

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 Loren Lindahl 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.

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

1. Minutes of May 25, 2017 meeting of the Mayor and Council

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

Department heads presented written reports. Jansa reported work on retention pond along 23rd Street. Jackson reported the department is short-handed with staff on vacation. Harrell reported work on 12th street intersections will begin in July, work with Bomgaars on TIF, final seeding along Maple Street Trail, and near completion of infrastructure for Sycamore Hills addition. A traffic speed trailer is in use to track vehicle activity. LTAP will provide a GPS device for mapping resources and training for staff as part of a grant program. Beavers reported no quorum on June 1, so a special Planning Commission meeting will be set. Harrell and Beavers reported on nuisance notifications and progress abating several nuisances.

Krejci reported Personnel/Finance Committee met to discuss reorganization/administration.

Motion was made by Dunbar, seconded by Svoboda, to recess as City Council and convene as a Board of Equalization.

The Mayor opened the public hearing before the Board of Equalization regarding the assessment plat and schedules of Alley improvement Project No. 2015-01 at 7:17 p.m. Harrell reported all property owners were notified of the hearing and assessment schedule. No written objections were received. The Mayor called for objections from the audience. No objections were received. Interest rates were discussed.

Motion was made by Kavan, seconded by Lawver, to close the public hearing at 7:18 p.m. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Motion was made by Tyler, seconded by Krejci, to adjourn as Board of Equalization and reconvene as City Council at 7:18 p.m. Roll call vote: Tyler, yes; Krejci, yes; Svoboda, yes; Kavan, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

The meeting of the Wahoo City Council was reconvened at 7:18 p.m.

Council member Svoboda introduced the following resolution, **Resolution 2017-10**, and moved for its approval, seconded by Kavan,

“RESOLUTION MAKING ASSESSMENTS IN ALLEY IMPROVEMENT DISTRICT NO. 2015-01 IN THE CITY OF WAHOO, NEBRASKA.

WHEREAS, Notice has been published as provided by law concerning the levy of special assessments in Alley Improvement District No. 2015-01 in the Wahoo Newspaper on

May 11, 2017, May 18, 2017, May 25, 2017, and June 1, 2017, and a copy of said Notice has been mailed to all resident and non-resident owners of property in said District and Project as provided by law, and

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessments in said Alley Improvement District No. 2015-01 proposed to be levied against said lots and parcels of ground on account of the construction of the improvements hereinbefore described; and

BE IT FURTHER RESOLVED, that the special assessments are adjusted as follows:

No adjustments

BE IT FURTHER RESOLVED, that the said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements;

BE IT FURTHER RESOLVED, that all special assessments above provided for shall become due in fifty (50) days after the date of the passage of this resolution and may be paid within that time without interest, but if not so paid, special assessments in Alley Improvement District No. 2015-01 shall bear interest thereafter at the rate of 4.5 per centum (4.50%) per annum from the date of this resolution until delinquent. Such assessments shall become delinquent as follows: One tenth of the total amount shall become delinquent fifty days after such levy; one tenth in one year; one tenth in two years; one tenth in three years; one tenth in four years; one tenth in five years; one tenth in six years; one tenth in seven years; one tenth in eight years and one tenth in nine years.

Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. Installments may be prepaid at any time at the option of the property owner as provided by law.

AND BE IT FURTHER RESOLVED that a certified copy of said assessment schedules be filed by the City Administrator/Clerk/Treasurer and with the County Treasurer and the County Clerk of Saunders County, Nebraska as provided by law for entry on the proper tax rolls.”

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

Request for removal of parking stall and installation of loading zone/handicap accessible ramp at 205 West 5th Street was reviewed. Beavers reported this is requested to make it easier to roll carts with product to customer vehicles. It would remove one of the city parking stalls by marking it a loading zone. Possible alternatives were discussed. Motion by Lawver, seconded by Tyler, to deny the request. Roll call vote: Lawver, yes; Tyler, yes; Kavan, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Beavers reported regarding Conditional Use at 215 West 1st Street and conditions established for the use. Parked vehicles continue to be an issue. He will work with police and other staff to try to resolve the issue.

Harrell reported the redevelopment contract for Bomgaars will take some time to complete and Bomgaars would like to begin work as soon as possible. The Memorandum of Understanding between the City of Wahoo and Bomgaar’s regarding the City’s intent to approve the use of TIF would allow them to proceed with no risk to the City. Motion by Krejci, seconded by Kavan, to approve the Memorandum of Understanding. Roll call vote: Krejci, yes; Kavan, yes; Dunbar, yes; Svoboda, yes; Lawver, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Harrell reported on the easement proposed for the former Houfek property.

Ordinance No. 2242 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, TO ACQUIRE INTERESTS IN REAL ESTATE BY PURCHASE OR EMINENT DOMAIN FOR WATER POOLING AND DRAINAGE AND OTHER GOVERNMENTAL PURPOSES. The Mayor then instructed the Clerk to read Ordinance No. 2242 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2242 by title.

Council Member Kavan 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 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: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, 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. 2242 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2242 be approved and passed and its title agreed to. Council Member Dunbar 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; Dunbar, yes; Kavan, yes; Svoboda, yes; Tyler, yes; and Krejci, yes. 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 the Mayor, in the presence of the Council, signed and approved the Ordinance and 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.

A motion was made by Svoboda to enter into closed session for protection of the public interest regarding real estate purchase by the City of Wahoo, with Jim Gibney, Melissa Harrell, and Jovan Lausterer to remain in the room, seconded by Dunbar. Roll call vote: Svoboda, yes; Dunbar, yes; Krejci, yes; Tyler, yes; Kavan, yes; and Lawver, yes. The Mayor announced the Council would be entering into closed session for protection of the public interest regarding real estate purchase by the City of Wahoo, at 7:48 p.m.

A motion was made by Kavan, seconded by Lawver to return to regular session at 8:41 p.m. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Motion carried.

Lausterer discussed structuring a purchase as a stock sale vs. an asset purchase. After discussion with auditor and Council, it was noted a stock purchase represents too much liability as well as makes transfer more complicated, and would be in the best public interest to structure as an asset sale. Lauster requested authorization to continue negotiation and to extend the letter of intent to pursue purchase of property to June 22. If agreement on price is reached, purchase agreement would be discussed on merits of the joint service center vs. the cost of the property.

Motion by Tyler, seconded by Krejci, to authorize extension of the letter of intent to pursue purchase to June 22, 2017. Roll call vote: Tyler, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; Lawver, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Motion by Kavan, seconded by Dunbar, to adjourn at 8:47 p.m.

Approved:

Melissa M. Harrell, City Clerk

Loren L. Lindahl, Mayor