

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 Gerald D. Johnson 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, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

Council Committee reports were presented. The Street Committee met to discuss proposed projects. The Board of Public Works met, and received rate study information from Phil Euler. A shredding event will be held at the Library on November 16, 2019.

A motion was made by Lawver, seconded by Kavan, to approve the consent agenda:

- 1) Minutes of the October 10, 2019 meeting of Mayor and Council
- 2) Minutes of October 3, 2019 meeting of Planning Commission
- 3) Meeting date of December 26, 2019 for second meeting in December

Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Public hearing opened at 7:04 p.m. on approval of Final Plat of Lots 70 and 72, Heritage Heights Subdivision, a replat of Lots 70, 71, and 72, as filed. Council previously waived submission of preliminary plat for this replat. No public comments. Motion by Lawver, seconded by Kavan, to close public hearing at 7:05 p.m. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Motion by Lawver, seconded by Nagle to approve the Final Plat of Replatted Lots 70 and 72, Heritage Heights Subdivision, as presented. Roll call vote: Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; Kavan, yes. Absent and not voting: none. Motion carried.

Application for rezoning filed by Glenda and Roger Harders refers to three separate parcels; hearing on each parcel will be held separately.

Public Hearing on application for rezoning a 6-acre parcel, more or less, in the NW ¼ of NW ¼ S33-T15N-R7E, Saunders County, NE, from TA- Trans Ag to LLR - Large Lot Residential, west of property known as 1775 County Road M, filed by Glenda and Roger Harders opened at 7:05 p.m. Roger Harders addressed the Council about his request. Comments of concern about increased traffic, congestion, and noise were made by Tina and Martin Barber, and Mike Johnson. The future land use map shows the area as Medium to High Density Residential use. The Planning Commission recommended approval. Motion by Kavan, seconded by Krejci, to close the public hearing at 7:12 p.m. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Lausterer noted the parcels referred to in the rezoning application do not have exact legal descriptions provided, which would be necessary for the Assessor's office and mapping purposes. Beavers stated these properties have not yet been subdivided into separate parcels. Lawver asked about future development plans, particularly access to property to the south of the three parcels being discussed.

Ordinance No. 2325 entitled: AN ORDINANCE TO AMEND THE WAHOO ZONING MAP BY CHANGE OF ZONING OF A PARCEL DESCRIBED AS A 6-ACRE PARCEL IN THE NW ¼ NW ¼ S33-T15N-R7E, WEST OF 1775 CO RD M, FROM TA – TRANSITIONAL AG TO LLR – LARGE LOT RESIDENTIAL, was introduced by Kavan, contingent upon applicant providing a legal description of the parcel. The Mayor then instructed the Clerk to read Ordinance No. 2325 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2325 by title.

Council Member Kavan moved that the statutory rules in regarding 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; Nagle, yes; Warford, yes; Boop, 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. 2325 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2325 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; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried. Ordinance will be prepared when legal description is provided by applicant.

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.

Public Hearing on application for rezoning a 6-acre parcel, more or less, in the NE ¼ of S33-T15N-R7E, Saunders County, NE, from TA- Trans Ag to LLR - Large Lot Residential, east of property known as 1775 County Road M, filed by Glenda and Roger Harders, opened at 7:22 p.m. Comments of concern about increased traffic and congestion and noise were made by Tina and Martin Barber, and Mike Johnson. The future land use map shows the area as Medium to High Density Residential and Highway Commercial use. The Planning Commission recommended approval. Motion by Kavan, seconded by Nagle, to close the public hearing at 7:22 p.m. Roll call vote: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Exact legal description of the parcel is not provided, which would be necessary for the Assessor's office and mapping purposes. These properties have not yet been subdivided into separate parcels.

Ordinance No. 2326 entitled: AN ORDINANCE TO AMEND THE WAHOO ZONING MAP BY CHANGE OF ZONING OF A PARCEL DESCRIBED AS A 6-ACRE PARCEL IN THE NE ¼ OF S33-T15N-R7E, EAST OF 1775 CO RD M, FROM TA – TRANSITIONAL AG TO LLR – LARGE LOT RESIDENTIAL, was introduced by Warford, contingent upon applicant providing a legal description of the parcel. The Mayor then instructed the Clerk

to read Ordinance No. 2326 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2326 by title.

Council Member Kavan moved that the statutory rules in regarding 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 Nagle 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; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, 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. 2326 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2326 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: Warford, yes; Krejci, yes; Boop, yes; Nagle, yes; Kavan, yes; and Lawver, yes. Absent and not voting: none. Motion carried. Ordinance will be prepared when legal description is provided by applicant.

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.

Public Hearing on application for rezoning a 6-acre parcel, more or less, in the NE ¼ of S33-T15N-R7E, Saunders County, NE from TA – Trans Ag to C-2 – Highway Commercial, located south of County Road M and north of 1595 17<sup>th</sup> Avenue Road, filed by Glenda and Roger Harders opened at 7:24 p.m. Roger Harders stated other nearby property is already zoned C-2. Future land use shows the area as Highway Commercial. Comments by Mike Urlacher, Dana Hurt, Raleen Vrana, Mike Johnson, and Tina and Martin Barber, expressed concern about traffic, lighting, etc. Uses allowed under C-2 zoning were reviewed.

Roger Harders stated he wished to amend his application for rezoning, to withdraw the request to change to C-2 Highway Commercial zoning, and instead request change of zoning to LLR – Large Lot Residential. Parties who expressed objection to C-2 zoning stated they had no issue with rezoning to Large Lot Residential. Amendment of the application for rezoning was noted for the record.

Motion by Kavan, seconded by Warford, to close the public hearing at 7:36 pm. Roll call vote: Kavan, yes; Warford, yes; Lawver, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: none. Motion carried.

It was noted that exact legal description of the parcel is not provided and properties have not yet been subdivided into separate parcels. Lawver stated he did not feel comfortable with subdivision of the property until presentation of a plan for access to the entire property is complete. Planning Commission minutes were reviewed. There was discussion of whether the amended application should be returned

to the Planning Commission for a new hearing, or to allow an opportunity for the Planning Commission to review and comment. It was decided to do first reading of the ordinance, to allow the Planning Commission to review and comment at their November 7, 2019 meeting.

Ordinance No. 2327 entitled: AN ORDINANCE TO AMEND THE WAHOO ZONING MAP BY CHANGE OF ZONING OF A PARCEL DESCRIBED AS A 6-ACRE PARCEL IN NW ¼ OF S33-T15N-R7E, FROM TA – TRANSITIONAL AG TO LLR – LARGE LOT RESIDENTIAL, SOUTH OF COUNTY ROAD M AND NORTH OF 1595 17<sup>TH</sup> AVE RD, was introduced by Lawver, contingent upon applicant providing a legal description of the parcel. The Mayor then instructed the Clerk to read Ordinance No. 2327 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2327 by title.

Council Member Lawver moved that Ordinance No. 2327 be approved and passed on 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: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Bid for the aerial truck as submitted by Waterloo Fire and Rescue versus salvage value were discussed. The truck has been advertised extensively, with no other bids received. Keeping the equipment in service to benefit another department was considered; if Waterloo determines the truck is unable to be certified and repaired, it would be returned to WVFD and then could be scrapped. Motion by Kavan, seconded by Krejci, to authorize sale of 1986 Pierce Aerial Truck to Waterloo Volunteer Fire Department for \$1,700. Roll call vote: Kavan, yes; Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Hearing to determine whether to declare a dog (Lily Mae) owned by Mary Durham as a Potentially Dangerous or Dangerous Dog was opened at 7:50 p.m. Chief Bruce Ferrell reported incidents involving the collie Lily Mae on April 12, 2018, July 18, 2018, and October 5, 2019, and reports were submitted as exhibits. Mary Durham stated Lily Mae is two years old and still trainable, was influenced by Sheamus, and deserves a chance to prove herself. Durham stated she did what she was required to do with Sheamus, with fence, gates, and signs. Sandy Meese stated her dog was attacked on her own property by Sheamus and Lily, requiring veterinary care, and Durham was not able to keep a dog already declared dangerous (Sheamus) contained as was required. Durham stated Sheamus was sent to a professional trainer, however the trainer had not worked with her yet. Boop asked whether the additional incidents with Sheamus occurred after his training; they did. Sheamus was euthanized after the October 5<sup>th</sup> incident.

The progression from potentially dangerous animal, to dangerous, to being surrendered and euthanized, was discussed.

Kavan moved that the dog Lily Mae be declared potentially dangerous due to the attack on another dog. Motion seconded by Lawver. Roll call vote: Kavan, yes; Lawver, yes; Warford, yes; Boop, yes; Krejci, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Hearing opened at 8:10 p.m. on whether to determine Mary Durham as an irresponsible owner under Municipal Code Section 96-119. Lausterer explained this is a new section of the regulations, and the Chief of Police can determine that a person is an irresponsible owner based upon records; the individual can then appeal to the City Council. Because this is the first time utilizing this section, it was decided to schedule a hearing before the Council. If found an irresponsible owner, the person would be prohibited

from having animals, and would have to relinquish or rehome their pets.

Chief Ferrell reported the incidents and citations involving Mary Durham and her dogs: biting and attack incidents, unlicensed dogs, owning more than three dogs, dogs at large, barking dogs, dangerous dog declaration, and relinquishment/euthanization of the dangerous dog. Copies of reports, notices of hearing and proof of service were received as exhibits. Durham stated she has had dogs all her life, and loves her animals and takes good care of them. Council members noted the incidents keep happening, even after a dangerous dog declaration, and the dogs continue to run at large, despite Durham's intent to do better.

Mary Durham left the meeting at 8:25 p.m., in order to go to work.

Ferrell noted concern for public safety and the City's liability, particularly after two separate attacks in five days. Consequences of being found an irresponsible owner were again discussed, and ordinance is clear in requiring surrender of animals in ten days, and prohibition from owning animals. Any animals owned would need to be surrendered or rehomed within that time.

A motion was made by Lawver, seconded by Boop, to declare Mary Durham an irresponsible owner under Section 96-119. Roll call vote: Lawver, yes; Boop, yes; Warford, yes; Kavan, yes; Nagle, yes; and Krejci, yes. Absent and not voting: none. Motion carried. Notification of finding will be served upon Mary Durham.

Jon Mooberry of JEO Consulting Group, provided plans and specifications for 2020 Wahoo intersections and curb ramps, including storm sewer improvements, and discussed opinion of cost and potential schedule for completion. Harrell noted the cost was higher than expected, and the Street committee discussed breaking the project into sections to fit this into the budget. Motion by Lawver, seconded by Kavan, to table consideration of plans and specifications for 2020 Intersection and Curb Ramp improvements. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Motion by Kavan, seconded by Warford, to approve Pay Application #16 to M E Collins Contracting for Chestnut Street Improvements, in the amount of \$252,838.75 (City's share \$234,133.25). Roll call vote: Kavan, yes; Warford, yes; Nagle, yes; Krejci, yes; Boop, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

Conditional Use Permit for auto glass repair in C-3 Commercial District, issued to Joel Lindstrom, at 430 East 5<sup>th</sup> Street was reviewed. Beavers reported a property maintenance issue earlier this year, which was addressed. No change in conditions recommended, and review in 24 months.

Ordinance No. 2328 entitled: AN ORDINANCE TO AMEND THE WAHOO ZONING MAP BY EXTENDING A CONDITIONAL USE PERMIT TO ALLOW A CONDITIONAL USE, AUTO GLASS REPAIR AND INSTALLATION IN C-3 ZONING DISTRICT, was introduced by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2328 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2328 by title.

Council Member Warford moved that the statutory rules in regarding 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: Warford, yes; Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, 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. 2328 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2328 be approved and passed and its title agreed to. Council Member Nagle seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Lawver, yes; and Kavan, 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.

Conditional Use Permit for limited food service business in NRC District, issued to Ken Houfek was reviewed. Beavers reported there were no issues or problems reported. Ken Houfek stated he plans to erect a fence on the property in the next year, and is getting rid of some items in the back yard. No change in conditions, and recommended review in 24 months.

Ordinance No. 2329 entitled: AN ORDINANCE TO AMEND THE WAHOO ZONING MAP BY EXTENDING A CONDITIONAL USE PERMIT TO ALLOW A CONDITIONAL USE, LIMITED FOOD SERVICE IN NRC ZONING DISTRICT, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2329 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2329 by title.

Council Member Kavan moved that the statutory rules in regarding 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 Nagle 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; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, 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. 2329 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2329 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; Boop, yes; Warford, yes; Kavan, yes; and Nagle, 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.

Conditional Use Permit for a beer garden in C-1 Downtown Commercial Zoning issued to Maly's Landing was reviewed. Beavers noted the original permit specified conditions for the fence, including making utility meters accessible at all times, and fire exits and security. At this time the gas meter is within the fence area. Extending the permit with review in twelve months, conditioned upon City inspection for compliance of the fence with conditions listed in the original ordinance, and correction, if necessary.

Ordinance No. 2330 entitled: AN ORDINANCE TO AMEND THE WAHOO ZONING MAP BY EXTENDING A CONDITIONAL USE PERMIT TO ALLOW A CONDITIONAL USE, A BEER GARDEN IN C-1 ZONING DISTRICT, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2330 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2330 by title.

Council Member Lawver moved that the statutory rules in regarding 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 Warford 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; Warford, yes; Boop, yes; Krejci, yes; Nagle, yes; and Kavan, 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. 2330 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2330 be approved and passed and its title agreed to. Council Member Nagle 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; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, 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.

Ordinance No. 2324 entitled: AN ORDINANCE GRANTING A FRANCHISE TO SPECTRUM MID-AMERICA TO OWN, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF WAHOO; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM, was introduced for its second reading by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2324 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid

Ordinance No. 2324 by title.

Council Member Kavan moved that the statutory rules in regarding 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; Nagle, yes; Krejci, yes; Boop, yes; and Warford, abstained. 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. 2324 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2324 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; Nagle, yes; Krejci, yes; Boop, yes; and Warford, abstained. 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 reported utilities are interested in obtaining an easement for an overhead utility line that will be placed underground across property in part of Lot 11, Block 3, Fairview Addition.

Ordinance No. 2331 entitled: AN ORDINANCE TO ACQUIRE AN INTEREST IN REAL ESTATE FOR A PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR UTILITIES IN PART OF LOT 11, BLOCK 3, FAIRVIEW ADDITION, was introduced by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2331 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2331 by title.

Council Member Lawver moved that the statutory rules in regarding 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 Warford 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; Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, 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. 2331 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2331 be approved and passed and its title agreed to. Council Member Nagle seconded the motion. The Mayor instructed the Clerk to call the roll for the vote



and the following was the vote on this motion: Krejci, yes; Nagle, yes; Kavan, yes; Lawver, yes; Warford, yes; and Boop, 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 stated several assessments for nuisance cleanup have been filed against property on former college campus. There are additional unpaid bills for nuisance cleanup, and expect one more abatement before winter. Motion by Krejci, seconded by Kavan, to authorize staff to proceed with foreclosure action on property described as Block 2, Dickinson's Addition to Wahoo, known as 1268 North Locust (former Kennedy College South Hall/Camel Center). Roll call vote: Krejci, yes; Kavan, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Motion by Lawver, seconded by Warford, to adjourn at 9:15 p.m.

Approved:

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Lucinda J. Morrow, Clerk

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Gerald D. Johnson, Mayor