

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 Janet Jonas 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, Greg Kavan, Gerry Tyler, Stuart Krejci, and Jim Svoboda. Absent: none.

The Mayor stated there were no recognitions, proclamations or announcements at this time. The Mayor called for audience comments not listed on the agenda. None were offered.

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 27, 2012 meeting of Council
2. Minutes of December 11, 2012 Library Board meeting
3. Minutes of January 8, 2013 Board of Adjustment meeting
4. Minutes of January 8, 2013 Planning Commission meeting
5. The following licenses: Buckridge, Inc., Fremont , plumber, renewal; Donald Pytlik, Ernie's Store, Ceresco, plumber, renewal; Bradley Ohlmann, Custom Cooling, Lincoln, mechanical, renewal; Scott Getzschman, Getzschman Heating LLC, Fremont, mechanical, renewal; John Salmans, Service One, Omaha, mechanical, renewal; Richard Kusleika, Standard Heating & Air Conditioning, LaVista, mechanical, renewal; Fred Hendry, Hendry Heating & Air, Omaha, mechanical, renewal; Mike Fitzgerald, Getzschman Heating LLC, Fremont, electrician, renewal; Brian Allison, Sentry Electric, Lincoln, electrician, renewal; and Ronald Cooney, Ultimate Electric LLC, Wahoo, electrician, renewal.

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

The Mayor called for Council Committee reports. Svoboda reported he met with Harrell to discuss abuse of the recycling location, as people leave items on the ground when the bins are full, and garbage (non-recyclable items including tires, televisions, and furniture). The bins are emptied at least weekly. Possible solutions discussed were: surveillance cameras to identify offenders, signage to enable enforcement of a littering ordinance, better lighting, or a different location. This issue is referred to Svoboda, Harrell and the Street Committee for further discussion.

Department Head Reports were given. Harrell reported she and Beavers met with Gary Hassenflu and LAP representatives regarding possible development of duplex, four-plex and multifamily housing on the remaining lots in the Chestnut Townhome development area. Harrell met with Steve Mika to discuss the parking situation around the Courthouse.

Mayor Jonas advised the Council that she is appointing Kevin Dunbar to the vacant Council position in Ward I, with a term to expire December 2014. A motion was made by Tyler to accept the appointment of Dunbar, seconded by Lawver. Roll call vote: Tyler, yes; Lawver, yes; Kavan, yes; Krejci, yes; and Svoboda, yes. Motion carried. The Oath of Office was administered to Dunbar.

The Mayor presented the following assignments to Council committees and special committees and requested Council approval:

Standing Council Committees

GENERAL: Svoboda, Kavan, Tyler

ECONOMIC DEVELOPMENT:	Dunbar, Lawver, Krejci,
FINANCE AND PERSONNEL:	Krejci, Svoboda, Dunbar
STREETS AND SANITATION:	Lawver, Svoboda, Tyler
PARKS, RECREATION & CULTURE:	Kavan, Dunbar, Krejci
BOARD OF PUBLIC WORKS:	Tyler
AIRPORT:	Svoboda

Special Committees of the Council

ECONOMIC DEV. ADVISORY BOARD:	Krejci, Dunbar
PARKS & REC. ADVISORY COMMITTEE:	Kavan, Dunbar
WAHOO PUBLIC BLDGS & GROUNDS:	Svoboda, Krejci, Jonas

A motion was made by Svoboda, seconded by Krejci to approve the Council committee assignments as presented. Roll call vote: Svoboda, yes; Krejci, yes; Tyler, yes; Lawver, yes; Kavan, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

The public hearing on the Building Inspector's declaration of an unsafe building at 539 North Broadway was opened by the Mayor at 7:17 p.m. City Attorney Lindahl explained the process for declaration of an unsafe building and a public nuisance. The Mayor called for testimony from interested parties.

Travis Beavers, Building Inspector/Zoning Administrator, Melissa Harrell, City Administrator, and Jerry Johnson, former Mayor presented information. Report of Structural Design Group, past correspondence, notices, and photographs were provided. Beavers reported he took photos of the exterior of the building January 10, 2013, and noted some tuck pointing on the building and work on the fire escape was done, although it is not clear whether the fire escape attachment is sufficient. Beavers stated utilities has provided a cost estimate to separate the water services for the two buildings; city crews have sealed the alley with tar as requested by Anderson. Beavers discussed the defects listed in the notice and recommended remedies.

Gaylord Anderson addressed the Council, stating he feels he has made progress on the building. Brick work has been done on the west wall, the north apartment is dry, and he has applied tar and rolled roofing to prevent water leaking in the building. Anderson said he has been working on the building as time and money allows. Krejci asked if Anderson had a time frame for completion. Anderson stated 90 days is not enough time.

Motion by Lawver to close the public hearing at 8:02 p.m., seconded by Kavan. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting, none. Motion carried.

Council members discussed the information presented. Council member Kavan introduced the following resolution, **Resolution 2013-01**, and moved for its approval, seconded by Lawver.

“WHEREAS, the City of Wahoo, Nebraska is a City of the Second Class organized and existing under and by virtue of the Constitution and Statutes of the State of Nebraska, and,

WHEREAS, pursuant to said Constitution and Statutes, the City of Wahoo, Nebraska has enacted the Wahoo Municipal Code, and,

WHEREAS, contained within said Wahoo Municipal Code is Section 150.046 pertaining to and entitled Unsafe Buildings, and,

WHEREAS, the Building Inspector of the City of Wahoo, Nebraska, did, pursuant to said aforementioned Section, find the following building or structure or portion thereof, located at 539 North Broadway Street, Wahoo, Nebraska, its legal description being described as follows, to wit:

That part of Lots 1, 2, and 3, Block 150, County Addition to Wahoo, Saunders County, Nebraska, described as commencing at the Southeast corner of said Lot 1, thence North 43 ½ feet, thence West 50 feet, thence South 9 inches, thence West 50 feet on a line parallel with the South line of said Lots, thence south 42 feet, 9 inches on a line parallel with the West line of said Lot 3 to the South line of said Lot, thence east to the place of beginning,

to be an unsafe building and a public nuisance, and,

WHEREAS, said Building Inspector did send, via certified mail, to the owners of said building, Gaylord Anderson and Deyo Anderson, Husband and Wife, a written document entitled "Notice of Unsafe Building and Notice of Hearing", a copy of which is attached hereto, marked Exhibit "A", and incorporated herein by reference, and,

WHEREAS, the records of the United States Postal Service indicate that Gaylord Anderson and Deyo Anderson, Husband and Wife, received said Notice on December 27, 2012, and,

WHEREAS, said Notice did establish a hearing date and time at which the City Council of Wahoo, Nebraska would determine the issue of whether or not the aforementioned building should be declared to be a public nuisance and abated, said hearing to be on January 10, 2013, at 7:00 o'clock p.m., City Hall, Wahoo, Nebraska, and,

WHEREAS, at said date and time, evidence was submitted to the City Council by Travis Beavers, City of Wahoo Building Inspector, Melissa Harrell, City Administrator, Jerry Johnson, and Gaylord Anderson.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wahoo, Nebraska, as follows:

1. That the findings here and above made should be and are hereby made a part of this Resolution.
2. That in consideration of the evidence presented, the City Council of the City of Wahoo, Nebraska hereby declares the above described building to be a public nuisance and orders the abatement of said public nuisance as set forth in the Notice of Unsafe Building and Notice of Hearing of Travis Beavers, Building Inspector of the City of Wahoo, Nebraska, to Gaylord Anderson and Deyo Anderson, Husband and Wife, dated December 26, 2012.
3. That Gaylord Anderson and Deyo Anderson, Husband and Wife, as owners of the above building, are hereby granted until March 26, 2013, to abate the public nuisance as aforementioned.
4. That the failure of Gaylord Anderson and Deyo Anderson, Husband and Wife, to abate said nuisance, as set forth herein, shall result in said nuisance being abated by the City of Wahoo, Nebraska and the cost of abatement shall be assessed pursuant to subparagraph (H) of Section 150.046 of the Wahoo Municipal Code.

5. That the Clerk of the City of Wahoo, Nebraska be instructed to file a memorandum of this Resolution in the office of the Saunders County Register of Deeds pursuant to subparagraph (F) of Section 150.046 of the Wahoo Municipal Code.”

Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, no. Absent and not voting: none. Motion carried.

Julie Ogden of JEO Consulting Group discussed the proposed amended construction contract with TAB Construction to accept the alternate bid. The necessary bonds would need to be submitted. Ogden noted the Department of Roads has assured that if the City annexes to the expressway, they will not force the City to pay for the intersection. Motion by Lawver, seconded by Svoboda, to approve the amended contract and accept the alternate bid from TAB Construction for \$523,594.55 plus \$5,000 mobilization fee, and amend the dates for construction, subject to submission and approval of the necessary bonds. Roll call vote: Lawver, yes; Svoboda, yes; Dunbar, yes; Krejci, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Ogden presented the contract amendments with JEO Consulting Group for construction engineering and Thiele Geotech for materials testing for North Chestnut Street. Motion made by Svoboda, seconded by Dunbar to approve the amended contracts with JEO Consulting Group and Thiele Geotech. Roll call vote: Svoboda, yes; Dunbar, yes; Krejci, yes; Lawver, yes; Kavan, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Harrell reported on information from other towns regarding parking requirements on separate properties; if the lot is sold, the business could be charged with a zoning violation.

Ordinance No. 2117 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND ORDINANCE 1886, THE WAHOO ZONING ORDINANCE, BY AMENDMENT OF ARTICLE 7, SUPPLEMENTAL REGULATIONS, SECTION 7.01 REGARDING PARKING REQUIREMENTS. The Mayor then instructed the Clerk to read Ordinance No. 2117 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2117 by title.

Council Member Lawver moved that Ordinance No. 2117 be approved and passed on first reading 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: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Kavan, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Lindahl reported the City has obtained a judgment on Kennedy Campus property (East Hall, gymnasium, and open lot between them). If the property owner does not pay the judgment in 20 days, a motion will be filed with the Court to collect the judgment by public sale. Jerry Johnson reported there is interest in the South Hall building and owners are still checking on feasibility of development as apartments.

Harrell explained the agreement with UPRR for improvements to the 12th Street crossing. The cost of \$87,820 is eligible for reimbursement through TIF funds. Motion by Krejci to approve and authorize the Mayor to sign the agreement with UPRR. Motion was seconded by Kavan. Roll call vote: Krejci, yes; Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

A motion was made by Lawver to authorize purchase of a patrol vehicle for the Wahoo Police Department from State Bid, motion seconded by Krejci. Roll call vote: Lawver, Krejci, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

A motion was made by Lawver to de-annex property described as: all of the Southeast Quarter and that part of the South half of the Northeast Quarter lying south of the Union Pacific Railroad right of way, all in Section 35, Township 15 North, Range 7 East of the 6th P.m., Saunders County, containing 157.80 acres, of which 4.04 acres is existing county road right of way. Motion was seconded by Krejci. Roll call vote: Lawver, yes; Krejci, yes; Kavan, yes; Tyler, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Harrell reported NE Statute 35-901 requires that governing bodies annually authorize volunteer departments to solicit, charge or collect funds for services provided with the use of equipment owned by the taxing authority. A motion was made by Svoboda, seconded by Lawver, to authorize the Wahoo Volunteer Fire Department/Wahoo Rescue Squad to solicit, charge or collect funds, fees, or charges for services. Roll call vote: Svoboda, yes; Lawver, yes; Dunbar, yes; Krejci, yes; Kavan, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Harrell reported the League Mid-Winter Conference offers sessions for newly elected officials and encouraged Council members to attend.

A motion was made by Lawver, seconded by Tyler to adjourn at 8:50 p.m.

Approved: _____.

Lucinda Morrow, Deputy Clerk

Janet A. Jonas, Mayor