

**West Service Center**

**Wahoo, Nebraska**

**May 10, 2018**

The Council met in special work session at the City of Wahoo West Service Center, 331 West A Street, 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 6:15 p.m. 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, Gerry Tyler, Stuart Krejci, and Kevin Dunbar. Absent: Greg Kavan, Jim Svoboda. A tour of the West Service Center was conducted. Adjourned at 6:40 p.m.

**Council Chambers**

**Wahoo, Nebraska**

**May 10, 2018**

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, and Kevin Dunbar. Absent: Jim Svoboda.

The Mayor presented a proclamation recognizing Emergency Medical Services Week (May 20-26, 2018).

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

1. Excused absence of Svoboda
2. Minutes of April 26, 2018 meeting of Council

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

Department Head reports presented. Lawver reported Street committee met.

Kevin Stuhr reported on progress with Hackberry Park improvements, and explained plans for construction of new restroom facilities and renovation of the existing concession stand building. Motion by Krejci, seconded by Lawver, to approve the plans and specifications for Hackberry Park Restroom/Concession Stand Improvements and authorizing calling for bids. Roll call vote: Krejci, yes; Lawver, yes; Kavan, yes; Tyler, yes; and Dunbar, yes. Absent and not voting: Svoboda. Motion carried.

Stuhr explained the change order for completion of fencing at Hackberry Park. Motion by Tyler, seconded by Kavan, to approve Change Order No. 2 for Wahoo Hackberry Fencing. Roll call vote: Tyler, yes; Kavan, yes; Dunbar, yes; Krejci, yes; and Lawver, yes. Absent and not voting: Svoboda. Motion carried.

The Mayor was excused from the meeting at 7:24 p.m. due to conflict of interest. Krejci presided in his absence.

Harrell explained the Supplemental Agreement No. 1 for the Safe Routes to School Project, due to changing the trail location back to the east side of the street by narrowing Hackberry Street. This has been approved by the Department of Transportation. The City is responsible for 20% of project cost.

Council member Kavan introduced **Resolution 2018-13** and moved for approval, seconded by Krejci, "WHEREAS: City of Wahoo and JEO Consulting Group, Inc. have previously executed a

Preliminary Engineering Services Agreement (BK1547) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

WHEREAS: City of Wahoo understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

WHEREAS: City of Wahoo and JEO Consulting Group, Inc. wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

BE IT RESOLVED: by the City Council of the City of Wahoo, Nebraska that:

Stuart Krejci, President of the Council of City of Wahoo is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 1 between the City of Wahoo and JEO Consulting Group, Inc.

NDOR Project Number: SRTS-78(33)

NDOR Control Number: 13291

NDOR Project Description: Wahoo SRTS.”

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

The Mayor returned to the meeting at 7:27 p.m.

Jon Mooberry of JEO Consulting Group presented proposed agreements with Thiele Geotechnical and JEO in conjunction with the Chestnut Street Project.

Motion by Lawver to approve the agreement with Thiele Geotechnical for compaction and materials testing for Chestnut Street Project, seconded by Kavan. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Svoboda. Motion carried.

Motion by Dunbar, seconded by Tyler, to approve the agreement with JEO Consulting Group for construction management services for Chestnut Street Project. Roll call vote: Dunbar, yes; Tyler, yes; Krejci, yes; Lawver, yes; and Kavan, yes. Absent and not voting: Svoboda. Motion carried.

At 7:30 p.m. hearing convened to hear testimony and evidence to determine whether a tan and white cattle dog named Sheamus should be labeled as a dangerous dog under §96.40. Lausterer presented Exhibit A, Notice of Hearing delivered to Mary Durham; Exhibit B, Incident Report and Incident Narrative; and Exhibit C, photograph of injury sustained by Nicole Hitchcock. Bruce Ferrell, Chief of Police, reported on the incident which occurred on April 12, 2018, follow-up investigation, and citation. Nicole Hitchcock, victim, stated she had nothing to add to the information submitted. Sandra Meese, neighbor, reported on the incident and previous incidents with the dog she observed and experienced. Mary Durham, owner of the dog, spoke on her own behalf regarding the incident and measures she is taking to control the dog. Lausterer stated it did not appear that any exceptions to a finding of dangerous dog (tormenting, abusing or assaulting the dog; willful trespass by the injured individual; or that the dog is a police animal) apply in this situation. With no further information offered, Kavan moved that the hearing be closed at 7:45 p.m. Motion seconded by Dunbar. Roll call vote: Kavan, yes; Dunbar, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Svoboda. Motion carried.

Lausterer stated that if the Council finds this is a dangerous dog, first offense, 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.

Lawver moved that the Council declare the tan and white cattle dog, Sheamus, as a dangerous dog under §96.40, having committed a first offense of an injury to a person, and that the owner, Mary Durham, comply with requirements under Municipal Code within 30 days. Motion seconded by Tyler. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Dunbar, yes; and Kavan, yes. Absent and not voting: Svoboda. Motion carried. A written notification of the finding will be provided to Mary Durham.

Motion by Kavan, seconded by Tyler, to approve 2018 mosquito control interlocal agreements with communities. Roll call vote: Kavan, yes; Tyler, yes; Krejci, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: Svoboda. Motion carried.

Request for educational assistance reimbursement agreement was reviewed. Motion by Krejci, seconded by Dunbar, to authorize the Mayor to sign the agreement for education reimbursement. Roll call vote: Krejci, yes; Dunbar, yes; Lawver, yes; Kavan, yes; and Tyler, yes. Absent and not voting: Svoboda. Motion carried.

Beavers reported on a request to build an additional principal building for multi-family housing on Lots 1-8, Block 111, County Addition. There is currently an existing 9-plex and duplex. The Planning Commission recommended that lots be joined to prevent a future division of property and creation of a non-conforming situation. Parking, access, and setback requirements were discussed, and whether requirements could be met for the new construction on the undeveloped lots separate from the existing units. Motion by Tyler, seconded by Lawver, to approve the project provided undeveloped lots are combined and all setback and other requirements are met on that parcel. Roll call vote: Tyler, yes; Lawver, yes; Kavan, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: Svoboda. Motion carried.

Conditional Use for auto sales on 1159 North Chestnut was reviewed. The use was previously approved for Harvest Auto, who discontinued use in May, 2017. The property has been sold and Michael Evans is leasing the site to operate Leverage Auto Sales. Review in 12 months was recommended.

**Ordinance No. 2280** was introduced by Kavan entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE OFFICIAL ZONING MAP TO EXTEND A CONDITIONAL USE FOR AUTO SALES IN NRC ZONING DISTRICT. The Mayor then instructed the Clerk to read Ordinance No. 2280 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2280 by title.

Council Member Dunbar moved that the statutory rules in regard 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 Tyler 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: Dunbar, yes; Tyler, yes; Krejci, yes; Lawver, yes; and Kavan, yes. Absent and not voting: Svoboda. 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 regard to the passage and approval of ordinance be suspended so that Ordinance No. 2276 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2280 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; Dunbar, yes; Krejci, yes; and Tyler, 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, 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.

MAPA notified participating entities about changes in the Heartland 2050 process, with a funding request. Krejci noted the emphasis shifted toward metropolitan interests. No action taken.

Disposition of property located at 11<sup>th</sup> and Pine, previously declared as surplus, was discussed. The bid packet has been prepared and notice will be distributed through publication in the Market Weekly, public posting, information to realtors, and through social media. The Council would need to approve the sale after the auction date.

Motion by Kavan, seconded by Lawver, to order sale of property at auction, described as the South Half of Lots 1 and 2, and all of Lot 3, Block 110, County Addition to Wahoo. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Dunbar, yes. Absent and not voting: Svoboda. Motion carried.

Tyler reported a tour of the East Service Center building will be conducted following the Board of Public Works meeting on May 16, at approximately 7:15 p.m. and invited Council members to attend.

Krejci reported discussion between the NRD and Game and Parks regarding Lake Wanahoo.

Motion by Tyler, seconded by Kavan, to adjourn at 8:15 p.m.

Approved:

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Lucinda Morrow, Deputy Clerk

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Loren L. Lindahl, Mayor