

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, and Stuart Krejci. Absent: Jim Svoboda and Kevin Dunbar.

The Mayor acknowledged the twelve years of service by Jim Svoboda on the City Council.

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

1. Excused absence of Svoboda and Dunbar
2. Minutes of May 10, 2018 meeting of Council
3. Minutes of May 3, 2018 meeting of Planning Commission
4. Licenses: HVAC: Xtreme Heating & Cooling, Jerry Wewel, Omaha; Benes Heating & Air, Chris Benes and Eric Siedl, Raymond. Electricians: IES Commercial, Ted Kayton, Houston, TX.
5. Acceptance of Resignation of James Svoboda as Council member, Ward II

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

The Mayor stated a notice will be posted for applicants to fill the council position, as outlined in statute.

Lawver reported the Street Committee met.

Harrell presented the certified results of the Primary election held on May 15, 2018 indicating the sales and use tax was approved. Motion by Kavan, seconded by Lawver, to accept the County Clerk's Certification of Election results. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Dunbar. Motion carried.

The Mayor reported in order to implement the additional sales tax on October 1, 2018, the Ordinance needs to be approved and sent to the Nebraska Department of Revenue before June 3, 2018. Since this deadline cannot be met, the implementation date will be January 1, 2019.

Ordinance No. 2281 was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND SEC. 35.15 SALES AND USE TAX OF CHAPTER 35: FINANCE AND REVENUE OF THE WAHOO MUNICIPAL CODE TO INCREASE THE SALES AND USE TAX FROM ONE AND ONE-HALF PERCENT TO TWO PERCENT, TO PROVIDE FUNDS FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS INCLUDING THE CHESTNUT STREET PROJECT. The Mayor then instructed the Clerk to read Ordinance No. 2281 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2281 by title.

Council Member Lawver moved that Ordinance No. 2281 be approved and passed on its first reading, 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; and Krejci, yes. Absent and not voting: Dunbar. Motion carried.

At 7:12 p.m. hearing convened to hear testimony and evidence to determine whether a yellow lab dog named Angel should be labeled as a potentially dangerous dog under §96.40. Lausterer presented Exhibit A, Notice of Hearing delivered to Tiffany Johnson and Russell Miller; Exhibit B, Incident Report/Call Narrative. Bruce Ferrell, Chief of Police, reported on the incident which occurred on May 11, 2018. Russell Miller, owner of the dog, spoke on his own behalf regarding the incident, and Tiffany Johnson testified. Lausterer stated if the dog is determined to be potentially dangerous, a second incident would proceed to finding of dangerous dog, and the owner would be required to meet the conditions stated in municipal code, and a subsequent offense would be cause for requiring the animal to be destroyed. Krejci moved that the hearing be closed at 7:14 p.m. Motion seconded by Kavan. Roll call vote: Krejci, yes; Kavan, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Dunbar. Motion carried.

Krejci moved that the Council declare the yellow lab Angel as a potentially dangerous dog under §96.40, and that the owner, be served with written notification of finding. Motion seconded by Tyler. Roll call vote: Krejci, yes; Tyler, yes; Kavan, yes; and Lawver, yes. Absent and not voting: Dunbar.

The following resolution, **Resolution No. 2018-14**, was introduced by Tyler, who moved for approval, seconded by Kavan:

“WHEREAS, the Governing Body of the City of Wahoo, Nebraska, has enacted a Municipal Code, and,

WHEREAS, Wahoo Municipal Code Section 70.01 adopts all portion of the Nebraska Rules of the Road and incorporates them by reference into the Wahoo Municipal Code, and,

WHEREAS, Section 60-680 (1)(b) of the Nebraska Revised Statutes provides the following:

“(1) Any local authority with respect to highways under its jurisdiction and within the reasonable exercise of police power may: ... (b) Regulate traffic by means of peace officers or traffic control devices;” and

WHEREAS, Section 60-624 of the Nebraska Revised Statutes defines a highway as follows:

“Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.” and,

WHEREAS, Section 60-670 of the Nebraska Revised Statutes defines a traffic control device as follows:

“Traffic control device shall mean any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.” and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, as the City of Wahoo’s Governing Body, do desire to adopt this resolution providing for stopping traffic at several intersections as outlined below, located within the corporate limits of the City of Wahoo, Nebraska, and,

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

Section 1. That the finding hereinabove made should be and are hereby made a part of this Resolution as fully as if set out at length herein.

Section 2. That traffic control devices, to wit: stop signs, be erected at the following location, all located in the City of Wahoo, Nebraska:

- a. Intersection of Simodynes Drive and 34th Street, stopping north and south bound traffic on Simodynes Drive;

- b. Intersection of Ponderosa Street and 34th Street, stopping north bound traffic on Ponderosa Street;
- c. Intersection of Maple Street and 8th Street, stopping north and south bound traffic on Maple Street;
- d. Intersection of Maple Street and 9th Street, stopping north and south bound traffic on Maple Street;
- e. Intersection of Maple Street and 10th Street, stopping north bound traffic on Maple Street;

Section 3. That upon the approval of this Resolution, the aforementioned traffic control devices shall be erected and this Resolution shall remain in full force and effect until the removal of said aforementioned signs, at which time, this Resolution shall be of no force and effect.”

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

Lausterer reported on revisions requested by Casey’s officials to Subdivision Agreement and Financing Agreement for Dry Run Subdivision, and discussion regarding utilities. Motion by Kavan, seconded by Lawver, to table amendment to Subdivision Agreement for Dry Run Subdivision and amendment to Financing Agreement for Dry Run Subdivision. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Dunbar. Motion carried.

Motion by Kavan, seconded by Krejci, to change the second meeting in July to July 24, 2018, due to the County Fair parade. Roll call vote: Kavan, yes; Krejci, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Dunbar. Motion carried.

Krejci introduced Ordinance No. 2282, AMENDING TITLE VII: TRAFFIC CODE, CHAPTER 70 PERMITTING THE USE OF ALL-TERRAIN AND UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS UNDER TERMS SPECIFIED, seconded by Lawver. Chief Ferrell discussed inspection for safety equipment/noise levels, and safety concerns from and police/EMS standpoint. Golf carts would not be permitted. Operation on certain streets is prohibited under this draft. Jerry Divis asked about accident statistics from communities who have approved ATV/UTV operation.

Motion by Lawver, seconded by Krejci, to table discussion on Ordinance No. 2282. Roll call vote: Lawver, yes; Krejci, yes; Tyler, yes; and Kavan, yes. Absent and not voting: Dunbar. Motion carried.

No audience comments offered.

The Mayor stated discussion of expenditure for design of remodeling the City Hall building would be placed on the next agenda.

Krejci asked the Council to consider declaring the 1334 N Chestnut Street building as surplus, since the department will be moved to the East Service Center.

Harrell reminded the members the 11th and Pine Street property will be auctioned on June 5th, and there will be an informational meeting for property owners affected by the Chestnut Street project at the Heritage Inn on June 6th at 6:00 p.m.

Motion by Lawver, seconded by Krejci, to adjourn at 7:44 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor