

The Council met in regular session and in compliance with agenda posted at City Hall, Post Office and First Bank of Nebraska with each Council member being notified of agenda prior to the meeting. The meeting was called to order by Mayor Loren Lindahl 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.

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

1. Minutes of November 22, 2016 meeting of the Mayor and Council

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

A motion was made by Lawver, seconded by Kavan, to adjourn sine die. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

The Clerk then indicated it was time for the new Council to take their elected position. The Oath of Office was administered to following elected officials: Mike Lawver, Council member Ward I; Greg Kavan, Council member Ward II; and Gerry Tyler, Council member Ward III. With the oaths administered the Mayor called the new Council meeting to order, informing the public of the location of posting of the Open Meetings Law. Roll call was taken with the following members present: Mike Lawver, Greg Kavan, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Kevin Dunbar.

A motion was made by Dunbar, seconded by Svoboda, to nominate Stuart Krejci as President of the Council, cease nominations, and cast a unanimous ballot. Roll call vote: Dunbar, yes; Svoboda, yes; Tyler, yes; Kavan, yes; Lawver, yes; and Krejci, yes. Absent and not voting: none. Motion carried and Stuart Krejci was declared President of the Council.

The Mayor presented the following appointments:

City Officials

| | |
|------------------------------|--------------------------------------|
| CITY ADMIN/CLERK/TREASURER: | Melissa M. Harrell |
| STREET COMM/CEMETERY SEXTON: | David Jansa |
| CHIEF OF POLICE: | Kenneth Jackson |
| BUILDING INSPECTOR: | Travis Beavers |
| LIBRARY DIRECTOR: | Denise Lawver |
| CITY ENGINEER/STREET SUPT.: | Steve Parr with JEO Consulting Group |
| CITY PHYSICIAN: | Dr. Leo Meduna |

Ordinance No. 2230 was introduced by Svoboda entitled: AN ORDINANCE OF THE CITY OF WAHOO APPROVING APPOINTMENT BY THE MAYOR OF SUCH OFFICERS AS SHALL BE REQUIRED BY ORDINANCE OR LAW AND ESTABLISHING THE TERM OF SAID OFFICERS. The Mayor then instructed the Clerk to read Ordinance No. 2230 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2230 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 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: Roll call vote: Kavan, yes; Tyler, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: none. Motion carried. 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. 2230 may be read by title and moved for final passage in the same meeting.

Council Member Svoboda moved that Ordinance No. 2230 be approved and passed and its title agreed to. Council Member Dunbar 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; Dunbar, yes; Tyler, yes; Kavan, yes; Lawver, abstained due to conflict of interest; and Krejci, 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 the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures 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.

Due to conflict of interest on the matter of appointment of City Attorney, the Mayor was excused from the meeting at 7:04 p.m.

The President of the Council appointed the firm of Bromm, Lindahl, Freeman-Caddy and Lausterer as City Attorney, and stated the process of approval of claims by the City Administrator and City Council President has worked well the past year.

Ordinance No. 2231 was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO APPOINT THE CITY ATTORNEY, ESTABLISH TERM AND SET COMPENSATION. The President of the Council then instructed the Clerk to read Ordinance No. 2231 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2231 by title.

Council Member Lawver 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 Dunbar seconded said motion. The President of the Council 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: Roll call vote: Lawver, yes; Dunbar, yes; Svoboda, yes; Krejci, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the President of the Council declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2231 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2231 be approved and passed and its title agreed to. Council Member Svoboda seconded the motion. The President of the Council instructed the Clerk to call

the roll for the vote and the following was the vote on this motion: Lawver, yes; Svoboda, yes; Krejci, yes; Dunbar, yes; Tyler, 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 President of the Council declared the Ordinance adopted and, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures thereto. The President of the Council 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.

Jovan Lausterer discussed the proposed retainer agreement. The President of the Council requested approval of the retainer agreement with the firm of Bromm, Lindahl, Freeman-Caddy, which provides that any work in excess of the retainer shall be approved by the City Administrator and/or City Council President, and that Loren Lindahl will abstain from all discussions and from all votes regarding the approval of claims regarding attorney fees with such firm.

Motion was made by Dunbar, seconded by Tyler to approve the retainer agreement with Bromm, Lindahl, Freeman-Caddy. Roll call vote: Dunbar, yes; Tyler, yes; Kavan, yes; Lawver, yes; Krejci, yes; and Svoboda, yes. Retainer agreement approved.

Ordinance setting salaries of appointed officials, which represents current salaries, was discussed.

Ordinance No. 2232 was introduced by Dunbar entitled: AN ORDINANCE OF THE CITY OF WAHOO FIXING THE SALARIES OF THE APPOINTED OFFICERS OF THE CITY OF WAHOO. The President of the Council then instructed the Clerk to read Ordinance No. 2232 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2232 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 Svoboda seconded said motion. The President of the Council 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: Roll call vote: Tyler, yes; Svoboda, yes; Kavan, yes; Lawver, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: none. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the President of the Council declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2232 may be read by title and moved for final passage in the same meeting.

Council Member Dunbar moved that Ordinance No. 2232 be approved and passed and its title agreed to. Council Member Tyler seconded the motion. The President of the Council instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Dunbar, yes; Tyler, yes; Svoboda, yes; Krejci, yes; Lawver, abstained due to conflict of interest; 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 President of the Council declared the Ordinance adopted and, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures thereto. The President of the Council 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 returned to the meeting at 7:09 p.m.

The Mayor presented the following assignments to Council committees and special committees, unchanged from last year:

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, Kavan |
| 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, Lindahl |

Harrell reported to the Council the current reasonable method of notification of Council meeting was made by posting at three locations in Wahoo: First Bank of Nebraska, Wahoo Post Office, and City Hall, as well as the www.wahoo.ne.us website, and that the current agenda deadline was 5:00 p.m. the Friday before the Council meeting. A motion was made by Kavan, seconded by Lawver, to approve the method of advance notice. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Harrell reported current signers on any City of Wahoo bank account are the City Administrator/ Clerk/Treasurer, the Mayor, and the Deputy City Clerk, and that two signatures were required for any withdrawal. The current designated depository of the City funds of the City of Wahoo is Wahoo State Bank; utility funds are at First Bank of Nebraska; and there is an additional account at Union Bank. Harrell reported claims are reviewed and approved by department heads, entered into Accounts Payable, approved by the City Administrator, and approved by the Mayor, and that the only claims officially approved, individually, by the Council are those that are connected to major infrastructure improvements that are under contract. Any claims or checks to Bromm, Lindahl, Freeman-Caddy require signature and approval of the President of the Council.

A motion was made by Lawver, seconded by Svoboda to keep depository of funds and procedure for approval of claims as described above. Roll call vote: Lawver, yes; Svoboda, yes; Kavan, yes; Krejci, yes; Tyler, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Motion by Kavan, seconded by Lawver, to approve the following items listed on the consent agenda:

1. Minutes of December 1, 2016 meeting of Planning Commission
2. Minutes of November 8, 2016 meeting of Wahoo Library Board of Trustees
3. Licenses: Plumber (Sewer Layer only) Jeff Uleman, Uleman Enterprises, Inc., Elkhorn

Tyler and Gibney reported on the spill of gas odorant and crew's response to the calls; excess odorant in the system prompted concern from many utility customers, but no leaks were detected. Utility budget hearing in on the next Council agenda.

Beavers reported several new houses in progress; continued work on nuisances; house on C Street was burned as part of City's abatement, debris to be hauled away soon.

Harrell reported LARM did a review of a section the Lake Wanahoo Trail, which runs near a bank; LARM did not require a fence, but a section of fence has been installed on the curve as a precaution. Interviews are being conducted for the EMS position. Applications for the new office position are being reviewed.

Lausterer reported on the airport suit. Harrell stated the FAA notified of a 60 day extension. The house at 11th and Linden is scheduled for Sheriff's sale.

Beavers provided information on the parking plan for Harvest Auto's location at 3214 Ponderosa Drive. The proposal meets regulations; Harvest is adding to the building and landscaping. Motion by Kavan, seconded by Lawver, to approve the parking plan. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Harrell reported the change order and pay application approved at the last meeting for the Lake Wanahoo Trail project were incorrect, and provided corrected versions showing net increase on the change order of \$3,607.52 (instead of a decrease), and pay application of \$38,563.99 (previously \$34,616.47). Motion by Dunbar, seconded by Svoboda, to approve correction of Change Order #2 for the Lake Wanahoo Trail Phase II project. Roll call vote: Dunbar, yes; Svoboda, yes; Krejci, yes; Tyler, yes; Kavan, yes; Lawver, abstained due to conflict of interest. Absent and not voting: none. Motion carried.

A motion was made by Svoboda, seconded by Dunbar, to approve corrected Pay Application No. 8/Final for \$38,562.99 for Lake Wanahoo Trail Phase II to M E Collins Contracting. Roll call vote: Svoboda, yes; Dunbar, yes; Krejci, yes; Tyler, yes; Kavan, yes; and Lawver, abstained due to conflict of interest. Absent and not voting: none. Motion carried.

Motion by Kavan, seconded by Krejci, to approve transfer of \$20,000 from the Operating Fund of the ½ cent sales tax to cover a portion of the Aquatic Center operating deficit for Summer 2016. Roll call vote: Kavan, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Harrell reported on the agreement with Olsson Associates for review of an anticipated subdivision plat by JEO Consulting Group. A portion of the fee is collected through plan review fees assessed at the time of filing of the subdivision, according to our Subdivision Regulations. Motion by Dunbar, seconded by Lawver, to authorize the Mayor to sign the agreement with Olsson Associates for review of anticipated subdivision plat. Roll call vote: Dunbar, yes; Lawver, yes; Kavan, yes; Svoboda, yes; Tyler, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Council members discussed the possible transfer of 20 acres owned by the City on North Chestnut, to Wahoo Public Buildings and Grounds Association. The process of sale or transfer was discussed. Lausterer noted ownership by Building and Grounds could ease a future sale of the property. Council members agreed to continue to explore this option.

Possible change of council meeting date was discussed. No change planned at this time.

No audience comments presented.

Motion by Lawver, seconded by Kavan to adjourn at 7:46 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor