

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, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Kevin Dunbar. Absent: Greg Kavan and Gerry Tyler.

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

1. Excused absence of Kavan
2. Minutes of September 14, 2017 meeting of the Mayor and Council
3. Minutes of September 7, 2017 meeting of Planning Commission
4. Approval of request by Eagles Club to serve alcohol on Sunday, October 15, 2017, before noon

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

Tyler entered the meeting at 7:03 p.m.

Jon Mooberry of JEO Consulting Group reported on items that need to be completed and decisions that need to be made before final bidding documents are ready on Chestnut Street Project.

The public hearing on amendment of the 2017 Board of Public Works budget was declared open by the Mayor at 7:16 p.m. The Mayor called for comments from the public on the budget amendment, and none were presented. A motion was made by Svoboda, seconded by Krejci, to close the public hearing at 7:17 p.m. Roll call vote: Svoboda, yes; Krejci, yes; Dunbar, yes; Lawver, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

A motion was made by Lawver, seconded by Tyler, to approve the amendment to the 2017 Board of Public Works Budget as presented. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

The public hearing on application for Conditional Use Permit for Beer Garden, in C-1 Downtown Commercial District, on W ½ Lot 10, Blk 150, County Addition, known as 128 West 5th Street, filed by Michael and Lesley Maly was declared open by the Mayor at 7:18 p.m. The Mayor called for comments from the public and none were presented. A motion was made by Dunbar, seconded by Svoboda, to close the public hearing at 7:19 p.m. Roll call vote: Dunbar, yes; Svoboda, yes; Krejci, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

Accessibility of utility meters and equipment, and review in 24 months were discussed.

Ordinance No. 2252 was introduced by Dunbar entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE ZONING MAP PERTAINING TO THE WEST HALF OF LOT 10, BLOCK 150, COUNTY ADDITION, BY ALLOWING A PERMITTED CONDITIONAL USE, A BEER GARDEN, IN C-1 ZONING. The Mayor then instructed the Clerk to read Ordinance No. 2252 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2252 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; Svoboda, yes; Dunbar, yes; and Tyler, 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. 2252 may be read by title and moved for final passage in the same meeting.

Council Member Dunbar moved that Ordinance No. 2252 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; Svoboda, yes; Lawver, yes; and Tyler, 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, 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 public hearing on request for amendment of zoning regulations Section 5.15.03, to add "Recycling and reloading of small caliber ammunition for commercial use," as a conditional use within the I-1 Light Industrial Zoning District, as filed by Robert Burkley was declared open by the Mayor at 7:23 p.m. Chad Ueding of American Marksman LLC explained the operation of his business. No other comments from the public were presented. A motion was made by Lawver, seconded by Krejci, to close the public hearing at 7:39 p.m. Roll call vote: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

Storage of powder, not loaded in cartridges, was discussed, with a limit of 600 pounds on premises.

Ordinance No. 2253 was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE ZONING ORDINANCE OF THE CITY OF WAHOO 5.15.03 BY ADDITION OF RECYCLING AND RELOADING SMALL CALIBER AMMUNITION FOR COMMERCIAL USE AS A CONDITIONAL USE IN I-1 ZONING DISTRICT. The Mayor then instructed the Clerk to read Ordinance No. 2253 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2253 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; and Tyler, 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. 2253 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2253 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, 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 public hearing on application for Conditional Use Permit to operate ammunition recycling and reloading in I-1 zoning district on property commonly known as 1600 North Chestnut Street was declared open by the Mayor at 7:45 p.m. Chad Euding reported on the American Marksman LLC business. No comments from the public were presented. State and Federal requirements for the business were discussed. A motion was made by Dunbar, seconded by Lawver, to close the public hearing at 7:47 p.m. Roll call vote: Dunbar, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: Kavan. Motion carried.

Ordinance No. 2254 was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE ZONING MAP AS TO A PARCEL IN SW ¼ SW ¼ 34-15-7 BY GRANTING A CONDITIONAL USE, RECYCLING AND RELOADING OF SMALL CALIBER AMMUNITION FOR COMMERCIAL USE IN I-1 ZONING DISTRICT. The Mayor then instructed the Clerk to read Ordinance No. 2254 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2254 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; and Tyler, 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. 2254 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2254 be approved and passed and its title agreed to. Council Member Tyler 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; Tyler, yes; Krejci, yes; Svoboda, 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, 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.

Extension of Conditional Use Permit for limited food service at 233 North Sycamore Street, was discussed. No complaints, but noted a recent question about dumping of water from cleaning in the storm sewer.

Ordinance No. 2255 was introduced by Svoboda entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE ZONING MAP BY EXTENDING CONDITIONAL USE PERMIT FOR LIMITED FOOD SERVICE ON N 50 FEET OF LOTS 7 AND 8, BLOCK 18, ORIGINAL TOWN, IN NRC ZONING. The Mayor then instructed the Clerk to read Ordinance No. 2255 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2255 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; Tyler, yes; and Krejci, 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. 2255 may be read by title and moved for final passage in the same meeting.

Council Member Svoboda moved that Ordinance No. 2255 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; 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, 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.

Applications filed by three garbage haulers for renewal of solid waste hauling were reviewed. Motion by Dunbar, seconded by Krejci to approve applications filed by S-2 Rolloffs LLC, Roadrunner Transportation LLC, and Waste Connections for solid waste hauling, as provided by Municipal Code. Roll call vote: Dunbar, yes; Krejci, yes; Svoboda, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

Beavers reported Wahoo Locker is working on plans to upgrade to a new larger-sized grease trap, which would extend into the Maple Street right-of-way. Placement of the tank to minimize encroachment, installation of breakaway-type bollards, and eventual relocation of the tank out of the right-of-way were discussed. This information will be relayed to the Wahoo Locker, so they can prepare a legal description for the encroachment easement. Motion by Lawver, seconded by Krejci, to table action. Roll call vote: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

The following resolution, **Resolution No. 2017-19**, was introduced by Krejci, who moved for its approval, seconded by Dunbar:

“WHEREAS, the City of Wahoo, Saunders County, Nebraska, is the owner of the following described real property, to-wit:

Property includes:

The Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 33, Township 15, Range 7, Saunders County, Nebraska.

and

The Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 33,

Township 15, Range 7, Saunders County, Nebraska.

Except:

The east 60' of both parcels dedicated as Chestnut Street and,

WHEREAS, the City of Wahoo, Nebraska desires to convey to Wahoo Public Buildings & Grounds Association, a Nebraska nonprofit corporation, the above described real property subject to terms and conditions as set forth herein, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska have determined that the fair market value of the above real property has a value greater than \$5,000.00,

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

1. That the Mayor and Council of the City of Wahoo, Nebraska, be permitted to convey to Wahoo Public Buildings & Grounds Association, a Nebraska nonprofit corporation, the above described real property pursuant to the following terms and conditions, to wit:

a. Said conveyance shall be for no monetary consideration;

b. The City of Wahoo shall, after the conveyance, reimburse Wahoo Building & Grounds Association for payment of all expenses associated with said above described real property, including the payment of all real estate taxes and insurance thereon and the maintenance of the real property;

c. All of the costs of conveyance shall be borne by the City of Wahoo, Nebraska;

d. Wahoo Public Building & Grounds Association shall actively market the above real property for sale to one or more third parties.

2. The aforementioned terms of the conveyance of the above real property shall be finalized by the adoption by the Mayor and Council of the City of Wahoo, Nebraska, of an ordinance authorizing the conveyance, as aforementioned, of the above real property to Wahoo Public Buildings & Grounds Association.

BE IT FURTHER RESOLVED that the Clerk of the City of Wahoo, Nebraska, shall publish notice of the proposed conveyance of the above described real property, and the terms thereof, once each week for three (3) consecutive weeks in the Wahoo Newspaper, a legal newspaper of general circulation in the City of Wahoo, Nebraska, after the passage of this Resolution.”

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

Motion by Dunbar, seconded by Lawver, to authorize staff to file assessment against E 64' W 288' S ½ Lot 2 & E 64' W 288' Lot 3, Blk 4, Andrus Addition to Wahoo for abatement of nuisance in amount of \$871.59 for cleanup on 6/7 and 6/16/2017. Roll call vote: Dunbar, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: Kavan. Motion carried.

Harrell reported on the process for filling the Chief of Police position, and requested approval of the pay range and job description. The proposed pay scale is in line with the wage study. The job description provides for a residency requirement within the city limits or the one-mile extraterritorial jurisdiction. Motion by Krejci, seconded by Tyler, to approve the job description and pay scale for the Chief of Police position. Roll call vote: Krejci, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

Motion by Dunbar, seconded by Svoboda, to authorize Mayor to sign assignment agreement from Wahoo Public Building & Grounds Association for the purchase of the West 10' of Lot 2 and all of Lots 3-10 and West 16' of Lot 11, Block & vacated alley, commonly known as 110 South Chestnut St. Roll

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

After review of meeting dates in November and December, the Mayor directed that the second meeting in November will be held on November 30, 2017.

No public comments offered.

A street committee meeting was scheduled for Wednesday, October 4, at 5:00 p.m. to discuss Chestnut Street project and proposals by JEO Consulting Group.

Motion by Lawver, seconded by Krejci, to adjourn at 8:13 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor