

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: Mike Lawver, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Janet Jonas. Absent was: Merle Hennings.

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

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

1. Acceptance of excused absence of Merle Hennings from the October 11, 2012 meeting
2. Minutes of September 27, 2012 meeting of Council
3. Accept minutes of October 4, 2012 meeting of Planning Commission
4. Approval of appointment of Tracy Pfligler to fill the unexpired term of Dan Bunjer on the Wahoo Planning Commission

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

The Mayor called for Department Head reports. Kevin Stuhr reported a review of the financials from this summer's Park and Recreation programs and the Aquatic Center report would be on the November agenda. Stuhr discussed the Community Threat Assessment Protocol Project Summary provided by the Nebraska Forest Service. This report provided an inventory of trees on public property and their condition, diversity of species and age diversity.

The Mayor called for Council Committee reports. None were presented.

The Mayor stated agenda items would be reordered, and he would be asking the Council for a closed session to discuss acquisition of real estate later in the meeting.

The Mayor reported he had additional discussion with Skyline Properties LLC regarding unpaid special assessments and interest due. Authorization for the Mayor to enter into an agreement with Skyline Properties for payment of special assessments will be on the next agenda.

Phil Lorenzen of D. A. Davidson Co. addressed the Council regarding calling 2007 Various Purpose Bonds.

The following resolution, **Resolution No. 2012-17**, was introduced by Krejci, who moved for its approval, seconded by Lawver:

"RESOLUTION CALLING GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2007 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 at par plus accrued interest on November 15, 2012, after which date said Bonds shall cease to bear interest: (This is a full call of the Bonds.)

General Obligation Various Purpose Bonds, Series 2007, date of original issue – June 15, 2007, in the principal amount of \$340,000, consisting of all of the outstanding Series 2007 Bonds regularly due June 15, 2013 through June 15, 2019, both inclusive, originally issued by the City for the purpose of providing funds to pay the cost of improvements in Street Improvement District No. 2005-1 and Street Improvement Project No. 2006-1 (including the areas formed by the crossing of streets, avenues and alleys); to pay for certain improvements for County Road “J”; and to pay the costs of issuance and underwriting associated with issuance of the Series 2007 Bonds.

Section 2. Said bonds are payable at the office of the Treasurer of the City of Wahoo, 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: Krejci, yes; Lawver, yes; Jonas, yes; Tyler, yes; and Svoboda, yes. Hennings, absent and not voting. Motion carried.

Ordinance No. 2110 was introduced by Council Member Jonas entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, OF THE CITY OF WAHOO, NEBRASKA IN THE PRINCIPAL AMOUNT OF \$350,000 TO REFUND AND RETIRE \$340,000 GENERAL OBLIGATION BONDS SERIES 2007, OF THE CITY OF WAHOO, NEBRASKA, DATED JUNE 15, 2007; PRESCRIBING THE FORM AND CERTAIN DETAILS OF THE BONDS; PLEDGING FUNDS RECEIVED FROM THE NEBRASKA HIGHWAY ALLOCATION FUND TO PAY A PORTION OF SAID BONDS AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH. The Mayor then instructed the Clerk to read Ordinance No. 2110 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2110 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 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: Jonas, yes; Krejci, yes; Lawver, yes; Tyler, yes; and Svoboda, yes. Hennings absent and not voting. 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. 2110 may be read by title and moved for final passage in the same meeting.

Council Member Jonas moved that Ordinance No. 2110 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: Jonas, yes; Krejci, yes; Tyler, yes; Svoboda, yes; and Lawver, yes. Hennings, absent and not voting. 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.

Discussion of the tabled agreement with JEO for additional components of an economic development plan opened. Copies of the existing Highway Corridor Overlay Zoning District were distributed, along with a letter from Doug Watts of Greater Wahoo Development. Lawver noted the existing regulations provide some guidelines. Tyler noted that sometimes an outside perspective can give different insights into issues. A motion was made by Lawver to have the Economic Development committee, Watts, the Mayor, and staff work together to develop a list of needs, seconded by Tyler. Roll call vote: Lawver, yes; Tyler, yes; Jonas, yes; Krejci, yes; and Svoboda, yes. Hennings, absent and not voting. Motion carried.

Ordinance No. 2111 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO VACATE A PORTION OF 2ND STREET, SAID PORTION OF 2ND STREET TO BE VACATED BEING DESCRIBED AS: THAT PORTION OF 2ND STREET LOCATED ADJACENT TO BLOCKS 180 AND 171, SECOND COUNTY ADDITION TO WAHOO, SAUNDERS COUNTY, NEBRASKA; TO APPROVE THE WAIVER OF THE APPOINTMENT OF A SPECIAL COMMISSION TO ASCERTAIN THE AMOUNT OF SPECIAL DAMAGES TO THE ABUTTING PROPERTY OWNER OF THE VACATED STREET AS CONTAINED WITHIN §95.067 OF THE WAHOO MUNICIPAL CODE; TO PROVIDE THAT TITLE TO SAID VACATED STREET SHALL REVERT TO THE ABUTTING PROPERTY OWNER, TO RESERVE IN THE NAME OF THE CITY AN EASEMENT FOR ALL EXISTING UTILITIES LOCATED WITHIN SAID VACATED STREET. The Mayor then instructed the Clerk to read Ordinance No. 2111 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2111 by title.

Council Member Lawver moved that Ordinance No. 2111 be approved on 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; Krejci, yes; Svoboda, yes; and Jonas, yes. Hennings, absent and not voting. Motion carried.

Gibney presented information regarding a proposed utility easement for extension of a water line to the Omaha Steel Castings site across property owned by Vculek.

Ordinance No. 2112 was introduced by Council Member Jonas entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO ACQUIRE AN INTEREST IN REAL ESTATE BY PURCHASE OR EMINENT DOMAIN FOR THE PURPOSE OF SURVEYING, CONSTRUCTING, RECONSTRUCTING, RELOCATING, ALTERING, INSPECTING, REPAIRING, REPLACING, ADDING TO, MAINTAINING AND OPERATING, AT ANY TIME, OVER, ACROSS, AND UNDER THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 14 NORTH, RANGE 7 EAST OF THE 6TH P.M., SAUNDERS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN DEED BOOK 42, PAGE 189; THENCE N89°19'51"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 161.77 FEET; THENCE S00°40'09"E PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 20.00 FEET; THENCE S89°19'51"W PARALLEL WITH AND 20.00 FOOT DISTANT FROM SAID NORTH LINE, A DISTANCE OF 144.90 FEET; THENCE S09°01'36"W PARALLEL WITH AND 20.00 FOOT DISTANT FROM THE EAST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL, A DISTANCE OF 375.83 FEET; THENCE S03°06'18"W, A DISTANCE OF 69.91 FEET; THENCE S90°00'00"W, A DISTANCE OF 27.55 FEET TO THE EAST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL; THENCE N09°01'36"E ON SAID EAST LINE, A DISTANCE OF 466.55 FEET TO THE POINT OF BEGINNING, CONTAINING 0.28 ACRES, MORE OR LESS; UTILITIES WITH APPURTENANCES AND ACCESSORIES THERETO

OF THE CITY OF WAHOO, NEBRASKA. The Mayor then instructed the Clerk to read Ordinance No. 2112 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2112 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 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: Jonas, yes; Krejci, yes; Lawver, yes; Tyler, yes; and Svoboda, yes. Hennings, absent and not voting. 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. 2112 may be read by title and moved for final passage in the same meeting.

Council Member Jonas moved that Ordinance No. 2112 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: Jonas, yes; Krejci, yes; Svoboda, yes; Tyler, yes; and Lawver, yes. Hennings, absent and not voting. 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 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.

Loan documents with First National Bank, proceeds to be used for payment of the Lake Wanhoo Settlement agreement, were reviewed. A motion was made by Lawver to approve and authorize the Mayor and Clerk to execute loan documents on behalf of the City of Wahoo with First National Bank, seconded by Svoboda. Roll call vote: Lawver, yes; Svoboda, yes; Tyler, yes; Krejci, yes; and Jonas yes. Henning, absent and not voting. Motion carried.

Ordinance No. 2113 was introduced by Council Member Jonas entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO ACQUIRE AN INTEREST IN THE FOLLOWING TRACT OF REAL ESTATE, TO WIT: A 0.14 ACRE TRACT LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE 6TH P.M., SAUNDERS COUNTY, NEBRASKA, BY PURCHASE OR EMINENT DOMAIN FOR THE BENEFIT OF THE CITY OF WAHOO, NEBRASKA, ITS SUCCESSORS AND ASSIGNS, TO BE UTILIZED FOR THE IMPROVEMENT OF THAT PORTION OF CHESTNUT STREET LOCATED ADJACENT THERETO. The Mayor then instructed the Clerk to read Ordinance No. 2113 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2113 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; Tyler, yes; Krejci, yes; and Svoboda, yes. Hennings, absent and not voting. 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. 2113 may be read by title and moved for final passage in the same meeting.

Council Member Jonas moved that Ordinance No. 2113 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; Tyler, yes; Krejci, yes; and Svoboda, yes. Hennings, absent and not voting. 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 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 Mayor reported nothing new regarding the Kennedy Campus property acquisition process.

Lindahl provided a settlement agreement with Lindgren for acquisition of property adjacent to Chestnut Street and 23rd Street. A motion was made by Jonas, seconded by Lawver to accept the settlement agreement proposed and authorize the Mayor to sign the agreement. Roll call vote: Jonas, yes; Lawver, yes; Svoboda, yes; Krejci, yes; and Tyler, yes. Hennings, absent and not voting. Motion carried.

A motion was made by Lawver, seconded by Jonas, to enter into closed session to discuss acquisition of real estate. Roll call vote: Lawver, yes; Jonas, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Hennings, absent and not voting. Motion carried. The Mayor indicated the Council would be entering into closed session at 8:09 p.m. to discuss strategy regarding acquisition of real estate.

A motion was made by Lawver, seconded by Krejci, to return to regular session at 8:26 p.m. Roll call vote: Lawver, yes; Krejci, yes; Jonas, yes; Svoboda, yes; and Tyler, yes. Hennings, absent and not voting. Motion carried.

A motion was made by Lawver, seconded by Krejci to adjourn at 8:26 p.m.

Approved: _____.

Lucinda Morrow
Deputy City Clerk

Gerald D. Johnson, Mayor