

The Council met in special 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, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Kevin Dunbar. Greg Kavan was absent.

The Mayor expressed gratitude to the Wahoo Volunteer Fire Department and surrounding departments who responded to the Wahoo State Bank fire, as well as City and Utility workers and community volunteers who assisted.

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

1. Excused absence of Kavan
2. Minutes of November 10, 2016 meeting of the Mayor and Council
3. Minutes of the November 3, 2016 meeting of the Planning Commission
4. Licenses: Plumbers: Action Plumbing Inc., Lincoln. HVAC: Andrew Will, AW Heating & A/C, Lincoln; Doug Kriefels, Action Plumbing, Heating & Air, Lincoln; Cesar Guerrero, Luxury Heating Air & Radon, Lincoln.

Public hearing on the application for Conditional Use in LLR Zoning District to operate recreational rental cabins on a tract in the SW ¼ Sec 27-T15-R7 Saunders County, containing 4.19 acres more or less, as filed by Rick and Linda Dorothy opened at 7:20 p.m. Rick Dorothy appeared. Beavers reported on the findings of the Planning Commission. No public comments were offered. Approval of septic system by NDEQ was discussed. A motion was made by Krejci, seconded by Lawver, to close the public hearing at 7:07 p.m. Roll call vote: Krejci, yes; Lawver, yes; Tyler, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: Kavan. Motion carried.

Ordinance No. 2228 was introduced by Lawver: entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE OFFICIAL ZONING MAP BY ALLOWING A PERMITTED CONDITIONAL USE, COMMERCIAL CABIN CAMP GROUNDS IN LLR ZONING DISTRICT. The Mayor then instructed the Clerk to read Ordinance No. 2228 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2228 by title.

Council Member Dunbar 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: Roll call vote: Dunbar, yes; Tyler, yes; Lawver, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: Kavan. 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. 2228 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2228 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 Dunbar, yes. Absent and not voting: Kavan. 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.

Public hearing on request to amend zoning regulations in C-2 to allow outdoor storage opened at 7:09 p.m. Mark Hunzeker appeared on behalf of Wahoo Concrete. Beavers reported on the findings of the Planning Commission, who did not recommend the amendment. Harrell reported history of zoning changes requested previously regarding the property. Mike Kleffner and Abram Marshall commented. A motion was made by Dunbar, seconded by Svoboda, to close the public hearing at 7:33 p.m. Roll call vote: Dunbar, yes; Svoboda, yes; Krejci, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

A motion was made by Dunbar, seconded by Krejci, to deny the request to amend zoning regulations. Roll call vote: Dunbar, yes; Krejci, yes; Svoboda, yes; Tyler, yes; and Lawver, no. Absent and not voting: Kavan. Motion carried.

Troy Johnston of JEO Consulting Group appeared to explain the change order, recommendation of acceptance, and pay application for the 2015 Alley Improvement project. Mike Kleffner commented on the project.

A motion was made by Lawver, seconded by Tyler, to approve Change Order #1 for 2015 Alley Improvements. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

A motion was made by Lawver, seconded by Svoboda, to accept 2015 Alley Improvement project. Roll call vote: Lawver, yes; Svoboda, yes; Krejci, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

A motion was made by Lawver, seconded by Tyler, to approve Pay Application No.1/Final for \$34,411 to Lierman Excavating for 2015 Alley Improvement project. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

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

Johnston reported on the change order, recommendation of acceptance, and pay application for J Road paving improvements.

A motion was made by Krejci, seconded by Tyler, to approve Change Order No. 3 for J Road paving improvements. Roll call vote: Krejci, yes; Tyler, yes; Svoboda, yes; and Dunbar, yes. Lawver, abstained. Absent and not voting: Kavan. Motion carried.

A motion was made by Tyler, seconded by Krejci, to accept J Road paving improvements as recommended. Roll call vote: Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Lawver abstained. Absent and not voting: Kavan. Motion carried.

A motion was made by Dunbar, seconded by Krejci, to approve Pay Application No. 3/Final for \$20,140.85 to M E Collins Contracting for J Road improvements. Roll call vote: Dunbar, yes; Krejci, yes; Svoboda, yes; and Tyler, yes. Lawver abstained. Absent and not voting: Kavan. Motion carried.

A motion was made by Tyler, seconded by Krejci, to approve Change Order No. 2 for the Lake Wanahoo Trail Phase II project. Roll call vote: Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Lawver abstained. Absent and not voting: Kavan. Motion carried.

A motion was made by Dunbar, seconded by Svoboda, to accept the Lake Wanahoo Trail Phase II project. Roll call vote: Dunbar, yes; Svoboda, yes; Tyler, yes; and Krejci, yes. Lawver abstained. Absent and not voting: Kavan. Motion carried.

A motion was made by Tyler, seconded by Krejci, to approve Pay Application No. 8/Final for \$34,616.47 to M E Collins Contracting for Lake Wanahoo Trail Phase II. Roll call vote: Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Lawver abstained. Absent and not voting: Kavan. Motion carried.

Harrell reported a request from Sid Dillon's for placement of a stop sign at their entrance on J Road. Placement of the sign at a private drive in city right-of-way was discussed.

Council member Dunbar introduced the following resolution, **Resolution No. 2016-15**, and moved for its approval, seconded by Krejci,

“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 stopping traffic at various locations in areas recently annexed into the City of Wahoo, and,

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: one or more stop signs, be erected at the following locations, all located in the City of Wahoo, Nebraska:

- a. Intersection of County Road J and the entrance to 1750 County Road J, stopping traffic entering County Road J;

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, at which time, this Resolution shall be of no force and effect.”

Roll call vote: Dunbar, yes; Krejci, yes; Lawver, no; Tyler, yes; and Svoboda, no. Absent and not voting: Kavan. Motion carried.

Harrell reported that Utilities is requesting an easement for installation of a gas line that will eventually be part of a loop system.

Ordinance No. 2229 was introduced by Tyler 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 THE SE ¼ NW ¼ SEC 9-T14N-R7E. The Mayor then instructed the Clerk to read Ordinance No. 2229 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2229 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 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: Lawver, yes; Krejci, yes; Tyler, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Kavan. 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. 2229 may be read by title and moved for final passage in the same meeting.

Council Member Tyler moved that Ordinance No. 2229 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: Tyler, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: Kavan. 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.

A request was received for waiver of code which prohibits sale of wine and spirits between 6:00 a.m. and noon on Sundays, for December 25, 2016 only. Motion by Tyler, seconded by Krejci, to approve a waiver of Section 113.02 of the Wahoo Municipal Code prohibiting sale of alcoholic beverages between 6:00 a.m. and 12:00 p.m. on Sunday, December 25, 2016. Roll call vote: Tyler, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

Council member Dunbar introduced the following resolution, **Resolution No. 2016-16**, and moved for its approval, seconded by Lawver,

“WHEREAS, the Governing Body of the City of Wahoo, Nebraska has enacted a Municipal Code, and,
 WHEREAS, Wahoo Municipal Code Section 151.35 adopted Ordinance No. 1886, the Zoning Ordinance of the City of Wahoo, Nebraska, and,
 WHEREAS, Wahoo Municipal Code Section 151.20 adopted Ordinance No. 2114, the Subdivision Regulations of the City of Wahoo, Nebraska, and,
 WHEREAS, it is necessary for the City of Wahoo to establish fees and charges for filing and processing certain applications and petitions, and preparing copies and reproductions of records and documents,
 THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Wahoo that the following are hereby adopted and established for the City of Wahoo:

ZONING DEPARTMENT FEES AND CHARGES

Copy of Zoning Regulations	Printed = \$50.00 On CD = \$5.00
Copy of Subdivision Regulations	Printed = \$50.00 On CD = \$5.00
Copy of Infrastructure Standards	Printed = \$15.00 On CD = \$5.00
Variance Request, Appeal of Building Inspector or Zoning Administrator Decision or Request for interpretation of Zoning Map	\$250.00 Plus publication fees
Request for amendment to Zoning Regulations	\$250.00 Plus publication fees
Request for Change of Zoning or Conditional Use Permit	\$250.00 Plus publication fees
Petition for Annexation	\$250.00 Plus cost of preparation of annexation plat
Flood Plain Permit	\$50.00
Record of Survey (for Lot split or administrative subdivision)	\$50.00
Subdivision Plat – filing of Preliminary Plat	\$250 plus per lot fee Up to 10 lots = \$10 per lot, More than 10 lots = \$100 plus \$5 per lot over 10 lots
As a subdivision plat moves through the approval process, additional fees as described in the City of Wahoo Subdivision Regulations will be required, including but not limited to plan review fees, infrastructure review fees, park development fees, and others that may vary from subdivision to subdivision.	
Fees for other governmental agencies (not under contract) (except any fees or permits for the City of Wahoo which shall be exempt from any fee)”	50% discount

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

Motion was made by Krejci, seconded by Dunbar, to approve a \$500 contribution by the City of Wahoo to the Metropolitan Area Planning Agency (MAPA). Roll call vote: Krejci, yes; Dunbar, yes; Lawver, yes; Tyler, yes; and Svoboda, yes. Absent and not voting: Kavan. Motion carried.

Harrell reported INSPRO provided renewal rates with Blue Cross and quotes by other companies for group health insurance as well as plan alternatives with slightly higher deductible and maximum out-of-pocket expense and lower premiums . The salary and benefit survey indicates Wahoo is comparable in terms of plan offerings and percentage paid. Harrell proposed continuing to offer two plans to employees: Plan 31 PPO, and Plan 55 HSA with the City increasing the contribution to the employee's HSA account to \$1,000 per year for single coverage, and \$2,000 per year for employee plus dependent. A motion was made by Svoboda, seconded by Tyler, to approve renewal of PPO and HSA group health insurance with Blue Cross Blue Shield, Plans 31 and 55, and increase the City's contribution to the employee's HSA account. Roll call vote: Svoboda, yes; Tyler, yes; Krejci, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

Harrell reported Council reorganization would be on the next agenda, and asked Council members if there was interest in holding meetings on a different night.

Motion by Lawver, seconded by Dunbar to adjourn at 8:22 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor