

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 Jerry Johnson 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: Merle Hennings, Mike Lawver, Gerry Tyler, Stuart Krejci, and Janet Jonas. Absent was Jim Svoboda.

The Mayor presented a proclamation to the Council recognizing July as Park and Recreation Month in Wahoo.

The Mayor called for items not otherwise listed on the agenda and none were presented.

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

1. Excused absence of Jim Svoboda, Council Member, from the June 14 meeting.
2. Approval of the Council minutes of May 24, 2012
3. Accept the Planning Commission minutes of June 7, 2012
4. Accept the Library Board minutes of May 8, 2012
5. The Mayor's reappointment of Deb Kavan to the Wahoo Library Board, term expiring June 2016
6. The following licenses: Todd Rannals, Millard Sprinkler, Omaha, plumber, renewal; Anthony Swiczek, Andresen Plumbing, Waterloo, plumber, renewal; Vic Huttenmeyer, H & S Plumbing, Lincoln, plumber, renewal; Rick Kaar, Kaar Sheet Metal, Wahoo, mechanical; and Dan Reznicek, Reznicek Electric, Ulysses, electrician, renewal.

Roll call vote: Hennings, yes; Jonas, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Svoboda, absent and not voting. Motion carried.

Department Head reports were reviewed by the Council. Harrell reported to the Council the Airport would have having a land use compliance inspection by a representative of the FAA.

The Mayor called for Council Committee reports. Jonas reported the Park and Recreation Board had met and discussed the aquatics center, senior center improvements, and senior diner reimbursements. Lawver reported the Street Committee had met with Louis Austin to discuss the replacement of the railroad berm on his property on A Street. The Street Committee has recommended the berm be replaced. An update was given on Chestnut Street construction. The Mayor reported he and the Building Inspector were working on the Anderson building.

**Ordinance No. 2093** was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO RESCIND ORDINANCE NO. 2060 THAT PROVIDED APPROVAL OF A CONDITIONAL USE PERMIT FOR WAHOO LOCKER PLANT LOCATED AT 157 WEST 5TH; AND RESCIND ORDINANCE NO. 2066 THAT PROVIDED FOR THE VACATION OF A PORTION OF MAPLE STREET LOCATED ADJACENT TO THE EXISTING WAHOO LOCKER PLANT. The Mayor then instructed the Clerk to read Ordinance No. 2093 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2093 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 Jonas 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: Lawver, yes; Jonas, yes; Krejci, yes; Hennings, yes; and Tyler, yes. Svoboda, absent and not voting. 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. 2093 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2093 be approved and passed and its title agreed to. Council Member Jonas 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; Jonas, yes; Krejci, yes; Hennings, yes; and Tyler, yes. Svoboda, absent and not voting. 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 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.

A motion was made by Lawver, seconded by Tyler to approve the Engineer's Recommendation of Acceptance of the 2011 WWTP Effluent Pump, contingent on approval by the Board of Public Works. Roll call vote: Lawver, yes; Tyler, yes; Jonas, yes; Hennings, yes; and Krejci, yes. Svoboda, absent and not voting.

A motion was made by Hennings, seconded by Tyler, to approve Pay Application #2 and Final to K2 Construction for the 2011 WWTP Effluent Pump for \$9,163.80. Roll call vote: Hennings, yes; Tyler, yes; Jonas, yes; Lawver, yes; and Krejci, yes. Svoboda, absent and not voting. Motion carried.

A motion was made by Jonas, seconded by Krejci, to authorize the Mayor to sign the Interlocal Agreement with Saunders County for the Senior Diner Meal Reimbursement Program. Roll call vote: Jonas, yes; Krejci, yes; Hennings, yes; Lawver, yes; and Tyler, yes. Svoboda, absent and not voting. Motion carried.

Phil Lorenzen of D.A. Davidson was present to review the market conditions for issuing bonds for the City of Wahoo Street improvement project with the Council. He recommended the Council adopt a parameters ordinance to guide the Mayor and Clerk on financing of the street improvement project. He indicated that if the Council would proceed with this, he would be able to market the bonds, and report back to the Council at the June 28, 2012 meeting his marketing efforts and move for closing the issue.

**Ordinance No. 2094** was introduced by Council Member Lawver entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2012, OF THE CITY OF WAHOO, NEBRASKA IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,125,000 TO PAY COSTS OF CONSTRUCTING IMPROVEMENTS TO CERTAIN STREETS OF THE CITY; PRESCRIBING THE FORM AND CERTAIN DETAILS OF THE 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 PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED

MATTERS. The Mayor then instructed the Clerk to read Ordinance No. 2094 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2094 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 Jonas 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: Lawver, yes; Jonas, yes; Tyler, yes; Krejci, yes; and Hennings, yes. Svoboda, absent and not voting. 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. 2094 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2094 be approved and passed and its title agreed to. Council Member Jonas 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; Jonas, yes; Tyler, yes; Krejci, abstained; and Hennings, yes. Svoboda, absent and not voting. 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 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.

Kelly and Cheryl Devlin were present to review the conditions of the sign being installed near their property at 455 Commercial Park Drive. Devlin indicated they had worked for a settlement with the NDOR when their driveway access to Highway 77 had been removed; a settlement equal to the purchase price and installation of the sign was agreement upon by the parties. Devlin indicated the sign, if installed, would not be per regulations, but would be in line with other signs in existence in that area. Staff was asked by the Council to draft an amendment to sign regulations that would allow a waiver of requirements if certain conditions were met. No action taken by the Council.

A motion was made by Lawver, seconded by Krejci, to grant permission to construct a building with a variation to the setback requirements of the Zoning Regulations at the southeast corner of 6<sup>th</sup> and Elm Streets (owned by Hancock), as allowed per the City Zoning Regulations Section 4.09. Roll call vote: Lawver, yes; Krejci, yes; Tyler, yes; Jonas, yes; and Hennings, yes. Svoboda, absent and not voting. Motion carried.

The Mayor explained the opportunity available to the City of Wahoo through a national program called "Today in America." A motion was made by Lawver, seconded by Jonas, to ratify the Mayor's action to enter in to a contract with Today in America TV show, and authorize the transfer of \$5,000 of keno funds to the Wahoo Economic Development Office for the support of this program. Roll call vote: Lawver, yes; Jonas, yes; Krejci, yes; Hennings, yes; and Tyler, yes. Svoboda, absent and not voting. Motion carried.

Jackson reported to the Council on the recent fatality at Lake Wanahoo. He indicated there were community members that were pushing for a larger call of volunteers to be used when a child was reported as missing. He reported the Wahoo Volunteer Fire Department had been involved in the search

as well as the Omaha Police Department helicopter with infrared cameras. With additional volunteers, there would have been many “warm bodies” found by the camera and made the search that much more difficult to conduct.

A motion was made by Lawver, seconded by Hennings, to enter in to closed session to discuss possible litigation regarding the Lake Wanahoo Interlocal Agreement at 8:59 p.m. Roll call vote: Lawver, yes; Hennings, yes; Krejci, yes; Jonas, yes; and Tyler, yes. Svoboda, absent and not voting. Motion carried. The Mayor indicated the Council would be entering in to closed session to discuss possible litigation regarding the Lake Wanahoo Interlocal Agreement.

A motion was made by Hennings, seconded by Jonas, to return to regular session at 9:24 p.m. Roll call vote: Hennings, yes; Jonas, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Svoboda, absent and not voting. Motion carried.

A motion was made by Lawver, seconded by Tyler to adjourn at 9:25 p.m.

Approved: June 28, 2012.

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Melissa M. Harrell, City Clerk

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Gerald D. Johnson, Mayor