

The Council met in special session as called by the Mayor 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: Merle Hennings, Mike Lawver, Gerry Tyler, Jerry Johnson, Jim Svoboda, and Janet Jonas.

Council member Jonas moved that the second and third readings of **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 (1st reading approved 2/12/09) be waived and that the ordinance move to final reading, seconded by Lawver. Roll call vote: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, yes. 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. 2010 may be read by title and moved for final passage in the same meeting.

Council Member Jonas moved that Ordinance No. 2010 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: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, yes.

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 the Mayor, in the presence of the Council, signed and approved the Ordinance and 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.

Svoboda reported to the Council that the Street Committee had met with Quality Disposal to discuss settlement of past due garbage occupation taxes. He reported the Committee was recommending an amount of \$11,179.50 which represented \$128.50 X 87 months. A motion was made by Svoboda to accept a single payment of \$11,179.50 from Quality Disposal to pay all garbage occupation taxes due from Quality Disposal from January 2002 to the end of February 2009 to be paid by 2/27/2009. Motion seconded by Lawver. Roll call vote: Svoboda, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Jonas, yes. Motion carried.

Discussion was held by the Council on the current contract set to expire on 2/28/2009 with Wahoo Sanitation for solid waste removal in Wahoo. A draft of an ordinance to provide for permitted haulers was reviewed by the Council. Questions were raised on the days of pick up in residential areas. Several Council members expressed interest in having those days limited so garbage would not be sitting out all days in neighborhoods. Discussion was also held on the differences between commercial and industrial waste and how far the City needs to go in regulating the collection of industrial waste. Steve Mossman, attorney for Waste Connections reminded the Council that with the termination of the current contract, the transfer station facilities would not be required to be open to City of Wahoo residents. Council members agreed that more work needed to be done to address recycling options in Wahoo and that there is a cost to recycling that would have to be borne by the City or by the customer.

Ordinance No. 2011 was introduced by Council Member Hennings entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND TITLE V: PUBLIC WORKS, CHAPTER 55, SECTIONS 55.01 THROUGH 55.14 OF THE MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO SOLID WASTE, BY REPEALING SAID SECTIONS IN THEIR ENTIRETY AND CREATING A NEW CHAPTER 55 PERTAINING TO THE REMOVAL OF SOLID WASTE FROM THE CORPORATE LIMITS OF THE CITY OF WAHOO, NEBRASKA; TO PROVIDE DEFINITIONS; TO PROVIDE THE TITLE OF THIS ORDINANCE; TO PROVIDE FOR THE COMPULSORY REMOVAL AND DISPOSAL OF SOLID WASTE WITHIN THE CITY OF WAHOO; TO PROVIDE THAT THE MAYOR SHALL HAVE SUPERVISION AND CONTROL OVER THE COLLECTION OF ALL SOLID WASTE WITHIN THE CITY OF WAHOO; TO PROVIDE THAT THE CITY RESERVES UNTO ITS SELF THE EXCLUSIVE RIGHT TO COLLECT ALL SOLID WASTE BUT MAY GRANT ONE OR MORE NON-EXCLUSIVE RIGHTS AND PRIVILEGES TO OTHER PERSONS TO COLLECT SOLID WASTE; TO PROVIDE EXCEPTIONS FOR THE COLLECTION OF SOLID WASTE; TO PROVIDE THAT ALL SOLID WASTE BE DISPOSED OF IN A SOLID WASTE FACILITY; TO PROVIDE THAT IT SHALL BE UNLAWFUL TO DISPOSE OF SOLID WASTE UPON ANY PUBLIC PROPERTY OR VACANT LOTS; TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO PLACE SOLID WASTE UPON PUBLICLY OWNED PROPERTY; TO PROVIDE FOR SOLID WASTE

CONTAINERS; TO PROVIDE FOR A RECYCLING SYSTEM; TO PROVIDE AN APPLICATION PROCESS FOR A PERSON TO OBTAIN A PERMIT TO HAUL; TO PROVIDE THAT ANY PERSON GRANTED A NON-EXCLUSIVE RIGHT TO COLLECT SOLID WASTE TO AGREE TO COMPLY WITH THIS ORDINANCE; TO PROVIDE THAT THE CITY MAY PROVIDE ONE OR MORE LIMITED LANDFILLS; TO PROVIDE FOR COMPLIANCE WITH ALL STATUTES AND RULES AND REGULATIONS; TO PROVIDE FOR A TOLL FREE TELEPHONE NUMBER; TO PROVIDE FOR A SCHEDULE OF TARIFFS; TO PROVIDE FOR NON DISCRIMINATION AS TO RATES; TO PROVIDE FOR THE COLLECTION OF INFORMATION ON EACH VEHICLE TO BE USED FOR COLLECTION; TO PROVIDE FOR PAYMENT OF THE OCCUPATION TAX AS SET FORTH IN SECTION 112.01 OF THE MUNICIPAL CODE OF THE CITY OF WAHOO; TO PROVIDE FOR NONDISCRIMINATION; TO PROVIDE INDEMNIFICATION TO CITY; TO PROVIDE PROOF OF INSURANCE; TO PROVIDE MAINTAINING OF RECORDS AND SUBMITTAL TO CITY OF WAHOO; TO PROVIDE FOR NON-ASSIGNMENT OF RIGHTS; TO PROVIDE THAT A WAIVER OF A BREACH SHALL NOT BE HELD A WAIVER OF ANY SUCCEEDING BREACH; TO PROVIDE CURBSIDE COLLECTION FROM RESIDENTIAL UNITS; TO PROVIDE THE NORMAL HOURS OF COLLECTION; TO PROVIDE FOR MISSED COLLECTION; TO PROVIDE FOR SUSPENSION OF COLLECTION FOR SPECIFIED HOLIDAYS; TO PROVIDE FOR COMPLAINTS; TO PROVIDE FOR REFUSE VEHICLES; TO PROVIDE FOR ACTIONS OF EMPLOYEES; TO PROVIDE THE PENALTY FOR VIOLATION OF THIS ORDINANCE. The Mayor then instructed the Clerk to read Ordinance No. 2011 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2011 by title.

Council Member Hennings 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: Hennings, yes; Lawver, yes; Tyler, yes; Johnson, yes; Svoboda, yes, and Jonas, yes. 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. 2011 may be read by title and moved for final passage in the same meeting.

Council Member Hennings moved that Ordinance No. 2011 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: Hennings, yes; Svoboda, yes; Lawver, yes; Tyler, yes; Johnson, yes; and Jonas, no.

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 the Mayor, in the presence of the Council, signed and approved the Ordinance and 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 Clerk reported that the applications received by 3:00 p.m. on Tuesday, February 24, 2009 would be on the agenda for February 26, 2009 for consideration.

Discussion was held by the Council on occupation tax for solid waste haulers and what exactly the occupation tax was charged on. A question was raised on whether or not the occupation tax would be due on uncollected accounts and it was stated that the occupation tax would be charged on the services provided. **Ordinance No. 2012** was introduced by Council Member Jonas entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND TITLE XI: BUSINESS REGULATIONS, CHAPTER 112: OCCUPATION TAXES, SECTION 112.01(B) OF THE MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO OCCUPATION TAXES FOR GARBAGE AND REFUSE COLLECTORS. The Mayor then instructed the Clerk to read Ordinance No. 2012 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2012 by title.

Council Member Jonas 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: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, yes. 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. 2012 may be read by title and moved for final passage in the same meeting.

Council Member Jonas moved that Ordinance No. 2012 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: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Johnson, yes; and Svoboda, yes.

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 the Mayor, in the presence of the Council, signed and approved the Ordinance and 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.

A motion was made by Jonas, seconded by Tyler to table approval of the minutes of February 12, 2009 to the next meeting of the Council. Roll call vote: Jonas, yes; Tyler, yes; Hennings, yes; Lawver, yes; Johnson, yes; and Svoboda, yes. Motion carried.

A motion was made by Jonas, seconded by Svoboda to adjourn at 8:07 p.m.

Approved: March 12, 2009.

Published: February 26, 2009.

Melissa M. Harrell, Clerk

Daryl Reitmajer, Mayor