

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, Jim Svoboda, and Kevin Dunbar. Absent: none.

There were no proclamations or special recognitions.

The Mayor called for audience comments on items not listed on the agenda. Ben Moutray asked the status of the nuisance process regarding his concerns at the north mobile home park. Lawver reported he has heard several compliments recently on the good job the City Administrator is doing.

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

1. Minutes of the June 27, 2013 meeting of the Mayor and Council
2. Minutes of July 1, 2013 meeting of Planning Commission
3. Appointment of Scott Nielson, Michelle Libal and Mark Meyer to Planning Commission and Diana Vasicek and Sherry Hageman to Board of Adjustments, terms ending at the end of July, 2016
4. The following licenses: Plumbers: Martin Anderson, Service One (new); Ronald Benes, Ron's Plumbing, Heating & Air; Anthony Swiczek, Andersen Plumbing; Ronald Voboril; Todd Rannals, Millard Sprinkler Inc.; James Cloyed, Cloyed Heating & Air Cond. HVAC: Ronald Benes, Ron's Plumbing, Heating & Air, Brainard; James Cloyed, Cloyed Heating & Air Cond.; Brad Provancha, Capitol Heating & A/C Inc.; Rick Kaar, Kaar Sheet Metal. Electricians: Arthur Andersen, Andersen Electric Company.

Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Dunbar reported Park and Recreation board met last week. Denise Lawver reported a new bench donated by the McGill family is installed, and Summer Reading Program will finish next week. Beavers reported things are busy, several conditional use applications have been filed, and he attended a flood conference in Nebraska City. Jansa reported Street Department is replacing bad panels on Hackberry Street, and will work on Locust and 15<sup>th</sup> Street. Harrell reported lots of time has been spent on nuisances, and work will begin on 12<sup>th</sup> Street soon.

Phil Lorenzen of D. A. Davidson & Co. provided an update on the current bond market, the City's bonding authority, and discussed revenue projections for water bonds and highway allocation bonds.

**Ordinance No. 2131** was introduced by Council Member Tyler entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION WATER BONDS, SERIES 2013, OF THE CITY OF WAHOO, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) TO PAY A PORTION OF THE COST OF WATER SYSTEM IMPROVEMENTS CONSTITUTING MAINTENANCE, EXTENSIONS, IMPROVEMENTS AND ENLARGEMENTS OF THE CITY'S EXISTING WATER SYSTEM; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

The Mayor then instructed the Clerk to read Ordinance No. 2131 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2131 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 Tyler seconded said motion. The Mayor put the question and instructed the Clerk to call 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; Tyler, yes; Krejci, yes; Svoboda, yes; Lawver, yes and Dunbar, yes. Absent and not voting: none. 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. 2131 may be read by title and moved for final passage in the same meeting.

Council Member Tyler moved that Ordinance No. 2131 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: Tyler, yes; Krejci, yes; Lawver, yes; Svoboda, yes; Dunbar, yes; and Kavan, yes. Absent and not voting: none. 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.

**Ordinance No. 2132** was introduced by Council Member Krejci entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2013, OF THE CITY OF WAHOO, NEBRASKA IN A PRINCIPAL AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000) TO PAY COSTS OF CONSTRUCTING IMPROVEMENTS TO CERTAIN STREETS OF THE CITY; PRESCRIBING THE FORM AND CERTAIN DETAILS OF SAID BOND AND PROVIDING FOR THE FIXING AND ESTABLISHING OF OTHER DETAILS OF THE BONDS; PLEDGING FUNDS RECEIVED FROM THE NEBRASKA HIGHWAY ALLOCATION FUND 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; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS. The Mayor then instructed the Clerk to read Ordinance No. 2132 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2132 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 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; Dunbar, yes; Svoboda, yes; Krejci, yes; and Tyler, yes. Absent and not voting: none. 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. 2132 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2132 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: Krejci, yes; Lawver, yes; Kavan, yes; Dunbar, yes; Tyler, yes; and Svoboda, yes. Absent and not voting: none. 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 Mayor stated the next order of business was determination of status of nuisance on premises at 539 N. Broadway and related action. The original notice was issued December 26, 2012, and owner was granted extensions until June 26, 2013 to abate the nuisance; action was tabled at the last meeting. Gaylord Anderson reported he was approached about selling the property, and would like to consider the offer before the City does any work. Beavers provided a report of estimated costs for abatement of listed defects, based on what was visible at the time of earlier inspection and costs quoted by local contractors at that time. He stated costs could change if removal of damaged flooring, plaster, and lath uncovered hidden structural defects. Beavers reported gutter is installed, but he has not been able to verify through inspection the work done on parapets, windows, doors, or other inside repairs. Regardless of the use of the building, work needs to be done to make the building safe. Anderson stated he would prefer to do the work himself to save money, but it would take several months to do the work. Council members asked how the City would gain access to the property for abatement; Lindahl stated the property owner could give access, or a warrant to enter the property could be obtained.

A motion was made by Svoboda to delay action on abatement of nuisance to the next council meeting. Motion was seconded by Tyler. Roll call vote: Svoboda, yes; Tyler, yes; Kavan, yes; Lawver, no; Dunbar, no; and Krejci, yes. Absent and not voting: none. Motion carried.

Jake Vasa of JEO Consulting Group presented Pay Application No. 9 for TAB Construction in the amount of \$7,224.75. He stated there was no change order. Motion by Kavan, seconded by Svoboda, to approve Pay Application No. 9 to Tab Construction for \$7,224.75. Roll call vote: Kavan, yes; Svoboda, yes; Tyler, yes; Krejci, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

The Mayor announced the next item of business was discussion regarding agreement between the City of Wahoo, Lower Platte North NRD, and NDOR regarding the trail underpass on the Highway 77/92 Expressway.

A motion was made by Svoboda, seconded by Kavan, to enter into closed session for the purpose of protection of public interest regarding possible litigation. Roll call vote: Svoboda, yes; Kavan, yes; Lawver, yes; Dunbar, yes; Krejci, yes; and Tyler, yes. Absent and not voting: none. Motion carried. The Mayor indicated the Council would be entering into closed session at 8:25 p.m. to discuss possible litigation.

A motion was made by Krejci, seconded by Kavan, to return to regular session at 8:55 p.m. Roll call vote: Krejci, yes; Kavan, yes; Lawver, yes; Tyler, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

A motion was made by Lawver to table action on agreement between the City of Wahoo, Lower Platte North NRD, and NDOR regarding the trail underpass on the Highway 77/92 Expressway. Motion was seconded by Svoboda. Roll call vote: Lawver, yes; Svoboda, yes; Krejci, yes; Dunbar, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

The next meeting will be held on Thursday, July 25, 2013.

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

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

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Lucinda Morrow, Deputy Clerk

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Janet A. Jonas, Mayor