

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: Greg Kavan, Mike Lawver, Gerry Tyler, Stuart Krejci, and Kevin Dunbar. Absent: Jim Svoboda .

The Mayor announced that agenda items would be reordered.

The public hearing on the One and Six Year Road Plan was declared open by the Mayor at 7:00 p.m. Steve Parr of JEO Consulting Group reviewed the plan and map illustrating project areas. The Mayor called for comments from the public and none were presented. Motion by Lawver, seconded by Krejci to close the public hearing at 7:01 p.m. Roll call vote: Lawver, yes; Krejci, yes; Kavan, yes; Tyler, yes; and Dunbar, yes. Absent and not voting: Svoboda. Motion carried. It was noted that the plan can be amended if necessary.

Council member Lawver introduced the following resolution, **Resolution 2013-05**, and moved for its approval, seconded by Dunbar.

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

WHEREAS, the City Street Superintendent has prepared and presented a One Year and Six Year Plan for Street Improvement Program for the City of Wahoo, Nebraska, and

WHEREAS, a public meeting was held on the 14th day of February, 2013, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of Wahoo, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted.”

Roll call vote: Lawver, yes; Dunbar, yes; Kavan, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Svoboda. Motion carried.

The Mayor reported on several items: she and Harrell attended the hearing on LB377, Senator Jerry Johnson’s bill; a kickoff meeting with the Department of Natural Resources for the flood plain physical map revision project was held February 7<sup>th</sup>; an Airport Authority meeting was held February 11<sup>th</sup>.

Walker Luedtke addressed the Mayor and Council regarding the Wahoo airport.

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

1. Excused absence of Svoboda
2. Minutes of the January 24, 2013 meeting of the Mayor and Council
3. Minutes of January 8, 2013 and February 12, 2013 Library Board meeting
4. Minutes of February 7, 2013 Planning Commission meeting
5. The following licenses: Pat Crawford, Crawford Plumbing, Hickman, NE, plumber renewal; James Klement, Klement Electric Inc., Ulysses, NE, electrician renewal; Kirk Bartek, Weston, NE, electrician renewal

Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Dunbar, yes; and Kavan, yes. Absent and not voting: Svoboda. Motion carried.

Tyler reported traffic control in Heritage Heights will need to be examined, due to the new street development.

Harrell reported she has copies of the bylaws of the League Association of Risk Management available for review. Harrell testified on behalf of LB-377. A letter was sent in opposition to Senator Dubas' bill, which places limits on redevelopment contracts and Tax Increment Financing, as the percentage limit in the bill would severely restrict cities' use of this tool. Harrell encouraged attendance at the hearing on LB531, scheduled for February 27<sup>th</sup> at 1:30 p.m., which would repeal the Build Nebraska Act, and offered a proposed Resolution in opposition. Harrell distributed draft copies of the FY 2012 audit; this will be on the next agenda.

Denise Lawver reported the job fair held at the Library by Omaha Steel on February 13<sup>th</sup> was very well attended.

The Planning Commission requested direction from the Council on how to handle conflicting requirements between the zoning regulations and subdivision regulations on ten-acre parcel subdivisions in Transitional Ag zoning district in the extraterritorial area. Wahoo's zoning regulations state the minimum lot size in Transitional Ag zoning is 20 acres; State Statute says property can be divided without approval of a government agency if the parcel is 10 acres or more. Lindahl stated technically this would be a violation of the zoning regulations, but questioned whether the City would pursue this if the use remains agricultural, or wait until such time as a building permit application is received or a change of use happens. Lindahl suggested that regulations could state that if parcel size in Transitional Ag became less than 20 acres, the zoning would automatically change to Large Lot Residential; an alternative would be to specify that as long as the use remains agricultural, smaller parcels could be allowed in Transitional Ag zoning. Beavers stated automatic rezoning would be difficult, as many times the City is not made aware of the subdivision. This question will be brought up at the NPZA conference, to find out what other communities do.

Beavers reported a public hearing is set before the Council on February 28, 2013 for a rezoning request filed by Lee Chipperfield. Chipperfield is out of town, and contacted the office to request that public hearing be postponed to the April 25, 2013 City Council meeting. Beavers stated he was also contacted by Roland Hohn regarding a possible request for lot split of property, which is zoned R-3.

Phil Lorenzen of D. A. Davidson & Co. addressed the Council regarding possible action to amend Ordinance 2118 approved on January 24, 2013. He provided information regarding the changes, which were suggested by bond counsel to eliminate conflicting language and provide more flexibility.

**Ordinance No. 2119** was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, AMENDING ORDINANCE NO. 2118 TO MODIFY ARTICLES V AND VI RELATING TO FUNDS, DEPOSIT AND APPLICATION OF BOND PROCEEDS AND OTHER MONEY AND APPLICATION OF REVENUES AND SECTION 802 RELATING TO THE ESTABLISHMENT OF RATES; REPEALING ARTICLES V AND VI AND SECTION 802 OF ORDINANCE NO. 2118; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2119 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2119 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 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: Tyler, yes; Lawver, yes; Krejci, yes; Kavan, yes; and Dunbar, yes. Absent and not voting: Svoboda. 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. 2119 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2119 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: Lawver, yes; Krejci, yes; Kavan, yes; Tyler, yes; and Dunbar, yes. Absent and not voting: Svoboda. 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.

Troy Johnston of JEO Consulting Group discussed 12<sup>th</sup> Street improvements by the Omaha Steel plant. He stated some work remains to be done on easements and right-of-way, but verbal agreements are in place. There will be a plat with dedications for the road and easements. There was discussion of drainage concerns and condition of the county road ditch. Johnson proposed three-week publication schedule, bid letting on March 12, 2013, with award at the March 14, 2013 Council meeting.

A motion was made by Krejci, seconded by Tyler, to approve the plans and specifications for 12<sup>th</sup> Street Improvements for the Omaha Steel project, and authorize calling for bids. Roll call vote: Krejci, yes; Tyler, yes; Dunbar, yes; Lawver, yes; and Kavan, yes. Absent and not voting: Svoboda. Motion carried.

Participation in Saunders County Mutual Finance Organization for FY 2013-14 was discussed. Council member Lawver introduced the following resolution, **Resolution 2013-06**, and moved for its approval, seconded by Tyler.

“WHEREAS, certain municipalities and fire protection districts located in Saunders County, Nebraska desire to enter into an Interlocal cooperation agreement for the creation of a Mutual Finance Organization pursuant to Legislative Bill 1120, 1998;

WHEREAS, the Interlocal Cooperation Agreement for a Mutual Finance Organization would be in the best interests of all participating members; and

WHEREAS, the members desire to enter into a written Interlocal Cooperation Agreement for a Mutual Finance Organization.

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

Section 1. The Interlocal Cooperation Agreement for a Mutual Finance Organization is hereby approved, ratified and accepted, and the Mayor of the City of Wahoo, Nebraska is hereby authorized, directed and empowered to execute the same;

Section 2. The Interlocal Cooperation Agreement for a Mutual Finance Organization shall not establish a separate legal entity, but rather shall be a joint and cooperative undertaking between the members and that a joint board shall be responsible for administering this joint and cooperative undertaking.

Section 3. All resolutions or parts of resolutions in conflict herewith are repealed.”

Roll call vote: Lawver, yes; Tyler, yes; Dunbar, yes; Krejci, yes; and Kavan, yes. Absent and not voting: Svoboda. Motion carried.

Council member Krejci introduced the following resolution, **Resolution 2013-07**, and moved for its approval, seconded by Kavan.

“WHEREAS, the Legislature did in 2011 adopt the Build Nebraska Act which authorized the allocation of one quarter of one percent of the state sales tax to road construction projects across the state of Nebraska; and

WHEREAS, the Nebraska Department of Roads did report to the City of Wahoo the By-Pass/ Expressway Project on Highway 77/92, as a result of the Build Nebraska Act, has been scheduled for bid letting in 2013; and

WHEREAS, the By-Pass/Expressway Project on Highway 77/92 has been a planned project of the Nebraska Department of Roads since 1988; and

WHEREAS, the City of Wahoo has over the past 25 years spent funds on comprehensive plans, zoning plan updates, road studies, and countless public official hours to prepare for the construction of the By-Pass/Expressway Project and to position the City of Wahoo to be prepared for the eventual construction of this project; and

WHEREAS, the City of Wahoo has spent substantial public funds making infrastructure improvements to provide for Wahoo’s connection points to the By-Pass/Expressway Project; and

WHEREAS, the City of Wahoo, Saunders County, and Lower Platte North NRD partnered to complete the Lake Wanahoo Project, with an agreement with the Nebraska Department of Roads on financing of the Lake Project, which remains unpaid until the construction of the Wahoo By-Pass / Expressway Project is completed; and

WHEREAS, throughout the State of Nebraska there are other communities like Wahoo that have prepared and positioned their community to embrace these road improvement projects; and

WHEREAS, the Nebraska Department of Roads has indicated they do not have funds for anything other than roads maintenance; and

WHEREAS, the Build Nebraska Act has allowed the Nebraska Department of Roads to slowly address the construction projects that have been promised communities across the state.

WHEREAS, LB 531 was introduced in the 2013 Legislative session by Senator Conrad and proposes eliminating the Build Nebraska Act and funding for the construction projects, specifically the Wahoo By-Pass/Expressway Project.

NOW THEREFORE BE IT RESOLVED THAT **the Mayor and Council of the City of Wahoo strongly oppose LB 531** and submit to the Revenue Committee of the Legislature that repeal of the Build Nebraska Act is simply not good business. Not only would it eliminate the construction of these projects across the state, it would negatively impact economic development efforts.”

Roll call vote: Krejci, yes; Kavan, yes; Tyler, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: Svoboda. Motion carried.

Lindahl reported a hearing is scheduled later this month to attempt to stop the sheriff's sale scheduled in March on Lots 1, 2, and 6, Kennedy College Subdivision. The Mayor will begin nuisance proceedings regarding the condition of the property.

A motion was made by Lawver, seconded by Krejci to adjourn at 7:55 p.m.

Approved: \_\_\_\_\_.

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Lucinda Morrow, Deputy Clerk

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Janet A. Jonas, Mayor