

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

Motion made by Svoboda, seconded by Tyler, to approve the following items listed on the consent agenda:

1. Excused absence of Greg Kavan
2. Minutes of February 22, 2018 meeting of Council
3. Minutes of February 12, 2018 meeting of Library Board
4. Approval of stipends for Fire and Rescue Volunteers
5. Approval of Christina Chapman as a member of the EMS Department

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

Department head reports presented. Street Committee meets next week.

Phil Lorenzen of D A Davidson discussed the process for creation of improvement districts for the Chestnut Street project and financing.

Council member Lawver introduced the following resolution, **Resolution 2018-03**, and moved for its approval, seconded by Krejci,

“BE IT RESOLVED BY THE Mayor and City Council of the City of Wahoo, Nebraska:  
That the plans, specifications and estimate of cost of \$916,000 filed by the City’s Engineers, JEO Consulting Group, Inc., in the office of the City Clerk on the 7<sup>th</sup> day of February, 2018, for the construction of Storm Water Sewer improvements in Storm Water Sewer District No. 2018-1 have by the Mayor and City Council been heretofore approved, and the said plans, specifications and cost estimate be and the same are hereby approved and all actions of the Mayor and City Clerk relative thereto are in all respects hereby ratified approved, ratified and confirmed.”

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

Council member Dunbar introduced **Resolution 2018-06**, a Resolution of Necessity for additions and improvements to the City’s Storm Water Sewer System, the Chestnut Street Project, and setting the boundaries of Storm Water Sewer District No. 2018-1, seconded by Krejci.

Dunbar moved that action on Resolution No. 2018-06 be tabled until the April 12, 2018 meeting, seconded by Krejci. Roll call vote: Dunbar, yes; Krejci, yes; Svoboda, yes; Lawver, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

Council member Lawver introduced the following resolution, **Resolution 2018-07**, and moved for its approval, seconded by Krejci,

“BE IT RESOLVED BY THE Mayor and City Council of the City of Wahoo, Nebraska:

1. That the Resolution of Necessity creating Storm Water Sewer District No. 2018-1 of the City of Wahoo be and it is hereby proposed.

2. The time of 7:30 o'clock p.m. on the 12<sup>th</sup> day of April, 2018 at the Wahoo City Hall is hereby set as the time and place for the Mayor and Council to conduct a hearing on the adoption of said resolution and any objections to its passage, at which owners of real property located in said District may appear and make objections to such improvement, and the City Clerk is hereby instructed to publish notice of such hearing as required by law.”

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

**Ordinance No. 2274** was introduced by Tyler entitled: AN ORDINANCE OF THE CITY OF WAHOO TO CREATE STREET IMPROVEMENT DISTRICT 2018-1. The Mayor then instructed the Clerk to read Ordinance No. 2274 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2274 by title.

Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so 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 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: Lawver, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Kavan. 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. 2274 may be read by title and moved for final passage in the same meeting.

Council Member Tyler moved that Ordinance No. 2274 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; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Kavan. 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, 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.

Dave Henke reported work on Hackberry fencing is done, and presented pay application. Motion by Krejci, seconded by Tyler, to approve Pay Application #1 to Elkhorn Fence for \$31,622.70. Roll call vote: Krejci, yes; Tyler, yes; Svoboda, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

Kevin Stuhr reported M E Collins has offered an in-kind donation for concrete flatwork and stormwater mitigation at Hackberry Ballfield, which reduces the City's cost for improvements to \$40,000. Stuhr requested the Council accept the donation, and accept M E Collins Contracting's bid for the work. Motion by Krejci, seconded by Dunbar, to accept the donation and the bid by M E Collins Contracting for concrete flatwork and stormwater mitigation at Hackberry Ballfield. Roll call vote: Krejci, yes; Dunbar, yes; Lawver, abstained due to conflict; Tyler, yes; and Svoboda, yes. Absent and not voting: Kavan. Motion carried.

Doug Reeves requested a waiver to allow ingress/egress from Lot 15, Heritage Heights onto J Road for new home construction. He provided a site plan and noted there is another driveway just west of the location accessing J Road, the median and plantings restrict access and visibility, and the speed limit is 35 mph in the area. The original subdivision plat stated this lot would not access J Road. Motion by Svoboda, seconded by Lawver, to waive restriction to allow access from Lot 15 to J Road. Roll call vote: Svoboda, yes; Lawver, no; Tyler, no; Krejci, no; and Dunbar, no. Absent and not voting: Kavan. Motion failed.

Pat Phelan of DLR Group reported on the direct storm sewer connection for the new Wahoo State Bank building. Motion by Lawver, seconded by Krejci, to approve the connection as requested. Roll call vote: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

Lausterer reported on the easement to authorize use of the alley adjoining the building site at 164 East 5<sup>th</sup> Street, where screw anchor pins and a stabilization wall were installed. The pins cannot be removed, there are utilities installed in the alley, and in the event of future utility work, the pins would need to be cut out and cost of removal could be charged to the property owner. Lawver asked that the city engineer look at the impact of leaving the stabilization wall in place beneath alley paving.

**Ordinance No. 2275** was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO GRANT AN EASEMENT, SUBJECT TO CONDITIONS, TO THE OWNER OF LOT 12 AND E ½ OF LOT 11, BLOCK 149, COUNTY ADDITION, INTO THE ADJACENT ALLEY NORTH OF THE PROPERTY. The Mayor then instructed the Clerk to read Ordinance No. 2275 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2275 by title.

Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so 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: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, no. Absent and not voting: Kavan. Motion failed.

Council Member Lawver moved that Ordinance No. 2274 be approved on its first reading. 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; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

Harrell reported in conjunction with the Wahoo State Bank building project, staff has worked on street marking and barricades to make Linden Street one way northbound, and provide for parking. Lausterer noted this was done administratively, and Lacey Construction was asked to contact adjoining business owners to advise them of the plan.

Chief Ferrell reported both in-car cameras for the police department are not working, and the units are too old to repair. Bids were received for new units. The department has applied for a mini-grant to cover part of the cost, and will utilize this if possible, however there is money budgeted for replacement. Motion by Krejci, seconded by Dunbar, to approve purchase of two new in-car cameras for the police department. Roll call vote: Krejci, yes; Dunbar, yes; Lawver, yes; Tyler, yes; and Svoboda, yes. Absent and not voting: Kavan. Motion carried.

Council member Dunbar introduced the following resolution, **Resolution 2018-08**, and moved for its approval, seconded by Lawver,

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

Harrell reported on the proposed special meeting of LARM members, concerns regarding representation on the board.

Council member Svoboda introduced the following resolution, **Resolution 2018-09**, and moved for its approval, seconded by Dunbar,

“WHEREAS, the City of Wahoo is a “participant member” of the League Association of Risk Management (“LARM”); and;

WHEREAS, the Interlocal Agreement that formed and continues to govern LARM provides in 8.1.4.2. that “Each participating member may cast one vote for each of the open Board positions.”; and

WHEREAS, LARM staff stated in marketing materials that LARM is “member controlled” and that the LARM Board of Directors is elected by its members; and

WHEREAS, despite these statements, none of the individuals listed as currently serving on the LARM Board of Directors were duly elected by “participating members” as required in the Interlocal Agreement; and

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

Section 1. That City of Wahoo calls for a special meeting by telephone conference call of all LARM “participating members” to select 15 directors to the LARM Board on March 21, 2018, from 2-4 pm CT/1-3 pm MT at one of the following designated places:

**City of Ainsworth**

606 E 4<sup>th</sup> Street  
Ainsworth, NE 69210

**Village of Ansley**

217 Nile Street  
Ansley, NE 68814

**City of Beaver City**

**City of Gibbon**

715 Front Street  
Gibbon, NE 68840

**City of Hickman**

115 Locust Street  
Hickman, NE 68372

**City of Imperial**

**City of Norfolk**

309 N 5<sup>th</sup> Street  
Norfolk, NE 68701

**City of North Platte**

211 West Third Street  
North Platte, NE 69101

**City of Oshkosh**

301 10<sup>th</sup> Street  
Beaver City, NE 68926  
**City of Fremont**  
400 E Military Avenue  
Fremont, NE 68025

740 Court Street  
Imperial, NE 69033  
**City of Nelson**  
580 S Main Street  
Nelson, NE 68961

305 West 1<sup>st</sup> Street  
Oshkosh, NE 69154  
**City of Scottsbluff**  
2525 Circle Drive  
Scottsbluff, NE 69361

Section 2. That City of Wahoo selects Melissa Harrell to serve as its member and voting representative at the aforementioned special meeting of LARM “participating members,” and select James M. Gibney, Jr. to serve as its member and voting representative in case Melissa Harrell cannot attend the special meeting by telephone conference call of all LARM “participating members” to select 15 directors to the LARM Board on March 21, 2018, from 2-4 pm CT/1-3 pm MT.”

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

Proposal for completion of a blight and substandard study by Five Rule Rural Planning was discussed. Motion by Krejci, seconded by Dunbar, to accept the proposal for completion of blighted and substandard study and amendments to areas from Five Rule Rural Planning. Roll call vote: Krejci, yes; Dunbar, yes; Lawver, yes; Tyler, yes; and Svoboda, yes. Absent and not voting: Kavan. Motion carried.

Clayton and Sylvia Wade addressed the Council and provided information on the impact of the Wahoo State Bank construction project on their property.

Robert Spicka stated concerns regarding removal of the traffic light at 5<sup>th</sup> and Chestnut Street and pedestrian safety, and requested the Council reconsider the issue.

Motion by Lawver, seconded by Dunbar, to adjourn at 8:40 p.m.

Approved:

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Lucinda Morrow, Deputy Clerk

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Loren L. Lindahl, Mayor