

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

The Mayor and Council recognized Denise Lawver, Wahoo library director, recipient of the Nebraska Library Association's 2015 Excalibur Award, for Outstanding Public Librarian.

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

1. Excused absence of Tyler
2. Minutes of the September 10, 2015 meeting of the Mayor and Council
3. Minutes of September 8, 2015 meeting of Wahoo Public Library Board of Trustees

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

Lawver reported the Street Committee met to discuss future projects. Lindahl reported several Council members attended the Board of Public Works meeting to hear NPPD's presentation.

Harrell reported ground cleanup at the tree pile, as ordered by NDEQ, is complete at a cost of \$11,500 for trucking and disposal fees. She reported additional cameras in place, more frequent monitoring, and staff working with the police department to contact violators. Lausterer reported work with the County Attorney's office for prosecution for Littering and requesting restitution for cleanup costs, or possibly seeking civil penalties. Continued abuse of the site could result in closing.

The public hearing on an application for rezoning property described as a 7.81 acre parcel in NE ¼ NE ¼ Sec 32 T15N R7E, known as 1825 County Road M, filed by Howard and Claessee Manstedt Trust, from Trans Ag to LLR Large Lot Residential was declared open at 7:11 p.m. The Mayor called for comments. Beavers reported the parcel is being split from a larger piece of farm ground and must be rezoned to comply with regulations. Garnet Harders appeared for the application. A motion was made by Kavan, seconded by Lawver to close the public hearing at 7:13 p.m. Roll call vote: Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried.

Ordinance No. 2193 was introduced by Council Member Lawver, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP PERTAINING TO A PARCEL IN THE NE ¼ NE ¼ 32-15-7 BY CHANGING THE PRESENT ZONING OF THE REAL ESTATE FROM TA TO LLR; TO AUTHORIZE THE MAYOR AND THE CLERK OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, PURSUANT TO THIS ORDINANCE. The Mayor then instructed the Clerk to read Ordinance No. 2193 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2193 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 Kavan 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: Lawver, yes; Kavan, yes; Krejci, yes;

Svoboda, yes; and Dunbar, yes. Absent and not voting: Tyler. 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. 2193 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2193 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 Kavan, yes. Absent and not voting: Tyler. 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 that the Ordinance be forwarded to the Mayor for the Mayor's signature. The 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.

The public hearing on an amendment of Ordinance 1886, the Wahoo Zoning Ordinance, regarding yard requirements and setbacks, was declared open at 7:15 p.m. The Mayor called for comments. Beavers reported this change will give the Council authority to allow additions to structures which do not meet current setbacks, which match the current structure, if there is no safety issue or the addition does not affect existing utility conditions. No comments from the public. A motion was made by Kavan, seconded by Dunbar to close the public hearing at 7:18 p.m. Roll call vote: Kavan, yes; Dunbar, yes; Svoboda, yes; Krejci, yes; and Lawver, yes. Absent and not voting: Tyler. Motion carried.

Ordinance No. 2194 was introduced by Council Member Lawver, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND ORDINANCE 1886, THE WAHOO ZONING ORDINANCE, BY AMENDING SECTION 4.09 YARD REQUIREMENTS, TO AUTHORIZE THE COUNCIL TO PERMIT A VARIATION IN FRONT YARD SETBACKS. The Mayor then instructed the Clerk to read Ordinance No. 2194 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2194 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 Kavan 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: Lawver, yes; Kavan, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Tyler. 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. 2194 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2194 be approved and passed and its title agreed to. Council Member Dunbar 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; Dunbar, yes; Kavan, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: Tyler. 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 that the Ordinance be forwarded to the Mayor for the Mayor's signature. The 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.

Motion was made by Svoboda, seconded by Kavan, to table public hearing regarding substantial modification of the General Redevelopment Plan approving certain redevelopment projects in the area and approving a redevelopment contract, until October 8, 2015. Roll call vote: Svoboda, yes; Kavan, yes; Lawver, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried.

Lausterer reported the legal department of SBA Towers V, LLC has not finished their review, and requested the final reading be tabled. Motion by Kavan, seconded by Lawver, to table third and final reading of Ordinance No. 2191. Roll call vote: Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried.

Harrell reported the proposed amendment of Municipal Code would clarify the Council's authority to permit alcohol sales before noon on Sundays to nonprofit corporations on a case by case basis.

Ordinance No. 2195 was introduced by Council Member Dunbar, entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE MUNICIPAL CODE, TITLE XI: BUSINESS REGULATIONS, CHAPTER 113: ALCOHOLIC BEVERAGES, SECTION 113.02 HOURS OF SALE. The Mayor then instructed the Clerk to read Ordinance No. 2195 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2195 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 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: Dunbar, yes; Lawver, yes; Kavan, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: Tyler. 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. 2195 may be read by title and moved for final passage in the same meeting.

Council Member Dunbar moved that Ordinance No. 2195 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: Dunbar, yes; Lawver, yes; Krejci, yes; Svoboda, yes; and Kavan, yes. Absent and not voting: Tyler. 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 that the Ordinance be forwarded to the Mayor for the Mayor's signature. The 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.

Motion was made by Kavan, seconded by Svoboda, to authorize the Eagles Club to serve liquor before noon on Sunday, October 18th, for their district meeting. Roll call vote: Kavan, yes; Svoboda, yes; Dunbar, yes; Krejci, yes; and Lawver, yes. Absent and not voting: Tyler. Motion carried.

Beavers reported on status of the Conditional Use Permit issued to Joel Lindstrom at 430 East 5th Street which had been set for annual review. Review in two years was agreed.

Ordinance No. 2196 was introduced by Council Member Lawver, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND ORDINANCE NO. 2160 FOR PART OF LOT 9, BLOCK 146, COUNTY ADDITION TO WAHOO, BY EXTENDING A PERMITTED CONDITIONAL USE, AUTO GLASS REPAIR AND INSTALLATION. The Mayor then instructed the Clerk to read Ordinance No. 2196 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2196 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 Kavan 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: Lawver, yes; Kavan, yes; Dunbar, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: Tyler. 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. 2196 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2196 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; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: Tyler. 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 that the Ordinance be forwarded to the Mayor for the Mayor's signature. The 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.

Beavers reported on status of the Conditional Use Permit for limited food service business issued to Ken Houfek. Ken Houfek appeared to answer questions. Review in two years was agreed.

Ordinance No. 2197 was introduced by Council Member Kavan, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND ORDINANCE NO. 2142, BY EXTENDING A PERMITTED CONDITIONAL USE, LIMITED FOOD SERVICE BUSINESS. The Mayor then instructed the Clerk to read Ordinance No. 2197 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2197 by title.

Council Member Kavan 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 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: Kavan, yes; Lawver, yes; Svoboda, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Tyler. 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. 2197 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2197 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: Kavan, yes; Svoboda, yes; Dunbar, yes; Krejci, yes; and Lawver, yes. Absent and not voting: Tyler. 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 that the Ordinance be forwarded to the Mayor for the Mayor's signature. The 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.

Beavers reported on status of Voboril auto repair Conditional Use, and provided a photo of vehicles parked in the area. Voboril was not present. Motion by Kavan, seconded by Svoboda, to grant a 60 day extension of the Conditional Use Permit and table action on an ordinance. Roll call vote: Kavan, yes; Svoboda, yes; Lawver, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried. Voboril will be contacted to attend the next meeting.

Harrell reported the corrected easement at Westview is not completed yet. Motion by Lawver, seconded by Dunbar, to table action on the easement. Roll call vote: Lawver, yes; Dunbar, yes; Svoboda, yes; Krejci, yes; and Kavan, yes. Absent and not voting: Tyler. Motion carried.

Easement for utilities along the property line of Sid Dillon's development was discussed. A ten-foot wide easement is proposed.

Ordinance No. 2198 was introduced by Council Member Kavan, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO OBTAIN AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF UTILITIES ON A TRACT IN THE E ½ SW ¼ 9-14-7. The Mayor then instructed the Clerk to read Ordinance No. 2198 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2198 by title.

Council Member Kavan 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: Kavan, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: Tyler. 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. 2198 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2198 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: Kavan, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: Tyler. 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 that the Ordinance be forwarded to the Mayor for the Mayor's signature. The 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.

Beavers presented the parking plan proposed for the Sid Dillon's development project, and discussed number of stalls, surfacing, ADA compliance, and drainage. He noted the Planning Commission was concerned about drainage affecting the highway right-of-way, which is not a factor.

Motion by Lawver, seconded by Kavan, to approve the parking plan as presented. Roll call vote: Lawver, yes; Kavan, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Tyler. Motion carried.

Applications by Quality Disposal and Waste Connections of NE, Inc., for hauling solid waste within the City of Wahoo were reviewed. Council members reported a number of complaints about leakage from trucks owned by Quality Disposal. The requirement for maintaining equipment in good condition was discussed. Harrell reported she discussed leakage issues with both companies in the past.

Motion by Krejci to approve the one-year renewal for Waste Connections of Nebraska, Inc., and grant a 30-day extension to October 31, 2015 to Quality Disposal to allow a representative of the business to appear before the Council to discuss the complaints. Motion seconded by Dunbar. Roll call vote: Krejci, yes; Dunbar, yes; Svoboda, yes; Kavan, no; Lawver, yes. Absent and not voting: Tyler. Motion carried.

Expense for abatement of nuisance at 644 West 2nd Street was reviewed; a contractor was hired to do the work. Motion by Lawver, seconded by Kavan, to authorize the Clerk to file an assessment lien against property described as: the East Half of Lot 6, except the West 5 feet, of Block 31, Original Town, Wahoo, in the amount of \$806.74. Roll call vote: Lawver, yes; Kavan, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Tyler. Motion carried

Motion by Kavan, seconded by Lawver, to table approval of lease of real estate by City of Wahoo to SBA Tower V, LLC. Roll call vote: Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: Tyler. Motion carried.

There were no audience comments offered.

Lawver shared a brochure promoting the Build Nebraska Act, which features a photo of the Wahoo expressway project. Property at 23rd and Chestnut and process for transferring ownership to Wahoo Public Buildings and Grounds was discussed. Regulations to allow golf carts on city streets were discussed; Council members felt more community input was needed before changing rules. Pedestrian traffic on north and south Chestnut and J Road, possible pavement marking, and street lighting were discussed.

Motion by Kavan, seconded by Dunbar to adjourn at 8:09 p.m.

Approved:

Melissa M. Harrell, City Clerk

Loren L. Lindahl, Mayor