

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, Mike Lawver, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Janet Jonas. Absent: none.

A motion was made by Jonas, seconded by Lawver, to approve the minutes of the November 20, 2012 meeting as presented. Roll call vote: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Motion carried.

A motion was made by Jonas, seconded by Krejci, to adjourn sine die. Roll call vote: Jonas, yes; Krejci, yes; Hennings, yes; Lawver, yes; Tyler, yes; and Svoboda, yes. Motion carried.

Mayor Johnson recognized Merle Hennings, outgoing Council Member for Ward I, for his 24 years of service to the City of Wahoo (1988-2012) and thanked him for his many contributions to the Council. City Administrator/Clerk/Treasurer presented Hennings with a plaque of recognition and also thanked him for his service to the community.

Harrell presented the certified results of the General election held on November 6, 2012 to the Council. The election results for Council indicated R. Michael Lawver as Council Member for Ward I, Greg Kavan as Council Member for Ward II, and Gerry Tyler as Council Member for Ward III. The Council Members were asked to take their appropriate seat at the table. The Oath of Office was administered to each Council Member. Roll call vote was taken with the following Council members present: Lawver, Kavan, Tyler, Krejci, Svoboda, and Jonas.

The Mayor indicated it was time for the Council to elect a Council President. Lawver nominated Stuart Krejci. Krejci nominated Janet Jonas. A motion was made by Jonas, seconded by Svoboda that nominations cease. Roll call vote: Jonas, yes; Svoboda, yes; Lawver, yes; Kavan, yes; Tyler, yes; and Krejci. Motion carried.

The Mayor asked the Clerk to prepare ballots and distribute to the Council for election. Ballots were distributed and collected. The Clerk counted the ballots and announced there were 5 votes for Jonas and 1 vote for Krejci for Council President. The Mayor announced Janet Jonas as the Council President for the next two years.

The Mayor indicated that he would be resigning from the Council to serve as the elected representative for District 23 in the Legislature; he asked the Council to approve tabling the appointments and items of re-organization to the next meeting, and that the existing appointments and policies remain in place until that time. A motion was made by Svoboda, seconded by Krejci, to table as requested until the next meeting. Roll call vote: Svoboda, yes; Krejci, yes; Kavan, yes; Tyler, yes; Jonas, yes; and Lawver, yes. Motion carried.

The Mayor called for comments not listed on the agenda. Walker Luedtke of Walker Ag Supply was present and read a letter he had prepared requesting reasonable and fair access to the Wahoo Airport for the aerial spraying component of his business. He asked the options discussed with Svoboda, Jonas, Johnson and Harrell at a recent meeting at City Hall be forwarded on to the Airport Authority for review and response. He indicated that he would continue pursuing access through all avenues available to

him, including public avenues and legal actions if necessary. Johnson responded to Luedtke indicating the City Council had little authority over the Wahoo Airport Authority, that the Council has been made aware of the situation existing at the Airport, and legal representatives for the City of Wahoo have also been made aware of the situation.

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

1. Acceptance of the minutes of the December 6, 2012 meeting of the Planning Commission
2. The following licenses: Troy Cada, Cada Brothers, Inc., Wahoo, plumber, renewal; Doug Kreifels, Action Plumbing & Heating, Lincoln, mechanical, new; Paul Frazier, The Frazier Company, Inc., Omaha, mechanical, renewal; Kevin Buis, Climatech Heating & AC, Roca, mechanical, new; Leslie Shallberg, Fremont Electric, Fremont, electrician, renewal; Dennis Rosenbaum, REI Rosenbaum Electric, Inc., Omaha, electrician, renewal; Matthew Schaefer, Schaefer Electric, Omaha, electrician, renewal; Scott Roumph, SECO Electric, Inc., Cedar Bluffs, electrician, renewal; and Cory Vandenberg Electric & Comm., David City, electrician, renewal.

Roll call vote: Svoboda, yes; Krejci, yes; Tyler, yes; Jonas, yes; Lawver, yes; and Kavan, yes. Motion carried.

Department Head Reports were given. Harrell reported Dianne Mahrt, an employee of the City/Utilities would be retiring the end of the month. Harrell also indicated the 2013 for the Board of Public Works would be on the next agenda for public hearing. The BPW met on December 12 and had one change to the proposed budget that was previously handed out to the Council. Information on that change was presented to the Council.

Mayor Johnson reported on the status of the Kennedy Campus property. Attorney Lindahl indicated the foreclosure case was scheduled for a hearing on January 7. He further explained the process the City would need to go through to complete ownership of the property.

Phil Lorenzen was present to review the market situation on refinancing of bonds/loans held by the Board of Public Works. He indicated that this is not the ideal market for refinancing and reported the Board of Public Works had some refining of numbers they wanted to before issuing bonds. He made a recommendation to the Council that the calling of the NDEQ note and the ordinance to issue refinancing and new debt be tabled to the January 24, 2013 meeting of the Council. Phil also reviewed the various projects the Board of Public Works is considering and reviewed how the structure of the debt might look. A motion was made by Lawver, seconded by Jonas, to table any action on calling the NDEQ note or issuance of refunding and new debt to the 1/24/13 meeting. Roll call vote: Lawver, yes; Jonas, yes; Krejci, yes; Svoboda, yes; Kavan, yes; and Tyler, yes. Motion carried.

Julie Ogden of JEO Consulting Group was present to review the Change Order #6 to the contract with TAB Construction for the Chestnut Street Project with the Council. She review the items addressed by the change order. A motion was made by Jonas, seconded by Tyler to approve Change Order #6 to the contract with TAB Construction to increase the contract by \$4,287.10. Roll call vote: Jonas, yes; Tyler, yes; Svoboda, yes; Lawver, yes; Kavan, yes; and Krejci, yes. Motion carried.

A motion was made by Svoboda, seconded by Tyler, to approve Pay Application #6 to TAB Construction for the Chestnut Street Project for \$64,127.74. Roll call vote: Svoboda, yes; Tyler, yes; Jonas, yes; Lawver, yes; Kavan, yes; and Krejci, yes. Motion carried.

Julie Ogden presented information on the possibility of accepting the alternate bid received from TAB Construction for the construction of Chestnut Street from 23rd Street to the Expressway. She indicated the original alternate bid was \$523,594.55 and that TAB Construction would ask for a change order for an additional \$5,000 for remobilization charges. Attorney Lindahl indicated he and the attorney for JEO Consulting Group, Rob Brigham, were still discussing this option and asked that action be tabled to the next meeting. A motion was made by Lawver, seconded by Jonas, to table any action on an amendment to the construction contract with TAB Construction to accept the alternate bid and the additional remobilization fees proposed. Roll call vote: Lawver, yes; Jonas, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Motion carried.

Harrell presented a Public Highway At-Grade Crossing Improvement Agreement between the City of Wahoo and UPRR for the Council's consideration for improvements at 12th Street and the UPRR for the Omaha Steel Project. The following resolution, **Resolution No. 2012-21**, was introduced by Svoboda, who moved for approval, seconded by Lawver:

“WHEREAS, the City of Wahoo, Nebraska, has a desire to proceed with improvements to the surface conditions of that portion of 12th Street of the City of Wahoo, Nebraska, that intersects the Union Pacific Railroad Company right of way at approximately railroad mile post 18.40 – Lincoln Subdivision, and,

WHEREAS, the surface improvements the City of Wahoo desires to install will require the City of Wahoo staff and contractors to perform work within the Union Pacific Railroad Company right-of-way, and,

WHEREAS, the City of Wahoo has submitted plans for the proposed improvements to Union Pacific Railroad Company for their consideration and input, and

WHEREAS, Union Pacific Railroad Company has prepared the attached Agreement which lists the various conditions and regulations the City of Wahoo must follow and adhere to during construction,

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Wahoo, Nebraska, that:

1. The City of Wahoo, Nebraska, does hereby approve the execution and delivery of the following:

PUBLIC HIGHWAY AT-GRADE CROSSING IMPROVEMENT AGREEMENT
BETWEEN UNION PACIFIC RAILROAD COMPANY AND THE CITY OF
WAHOO COVERING MAINTENANCE AND USE OF THE EXISTING 12TH
STREET AT-GRADE PUBLIC ROAD CROSSING DOT NO. 818-136U AT
RAILROAD MILE POST 18.40-LINCOLN SUBDIVISION AT WAHOO,
SAUNDERS COUNTY, NEBRASKA,

hereinafter called Agreement.

2. Gerald D. Johnson, Mayor of the City of Wahoo, Nebraska, or his designee, is hereby authorized to approve and execute said Agreement on behalf of the City of Wahoo, Nebraska, subject to such minor changes which do not materially affect the rights and obligations of the City of Wahoo,

Nebraska, there under and as shall be approved by the Mayor, the Mayor's execution thereof to constitute conclusive evidence of such approval.

3. Payment of the \$1,000 as requested in said Agreement is approved."

Roll call vote: Svoboda, yes; Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Jonas, yes. Motion carried.

Julie Ogden of JEO Consulting Group presented an amendment to the contract with them for the 23rd Street design, to address the reshaping of the basin north of the proposed 23rd Street and to authorize acquiring the necessary permits for the basin for a total contract increase of \$14,700. Discussion was held by the Council on whether this change was necessary at this time and if it was something that could be addressed with further development of the area at a later date. A motion was made by Tyler, seconded by Krejci, to not approve the proposed amendment as presented. Roll call vote: Tyler, yes; Krejci, yes; Svoboda, yes; Jonas, yes; Lawver, yes; and Kavan, yes. Motion carried.

The Mayor indicated he had a request from the Personnel Committee of the Council to enter in to closed session to discuss a personnel matter. The Mayor indicated he would like Loren Lindahl, City Attorney, Melissa Harrell, City Administrator, and Merle Hennings, past Council member, to sit in on the closed session if authorized. A motion was made by Jonas, seconded by Krejci, to enter in to closed session to discuss a personnel matter at 8:21 p.m. with the three individuals requested to remain. Roll call vote: Jonas, yes; Krejci, yes; Tyler, yes; Svoboda, yes; Lawver, yes; and Kavan, yes. Motion carried. The Mayor announced the Council would be entering in to closed session to discuss a personnel matter with Merle Hennings, Loren Lindahl, and Melissa Harrell remaining in the room and all other guest asked to leave the room.

A motion was made by Jonas, seconded by Svoboda, to return to regular session at 8:55 p.m. Roll call vote: Jonas, yes; Svoboda, yes; Tyler, yes; Krejci, yes; Lawver, yes; and Kavan, yes. Motion carried.

A motion was made by Lawver, seconded by Tyler to adjourn at 8:56 p.m.

Approved: _____.

Melissa M. Harrell, City Clerk

Gerald D. Johnson, Mayor