

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 Janet Jonas 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: Mike Lawver, Greg Kavan, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Kevin Dunbar. Absent: none.

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

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

1. Minutes of the November 26, 2013 meeting of the Mayor and Council
2. Minutes of November 12, 2013 meeting of the Wahoo Library Board
3. Minutes of December 5, 2013 meeting of Planning Commission
4. Approval of manager application for Jose Hernandez in connection with Dos Margaritas as requested by the NE Liquor Control Commission
5. Approval of Lot 1 Replat, a replat of Lot 1 and Lot 2, Sycamore Hills, City of Wahoo
6. Approval of Lot 27 Replat, a replat of Lot 27 and 29, Rolling Hills Subdivision, Saunders County
7. Approval of reorganization of the Council as required by law (all appointments and committee assignments remain the same as 2013)

Roll call vote: Lawver, yes; Svoboda, yes; Kavan, yes; Dunbar, yes; Tyler, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Harrell reported the annual audit was conducted for the Airport Authority and the City, and Wahoo was randomly selected for a motor fuels audit.

Tyler reported the Board of Public Works approved their budget, which will be on the next Council agenda. Svoboda reported the Airport Authority met, approved the wildlife management plan, a six-month maintenance agreement, and hangar rent rates.

A draft resolution to authorize lease of property was reviewed. Terms of lease, maintenance of property, and bid/auction process were discussed.

The following resolution, **Resolution No. 2013-26**, was introduced by Svoboda, who moved for its approval, seconded by Krejci:

“WHEREAS, the City of Wahoo, Saunders County, Nebraska, is the owner of the following described real property, to wit:

- a. Lots 5, 6, 7, 8, and 9, Block 7, Stockings Addition to the City of Wahoo, Saunders County, Nebraska, except that part of Lots 5 and 6 described as beginning at the Northeast corner of Lot 5, thence N90-00-00W (assumed bearing), on the North line of Lots 5 and 6, a distance of 70.00 feet; thence S13-20-33E a distance of 129.11 feet to a point on the South line of Lot 5, said point being 40.00 feet West of the Southeast corner of Lot 5; thence S90-00-00E on the south line of Lot 5 a distance of 40.00 feet to the Southeast corner of Lot 5; thence N00-05-35E on

the East line of Lot 5 a distance of 125.63 feet to the point of beginning;
and

- b. The dedicated alley located in Block 7, Stockings Addition to the City of Wahoo, Saunders County, Nebraska lying immediately adjacent to the real estate set forth in sub-paragraph a. hereof; and
- c. That portion of Vacated Maple Street lying between "A" street and "B" street in the City of Wahoo, Saunders County, Nebraska,

hereinafter called "real property", and,

WHEREAS, the City of Wahoo, Nebraska, desires to lease the above described real property to the highest bidder (lessee), at a public auction to be held at City Hall, on date and at a time to be determined by the Mayor and Council of the City of Wahoo, Nebraska, pursuant to the following terms and conditions, to wit:

1. The term of the lease shall commence January 1, 2014, and terminate December 31, 2016;
2. The lessee shall pay the annual rental amount, in full, at the beginning of each year of the lease;
3. The lessee must maintain said property. The lessee may rock that portion of the above described real property, with no rights of recovery thereof, actually utilized by Lessee and Lessee shall be required to mow and/or maintain the portion of the above described real property not being utilized by Lessee.
4. The lessee may not place any permanent structures on the above described real property;
5. The lessee shall allow the City of Wahoo to repair, replace, and maintain its utilities located thereon or thereunder the above described real property;
6. The lessee shall furnish to City of Wahoo a Certificate of Insurance indicating that the above described real property is included within lessee's liability insurance coverage naming the City of Wahoo as an additional insured;
7. The Mayor and Council reserve the right to reject any and all bids; and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska have determined that the fair market value of the above real property has a value less than \$5,000.00

NOW THEREFORE, BE IT RESOLVED:

1. That the Mayor and Council of the City of Wahoo, Nebraska, be permitted to conduct a public auction to lease the above described real property to the highest bidder thereof pursuant to terms and conditions as set forth above.
2. That if a bid is accepted, the terms of the lease shall be finalized by the adoption by the Mayor and Council of the City of Wahoo, Nebraska of an Ordinance authorizing the leasing as aforementioned of the above real property to the highest bidder, pursuant to the terms and conditions aforementioned.
3. That the Clerk of the City of Wahoo, Nebraska, shall, after the passage of this Resolution, do the following:
 - a. Publish Notice of the proposed conveyance one (1) week in the Wahoo Newspaper, a legal newspaper of general circulation in the City of Wahoo, Nebraska; and,

- b. Post notice of this Resolution in three (3) prominent places within the City of Wahoo, Nebraska, for a period of not less than seven (7) days prior to the conveyance of the above described real property.”

Roll call vote: Svoboda, yes; Krejci, yes; Dunbar, yes; Tyler, yes; Kavan, yes; and Lawver, yes. Motion carried.

Jake Vasa of JEO Consulting Group discussed Pay Application #1 for 23rd Street Improvements to M E Collins Contracting Co., Inc. A motion was made by Kavan, seconded by Dunbar to approve Pay Application #1 to M E Collins Contracting Co., Inc. for 23rd Street Improvements for \$64,068.75. Roll call vote: Kavan, yes; Dunbar, yes; Krejci, yes; Svoboda, yes; Tyler, yes; and Lawver, abstained due to conflict of interest. Absent and not voting: none. Motion carried.

Donation to the proposed Saunders County Veterans Memorial from Keno funds was discussed. Motion by Krejci, seconded by Lawver to authorize a donation in the amount of \$1,000 from Keno Funds to the Saunders County Veterans Memorial. Roll call vote: Krejci, yes; Lawver, yes; Tyler, yes; Kavan, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

Amendment of Municipal Code to provide a pay increase for Mayor and Council members and consideration of payment monthly, rather than one payment annually in December, was discussed. Svoboda proposed annual pay for Mayor of \$4,500 and Council members of \$2,250, with monthly payments. Pay increase would be effective for year ending December, 2015.

Ordinance No. 2148 was introduced by Council Member Svoboda entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE WAHOO MUNICIPAL CODE, TITLE III, CHAPTER 32: GENERAL PROVISIONS, COMPENSATION, SECTION 32.40 CITY OFFICIALS; TO AMEND AMOUNT OF ANNUAL SALARY OF MAYOR AND COUNCIL AND PROVIDE FOR PAYMENT ON A MONTHLY BASIS; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2148 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2148 by title.

Council Member Svoboda 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 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: Svoboda, yes; Lawver, yes; Dunbar, yes; Kavan, yes; Krejci, yes; and Tyler, yes. Absent and not voting: none. 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. 2148 may be read by title and moved for final passage in the same meeting.

Council Member Svoboda moved that Ordinance No. 2148 be approved and passed and its title agreed to. Council Member Lawver seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Svoboda, yes; Lawver, yes; Dunbar, no; Krejci, yes; Tyler, yes; and Kavan, no. Absent and not voting: none. 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 that the Ordinance be forwarded to the Mayor for the Mayor's signature. The 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 next meeting will be December 26, 2013.

A motion was made by Kavan, seconded by Tyler, to adjourn at 7:25 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Janet A. Jonas, Mayor