

The Council met in regular session and in compliance with agenda posted at City Hall, Post Office and First National Bank with each Council member being notified of agenda prior to the meeting. The meeting was called to order by Mayor Daryl Reitmajer 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, Jerry Johnson, and Janet Jonas. Merle Hennings and Jim Svoboda, absent.

The Mayor called for comments from the public and none were presented.

The Mayor signed a proclamation declaring March 2009 as Gambling Awareness Month.

Council Committee reports were given. Jonas reported the Park and Recreation Board had met and that they had gotten the marquee sign from the old hospital for use at the Civic Center. Lawver reported the Street Committee had met and would be discussing items later on the agenda.

Department Head reports were reviewed. Harrell reminded the Council of the Household Hazardous Waste Clean Up Day scheduled for May 2, 2009. The Annual Fire Department and Rescue Squad report for 2008 was reviewed.

The Mayor declared the public hearing on the One and Six Year Road Plan open at 7:04 p.m. Julie Ogden of JEO Consulting Group was present to review the plan with the Council. The Mayor called for comments from the public and none were presented. A motion was made by Jonas, seconded by Johnson, to close the public hearing at 7:08 p.m. Roll call vote: Jonas, yes; Johnson, yes; Lawver, yes; and Tyler, yes. Hennings and Svoboda, absent and not voting. Motion carried.

Council member Jonas introduced the following resolution, **Resolution No. 2009-02** and moved for its approval, seconded by Lawver:

“WHEREAS, the City Street Superintendent has prepared and presented a One Year and Six Year Plan for Street Improvement Program for the City of Wahoo, Nebraska, and

WHEREAS, a public meeting was held on the 12th day of February, 2009, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of Wahoo, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted.”

Roll call vote: Jonas, yes; Lawver, yes; Tyler, yes; and Johnson, yes. Hennings and Svoboda, absent and not voting. Motion carried.

The plans and specifications for the Lake Wanahoo Trail Project – Phase I were reviewed by the Council. A motion was made by Jonas to approve the plans and specifications as presented, and authorize calling for bids with the publication of the “Notice to Bidders” in both the Wahoo Newspaper and the Lincoln Journal Star with the bid opening to be March 11, 2009 at 1:30 p.m. Roll call vote: Jonas, yes; Tyler, yes; Lawver, yes; and Johnson, yes. Hennings and Svoboda, absent and not voting. Motion carried.

A motion was made by Johnson, seconded by Jonas, to authorize the Mayor to enter into an agreement with the Nebraska Department of Roads to provide appraisal services for the Maple Street North Trail Property acquisition. Roll call vote: Johnson, yes; Jonas, yes; Lawver, yes; and Tyler, yes. Hennings and Svoboda, absent and not voting. Motion carried.

A motion was made by Jonas, seconded by Tyler to authorize the Mayor to sign an amendment to the grant agreement with the Nebraska Department of Roads for the Maple Street North Trails Project, extending the deadline to July 31, 2009. Roll call vote: Jonas, yes; Tyler, yes; Lawver, yes; and Johnson, yes. Motion carried.

A motion was made by Lawver, seconded by Jonas, to authorize an extension for the deadline on the abatement of a dangerous building at 108 East 5<sup>th</sup> to March 16<sup>th</sup>, 2009. Roll call vote: Lawver, yes; Jonas, yes; Tyler, yes; and Johnson, yes. Hennings and Svoboda, absent and not voting. Motion carried.

Jim Gibney discussed the need and reasoning behind the Board of Public Works request for utility rate increases in water, sewer and electricity. He indicated that for several years the increases in the fixed costs of doing business have been absorbed by the utilities but that can no longer be done. Council member Jonas introduced Ordinance No. 2010 entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND TITLE III: ADMINISTRATION OF THE WAHOO MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA, BY ADDING THERETO A NEW CHAPTER 38 ENTITLED UTILITY RATES PERTAINING TO RATES TO BE CHARGED THE CONSUMERS OF THE UTILITIES OF THE CITY OF WAHOO, NEBRASKA; TO PROVIDE THE EFFECTIVE DATES FOR EACH RESPECTIVE UTILITY RATE, and moved for approval of first

reading, seconded by Tyler. Roll call vote: Jonas, yes; Tyler, yes; Lawver, yes; and Johnson, yes. Hennings and Svoboda, absent and not voting. Motion carried.

A motion was made by Jonas, seconded by Johnson to table action on a request for reconsideration of the Council's denial of a request for mandatory garbage collection requirement, until the citizen requesting the waiver can be present. Roll call vote: Jonas, yes; Johnson, yes; Lawver, yes; and Tyler, yes. Hennings and Svoboda, absent and not voting. Motion carried.

Harrell explained to the Council the conditions leading up to the delinquent occupation tax payments for garbage and refuse collectors for solid waste collected by Quality Disposal since January 1, 2002. Quality Disposal representatives requested equal and fair treatment in light of the Council's acceptance of \$1,200 flat payment from Wahoo Sanitation instead of the required 5%. Discussion was held on the issue and Reitmajer request the issue be tabled and referred to the Street Committee for a determined course of action. A motion was made by Johnson, seconded by Jonas, to table action on this issue and refer to the Street Committee for a recommendation on action. Roll call vote: Johnson, yes; Jonas, yes; Lawver, yes; and Tyler, yes. Hennings and Svoboda, absent and not voting. Motion carried.

Discussion was held on a proposed ordinance to establish qualifications for haulers to provide solid waste removal in Wahoo, and to approve the process for approving applications, including application and application fee. Johnson expressed concerns about the lack of language in the ordinance pertaining to recycling. He also expressed concern about how residents would be required to be compliant with the mandatory garbage collections and how it would be enforced. In addition, he questioned whether there was still an item open regarding a two-year extension on the current contract with Wahoo Sanitation and if that item needed to be voted on. Discussion was held on the possibility of tabling any action to a meeting where all Council members would be present to determine the course of action. A motion was made by Johnson to table any action on the ordinance to a special meeting, to be held on February 19, 2009 at 7:00, with the agenda items to be broad enough to allow the Council to determine a course of action for solid waste removal in Wahoo, seconded by Tyler. Roll call vote: Johnson, yes; Tyler, yes; Lawver, yes; and Jonas, yes. Hennings and Svoboda, absent and not voting. Motion carried.

A motion was made by Johnson, seconded by Tyler, to table any action on an amendment to Municipal Code pertaining to occupation tax for garbage and refuse collectors – to combine references to residential, commercial and group dwellings into one section and to change the date the tax is due to coordinate with the ordinance to approve solid waste haulers. Roll call vote: Johnson, yes; Tyler, yes; Lawver, yes; and Jonas, yes. Hennings and Svoboda, absent and not voting. Motion carried.

A motion was made by Lawver to accept the following items as presented: Minutes of Park and Recreation Board of 2/4/09, Minutes of Planning Commission of 2/5/09; and Minutes of Library Board of 1/14/09. Motion seconded by Jonas. Roll call vote: Lawver, yes; Jonas, yes; Tyler, yes; and Johnson, yes. Hennings and Svoboda, absent and not voting. Motion carried.

A motion was made by Johnson, seconded by Jonas, to approve the following items listed on the consent agenda: Minutes of January 22, 2009 and the following licenses: Thomas J. Heimann, Heimann Plumbing, Cedar Bluffs, plumber; Pat R. Crawford, Crawford Plumbing Company, Hickman, plumber; and Donald Pytlik, Ernie's Store, Ceresco, plumber. Roll call vote: Johnson, yes; Jonas, yes; Lawver, yes; and Tyler, yes. Motion carried.

A motion was made by Jonas, seconded by Johnson to adjourn at 8:02 p.m.

Approved: February \_\_\_\_\_, 2009.

Published: February 19, 2009.

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Melissa M. Harrell, Clerk

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Daryl Reitmajer, Mayor