

The Council met in regular session and in compliance with agenda posted at City Hall, Post Office and First Bank of Nebraska with each Council member being notified of agenda prior to the meeting. The meeting was called to order by Mayor Gerald D. 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: Mike Lawver, Greg Kavan, Gerry Tyler, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

Motion by Lawver, seconded by Kavan, to approve the consent agenda:

1. Minutes of December 20, 2018 special meeting of Council
2. Minutes of December 27, 2018 meeting of Council

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

Department head reports reviewed. Council Finance committee and General committee met.

Kevin Stuhr reported on progress of work at Hackberry Park. Motion by Krejci, seconded by Lawver, to approve Change Order #3 and Change Order #4 for Hackberry Park Restroom/Concession project and approve Pay Application #6 for \$25,659.48 to Buckmaster Construction. Roll call vote: Krejci, yes; Lawver, yes; Warford, yes; Boop, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Harrell reported plans and specifications for storm water and street improvements at Dry Run Subdivision have been reviewed by JEO, revised, and are compliant with the city's specifications and standards. Motion by Lawver, seconded by Tyler, to approve the plans and specifications for storm water and street improvements at Dry Run Subdivision. Roll call vote: Lawver, yes; Tyler, yes; Kavan, yes; Warford, yes; Boop, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Harrell reported an easement for sewer lines at the Dry Run Subdivision was discussed with the property owner at the beginning of the project, however that easement was not established. The proposed ordinance will obtain temporary and permanent easements for sewer lines crossing the Phelps/Adams property.

Ordinance No. 2299 was introduced by Kavan entitled: AN ORDINANCE OF THE CITY OF WAHOO OBTAINING AN INTEREST IN REAL ESTATE FOR TEMPORARY AND PERMANENT EASEMENTS FOR CONSTRUCTING AND MAINTAINING UTILITIES. The Mayor then instructed the Clerk to read Ordinance No. 2299 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2299 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 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: Roll call vote: Lawver, yes; Krejci, yes; Boop, yes; Warford, yes; Kavan, yes; and Tyler, yes. Absent and not voting: none. Motion carried. 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. 2299 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2299 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: Kavan, yes; Tyler, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, yes. 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, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures 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.

Harrell reported the Fire Department would like to offer the old aerial truck for sale to other public agencies.

Council Member Kavan introduced **Resolution No. 2019-01**, and moved for its approval, seconded by Krejci,

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

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>	<u>Estimated Value</u>
1986	Pierce	Aerial Fire Truck	1P9CA01JXGA039223	\$15,000

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 greater than \$5,000.00, as stated in the attached Exhibit “A”

WHEREAS, the City of Wahoo, Nebraska, has determined the personal property, as described in Exhibit “A”, shall be offered to other public agencies for their use,

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

1. That pursuant to Neb. Rev. Stat. §17-503.02 (2), the procedure for disposal of personal property that is described in Neb. Rev. Stat. §17-503.02 (1) requiring public notice of the sale of said personal property is not applicable as the property is to be sold to another public entity, and
2. That the above-described personal property shall be sold to the public agency providing the highest bid, after being sufficiently offered to public agencies that may have an interest in said personal property, and
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 item 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."

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

Harrell reported notices of declaration as surplus property have been published for properties at 401 East C Street and 1334 North Chestnut, a 30-day period has elapsed, and no remonstrance has been filed on either property. Discussion was held of options for disposal of properties: taking proposals from realtors; the City acting as its own realtor; or holding a public auction.

Harrell reported the City has incurred costs for the property on C Street for abatement of nuisance and cleanup. The property was considered for use as a dog park and offered to utilities, but was declined. A motion was made by Kavan, seconded by Warford, for the City to act as its own realtor to sell the parcel on C Street, place signs on the property, and consider offers. Roll call vote: Kavan, yes; Warford, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Discussion held on how best to sell property on Chestnut Street, timing of sale, street construction, and possible value. Lausterer and Harrell discussed issuing an RFP to realtors so the council could consider the responses. Motion by Warford, seconded by Tyler, to issue a Request for Proposals to local realtors, requesting a broker's price opinion and proposed listing agreement for the property at 1334 North Chestnut. Roll call vote: Warford, yes; Tyler, yes; Krejci, yes; Boop, yes; Lawver, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

No audience comments offered.

Harrell and Lausterer reported information regarding animals/pets would be available in a draft form for discussion at the next meeting.

A work session will be held at 6:00 p.m. on January 24, 2019. Council members were reminded of the League Midwinter Conference in February.

Motion by Warford, seconded by Kavan, to adjourn at 7:47 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Gerald D. Johnson, Mayor