

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

Walker Luedtke addressed the Mayor and Council regarding the Wahoo airport.

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

1. Minutes of the January 10, 2013 meeting of the Mayor and Council
3. Approval of Sarah Fisher as a member of the Wahoo Volunteer Fire Department

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

Lawver reported the Street committee met to discuss the recycling program and possible options. He stated citizen input is needed to find out what people want and are willing to pay for. Tyler reported the Board of Public Works met and information would be provided in later agenda items. Harrell reported a bill is in the Legislature to repeal LB-84, and asked Council members to make their opinions known to representatives. If LB-84 is repealed, the expressway will not be completed anytime soon.

Phil Teggart and Doug Six reported on the status of Omaha Steel. Work on the building is progressing well. They plan to have their mold-melt-pour operation in place by the end of May, and complete production going in October. A job fair will be held at the Library on February 13, 2013 from 10:00 to 1:00.

The public hearing on an application for a Minor Subdivision of property commonly known as 1768 North Chestnut Street, Wahoo, filed by Robert and Karen Burkley was declared open by the Mayor at 7:27 p.m. Robert Burkley addressed the Council. The Mayor called for comments from the public and none were presented. A plat including a required utility easement has been received and approved by Wahoo Utilities. Motion by Tyler, seconded by Krejci to close the public hearing at 7:30 p.m. Roll call vote: Tyler, yes; Krejci, yes; Dunbar, yes; Svoboda, yes; Kavan, yes; and Lawver, yes. Absent and not voting: none. Motion carried. A motion was made by Krejci, seconded by Tyler, to approve the Minor Subdivision of property as presented. Roll call vote: Krejci, yes; Tyler, yes; Lawver, yes; Kavan, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

Steve Parr of JEO Consulting Group provided information regarding the One- and Six-Year Road Plan, high allocation funds, and map illustrating project areas. Public hearing will be held in February.

Phil Lorenzen of D. A. Davidson & Co. addressed the Council regarding the savings possible through calling the 2004 NDEQ notes for the Wastewater Treatment Plant, and issuing new Utility Revenue Bonds to refund the NDEQ notes and issue new debt for capital improvement projects for Wahoo Utilities.

Council members discussed the information presented. Council member Lawver introduced the following resolution, **Resolution 2013-02**, and moved for its approval, seconded by Kavan.

“BE IT RESOLVED by the Mayor and City Council of the City of Wahoo, Nebraska, as follows:

Section 1. That the following Promissory Note of the City (the “2004 NDEQ Note”), which is callable at any time, shall be called for redemption on such date as shall be set forth in the Direction for Call (as defined below):

Promissory Note, dated October 15, 2004, payable to the Department of Environmental Quality of the State of Nebraska, in the remaining principal amount of \$2,968,076.42 maturing June 15, 2024, and payable in semiannual installments payable each June 15 and December 15, from June 15, 2013 through June 15, 2024, both inclusive, issued by the City to pay the cost of certain improvements to the City’s existing Sewer System and wastewater treatment facilities and to pay costs of issuance of the Promissory Note.

Section 2. The 2004 NDEQ Note is payable at the office of the Department of Environmental Quality of the State of Nebraska, in Lincoln, Nebraska.

Section 3. The Mayor or Clerk of the City (each, an “Authorized Officer”) are each individually hereby authorized at any time on or after the date of this resolution to direct the irrevocable call of the 2004 NDEQ Note on behalf of the City, including the date on which the 2004 NDEQ Note shall be called for payment and redemption (the “Call Date”), and such determination, when made in writing (whether in one or more documents, together referred to as the “Direction for Call”), shall constitute the action of the City without further action of the City Council. The Call Date shall be set for any date prior to April 15, 2013; outside of such date the Authorized Officers shall have no authority to make any such determination hereunder without further action of the City Council and this resolution shall be of no further force and effect.

Section 4. A copy of the Designation of Called Bonds shall be filed with the Department of Environmental Quality of the State of Nebraska, in the manner provided for in the Ordinance and Loan Agreement authorizing such Note.”

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

Ordinance No. 2118 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, AUTHORIZING THE ISSUANCE OF COMBINED UTILITY REVENUE REFUNDING BONDS, SERIES 2013A OF THE CITY OF WAHOO, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$3,400,000), FOR THE PURPOSE OF REFUNDING \$2,968,076.42 SERIES 2004 BONDS, ISSUED AS A PROMISSORY NOTE TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY DATED AS OF OCTOBER 15, 2004; AUTHORIZING THE ISSUANCE OF COMBINED UTILITY REVENUE BONDS, SERIES 2013B OF THE CITY OF WAHOO, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$1,350,000) FOR THE PURPOSE OF PAYING THE COST OF CERTAIN IMPROVMENTS TO THE COMBINED UTILITY SYSTEM; PROVIDING FOR NECESSARY RESERVE FUNDS AND PAYING COSTS OF ISSUANCE OF SAID BONDS; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE COMBINED UTILITY SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID COMBINED UTILITY SYSTEM; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID SERIES 2013A AND SERIES 2013B BONDS; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO. The Mayor then instructed the Clerk to read Ordinance No. 2118 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2118 by title.

Council Member Tyler 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 Svoboda 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: Tyler, yes; Svoboda, yes; Krejci, yes; Kavan, yes; Dunbar, yes; and Lawver, 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. 2118 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2118 be approved and passed and its title agreed to. Council Member Kavan 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; Kavan, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; and Krejci, 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 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.

Council member Lawver introduced the following resolution, **Resolution 2013-03**, and moved for its approval, seconded by Krejci.

“BE IT RESOLVED by the Mayor and City Council of the City of Wahoo, Nebraska, as follows:

Section 1. That the following bonds are hereby called for redemption under the provision for extraordinary call of bonds regularly maturing December 1, 2019 as set out in the bonds and in the ordinance authorizing issuance of the Bonds, at par plus accrued interest on March 1, 2013 after which date said bonds shall cease to bear interest:

Aquatic Center Sales Tax Revenue Bonds, Series 2004, Dated December 1, 2004, in the principal amount of \$60,000 becoming due December 1, 2019 (CUSIP # 930578 AP4) issued by the City to pay a portion of the cost of constructing an aquatic center, furnishing the necessary equipment and apparatus for the same, to pay costs of site preparation and to pay other related project costs. This is a partial call only of CUSIP # 930578 AP4.

Section 2. Said bonds are payable at the office of the Treasurer of the City of Wahoo, in Wahoo, Nebraska as Paying Agent and Registrar.

Section 3. A copy of this resolution shall be filed at least 30 days prior to the date of call with the Treasurer of the City of Wahoo, Nebraska, as Paying Agent and Registrar and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the ordinance authorizing said bonds.”

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

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."

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

A motion was made by Lawver, seconded by Svoboda to adjourn at 8:20 p.m.

Approved: _____.

Lucinda Morrow, Deputy Clerk

Janet A. Jonas, Mayor