

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, Jim Svoboda, and Janet Jonas.

The Mayor called for items not otherwise listed on the agenda. Loren Cuda reported concern about trash and littering, people gathering, and drug use along Maple Street between 5th and 6th Street. The complaint has been referred to the Police Department and Mayor.

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

1. Approval of the Council minutes of July 12, 2012
2. Accept the Park and Recreation Board minutes of July 9, 2012
3. Reappointments by the Mayor: Greg Hohl to the Park and Recreation Board, term expiring 7/2017; Darryl Blum, Joe Vculek, and Patrick Phelps to the Planning Commission, terms expiring 7/2015; Dale Jonas, alternate to the Board of Adjustments, term expiring 7/2015; and Merle Hennings to the board of Public works, term expiring 7/2016
4. The following licenses: Cory Pemberton, Platte Mechanical Inc, Fremont, plumber, renewal; Christopher Kems, CJK Enterprises, Yutan, plumber, renewal; Ronald Benes, Ron's Plumbing & Heating & AC, Brainard, plumber, renewal; Brian Pemberton, Platte Mechanical Inc., Fremont, mechanical, renewal; Ronald Benes, Ron's Plumbing & Heating & AC, Brainard, mechanical, renewal.

Roll call vote: Lawver, yes; Jonas, yes; Tyler, yes; Krejci, yes; and Svoboda, yes; and Hennings, yes. Motion carried.

The Mayor called for Council Committee reports. Tyler reported the Board of Public Works had met and the Maple Street Sewer Relief Trunk had been accepted, and they are ready for bids on RICE compliance. Svoboda reported the Street Committee met. The Mayor reported the Facilities Committee, which was formed three years ago, continues to follow events with the Kennedy Campus property tax certificates.

A settlement agreement with the Gottschalk family and an easement for utilities on Lots 6 and 7, West Continental Estates were discussed. Motion by Hennings, seconded by Lawver, to authorize the Mayor to sign a settlement agreement regarding sewer and water connections with the Gottschalk family. Roll call vote: Hennings, yes; Lawver, yes; Krejci, yes; Svoboda, yes; Jonas, yes; and Tyler, yes. Motion carried.

Ordinance No. 2096 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO ACQUIRE AN INTEREST IN REAL ESTATE BY PURCHASE OR EMINENT DOMAIN FOR THE PURPOSE OF SURVEYING, CONSTRUCTING, RECONSTRUCTING, RELOCATING, ALTERING, INSPECTING, REPAIRING, REPLACING, ADDING TO, MAINTAINING AND OPERATING, AT ANY TIME, OVER, ACROSS, AND UNDER THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: THE WEST 20 FEET OF LOTS 6 AND 7, WEST CONTINENTAL ESTATES SUBDIVISION, AN ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, UTILITIES WITH APPURTENANCES AND ACCESSORIES THERETO OF THE CITY OF WAHOO, NEBRASKA, ITS SUCCESSORS AND ASSIGNS; THAT THE INTERESTS TO BE ACQUIRED IN THE ABOVE-DESCRIBED REAL ESTATE ARE PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS, AS HEREINAFTER MORE FULLY SET FORTH. The Mayor then

instructed the Clerk to read Ordinance No. 2096 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2096 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 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: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; Jonas, yes; and Hennings, yes. 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. 2096 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2096 be approved and passed and its title agreed to. Council Member Tyler 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; Svoboda, yes; Jonas, yes; Hennings, yes; Tyler, yes; and Krejci, yes. 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.

The public hearing on an application for a Conditional Use Permit to alter an existing tower by addition of antennas and seven-foot lightning rod on property described as: Lot 5, Block 138, Original Town of Wahoo, Saunders County, Nebraska, as filed by Verizon Wireless was declared open by the Mayor at 7:13 p.m. John Yocum appeared on behalf of Verizon Wireless. The Mayor called for comments from the public and none were presented. Yocum stated Verizon only resubmits applications to the FAA for major changes; the frequency will change from the 800 MHz range to the 700 MHz range with no power change. A motion was made by Krejci, seconded by Jonas to close the public hearing at 7:18 p.m. Roll call vote: Krejci, yes; Jonas, yes; Svoboda, yes; Hennings, yes; Lawver, yes; and Tyler, yes. Motion carried.

Ordinance No. 2097 was introduced by Council Member Krejci entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOT 5, BLOCK 138, ORIGINAL TOWN, WAHOO, SAUNDERS COUNTY, NEBRASKA BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING ALTERATION OF AN EXISTING TOWER BY ADDITION OF ANTENNAS AND LIGHTNING ROD, AS ALLOWED BY WAHOO ZONING REGULATIONS SECTION 7.11, AS HEREINAFTER MORE FULLY SET FORTH. The Mayor then instructed the Clerk to read Ordinance No. 2097 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2097 by title.

Council Member Krejci 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 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: Krejci, yes; Svoboda, yes; Jonas, yes; Tyler, yes; Lawver, yes; and Hennings, yes. 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. 2097 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2097 be approved and passed and its title agreed to. Council Member Svoboda 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; Svoboda, yes; Tyler, yes; Lawver, yes; Hennings, yes; and Jonas, yes. 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.

The public hearing on amendment of the Wahoo Zoning Ordinance No. 1886 to provide for waivers and exceptions was declared open by the Mayor at 7:13 p.m. The Mayor called for comments from the public and none were presented. A motion was made by Svoboda, seconded by Lawver to close the public hearing at 7:21 p.m. Roll call vote: Svoboda, yes; Lawver, yes; Tyler, yes; Hennings, yes; Jonas, yes; and Krejci, yes. Motion carried.

Ordinance No. 2098 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND ORDINANCE 1886, KNOWN AND CITED AS THE ZONING ORDINANCE OF THE CITY OF WAHOO, SECTION 7, TO PROVIDE A PROCEDURE FOR WAIVERS AND EXCEPTIONS, AS HEREINAFTER MORE FULLY SET FORTH. The Mayor then instructed the Clerk to read Ordinance No. 2098 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2098 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 Hennings 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; Hennings, yes; Jonas, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. 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. 2097 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2098 be approved and passed and its title agreed to. Council Member Tyler 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; Tyler, yes; Hennings, yes; Jonas, yes; Krejci, yes; and Svoboda, yes. 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.

Jake Vasa of JEO Consulting Group reported on the status of Chestnut Street Improvements. The roadway opening date was scheduled for August 3, 2012, and the roadway is done, however, grading and sidewalk improvements are not completed yet. Water line work and completion of roadway work to the box culvert caused some delay. Vasa suggested extending the opening date to August 10, 2012 without penalty due to safety concerns. Vasa stated Change Order #2 includes additional valves and a fire hydrant installed by the contractor, as recommended by DHHS, for an adjustment of \$12,251.25. Council Member Jonas moved that Change Order #2 to the contract with TAB Construction, for 2012 Chestnut Street Improvements be approved, seconded by Tyler. Roll call vote: Jonas, yes; Tyler, yes; Hennings, yes; Lawver, yes; Krejci, yes; and Svoboda, no. Motion carried.

Vasa presented Application for Payment No. 2 to Tab Construction Co. for 2012 Chestnut Street Improvements. Council Member Hennings moved that Application for Payment No. 2 to Tab Construction Co. for 2012 Chestnut Street Improvements , for \$227,577.11 be approved, seconded by Lawver. Roll call vote: Hennings, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Jonas, yes. Motion carried.

Discussion was held on authorizing City staff to move forward with preparation of an ordinance and documents for the Council to consider on the vacation of 2nd Street between Linden and Beech. Kevin Hittle reported on design plans for parking and determining utility needs for the new facility. Council members and Mayor discussed concerns of inadequate parking in the area, and traffic flow on 3rd Street. Curt Bromm stated that as part of the development plan for St. Wenceslaus Church facilities, they would agree to provide parking stalls on the west side of the block, and when all property in the block is acquired, would agree to give right-of-way for 3rd Street to become two-way with parking on both sides. Lawver moved to authorize City staff to move forward with preparation of documents and ordinance. Motion died for lack of a second. Bromm stated St. Wenceslaus would continue to work on a development plan addressing the City's concerns, and bring it back to the Council for further consideration.

Lawver was excused from the meeting at 8:15 p.m.

Melissa Harrell, City Administrator, and Doug Six, Omaha Steel Castings, provided project cost information for the developer and the City for tax increment financing. The railroad crossing at the project site was discussed. Six reported all financing has been approved for the project, and they will have bids for the main building next week.

The following resolution, **Resolution No. 2012-13** was introduced by Jonas, who moved for its approval, seconded by Krejci:

“A RESOLUTION AUTHORIZING THE ISSUANCE OF TAXABLE TAX INCREMENT REVENUE NOTES (OMAHA STEEL CASTINGS CO. PROJECT), SERIES 2012A AND SERIES 2012B OF THE CITY OF WAHOO, NEBRASKA, FOR THE PURPOSE OF PAYING CERTAIN PROJECT COSTS IN CONNECTION WITH THE OMAHA STEEL CASTINGS CO. PROJECT; PRESCRIBING THE FORM AND DETAILS OF SAID NOTES AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY OF WAHOO, NEBRASKA TO FACILITATE AND PROTECT THE PAYMENT THEREOF; AND PRESCRIBING OTHER MATTERS RELATING THERETO”

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

Lawver returned to the meeting.

Troy Johnston with JEO Consulting Group discussed street and drainage improvements on 12th Street at the Omaha Steel project site. Plans include a concrete bottom storm water ditch to make maintenance easier and help move water to the creek. Moved by Jonas, seconded by Krejci, to approve entering into an engineering agreement with JEO Consulting Group for street and drainage improvements associated with the Omaha Steel project. Roll call vote: Jonas, yes; Krejci, yes; Lawver, yes; Tyler, yes; Hennings, yes; and Svoboda, yes. Motion carried.

A motion was made by Hennings, seconded by Jonas, to grant permission to construct a building with a variation to the setback requirements of the Zoning Regulations at 1062 North Linden Street as per Section 4.09. Roll call vote: Hennings, yes; Jonas, yes; Lawver, yes; Svoboda, yes; Krejci, yes; and Tyler, yes. Motion carried.

Harrell and Johnston discussed standards for removal and replacement of concrete, asphalt and brick in Wahoo. These standards are designed to preserve the integrity of paving surfaces, when work is performed by contractors other than City workers. There is currently no permitting process for working within the right-of-way. Moved by Lawver, seconded by Krejci, to adopt standards for removal and replacement of concrete, asphalt and brick, and incorporate the same into Municipal Code. Roll call vote: Lawver, yes; Krejci, yes; Tyler, yes; Svoboda, yes; Jonas, yes; and Hennings, yes. Motion carried.

Motion by Hennings, seconded by Lawver, to approve renewal of health insurance benefits for Wahoo and Wahoo Utilities employees with Blue Cross Blue Shield for the plan year of August 1, 2012 through July 31, 2013. Roll call vote: Hennings, yes; Lawver, yes; Jonas, yes; Tyler, yes; Svoboda, yes; and Krejci, yes. Motion carried.

The Mayor reported the settlement agreement between the City of Wahoo, Saunders County, and Lower Platte North NRD regarding Lake Wanahoo is still being reviewed by the parties.

A motion was made by Lawver, seconded by Jonas, to enter in to closed session to discuss possible litigation regarding a claim for damages filed by Scott Tingelhoff at 8:55 p.m. Roll call vote: Lawver, yes; Jonas, yes; Krejci, yes; Svoboda, yes; Tyler, yes; and Hennings, yes. Motion carried. The Mayor indicated the Council would be entering in to closed session to discuss possible litigation regarding the claim for damages filed by Tingelhoff.

A motion was made by Lawver, seconded by Jonas, to return to regular session at 9:04 p.m. Roll call vote: Lawver, yes; Jonas, yes; Krejci, yes; Svoboda, yes; Tyler, yes; and Hennings, yes. Motion carried.

A motion was made by Tyler, to authorize the Mayor to sign a settlement agreement between the City of Wahoo and to resolve the damage claim, seconded by Svoboda. Roll call vote: Tyler, yes; Svoboda, yes; Krejci, yes; Hennings, yes; Jonas, yes; and Lawver, yes. Motion carried .

A motion was made by Hennings, seconded by Lawver to adjourn at 9:05 p.m.

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Approved: _____.

Melissa M. Harrell, City Clerk

Gerald D. Johnson, Mayor