

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 Gerald D. Johnson 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, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

Council reports were presented. Board of Public Works met: Casey's will start work October 1; Rise Broadband tower rent is set; policy change for uniforms was approved. Krejci reported Finance Committee met: health insurance renewal was less than anticipated. Harrell reported limitations on direct borrowing; status of LARM; and alternative construction methods available to the City. Locust Street access from First Street should be available soon; signs will be posted to say "no trucks". Depending on weather, additional work may be done on Chestnut. The Mayor, Harrell, and Hurst attended the League conference.

Meeting date for second meeting in November was discussed, agreed on Tuesday, November 26, 2019. A motion was made by Kavan, seconded by Lawver, to approve the consent agenda:

- 1) Minutes of the September 12, 2019 meeting of Mayor and Council
- 2) Meeting date of November 26, 2019 for the second meeting of November

Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

The public hearing on application for change of zoning from C-3 Commercial to R-3 Residential for Lot 12, Block 140, County Addition, known as 356 East 6th Street, as filed by Otto-Abbott Investments LLC, was declared open by the Mayor at 7:07 p.m. The Mayor called for comments from the public on the budget proposed. Shawn Abbott requested the change be granted; the use has been as a single-family home; the change would aid the buyers with a loan application. Beavers reported the Planning Commission recommended approval. No other comments were offered. A motion was made by Lawver, seconded by Kavan, to close the public hearing at 7:08 p.m. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2322 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY CHANGE OF ZONING FROM C-3 COMMERCIAL TO R-3 RESIDENTIAL ON LOT 12, BLOCK 140, COUNTY ADDITION, was introduced by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2322 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2322 by title.

Council Member Lawver moved that the statutory rules in regarding to the passage and adoption of ordinances be suspended so the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Warford 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: Roll call vote: Lawver, yes; Warford, yes; Boop, yes; Krejci, yes; Nagle, yes; and Kavan, yes. Absent and not voting: none. Motion carried. 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. 2322 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2322 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: Krejci, yes; Kavan, yes; Lawver, yes; Warford, yes; Boop, yes; and Nagle, 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, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures 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.

The public hearing on application for Conditional Use Permit to construct an accessory building within the Lake Wanahoo Conservation District on a Tract in the SE ¼ of the SE ¼ of 22-15-7, a 5.907 acre parcel, known as 1705 County Road 16, in TA – Transitional Ag District, was declared open by the Mayor at 7:10 p.m. The Mayor called for comments from the public. James Chvatal stated he would like to construct an accessory building, for personal use only. Beavers reported the NRD and Airport Authority reviewed the request and the Planning Commission recommended approval. No other public comments were presented. A motion was made by Kavan, seconded by Krejci, to close the public hearing at 7:13 p.m. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2323 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY GRANTING A CONDITIONAL USE FOR CONSTRUCTION OF AN ACCESSORY BUILDING WITHIN LAKE WANAHOO CONSERVATION DISTRICT, IN TA – TRANSITIONAL AG DISTRICT, ON A TRACT IN SE ¼ OF 23 ¼ 22-15-7, A 5.907 ACRE PARCEL , was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2323 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2323 by title.

Council Member Kavan moved that the statutory rules in regarding to the passage and adoption of ordinances be suspended so the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Nagle 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: Roll call vote: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried. 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. 2323 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2323 be approved and passed and its title agreed to. Council Member Krejci 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; Krejci, yes; Boop, yes; Warford, yes; Kavan, yes; and Nagle, 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, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures 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.

Motion by Krejci to approve Pay Application #15 to M E Collins Contracting Inc. for Chestnut Street Improvements in the amount of \$261,391.73 (City share is \$245,953.13). Motion seconded by Nagle. Roll call vote: Krejci, yes; Nagle, yes; Kavan, yes; Warford, yes; Boop, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

Renewal of Waste Hauler licenses for the three current companies were reviewed, and no complaints were noted. Motion by Kavan, seconded by Nagle, to approve renewal of Waste Hauler licenses for Waste Connections of NE, Roadrunner Transportation, LLC, and S2 Rolloffs, LLC. Roll call vote: Kavan, yes; Nagle, yes; Lawver, yes; Warford, yes; Boop, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Finance Committee reviewed and recommended a 2% COLA addition to wage scales for full time and regular part time employees, with no change to seasonal employee scale. Motion by Warford, seconded by Krejci, to approve revision of wage scales to include 2% COLA for full time and regular part time employees, effective October 1, 2019. Roll call vote: Warford, yes; Krejci, yes; Nagle, yes; Kavan, yes; Lawver, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Harrell reported the proposed change of uniform policy would change the current cost sharing for renting/cleaning of uniforms (half employer/half employee) to the employer paying full cost of uniforms. Some utility employees will be switching to FR (flame resistant) uniforms for safety, which are more expensive to maintain. Utility employees will also be provided neon shirts with the utility logo for uniform wear. Employees will be required to wear uniform apparel. Lawver asked whether FR apparel should be required for the gas department; this will be checked. The Board of Public Works recommended the change in personnel policy. Motion by Kavan, seconded by Lawver, to approve the change in personnel policy to provide that cost of uniform items will be paid by the City. Roll call vote: Kavan, yes; Lawver, yes; Warford, yes; Boop, yes; Krejci, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Request for waiver of requirement of filing both preliminary and final plat for replat of Lots 70, 71, and 72, Heritage Heights Subdivision was reviewed. Beavers reported this is similar to action on several replats done recently, and no problems are anticipated. Motion by Kavan, seconded by Krejci, to approve waiver of filing of preliminary plat and allowing filing of only final plat for replat of Lots 70, 71, and 72, Heritage Heights. Roll call vote: Kavan, yes; Krejci, yes; Nagle, yes; Lawver, yes; Warford, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Motion by Lawver, seconded by Kavan, to authorize staff to file a special assessment against Block 2, Dickinson's Addition to Wahoo, known as 1268 North Locust (former Kennedy College Camel Center) for unpaid cost of abatement of nuisance in the amount of \$320.55. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Motion by Krejci, seconded by Kavan, to authorize staff to file special assessment against Lot 10, Block 5, Original Town, known as 320 West 5th Street for unpaid cost of abatement of nuisance in the amount of \$198.70. Roll call vote: Krejci, yes; Kavan, yes; Lawver, yes; Warford, yes; Boop, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Hearing was held regarding whether to declare two dogs as potentially dangerous or dangerous. Chief Ferrell provided a synopsis of the incident report of August 28, 2019 and September 10, 2019, involving two dark colored Labradors (one male, one female). Barb Hart reported on the incident and her injury (bruising and bite). Sidona Moerker reported she was attacked by the dogs, also. Exhibits were marked and added to the record: Notice of hearing issued to Josh Otte; Police incident report of 8/28/19; photograph of Barb Hart's bite injury; medical treatment record of Sidona Moerker; Police incident report of 9/10/19. Ferrell noted the dogs were not licensed, and vaccinations were not up to date at the time of the incident. Lausterer outlined the process for declaration of either potentially dangerous or dangerous, and measures that must be taken by the dog owner within 30 days after the declaration. Council members discussed the information presented, whether abuse or neglect of the animals is present, and the regulations. Motion was made by Kavan that both dark colored Labradors owned by Josh Otte be declared dangerous, and the owner notified of the finding. Motion seconded by Nagle. Roll call vote: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried. Notice will be provided to the owner of the finding that both dogs are dangerous, and what measures must be taken by the owner in order to keep the dogs.

At 8:00 p.m. members of the Wahoo Rural Fire District Board convened a meeting of their board, and joined the Wahoo City Council in a joint session. History of the process and draft interlocal agreements for fire and EMS services were reviewed by Lausterer and Jim Egr, counsel for WRFD. Kavan moved to remove Item 7 from the EMS contract, seconded by Lawver. Kavan then withdrew the motion, since further items remained to be discussed on both agreements. Items discussed included selection of representation on subcommittee from each board; submission of requests for grant funds for the Rural Fire District to Nebraska Forestry; the Rural Fire District billing residents of the district for use of its fire vehicles that respond to calls; and coordination of planning for future needs between WRFD and WVFD. Counsel were directed to redraft the agreement with changes as discussed, for presentation to the Wahoo Rural Fire District Board at their next meeting, and the Wahoo City Council at the October 10, 2019 meeting.

Motion by Krejci, seconded by Kavan, to adjourn at 9:09 p.m.

Approved:

Lucinda J. Morrow, Clerk

Gerald D. Johnson, Mayor