

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, Jim Svoboda, and Kevin Dunbar. Absent: Stuart Krejci.

The Mayor invited all to attend the event on April 21<sup>st</sup> for the Saunders County Historical Society and the Wahoo Woman's Club.

The Mayor called for audience comments on items not listed on the agenda. Dave Rood asked about rock for his property at the 15<sup>th</sup> and Chestnut Street intersection. Lawver asked if complaints regarding stray cats have increased.

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

1. Excused absence of Council member Krejci.
2. Minutes of the February 14, 2013 meeting of the Mayor and Council
3. Minutes of March 7, 2013 meeting of Planning Commission
4. Minutes of February 12, 2013 meeting of Library Board
5. The following licenses: Plumbers: Clayton Timperley, Jetters Plumbing & Heating, Fremont, renewal; Jason Houdek, Mechanical Western, Lincoln, renewal; Royce Stuchlik, RS Sprinklers, Wahoo, renewal; Tom Trainor, Patriot Plumbing, Lincoln, renewal; Mechanical: Robert Ruther, Bob's Refrigeration, Yutan, renewal.

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

Lawver reported the Street Committee will meet on Saturday, March 16, 2013. Tyler reported the Board of Public Works met; the City has acquired storage rights for natural gas; additional engineering is planned for water line improvements in the 1<sup>st</sup> and Chestnut area to coordinate with street and storm sewer improvements.

Beavers reported a request for tower modification will be on an upcoming agenda; things have been busy. Jansa reported the Street Department is wrapping things up after the snow storm. Harrell reported the city is receiving a refund of Worker's Compensation premiums after the work comp audit.

Lindahl reported the sale of Kennedy Campus property is cancelled, as Mr. Widlar paid the Clerk of District Court the amount due. The Mayor stated the nuisance process will be pursued.

Harrell reported bids for the 12<sup>th</sup> Street project, for improvements by Omaha Steel Castings, were opened on March 12, 2013. M. E. Collins was the low bidder. The City is waiting for permission to occupy right-of-way from the railroad for part of the project. Harrell requested that action to award the contract be tabled until all agreements are in place. Lawver stated due to a conflict he would not participate in discussion or voting on this agenda item. A motion was made by Council member Dunbar to table action to accept bids and award contract for the 12<sup>th</sup> Street project. Motion was seconded by Tyler. Roll call vote: Dunbar, yes; Tyler, yes; Svoboda, yes; and Kavan, yes. Lawver abstained. Absent and not voting: Krejci. Motion carried.

Harrell reported additional work is required to update reports for NEPA on the Maple Street North Trail project, to keep the project moving forward. Supplemental Agreement #3 with JEO Consulting Group, with an increased cost of \$3,066.31 was reviewed.

Council member Tyler introduced the following resolution, **Resolution 2013-08**, and moved for its approval, seconded by Lawver.

“Whereas: City of Wahoo and JEO Consulting Group, Inc. have previously executed a preliminary engineering services Agreement (BO1247) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal Funds;

Whereas: City of Wahoo understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: City of Wahoo and JEO consulting Group, Inc. wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of the City of Wahoo, Nebraska that:

Janet Jonas, Mayor of the City of Wahoo, Nebraska, is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 3 between the City of Wahoo and JEO Consulting Group, Inc.

City of Wahoo is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

NDOR Project Number: ENH-78(26)

NDOR Control Number: 12880

NDOR Project Description: Wahoo Trail – Maple Street North”

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

Harrell reported legal descriptions for acquisition of property for the Maple Street North Trail are incomplete, and requested that action on that ordinance be tabled. A motion was made by Kavan, seconded by Lawver, to table action to authorize the City of Wahoo to acquire property for the Maple Street North Trail. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Krejci. Motion carried.

Beavers requested the Council consider amending the ordinance granting Conditional Use Permit for Bryan Banghart, Banghart Repair, LLC., as to parking requirements. He noted the right-of-way at the property is narrower than normal, so parking would be closer to the street than usually allowed. He also requested guidance on the type of surfacing required on the parking area, as zoning regulations state parking lot plan be approved by the Planning Commission and Council. Banghart stated he was willing to put in concrete surfacing. It was agreed to revise item B to state: “Parking requirements will be met as described in diagram provided by applicant, with three parking spaces provided per repair stall; the west edge of parking area shall be set back no less than eight feet from right-of-way line; that required area for standing and maneuvering of vehicles shall be hard-surfaced with concrete, with surface completed by February 28, 2014.”

**Ordinance No. 2122** was introduced by Council Member Tyler entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND ORDINANCE 2120, PERTAINING TO LOT 1, BURKLEY SUBDIVISION, LOCATED IN THE SW ¼ SW ¼ SEC 34 T15N, R7E OF THE 6<sup>TH</sup> P.M., BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING AUTOMOBILE SERVICE AND REPAIR, AS ALLOWED UNDER NRC-

NEIGHBORHOOD RESIDENTIAL COMMERCIAL ZONING DISTRICT; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2122 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2122 by title.

Council Member Kavan 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: Kavan, yes; Lawver, yes; Tyler, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: Krejci. 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. 2122 may be read by title and moved for final passage in the same meeting.

Council Member Tyler moved that Ordinance No. 2122 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: Tyler, yes; Lawver, yes; Kavan, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: Krejci. 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.

The proposed ordinance regarding public and/or confidential records was discussed. Lindahl noted Statutes indicate some types of information "may" be considered private or confidential, and the proposed ordinance establishes a policy that certain records "shall" be considered private or confidential. Harrell reported some changes from the initial draft: elimination of the confidentiality agreement, and including language in the personnel policies regarding confidential records; including medical records as confidential; and providing that cost of providing records be established by a resolution of the council to include staff time, materials and equipment.

**Ordinance No. 2123** was introduced by Council Member Svoboda entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND TITLE I: GENERAL PROVISIONS, AND IN PARTICULAR, CHAPTER 10, GENERAL PROVISIONS, BY ADDITION THERETO OF SECTION 10.20 ET. SEQ. PERTAINING TO PUBLIC AND/OR CONFIDENTIAL RECORDS OF THE CITY OF WAHOO, NEBRASKA, IN COMPLIANCE WITH APPLICABLE STATUTES OF THE STATE OF NEBRASKA; TO PROVIDE FOR IMPLEMENTATION OF THE ORDINANCE; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2123 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2123 by title.

Council Member Svoboda moved that Ordinance No. 2123 be approved and passed on its first reading and its title agreed to. Council Member Kavan seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Svoboda, yes; Kavan, yes; Dunbar, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Krejci. Motion carried.

The next meeting will be held on Tuesday, March 26, 2013.

A motion was made by Svoboda, seconded by Tyler to adjourn at 7:49 p.m.

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

\_\_\_\_\_  
Lucinda Morrow, Deputy Clerk

\_\_\_\_\_  
Janet A. Jonas, Mayor