

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 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 recognized Boy Scouts from Troop 140 who were present: Luke Fairbanks, Seth Fairbanks, Clayton Redding, Isaac Redding, Aaron Redding, and Max Hohn, and their parents.

The Mayor called for items not listed on the agenda. None presented.

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

1. Minutes of the June 26, 2014 meeting of the Mayor and Council
2. Minutes of July 1, 2014 special meeting of Planning Commission
3. Approval of Mayor's reappointment of Tracy Pfligler, Glen Wilcox, and Dan Cady to the Planning Commission (term expires 7/2017)

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

Denise Lawver reported drywall is installed in the library. Beavers reported construction is busy, with monthly report provided. Krejci reported on the Greater Wahoo Development Foundation meeting with NPPD. Harrell provided an update from the Department of Roads: work to begin soon to pave the bridge over Dry Run Creek, on schedule for November opening of the expressway. City is waiting for the annexation plat of Dillon's property, and TIF information has been sent to the attorney for review.

The public hearing on the application for a Class D License at 255 West 2nd Street by L & A Cuda Store LLC dba Wahoo One Stop, as requested by the Nebraska Liquor Control Commission, was declared open by the Mayor at 7:06 p.m. The Mayor called for comments from the public. None were presented. A motion was made by Kavan, seconded by Svoboda, to close the public hearing at 7:07 p.m. Roll call vote: Kavan, yes; Svoboda, yes; Dunbar, yes; Krejci, yes; Lawver, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Motion by Lawver seconded by Svoboda, to recommend approval of the Class D License at Wahoo One Stop. Roll call vote: Lawver, yes; Svoboda, yes; Dunbar, yes; Tyler, yes; Kavan, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Geneie Andrews, representing League Association of Risk Management, reported regarding insurance coverage of the January 7, 2014 loss at the Wahoo Public Library. Andrews noted it took time to retain counsel, as several law firms were unable to take the subrogation case due to conflicts of interest. John Weis, attorney handling the subrogation action, explained the process of preserving the evidence, investigation, and reporting, in preparation for possible court action. LARM's investigation determined the problem was not the fault of the City or the Library, but was due to improper installation. Because of the number of parties facing possible liability, it took time to schedule access for each party to perform their own investigation and analysis, receive reports, and collect additional data. During this time the scene had to be preserved. Replacement of the fire suppression system started June 30, 2014. Final repairs to drywall and work to get the building back in service could not move forward until the fire suppression system was complete.

Council questioned why cost of replacement of the fire suppression system is not being covered. Andrews explained the coverage would pay for replacement of the parts which broke, to put the existing system back into service. Harrell stated the old system could have been repaired. However, due to the improper installation and failure of the system the City was concerned the same problem would occur again, and made the decision to install a different system. Andrews offered that LARM could include the cost of system replacement as part of the subrogation action, and present to the LARM board if necessary.

Council questioned recovery of additional costs of wages, loss of service of the library, and rent expenses. Andrews stated these could also be included in the subrogation action. Andrews stated LARM is committed to protecting the assets of the pool and of the individual members of the pool, by making sure those who are responsible are held accountable through subrogation. A subrogation agreement will be provided for future Council action.

A motion was made by Dunbar, seconded by Kavan, to adjourn at 7:50 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Janet A. Jonas, Mayor