if more intersections could be added to the study. Harrell noted a study of 15th and Hackberry would be needed for the Safe Routes to School Project.

Motion by Kavan, seconded by Tyler, to table this agenda item. Roll call vote: Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Two application for fireworks retail permits were received after the April 1 deadline; both businesses have been licensed in prior years, regulations were not changed, and forms clearly state the due date. All vendors were notified in January. One vendor filed an application on time. Motion by Svoboda, seconded by Tyler, to deny the applications for Fireworks Vendor Permit filed by Hometown Fireworks LLC and TNT Fireworks, due to late filing. Roll call vote: Svoboda, yes; Tyler, yes; Krejci, no; Dunbar, yes; Lawver, yes; and Kavan, no. Motion carried.

Lausterer reported an updated utility easement has been prepared to replace an old version, for an easement at 710 West 3rd Street, property owned by Wahoo Concrete. Lausterer reported Wahoo Concrete plans to install concrete over the easement, and this new easement clarifies the location, rights of the City, and responsibility of the grantor in the event the concrete must be removed to install, repair, and maintain utility infrastructure.

Ordinance No. 2239 was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO ACQUIRE AN INTEREST IN REAL ESTATE FOR THE PURPOSE OF SURVEYING, CONSTRUCTING, RECONSTRUCTING, RELOCATING, ALTERING, INSPECTING, REPAIRING, REPLACING, ADDING TO, MAINTAINING AND OPERATING, AT ANY TIME, OVER, ACROSS, AND UNDER REAL ESTATE IN SEC 4-T14N-R7E. The Mayor then instructed the Clerk to read Ordinance No. 2239 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2239 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: Roll call vote: Lawver, yes; Svoboda, yes; Dunbar, yes; Kavan, yes; Tyler, yes; and Krejci, yes. Absent and not voting: None. Motion carried. 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. 2239 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2239 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; Krejci, yes; Svoboda, 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 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 signatures 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 Emerald Ash Borer committee and its function was discussed. Members are: Bob Graves, Kevin Stuhr, Jim Gibney, Melissa Harrell, Kevin Dunbar, Jim Svoboda, Scott Nielsen, Tim Mongar, and Dave Jansa. Motion by Kavan, seconded by Krejci, to approve the committee as proposed. Roll call vote: Kavan, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Lawver, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

The report of the Mayor's Monitoring Committee on the Liberty House was reviewed, which recommended continuation with review in one year, under the same conditions.

Ordinance No. 2240 was introduced by Kavan, entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE OFFICIAL ZONING MAP BY CONTINUATION OF CONDITIONAL USE PERMIT FOR ASSISTED LIVING FACILITY IN R-2 DISTRICT. The Mayor then instructed the Clerk to read Ordinance No. 2240 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2240 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: Roll call vote: Svoboda, yes; Krejci, yes; Dunbar, yes; Lawver, yes; Kavan, yes; and Tyler, yes. Absent and not voting: None. Motion carried. 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. 2240 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2240 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: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, 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 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 signatures 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.

No comments from the public.

Beavers reported the discus pad previously proposed by Neumann High School was poured, and is above the existing grade; at the time of request, Fisher stated the pad would be flush with the ground, and the resolution stated paving should not alter or adversely affect stormwater drainage. The Mayor noted the completed landscaping at the tower at 15th and Hackberry, and 15th Street paving is nearly complete. Tyler reported on the NRD lake level committee meeting. Harrell reported problems with sloughing of the bank near a portion of the Lake Wanahoo Trail. There was discussion of timetable for negotiations for possible property acquisition for the citywide service center. The General Committee and department heads were asked to look at the plan, bring questions, and discuss concepts and alternatives.

Motion by Kavan, seconded by Lawver, to adjourn at 8:18 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor