

The Council met in regular session 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 Jerry 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: Merle Hennings, Gerry Tyler, Jim Svoboda, and Janet Jonas. Absent were: Mike Lawver, Stuart Krejci.

The Mayor called for items not otherwise listed on the agenda. There were none.

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

1. Approval of excused absence of Stuart Krejci, and Mike Lawver.
2. Approval of the Council minutes of August 9, 2012

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

Lawver entered the meeting at 7:01 p.m.

The Mayor called for Council Committee reports. Jonas reported the Finance Committee has met with departments regarding budgets. Harrell asked that the full council be present for a work session at 6:00 p.m. on September 13, 2012 to discuss the budget. Harrell also requested that the Street committee meet to discuss off-street parking and street right-of-way, and the request to close Second Street. Tyler reported the Board of Public Works met and approved JEO to design a water main extension to the Omaha Steel site, and also released an unneeded utility easement in front of property on 6th Street between Linden and Beech. The Mayor reported several inquiries have been made about property development as Chestnut Street progresses.

Jake Vasa of JEO Consulting Group reported on the status of Chestnut Street Improvements. The paving is progressing, the box culvert is completed, and additional paving, grading and sidewalk improvements are continuing. Vasa stated Change Order #3 relates to sewer utility and service line conflicts, for an adjustment of \$7,756.91. Additional retaining wall was installed and more may be needed.

Council Member Hennings moved that Change Order No. 3 to the contract with TAB Construction, for 2012 Chestnut Street Improvements be approved, seconded by Jonas. Roll call vote: Hennings, yes; Jonas, yes; Tyler, yes; Svoboda, yes; and Lawver, yes. Krejci, absent and not voting. Motion carried.

Vasa presented Application for Payment No. 3 to TAB Construction Co. for 2012 Chestnut Street Improvements. Council Member Svoboda moved that Application for Payment No. 3 to TAB Construction Co. for 2012 Chestnut Street Improvements, for \$414,946.78 be approved, seconded by Jonas. Roll call vote: Svoboda, yes; Jonas, yes; Hennings, yes; Lawver, yes; and Tyler, yes. Krejci, absent and not voting. Motion carried.

The following resolution, **Resolution No. 2012-14** was introduced by Hennings, who moved for its approval, seconded by Jonas:

“A RESOLUTION CALLING FOR PARTIAL PAYMENT AND REDEMPTION, CITY OF WAHOO, NEBRASKA AQUATIC CENTER SALES TAX REVENUE BONDS, SERIES 2004, FOR REDEMPTION”

BE IT RESOLVED by the Mayor and City Council of the City of Wahoo, Nebraska, as follows:

Section 1. That the following bonds are hereby called for redemption under the provision for extraordinary call of bonds regularly maturing December 1, 2019 as set out in the bonds and in the ordinance authorizing issuance of the Bonds, at par plus accrued interest on October 1, 2012 after which date said bonds shall cease to bear interest:

Aquatic Center Sales Tax Revenue Bonds, Series 2004, Dated December 1, 2004, in the principal amount of \$60,000 becoming due December 1, 2019 (CUSIP # 930578 AP4) issued by the City to pay a portion of the cost of constructing an aquatic center, furnishing the necessary equipment and apparatus for the same, to pay costs of site preparation and to pay other related project costs. This is a partial call only of CUSIP # 930578 AP4.

Section 2. Said bonds are payable at the office of the Treasurer of the City of Wahoo, in Wahoo, Nebraska as Paying Agent and Registrar.

Section 3. A copy of this resolution shall be filed at least 30 days prior to the date of call with the Treasurer of the City of Wahoo, Nebraska, as Paying Agent and Registrar and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the ordinance authorizing said bonds.

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

Motion by Jonas, seconded by Lawver, to authorize the City of Wahoo to participate in III Corps, a multi-jurisdictional drug task force, for fiscal year 2012-13. Chief Kenneth Jackson reported this is a different program than RAP, which was previous used. Saunders County voted to join the III Corps group, which requires that all communities within the County participate. Saunders County will pay the cost of \$1.50 per resident, and are asking cities and villages to contribute \$.50 per resident. After discussion, Jonas amended the motion to state, to authorize the City of Wahoo to participate in III Corps, a multi-jurisdictional drug task force, for fiscal year 2012-13, but not pay an additional \$.50 per resident. Motion seconded by Lawver. Roll call vote: Jonas, yes; Lawver, yes; Tyler, yes; Hennings, yes; and Svoboda, yes. Krejci, absent and not voting. Motion carried.

Motion by Lawver, seconded by Tyler, to authorize the City of Wahoo to renew its membership with SENDD and housing dues for fiscal year 2012-13. Harrell stated services are provided by SENDD for grant administration. Roll call vote: Lawver, yes; Tyler, yes; Svoboda, yes; Hennings, yes; and Jonas, yes. Krejci, absent and not voting. Motion carried.

Loren Lindahl, City Attorney, reported on recent contacts with holders of tax certificates of lots associated with the former Kennedy College campus, and status of the properties. The Mayor reported past estimates for demolition of the east hall, south hall, and gym buildings totaled about \$400,000. Estimates to repair the roof and replace windows to secure the structure, without any interior repairs, would run about the same amount. The property condition and nuisance process was discussed; if the city acts to abate the nuisance, that cost would be assessed against the property. The Mayor reported there are individuals willing to contribute toward improvement of the property, and grants may be available to help with costs.

Ordinance No. 2100 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO ACQUIRE AN INTEREST IN REAL ESTATE, LOTS 1, 2, AND

6, KENNEDY COLLEGE SUBDIVISION TO THE CITY OF WAHOO, AND BLOCK 2, DICKINSON'S ADDITION TO WAHOO, SAUNDERS COUNTY, NEBRASKA, BY PURCHASE OR EMINENT DOMAIN FOR PUBLIC PURPOSES. The Mayor then instructed the Clerk to read Ordinance No. 2100 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2100 by title.

Council Member Tyler 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 Jonas 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: Tyler, yes; Jonas, yes; Svoboda, yes; Hennings, yes; and Lawver, no. Krejci, absent and not voting. The motion failed.

Council Member Lawver moved that Ordinance No. 2100 be approved at first reading 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: Lawver, yes; Tyler, yes; Svoboda, no; Jonas, yes; and Hennings, yes. Krejci, absent and not voting. Motion carried.

A motion was made by Jonas, seconded by Lawver to adjourn at 8:31 p.m.

Approved: _____.

Melissa M. Harrell, City Clerk

Gerald D. Johnson, Mayor