

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, Gerry Tyler, Stuart Krejci, and Janet Jonas. Absent: Jim Svoboda and Mike Lawver.

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

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

1. Acceptance of excused absence of Mayor or Council member(s)
2. Minutes of the October 11, 2012 meeting of the Mayor and Council
3. The following licenses: Duane Bradley, Bradley Brothers Plumbing Inc., plumber, renewal; Doug Osborn, Osborn Sales & Service, plumber, renewal; Eugene Lee, Lee's Refrigeration, HVAC, renewal; Doug Osborn, Osborn Sales & Service, HVAC, renewal; Arthur Andersen, Andersen Electric Company, Electrician, renewal; Matt Harris, Harris Electric, electrician, renewal;

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

The Mayor called for Council Committee reports. Tyler reported the Board of Public Works met. They are looking at combining several different bonds for potential savings of \$36,000 per year, a total of about \$400,000 savings. Three engines at the power plant are being brought into compliance with the addition of catalytic converters. Harrell reported she was advised by the Department of Natural Resources that a grant was received for flood plain mapping. Crews will be collecting data for new flood plain maps in the area.

Lawver entered the meeting at 7:05 p.m.

Lawver reported there will be a walk-through of the Chestnut Street project. Street lighting and pavement marking was discussed. The Street Committee will meet at 6:00 p.m. on November 8, 2012.

The public hearing on an ordinance to adopt revised Subdivision Regulations was declared open by the Mayor at 7:08 p.m. The Mayor called for comments from the public on the proposed subdivision regulations and none were made. A motion was made by Jonas, seconded by Tyler, to close the public hearing at 7:09 p.m. Roll call vote: Jonas, yes; Tyler, yes; Hennings, yes; Lawver, yes; and Krejci, yes. Absent and not voting: Svoboda. Motion carried.

Several suggested changes to the document were discussed. Adoption of the ordinance will be scheduled for the next meeting.

The Mayor reported he will be meeting with the owner of Kennedy Campus property. Lindahl reported the Court granted relief from the stay caused by the bankruptcy filing on Lots 1, 2, and 6, Kennedy College Subdivision, and Block 2, Dickinson's Addition. Lindahl discussed the process leading up to the Sheriff's sale. Harrell asked if the lots would be sold as one property, or separately. Lindahl stated there is one tax certificate for all, so lots would be sold as a unit.

The Mayor announced the next order of business was the second reading of **Ordinance No. 2111** entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO VACATE A PORTION OF 2ND STREET, SAID PORTION OF 2ND STREET TO BE VACATED BEING DESCRIBED AS: THAT PORTION OF 2ND STREET LOCATED ADJACENT TO BLOCKS 180 AND 171, SECOND COUNTY ADDITION TO WAHOO, SAUNDERS COUNTY, NEBRASKA; TO APPROVE THE WAIVER OF THE APPOINTMENT OF A SPECIAL COMMISSION TO ASCERTAIN THE AMOUNT OF SPECIAL DAMAGES TO THE ABUTTING PROPERTY OWNER OF THE VACATED STREET AS CONTAINED WITHIN §95.067 OF THE WAHOO MUNICIPAL CODE; TO PROVIDE THAT TITLE TO SAID VACATED STREET SHALL REVERT TO THE ABUTTING PROPERTY OWNER, TO RESERVE IN THE NAME OF THE CITY AN EASEMENT FOR ALL EXISTING UTILITIES LOCATED WITHIN SAID VACATED STREET, the first reading having been held on October 11, 2012 . The Mayor then instructed the Clerk to read Ordinance No. 2111 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2111 by title.

Council Member Jonas 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 introduced, read by title, and then moved for final passage at the same meeting. Council Member Lawver 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: Jonas, yes; Lawver, yes; Hennings, yes; Krejci, 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. 2111 may be read by title and moved for final passage in the same meeting.

Council Member Jonas moved that Ordinance No. 2111 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: Jonas, yes; Tyler, yes; Hennings, yes; Lawver, yes; and Krejci, 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.

Steve Parr of JEO Consulting Group presented revised Change Order #5 and Pay Application #5 for Chestnut Street Improvements. Change Order #5 is largely due to addition of chain link fence, additional retaining wall work, and roof drainage tie-in at the Armory. Harrell noted it was difficult to anticipate some of the problems with appearance and finish grading of the walls until much of the work was done.

Lawver was excused from the meeting at 7:27 p.m.

Council Member Jonas moved that Change Order No. 5 to the contract with TAB Construction, for 2012 Chestnut Street Improvements in the amount of \$41,311.94 be approved, seconded by Krejci. Roll call vote: Jonas, yes; Krejci, yes; Hennings, yes; and Tyler, yes. Svoboda and Lawver, absent and not voting. Motion carried.

Application for Payment No. 5 to TAB Construction Co. for 2012 Chestnut Street Improvements was presented. Council Member Jonas moved that Application for Payment No. 5 to TAB Construction Co. for 2012 Chestnut Street Improvements, for \$130,720.93 be approved, seconded by Krejci. Roll call vote: Jonas, yes; Krejci, yes; Hennings, yes; and Tyler, yes. Svoboda and Lawver, absent and not voting. Motion carried.

The 2012 Wahoo Aquatics Center Annual Report was presented to the Council. A motion was made by Jonas, seconded by Krejci to authorize the transfer of \$18,645.00 to Parks and Recreation to cover the deficit for the season from sales tax funds allocated for operations. Roll call vote: Jonas, yes; Krejci, yes; Tyler, yes; and Hennings, yes. Svoboda and Lawver, absent and not voting. Motion carried.

Lawver returned to the meeting at 7:31 p.m.

The following resolution, **Resolution No. 2012-18**, was introduced by Jonas, who moved for its approval, seconded by Lawver:

“WHEREAS, the City of Wahoo, Saunders County, Nebraska, is the owner of the following described personal property, to wit: See Exhibit “A”, and,
WHEREAS, the City of Wahoo, Nebraska, does not have a present need to retain ownership of said above described personal property, and,
WHEREAS, the City of Wahoo, Nebraska, deems it in the best interests of the citizens of the City of Wahoo, Nebraska, that said personal property be disposed of, as set forth herein,
WHEREAS, the City of Wahoo, Nebraska, has determined that the fair market value of the above described personal property is less than \$5,000.00, as stated in the attached Exhibit “A”

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That the above described personal property be sold by either sealed bid and/or public auction on a date, time, as advertised in a Notice of Sale of Personal Property posted in three public places in the City of Wahoo, Nebraska, immediately after the passage of said Resolution and not later than seven (7) days prior to the sale of said items, as shall be evidenced by a Notice of Posting of the City of Wahoo Clerk, and,
2. That pursuant to Neb. Rev. Stat. §17-503.01, confirmation of the sale of said personal property by an ordinance is not required.
3. That the City of Wahoo, Nebraska, through the Clerk of the City of Wahoo, Nebraska, shall provide a bill of sale and/or certificate of title to the above personal property indicating that said personal property is being sold “as is” without warranty as to fitness or merchantability for any purpose and that buyer thereof assumes all risks from the utilization of said personal property upon buyer’s possession of said items of personal property.
4. That buyer shall receive possession of the above-described items of personal property upon payment in full of the purchase price for each item.

Exhibit “A” To Resolution No. 2012-18

Vehicles/Equipment to be declared as surplus:

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>	<u>Estimated Value</u>
4’x8’ black rubber mats (quantity: 12)				\$10 each.”

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

Steve Parr of JEO Consulting Group explained the proposed Infrastructure Standards and Specifications and the proposed Review Fee Schedule. The document is a supplement to the Subdivision Regulations. Harrell stated this document provides developers clear information on requirements and costs for proposed subdivisions and infrastructure design. Parr stated the construction standards are the same as have been required in the past.

The following resolution, **Resolution No. 2012-19**, was introduced by Hennings, who moved for its approval, seconded by Krejci:

WHEREAS, the City of Wahoo has adopted Subdivision Regulations for the development of property within the City of Wahoo, Nebraska, and that extraterritorial area within one mile of its corporate limits, and

WHEREAS, it is necessary for the City of Wahoo to establish Infrastructure Standards and Specifications to ensure conformance of subdivision plans with capital improvements programs of the city, and secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance by subdividers and the Planning Commission and City Council, and

WHEREAS, JEO Consulting Group has prepared Infrastructure Standards and Specifications including survey requirements, materials and testing standards and specifications, and submittals and testing requirements, which have been reviewed and accepted by the Planning Commission and City Council.

THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Wahoo that said Infrastructure Standards and Specifications, are hereby adopted and established for the City of Wahoo, effective the 25th day of October, 2012.

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

The following resolution, **Resolution No. 2012-20**, was introduced by Hennings, who moved for its approval, seconded by Krejci:

WHEREAS, the City of Wahoo has adopted Subdivision Regulations for the development of property within the City of Wahoo, Nebraska, and that extraterritorial area within one mile of its corporate limits, and

WHEREAS, it is necessary for the City of Wahoo to establish a Subdivision Review Fee Schedule to ensure equitable handling of all subdivision plans by providing uniform procedures and review fees, and

WHEREAS, JEO Consulting Group has prepared a Subdivision Regulations Review Fee Schedule, which have been reviewed and accepted by the Planning Commission and City Council.

THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Wahoo that said Subdivision Review Fee Schedule, is hereby adopted and established for the City of Wahoo, effective the 25th day of October, 2012.

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

The proposed agreements for purchase of real property between the City of Wahoo and Houfek were reviewed. A motion was made by Lawver, seconded by Krejci to approve the purchase agreements and

authorize the Mayor to execute documents necessary for closing. Roll call vote: Lawver, yes; Krejci, yes; Jonas, yes; Hennings, yes; and Tyler, yes. Svoboda, absent and not voting. Motion carried.

The proposed agreement for settlement of special assessments and interest due for property in Wahoo Industries Airpark between the City of Wahoo and Skyline Properties, LLC, was reviewed. Amount due calculated to October 31, 2012 is \$320,403.07. A motion was made by Jonas to authorize the Mayor to enter into the agreement with Skyline Properties, LLC for settlement of special assessments. Motion was seconded by Tyler. Roll call vote: Jonas, yes; Tyler, yes; Hennings, yes; Lawver, yes; and Krejci, yes. Svoboda, absent and not voting. Motion carried.

Harrell reported the Maintenance Agreement with the Nebraska Department of Roads is the same as presented in the past. A motion was made by Hennings, seconded by Jonas, to authorize the Mayor and Clerk to sign the 2013 Maintenance Agreement between the City of Wahoo and Nebraska Department of Roads for the maintenance of Highways 77/92 through Wahoo and the Certificate of Compliance. Roll call vote: Hennings, yes; Jonas, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Svoboda, absent and not voting. Motion carried.

The Mayor announced the second Council meeting in November would be held on November 20th at 7:00.

A motion was made by Lawver, seconded by Hennings, to adjourn at 8:17 p.m.

Approved:

City Clerk

Gerald D. Johnson, Mayor