

The Council met in special work session and 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 6:00 p.m. 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.

A review of the 2012-13 budget was done by City Administrator/Clerk/Treasurer Harrell. A power point presentation was given, questions addressed, and discussion held on various parts of the budget document.

A motion was made by Lawver, seconded by Svoboda to adjourn the work session at 6:50.

Approved:

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Melissa M. Harrell, City Clerk

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Gerald D. Johnson, Mayor

The Council met in regular session and 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 listed on the agenda and none were presented.

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

1. Minutes of the August 23, 2012 meeting of the Mayor and Council
2. Acceptance of Planning Commission minutes of September 6, 2012
3. Acceptance of the minutes of Library Board meeting of August 14, 2012
4. The following licenses: John H Zohner, John Henry’s Plumbing, Htg, & A/C, plumber , renewal; Terry Reeh, Echo Water Systems, plumber, renewal; Keith Lacy, Simmons Plumbing Inc., plumber, renewal; Budd Bogatz, Todd Valley Plumbing & Heating Inc., plumber, renewal; John H Zohner, John Henry’s Plumbing, Htg, & A/C, HVAC, renewal; Richard Peavy, Anthony’s Air Conditioning, electrician, renewal; Budd Bogatz, Todd Valley Plumbing & Heating Inc., electrician, renewal.

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

Department Head reports were reviewed. The Mayor called for Council Committee reports. Street committee reported Chestnut Street paving is progressing, parking requirements have been referred back to the Planning Commission for further discussion, and requested that closing of 2<sup>nd</sup> Street as requested by St. Wenceslaus Church be placed on the September 27, 2012 agenda. The Mayor reported that filming of the “Today in America” segment will take place on Tuesday, September 18, 2012.

The public hearing on the 2012-13 City of Wahoo budget was declared open by the Mayor at 7:04 p.m. The Mayor called for comments from the public on the budget proposed and none were made. A motion was made by Jonas, seconded by Hennings, to close the public hearing at 7:05 p.m. Roll call vote: Jonas, yes; Hennings, yes; Tyler, yes; Lawver, yes; Krejci, yes; and Svoboda, yes. Motion carried. Lawver and Jonas expressed thanks to all department heads for their work in maintaining their budgets again this year.

A motion was made by Krejci, seconded by Svoboda, to authorize an additional 1% increase in the restricted funds budget as per the State budget document, above and beyond the 2.5% and the growth factor of the valuation. Roll call vote: Krejci, yes; Svoboda, yes; Jonas, yes; Hennings, yes; Tyler, yes; and Lawver, yes. Motion carried.

A motion was made by Krejci, seconded by Svoboda, to approve the 2012-13 Budget as presented. Roll call vote: Krejci, yes; Svoboda, yes; Jonas, yes; Hennings, yes; Tyler, yes; and Lawver, yes. Motion carried.

The public hearing on the 2012 Property Tax Levy for the City of Wahoo was declared open by the Mayor at 7:07 p.m. The Mayor called for comments from the public and none were presented. A motion was made by Jonas, seconded by Lawver, to close the public hearing at 7:08 p.m. Roll call vote: Jonas, yes; Lawver, yes; Krejci, yes; Svoboda, yes; Tyler, yes; and Hennings, yes. Motion carried.

The following resolution, **Resolution No. 2012-15**, was introduced by Jonas, who moved for its approval, seconded by Krejci:

“WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Wahoo passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of Wahoo that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Wahoo, by a majority vote, resolves that:

1. The 2012 property tax request be set and allocated as follows:

	<u>Tax Amount</u>	<u>Levy</u>
General Fund	\$1,152,455.00	.49275
Debt Service Fund	\$210,495.00	.09000
City Bond Fund (Public Safety)	<u>\$0.00</u>	<u>.00000</u>
Total	\$1,362,950.00	.58275

2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2012.”

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

The public hearing on the 2011 Wastewater Treatment Plant Effluent Discharge Pump project was declared open by the Mayor at 7:08 p.m. The Mayor called for any comments from the public and none were presented. Harrell stated that the Department of Economic Development requires that all CDBG projects hold a public hearing at time of application for grant funds, and second public hearing at the middle or end of the project to allow the public an opportunity to comment on the project’s impact. This hearing is to comply with that requirement. A motion was made by Jonas, seconded by Lawver, to close the public hearing at 7:07 p.m. Roll call vote: Jonas, yes; Lawver, yes; Svoboda, yes; Krejci, yes; Hennings, yes; and Tyler, yes. Motion carried.

The Mayor announced the next order of business was the second reading of Ordinance No. 2100, entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO ACQUIRE AN INTEREST IN REAL ESTATE, LOTS 1, 2, AND 6, KENNEDY COLLEGE SUBDIVISION TO THE CITY OF WAHOO, AND BLOCK 2, DICKINSON’S ADDITION TO WAHOO, SAUNDERS COUNTY, NEBRASKA, BY PURCHASE OR EMINENT DOMAIN FOR PUBLIC PURPOSES, the first reading having been held on August 23, 2012. The Mayor then instructed the Clerk to read Ordinance No. 2100 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2100 by title.

Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended as to the second and third readings so that the said ordinance might be 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 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; Hennings, yes; Tyler, yes; Svoboda, yes; and Krejci, 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. 2100 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2100 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; Hennings, yes; Tyler, yes; Svoboda, no; 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.

Discussion opened regarding authorization for City of Wahoo to be the assignee of Tax Certificate No. PU001590 from Guardian Property Services, LLC for consideration of \$7594.50 plus \$1.77 per diem after Aug 31, 2012 and to be substituted as Plaintiff in Case No. CI 12-92 in Saunders County District Court (all subject to Bankruptcy Case No. 12-41818-TLS) regarding Lots 1, 2, and 6, Kennedy College Subdivision to Wahoo, Saunders County, Nebraska. City Attorney Lindahl explained the process for acquiring the tax certificate. The City's potential liability for cleanup or securing the property was discussed. The Mayor is continuing to work with interested parties and potential donors regarding property acquisition. A motion was made by Krejci, seconded by Tyler, to authorize the City of Wahoo to be the assignee of Tax Certificate No. PU001590 from Guardian Property Services, LLC for consideration of \$7594.50 plus \$1.77 per diem after Aug 31, 2012 and to be substituted as Plaintiff in Case No. CI 12-92 in Saunders County District Court (all subject to Bankruptcy Case No. 12-41818-TLS) regarding Lots 1, 2, and 6, Kennedy College Subdivision to Wahoo, Saunders County, NE. Roll call vote: Krejci, yes; Tyler, yes; Lawver, yes; Hennings, yes; Jonas, yes; and Svoboda, no. Motion carried.

**Ordinance No. 2101** 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 CITY OF WAHOO, NEBRASKA, ITS SUCCESSORS AND ASSIGNS, IN REAL ESTATE AS FURTHER DESCRIBED IN THIS ORDINANCE LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF WAHOO, NEBRASKA TO BE UTILIZED FOR THE TEMPORARY PONDING OF SURFACE WATER. The Mayor then instructed the Clerk to read Ordinance No. 2101 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2101 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. 2101 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2101 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; Svoboda, yes; Krejci, 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.

Travis Beavers, Building Inspector, presented information regarding a situation involving a swimming pool. At the time the in-ground pool was installed, the owner obtained a building permit and was given permission by the building inspector to install an automatic pool cover in lieu of installing a fence. After complaints were received, Beavers reviewed the City of Wahoo regulations and the 2009 International Residential Code, and determined the pool cover is not sufficient protection. The 2009 IRC requires a fence or barrier to protect the public; if the house serves as part of the barrier, additional protections for the residents are required. Beavers discussed this with the property owner and the City Attorney's office, and requested direction from the City Council on how to proceed. The Council could approve a waiver to allow the current situation; direct the property owner to the Board of Adjustments for a request for variance; or direct that the code be enforced and the property owner be required to install fence. A motion was made by Lawver to recommend that the Mayor instruct the Building Inspector to enforce the building code, and direct the property owner to erect a fence. Motion seconded by Jonas. Roll call vote: Lawver, yes; Jonas, yes; Tyler, yes; Hennings, yes; Svoboda, yes; and Krejci, yes. Motion carried.

Beavers presented a request for waiver or exception under Section 7.26 of the Zoning Regulations for a sign at 455 Commercial Park Road. A motion was made by Jonas, seconded by Tyler, to approve the waiver and give the Building Inspector the authority to issue a building permit for the sign. Roll call vote: Jonas, yes; Tyler, yes; Svoboda, yes; Krejci, yes; Hennings, yes; and Lawver, yes. Motion carried.

Discussion opened for consideration of an agreement with JEO Consulting Group, Skyline Properties, LLC, and the City of Wahoo regarding an economic development plan for the City of Wahoo. Jeff Ray of JEO presented a form of agreement and discussed the components of the proposed Economic Development Master Plan: a target industry analysis; a blight and substandard determination study and general redevelopment plan; site identification; and design guidelines for development along the Highway 77 bypass corridor. Council members discussed the value of the components for economic development and their usefulness in attracting potential developers and businesses, and setting reasonable standards for appearance and access to businesses. It was agreed the blight study would be valuable for developable areas along the Highway 77 corridor south of the Highway 92 intersection to encourage business growth. A motion was made by Hennings to authorize entering into an agreement with JEO Consulting Group to conduct a blight study and general redevelopment plan of the developable area along Highway 77, from the Highway 92 intersection to a mile south of the golf course. Motion seconded by Tyler. Roll call vote: Hennings, yes; Tyler, yes; Lawver, no; Krejci, yes; Svoboda, no; and Jonas, yes. Motion carried. A motion was made by Svoboda, seconded by Tyler, to table consideration of the remainder of the proposal to the next meeting. Roll call vote: Svoboda, yes; Tyler, yes; Lawver, yes; Hennings, yes; Jonas, yes; and Krejci, yes. Motion carried.

Sheriff Kevin Stukenholtz and Chief Ken Jackson addressed the Council about membership in III Corps, a multi-jurisdictional drug task force. Wahoo would not be considered part of III Corps without the \$.50 per capita contribution. A motion was made by Jonas, seconded by Svoboda, to approve a \$.50 per capita contribution to Saunders County for participation in III Corps. Roll call vote: Jonas, yes; Svoboda, yes; Krejci, yes; Tyler, yes; Lawver, yes; and Hennings, yes. Motion carried.

Tyler reported at the August 15, 2012 meeting, the Board of Public Works approved release of a utility easement on the north side of 207 East 6<sup>th</sup> Street. A motion was made by Hennings, seconded by Krejci, to approve release of the utility easement and preparation of the necessary documents to file with the Register of Deeds. Roll call vote: Hennings, yes; Krejci, yes; Svoboda, yes; Jonas, yes; Tyler, yes; and Lawver, yes. Motion carried.

The Mayor reported that he met with the employee committee, and the June 2012 Consumer Price Index showed a 1.7% cost of living increase over the previous year. A motion was made by Svoboda, seconded by Krejci, to approve a 1.7% cost of living adjustment for employees, and revision of wage scales. Roll call vote: Svoboda, yes; Krejci, yes; Tyler, yes; Lawver, yes; Jonas, yes; and Hennings, yes. Motion carried.

Harrell reported League Association of Risk Management has provided renewal options, and she recommends renewal with 180 day notice of termination and three-year commitment with a 5% discount.

The following resolution, **Resolution No. 2012-16**, was introduced by Jonas, who moved for its approval, seconded by Lawver:

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

WHEREAS, Section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Director of Insurance at least ninety (90) days prior to the desired termination given to and that members may agree to extend the required termination beyond ninety (90) days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of the City of Wahoo, Nebraska, in consideration of the contribution credits provided under the LARM Board’s plan, agree to:

Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2015 (5% discount).”

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

A motion was made by Lawver, seconded by Tyler, to adjourn at 9:08 p.m.

Approved:

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Melissa M. Harrell, City Clerk

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Gerald D. Johnson, Mayor