

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: Greg Kavan, Stuart Krejci, Jim Svoboda, and Janet Jonas. Absent: Mike Lawver and Gerry Tyler (entered at 7:30 p.m.).

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

1. Excused absence of Mike Lawver and Gerry Tyler from the 12/27/2012 meeting.
2. Minutes of the December 13, 2012 meeting of the Mayor and Council
3. Acceptance of the November 13, 2012 meeting of the Library Board

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

The public hearing on the 2013 Budget for the Wahoo Board of Public Works was declared open by the Mayor at 7:06 p.m. Utility General Manager Gibney and staff Carolyn Barry were present to answer questions. The Mayor called for comments from the public and none were presented. Questions of the Council were addressed by staff. Gibney indicated there is no planned rate increases for water, sewer, and natural gas for 2013 and the electric rate increase would be limited to the increase received from the wholesale provider. Motion by Jonas, seconded by Svoboda to close the public hearing at 7:15 p.m. Roll call vote: Jonas, yes; Svoboda, yes; Krejci, yes; and Kavan, yes. Lawver and Tyler, absent and not voting. Motion carried.

A motion was made by Jonas, seconded by Krejci, to approve the 2013 budget as presented for the Wahoo Board of Public Works. Roll call vote: Jonas, yes; Krejci, yes; Svoboda, yes; and Kavan, yes. Lawver and Tyler, absent and not voting. Motion carried.

The public hearing on the rezoning of the property described as Lot 1, Block 1, Stocking's Second Addition to the City of Wahoo, Saunders County, Nebraska from I-2 Industrial to C-3 Commercial and all of Block 2, Stocking's Second Addition to the City of Wahoo, Saunders County, Nebraska from Trans Ag to C-3 Commercial was declared open by the Mayor at 7:16 p.m. The Mayor called for comments from the public and none were presented. An explanation of the conversations with Mr. Coutts regarding the impact of this change of zoning on his residential property was offered by Travis Beavers. A motion was made by Jonas, seconded by Svoboda, to close the public hearing at 7:17 p.m. Roll call vote: Jonas, yes; Svoboda, yes; Kavan, yes; and Krejci, yes. Lawver and Tyler, absent and not voting. Motion carried.

Council member Krejci introduced **Ordinance No. 2116** entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, BY CHANGING THE PRESENT ZONING OF THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: LOT 1, BLOCK 1, STOCKINGS SECOND ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA FROM I-2 HEAVY INDUSTRIAL TO C-3 GENERAL COMMERCIAL, AND ALL OF BLOCK 2, STOCKINGS SECOND ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA FROM TRANSITIONAL AGRICULTURE TO C-3 GENERAL COMMERCIAL and moved for approval of first reading, motion seconded by Jonas. Roll call vote: Krejci, yes; Jonas, yes; Kavan, yes; and Svoboda, yes. Lawver and Tyler absent and not voting. Motion carried. (NOTE: See Motion to reconsider later in the meeting.)

The public hearing on a proposed amendment to the Zoning Regulations regarding parking requirements was declared open by the Mayor at 7:24 p.m. The Mayor called for objections from the public and none were presented. Questions were raised by the Council on how properties can be tied together when parking stall requirements are allowed to be met with a location that is no greater than 400' from the business, in a separately owned parcel of property. A motion was made by Jonas, seconded by Krejci, to close the public hearing at 7:26 p.m. Roll call vote: Jonas, yes; Krejci, yes; Svoboda, yes; and Kavan, yes. Lawver and Tyler, absent and not voting. Motion carried.

Tyler entered the meeting at 7:30 p.m.

A motion was made by Jonas, seconded by Svoboda, to table any action on the proposed ordinance until more information can be found about how to tie the two parcels together as discussed in the public hearing. Roll call vote: Jonas, yes; Svoboda, yes; Krejci, yes; Kavan, yes; and Tyler, yes. Lawver, absent and not voting. Motion carried.

A motion was made by Jonas to reconsider the previous action of the Council approving first reading of **Ordinance No. 2116**, to reverse that action of the Council, and to move 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 Krejci 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: Jonas, yes; Krejci, yes; Svoboda, yes; Kavan, yes; and Tyler, yes. Lawver, 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. 2116 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2116 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: Krejci, yes; Jonas, yes; Kavan, yes; Tyler, yes; and Svoboda, yes. Lawver, absent and not voting.

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 Jonas, seconded by Svoboda, to table the approval of an amendment to construction contract with TAB Construction to accept the alternate bid for the construction of Chestnut Street between 23<sup>rd</sup> Street and the Expressway for \$523,594.55 plus an additional \$5,000 remobilization and to amend the dates for construction in the contract to the next meeting. Roll call vote: Jonas, yes; Svoboda, yes; Kavan, yes; Tyler, yes; and Krejci, yes. Lawver, absent and not voting. Motion carried.

Mayor Johnson submitted the following resignation to the Council:

“TO: Members of the Wahoo City Council  
SUBJECT: Mayor’s Resignation

As Senator Elect of District 23, I will be sworn in to the Nebraska State Legislature on January 9, 2013 which is before the January City Council meeting. I am submitting my resignation as Mayor of Wahoo effective during the Council meeting December 27, 2012.

The timing of this will allow the President of the City Council to take the Oath of Office as Mayor at the December 27<sup>th</sup> meeting and make the staff appointments and committee assignments.

Sincerely,

Jerry Johnson, Mayor of Wahoo”

A motion was made by Jonas, seconded by Kavan, to accept the resignation of Jerry Johnson from the position of Mayor of Wahoo. Roll call vote: Jonas, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Lawver, absent and not voting. Motion carried.

A plaque of appreciation was presented to Jerry Johnson for his 6 years of service to the City of Wahoo.

City Attorney Lindahl indicated that Nebraska Statutes require a vacancy in the Mayor’s position to be filled by the President of the Council. Janet Jonas, President of the Council, was then called to take the Mayor’s position and was administered the Oath of Office.

Following the Oath, Mayor Jonas indicated the Council needed to elect a new President of the Council. Tyler nominated Krejci to fill the position. A motion was made by Kavan, seconded by Svoboda, to cease nominations. Roll call vote: Kavan, yes; Svoboda, yes; Tyler, yes; and Krejci, yes. Lawver, absent and not voting, one position vacant. Motion carried.

A simple show of hands vote was held on Krejci as President and all voted in favor. The Mayor announced Krejci as the President of the Council.

The Mayor presented the following appointments for the Council’s approval:

**City Officials (appointed by Mayor 12/27/12)**

CITY ADMIN/CLERK/TREASURER:	Melissa M. Harrell
CITY ENGINEER/STREET SUPT.:	JEO Consulting Group, Steve Parr
CITY PHYSICIAN:	Dr. Leo Meduna
CITY ATTORNEY:	Bromm, Lindahl, Freeman-Caddy & Lausterer
CHIEF OF POLICE:	Kenneth Jackson
CHIEF OF FIRE DEPARTMENT:	Corey Wagner
STREET COMM./CEMETERY SEXTON:	David Jansa
ZONING ADMIN./BUILDING INSPEC.:	Travis Beavers

Jonas indicated she would like to wait until a full Council was available to make the remaining appointments to the Committees and special assignments of the Council. A motion was made by Svoboda, seconded by Tyler, to approve the appointments as presented. Roll call vote: Svoboda, yes; Tyler, yes; Kavan, yes; and Krejci, yes. Lawver, absent and not voting, one position vacant. Motion carried.

The Attorney Retainer Agreement was reviewed by the Council and the questions of the Council were addressed. A motion was made by Krejci, seconded by Tyler, to approve the Attorney Retainer Agreement with a change made to the section pertaining to attendance at the Board of Public Works and Airport Authority meetings to be “when requested”. Roll call vote: Krejci, yes; Tyler, yes; Kavan, yes; and Svoboda, yes. Lawver, absent and not voting, one position vacation. Motion carried.

Harrell reported to the Council the current reasonable method of notification of Council meeting was made by posting at three locations in Wahoo: First National Bank, Wahoo Post Office, and City Hall and that the current agenda deadline was 5:00 p.m. the Friday before the Council meeting. A motion was made by Krejci, seconded by Tyler, to approve this the method of advance notice, but that posting to the [www.wahoo.ne.us](http://www.wahoo.ne.us) website be added to the posting location. Roll call vote: Krejci, yes; Tyler, yes; Svoboda, yes; and Kavan, yes. Lawver, absent and not voting, one position vacant. Motion carried.

Harrell reported the approval of payment of claims had previously been delegated to the Mayor, that current signers on any City of Wahoo bank account were the City Administrator/Clerk/Treasurer, the Mayor, and the Deputy City Clerk, and that two signatures were required for any withdrawal, and that the designated depository of the City funds of the City of Wahoo was Wahoo State Bank. A motion was made by Krejci, seconded by Tyler to keeps things as they presently are, as described above. Roll call vote: Krejci, yes; Tyler, yes; Kavan, yes; and Svoboda, yes. Lawver, absent and not voting, one position vacant. Motion carried.

A motion was made by Svoboda, seconded by Kavan to adjourn at 7:55 p.m.

Approved: \_\_\_\_\_.

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Melissa M. Harrell, City Clerk

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Gerald D. Johnson, Mayor