

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, and Kevin Dunbar. Absent: none.

The Mayor reported a plaque was presented to Jim Svoboda in recognition of his service on the City Council.

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

1. Minutes of June 14, 2018 meeting of Council
2. Minutes of June 7, 2018 meeting of Planning Commission
3. Mayor's appointments:  
City Council Ward II and council committees: Chris Rappl (term ends December 2018)  
Planning Commission: Mike Kleffner, Joe Vculek, Ken Houfek, terms end July 2021  
Board of Adjustment: Paul Eddie (alternate), term ends July 2021
4. Approval of William Frerichs as a member of the Wahoo EMS Department
5. Job Description for Third Class Lineman/Apprentice, and placement of positions on pay scale
6. Licenses: Plumbers: Tracy Nesson, Fud & Tracy's Plumbing & Heating, Wahoo; Dennis Wellman, 21<sup>st</sup> Century Builders, Mead; Gerald Everly, Everly Plumbing & Heating, Fremont; Dan Pabian, Pabian Electric, Wahoo. HVAC: David Snyder, Fud & Tracy's Plumbing & Heating, Wahoo; Jonathan Mumm, Mumm Heating & Cooling, Ceresco; Gerald Everly, Everly Plumbing & Heating, Fremont. Electricians: Kasey Schweers, Electricians Inc, Ashland; Eric Riley, Bryant A/C Heating, Lincoln; John Moore, Moore Electric, Hickman; Edward Aaron Watts, WCHE LLC, Lincoln.

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

The Oath of Office was administered to Chris Rappl, and he took his place at the Council table.

Krejci reported the Finance Committee met with several departments. Tyler reported the Board of Public Works met, topics included the service center and GIS workshop mapping. Harrell reported update meetings on the Chestnut Street project; contact was made with trucking associations and GPS providers of completion of the bypass and current road work, and a speed trailer has been set up on Broadway Street. The police department advised some perpetrators of recent vandalism have been caught.

Public hearing on amendment of Ordinance No. 1886, the Wahoo Zoning Ordinance, regarding Adult Establishments, was opened at 7:09 p.m. Beavers reported this is an update of language, in response to lawsuits filed in other jurisdictions in recent years. Jeff Ray of JEO prepared the update which includes justification for the conditions outlined for adult establishments. This is in line with what Saunders County has adopted. The Planning Commission recommended approval, with adult uses in I-1 as conditional and permitted in I-2. Motion by Lawver, seconded by Kavan, to close the public hearing at 7:13 p.m. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes, Rappl, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

The amended regulations were discussed.

Ordinance No. 2284 was introduced by Dunbar entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND ORD. NO. 1886, THE ZONING ORDINANCE, BY AMENDMENT OF SECTION 2, DEFINITIONS; ARTICLE 5, SECTION 5.15 I-1 LIGHT INDUSTRIAL AND SECTION 5.16 I-2 HEAVY INDUSTRIAL ZONING DISTRICT; AND ARTICLE 7, CREATING SECTION 7.26 REGULATION ADULT ESTABLISHMENTS. The Mayor then instructed the Clerk to read Ordinance No. 2284 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2284 by title.

Council Member Dunbar moved that Ordinance No. 2284 be approved and passed on its first reading, 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: Dunbar, yes; Kavan, yes; Tyler, yes; Krejci, yes; Rappl, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Lausterer reported the changes to Subdivision Agreement for Dry Run Subdivision have been reviewed by counsel and staff, and are acceptable. Motion by Kavan, seconded by Lawver, to approve the revised subdivision agreement for Dry Run Subdivision. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Rappl, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Lausterer reported the changes to the Financing Agreement for Dry Run Subdivision have been reviewed and are acceptable. Motion by Lawver, seconded by Dunbar, to approve the revised Financing Agreement for Dry Run Subdivision. Roll call vote: Lawver, yes; Dunbar, yes; Rappl, yes; Krejci, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Discussion held on ATV/UTV operation. Data needs to be gathered on how ATV/UTV-type vehicles are used for city and emergency purposes, why they would be on the streets, and how this would fit into regulations. Removal of ATVs from the ordinance was suggested. Ordinance No. 2282 remains tabled.

Lausterer reported a letter was sent to the neighboring property owner regarding the encroachment of the building onto the property at 11<sup>th</sup> and Pine Streets. The City could proceed to confirm the sale, or restart the process.

**Ordinance No. 2285** was introduced by Kavan entitled: AN ORDINANCE OF THE CITY OF WAHOO TO CONFIRM THE SALE OF REAL ESTATE TO WIT: THE S ½ OF LOT 1 AND 2 AND ALL OF LOT 3, BLK 110, COUNTY ADDITION TO WAHOO. The Mayor then instructed the Clerk to read Ordinance No. 2285 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2285 by title.

Council Member Kavan moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Lawver 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: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Rappl, yes; and Dunbar, 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. 2285 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2285 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: Kavan, yes; Tyler, yes; Lawver, yes; Krejci, yes; Rappl, 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, 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.

Harrell provided information on work done in 1999-2000 toward a remodel of city hall. It was agreed some professional assistance is required to create a plan, in order to estimate costs and budget, before proceeding toward a design/build project. Motion by Kavan, seconded by Dunbar, to authorize staff to prepare a scope of work. Roll call vote: Kavan, yes; Dunbar, yes; Rappl, yes; Krejci, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Motion was made by Lawver, seconded by Kavan, to recess as City Council and convene as the Community Development Agency, at 7:47 p.m. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Rappl, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

The Mayor opened the hearing before the Community Development Agency regarding substantial modification of the General Redevelopment Plan for a redevelopment area; approving certain redevelopment projects within a redevelopment area; approving a cost benefit analysis for such projects; and approving a redevelopment contract; and approving related matters as to 164 East 5<sup>th</sup> Street (Wahoo State Bank).

Harrell reported a MOU to use TIF for the project was approved March 9, 2017; terms of the TIF funding were discussed.

Council Member Lawver introduced **Resolution No. 2018-16**, and moved for its approval, seconded by Kavan,

**“WHEREAS**, the Community Development Agency of the City of Wahoo, Nebraska (the **“Authority”**), in furtherance of the purposes and pursuant to Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (the **“Act”**), has recommended approval of a general redevelopment plan in the form attached as **Attachment 1** (the **“Redevelopment Plan”**), for a redevelopment area of the City of Wahoo, Nebraska (the **“City”**), described in **Attachment 2** (the **“Redevelopment Area”**);

**WHEREAS**, pursuant to and in furtherance of the Act, the Authority has caused to be prepared a substantial modification to the Redevelopment Plan in the form attached as **Attachment 3** (the **“Plan Amendment”**), the purpose of which is to authorize certain community redevelopment projects (collectively, the **“Project”**) within that portion of the Redevelopment Area described in **Attachment 4** (**“Project Area”**);

**WHEREAS**, pursuant to the Plan Amendment, the Authority or the City would agree to incur indebtedness for the purposes specified in the Plan Amendment, in accordance with and as permitted by the Act;

**WHEREAS**, the City has previously adopted and has in place a comprehensive plan, which includes a general plan for development of the City within the meaning of Section 18-2110 of the Act; and

**WHEREAS**, the Authority has made certain findings and pursuant thereto has determined that it is in the best interests of the City to approve the Plan Amendment and to carry out the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAHOO, NEBRASKA AS FOLLOWS:**

**Section 1.** The Authority has determined that the proposed land uses and building requirements in the Redevelopment Area are designed with the general purposes of accomplishing, and in conformance with the general plan of the City, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and communitive facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

**Section 2.** The Authority has conducted a cost benefit analysis for the Project in accordance with the Act, and has found and hereby finds that the Project would not be economically feasible without the use of tax increment financing, the Project would not occur in the Project Area without the use of tax increment financing and the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, have been analyzed and have been found to be in the long term best interests of the City.

**Section 3.** The Authority hereby recommends approval of the Plan Amendment, following publication of notice and a public hearing with respect to the Plan Amendment pursuant to the Act.

**Section 4.** The Chair and Secretary are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out this Resolution.

**Section 5.** All prior resolutions of the Authority in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

**Section 6.** This resolution shall be in full force and effect from and after its passage and approval.”

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

Motion was made by Kavan, seconded by Dunbar, to adjourn as Community Development Agency and reconvene as City Council. Roll call vote: Kavan, yes; Dunbar, yes; Rappl, yes; Krejci, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

The meeting of the Wahoo City Council was reconvened at 7:53 p.m.

Motion by Kavan, seconded by Krejci, to approve Pay Application #1 for \$19,811.70 to M E Collins Contracting Co., Inc. for Chestnut Street Improvement Project. Roll call vote: Kavan, yes; Krejci, yes; Rappl, yes; Dunbar, yes; Tyler, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

Motion by Kavan, seconded by Krejci, to approve Pay Application #2 and Final for Wahoo Ball Field Fencing Replacement project to Elkhorn Fence for \$3,438.00. Roll call: Kavan, yes; Krejci, yes; Rappl, yes; Dunbar, yes; Lawver, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Genie Andrews of GIS Workshop answered questions regarding the information software, information gathering, annual maintenance, and the mobile app available for uploading information into the system. Motion by Krejci, seconded by Kavan, to approve the proposed contract, and authorize the Mayor to sign the necessary documents. Roll call vote: Krejci, yes; Kavan, yes; Tyler, yes; Rappl, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Application for change of liquor license premises by addition to building and reduction of outdoor patio area for the Wheelhouse Pub & Patio was discussed. Motion by Kavan, seconded by Krejci, to approve the change for addition to existing building. Roll call vote: Kavan, yes; Krejci, yes; Rappl, yes; Dunbar, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Waiver of separate submission of preliminary and final plats of Sycamore Hills – 2<sup>nd</sup> Addition Subdivision was discussed. This is permitted under Subdivision Regulations Section 3.10. Motion by Lawver, seconded by Dunbar, to approve the waiver of separate submissions of preliminary and final plat of Sycamore Hills – 2<sup>nd</sup> Addition Subdivision. Roll call vote: Lawver, yes; Dunbar, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Rappl, yes. Absent and not voting: none. Motion carried.

Request by M E Collins Contracting for placement of a flagpole in ROW was presented; Lausterer noted this would take an ordinance for an easement. Other options may be available for placement. Motion by Dunbar, seconded by Krejci, to table the request. Roll call vote: Dunbar, yes; Krejci, yes; Rappl, yes; Kavan, yes; and Tyler, yes. Lawver abstained. Absent and not voting: none. Motion carried.

Request for approval to construct a structure with less than required setback at 361 West 7<sup>th</sup> Street was explained by Beavers. Other structures on the block do not meet setbacks; the house at that address has a setback of 17 ½ feet. Beavers recommended the setback for the garage to match the house. Motion by Kavan, seconded by Lawver, to approve construction of a new structure with setback of 17 ½ feet. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Rappl, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Modification of easement for placement of grease trap for Wahoo Locker has been requested to improve operation of the grease trap; this has been approved by utilities and staff, and would still be a revocable easement.

**Ordinance No. 2286** was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO CONFIRM THE SALE OF REAL ESTATE TO WIT: THE S ½ OF LOT 1 AND 2 AND ALL OF LOT 3, BLK 110, COUNTY ADDITION TO WAHOO. The Mayor then instructed the Clerk to read Ordinance No. 2286 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2286 by title.

Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so 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; Rappl, yes; Dunbar, 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. 2286 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2286 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: Lawver, yes; Krejci, yes; Rappl, yes; Dunbar, yes; Kavan, 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, 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.

Motion by Kavan, seconded by Krejci, to approve the 2017 audit report for Wahoo Utilities. Roll call vote: Kavan, yes; Krejci, yes; Rappl, yes; Dunbar, yes; Lawver, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Kevin Stuhr reported eight bids were received for the Hackberry Park Concession Stand and Restroom project; Buckmaster Construction provided the low bid. The contractor plans to begin work soon, and scheduled completion date is April 1, 2019. Stuhr reported a substantial donation was received and sales tax will fund the remainder of the cost. Motion by Krejci, seconded by Rappl, to accept bids received on the Hackberry Park Concession project, award the contract to Buckmaster Construction with Alternate #1, and authorize the Mayor to sign contract documents. Roll call vote: Krejci, yes; Rappl, yes; Dunbar, yes; Tyler, yes; Kavan, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Patty Cerny, Harold Guyer, and Kim Guyer reported concerns over parking near their residences, which are near Hackberry Park. Congestion causes difficulty when backing out of driveways and poor visibility at the intersections. They have contacted the police department with their concerns. They were invited to attend the Street Committee Meeting on July 10 at 6:00 p.m.

The next meeting will be held July 12, 2018. The Mayor will not be present.

Motion by Dunbar, seconded by Kavan, to adjourn at 8:33 p.m.

Approved:

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Lucinda Morrow, Deputy Clerk

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Loren L. Lindahl, Mayor