

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, and Kevin Dunbar. Absent: Jim Svoboda.

The Mayor called for items not listed on the agenda.

Kevin Brown and Ray Popp of Omaha Steel Castings Company, LLC advised the Council of concerns with recent flooding on 12th Street, utility rates from July to the present, and future rates. Matters are referred to the Street Committee and the Utilities General Manager.

Walker Luedtke reported he submitted a formal complaint against the Wahoo Airport with the FAA.

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

1. Excused absence of Jim Svoboda
2. Minutes of the October 23, 2014 meeting of the Mayor and Council
3. Minutes of November 6, 2014 meeting of Planning Commission
4. Minutes of October 22, 2014 meeting of Board of Adjustments
5. The following licenses: Plumbers: Pat Donahue, Donahue Plumbing; Robert Pickett, BLT Plumbing, Heating & A/C Inc. HVAC Installers: Rick Shortridge, Harley's Heating & Air. Electricians: Bruce Barsell, Millard Electric Inc.

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

Harrell reported documents are ready for the Airport and City audit. She has been working with the Airport Authority on the FAA complaint. She will make a presentation regarding the Lake Wahoo Trail Phase II grant. Harrell provided photos of conditions around the recycling containers; Lawver suggested the Street Committee meet to discuss what to do next. Beavers reported an upcoming conditional use application. Denise Lawver reported the library grand reopening will be held on Sunday, November 16. Harrell reported the Wahoo Mobile Home Park has filed an appeal of the Board of Adjustments decision.

Public hearing on application for Conditional Use Permit in TA – Transitional Ag Zoning District to construct a new 170' self-supporting lattice communications tower and equipment building on property described as part of the SE ¼ of Sec 34, T15N R7E, Saunders County, as filed by Viaero Wireless opened at 7:10 p.m. Eugene Carroll, representing Viaero Wireless, reported on their application request. The Wahoo Airport Authority recommended that the application not be approved due to the tower penetrating the initial climb area of a runway, and because this could adversely affect future vertically guided (GPS) approaches. Jay Morrow of the Wahoo Airport Authority stated the FAA and Nebraska Department of Aeronautics do not actively protect the interests of small airports, it is up to local authorities to do so. He noted other obstructions currently exist which eventually may be removed, and the board does not want additional obstructions to be constructed.

Motion by Krejci, seconded by Kavan to close the public hearing at 7:14 p.m. Motion carried. The application was discussed and additional questions were addressed. Council members agreed conditions in the ordinance shall require the tower be lighted in accordance with FAA requirements, due to its location. In addition, the Conditional Use will be reviewed by the Council and Airport Authority in five years in conjunction with airport development plans.

Ordinance No. 2166 was introduced by Council Member Kavan, entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: A PARCEL OF LAND LOCATED IN THE SE ¼ SEC 34, T15N R7E, CONTAINING ONE ACRE, MORE OR LESS, BY GRANTING A CONDITIONAL USE PERMIT ALLOWING CONSTRUCTION OF A COMMUNICATIONS TOWER AND EQUIPMENT BUILDING IN TA – TRANS AG ZONING DISTRICT; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2166 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2166 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: Lawver, yes; Krejci, yes; Dunbar, yes; Tyler, yes; and Kavan, yes. Absent and not voting: Svoboda. 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. 2166 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2166 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: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Svoboda. 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.

Harrell and Lindahl reported on Securities and Exchange Commission regulation changes which go into effect December 1, 2014. These changes affect municipalities, underwriters, and issuers for bonds issued since 2009, and would affect future issues of bonds by the City. The firm of Gilmore and Bell has offered to represent the City for \$2,500 per year for five years, to assure current and future compliance.

Council member Krejci introduced the following resolution, **Resolution 2014-16**, and moved for its approval and moved to authorize two engagement agreements with Gilmore and Bell for representation under the Securities and Exchange Commission's Municipalities Continuing Disclosure cooperation Initiative, seconded by Dunbar,

“WHEREAS, the Municipalities Continuing Disclosure Cooperation Initiative (the “Initiative”) of the Securities and Exchange Commission (“Commission”) has been introduced for municipal issuers and underwriters, and the underwriter of the City has reported one or more of the City’s bond issues to the Commission pursuant to the Initiative; and

WHEREAS, the City has evaluated the benefits and risks of participation in the Initiative and has determined that participation in the Initiative is appropriate for the City to reduce future risk and uncertainty;

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the City to participate in the Initiative under the terms of the Initiative, and further authorizes the Mayor to approve, finalize, execute and deliver for and on behalf of the City any and all documents, certificates and questionnaires necessary or appropriate for the City to participate in the Initiative including, without limitation, an agreement with the Commission under the terms set forth in the Initiative.”

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

Motion was made by Lawver, seconded by Krejci, to authorize issuing a request for proposals for City Attorney for the period December 11, 2014 to December 13, 2016. Roll call vote: Lawver, yes; Krejci, yes; Kavan, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: Svoboda. Motion carried.

Mike Kleffner appeared to present the petition for creation of a Special Assessment District for improvements to an alley located in Block 20, Original Town of Wahoo, which affects six property owners. Alley width and encroachments by structures, engineering estimates, and costs incurred by the City were discussed. A motion was made by Lawver, seconded by Kavan, to acknowledge receipt of the petition, and authorize staff to prepare an ordinance and other necessary documents to proceed with improvements. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Svoboda. Motion carried.

Kavan moved for approval of the Pay Application to M E Collins Contracting for repairs to Hackberry Street drainage pipe for \$24,494.50. Motion was seconded by Krejci. Roll call vote: Kavan, yes; Krejci, yes; Tyler, yes; and Dunbar, yes. Lawver abstained due to conflict of interest. Absent and not voting: Svoboda. Motion carried.

Motion by Dunbar, seconded by Krejci, to authorize renewal of group health insurance policy with Blue Cross Blue Shield through INSPRO insurance. Roll call vote: Dunbar, yes; Krejci, yes; Tyler, yes; Lawver, yes; and Kavan, yes. Absent and not voting: Svoboda. Motion carried.

The next meeting will be Tuesday, November 25, 2014, Krejci will preside at that meeting.

The Mayor thanked the department heads for their service, cooperation, and communication during her time in office.

A motion was made by Kavan, seconded by Lawver, to adjourn at 7:56 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Janet A. Jonas, Mayor