

The Council met in special work 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 6:10 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, Chris Rappl, and Kevin Dunbar. Absent: Greg Kavan.

A review of the 2018-19 budget was done by City Administrator/Clerk/Treasurer Harrell. Handouts reviewing the past, current, and proposed budgets were distributed, questions addressed, and discussion held on various parts of the budget document.

A motion was made by Lawver, seconded by Krejci, to adjourn the work session at 6:47 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor

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, Gerry Tyler, Stuart Krejci, Chris Rappl, and Kevin Dunbar. Absent: Greg Kavan.

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

1. Excused absence of Kavan
2. Minutes of August 23, 2018 meeting of Council
3. Minutes of September 6, 2018 meeting of Planning Commission
4. Minutes of August 14, 2018 meeting of Library Board of Trustees

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

Department Head Reports presented. A grant was received for trees at the cemetery, and grant application submitted for trees for the west service center. Police department has been responding to traffic complaints; some grant funding and scholarships have been received for officer training; the new car is being prepared for service. The fire department received a grant for new air packs. The City is partnering with Saunders County to participate in an alert system, which will give the ability to issue alerts and notifications to those who sign up and provide contact information.

The Street committee met. Data is being entered in the GIS mapping system. A new zoning map will be incorporated into the system.

The public hearing on the 2018-19 City of Wahoo budget was declared open by the Mayor at 7:09 p.m. The Mayor called for comments from the public on the budget proposed. Harrell reported on the budget. A motion was made by Rappl, seconded by Dunbar, to close the public hearing at 7:11 p.m. Roll call vote: Rappl, yes; Dunbar, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Kavan. Motion carried.

A motion was made by Lawver, seconded by Krejci, to authorize an additional 1% increase in the restricted funds budget as per the State budget document, above and beyond the 2.5% and the growth factor of the valuation. Roll call vote: Lawver, yes; Krejci, yes; Rappl, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

A motion was made by Krejci, seconded by Tyler, to approve the 2018-19 Budget as presented. Roll call vote: Krejci, yes; Tyler, yes; Rappl, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

The public hearing on the 2018 Property Tax Levy for the City of Wahoo was declared open by the Mayor at 7:14 p.m. The Mayor called for comments from the public and none were presented. A motion was made by Krejci, seconded by Tyler, to close the public hearing at 7:15 p.m. Roll call vote: Krejci, yes; Tyler, yes; Rappl, yes; Dunbar, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

The following resolution, **Resolution No. 2018-25**, was introduced by Dunbar, who moved for its approval, seconded by Krejci:

“WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Wahoo passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of Wahoo that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Council of the City of Wahoo, by a majority vote of the entire Council, resolves that:

1. The 2018 property tax request be set and allocated as follows:

	<u>Tax Amount</u>	<u>Levy</u>
General Fund	\$1,335,406.85	.491578
Bond Fund	<u>\$ 222,200.00</u>	<u>.081794</u>
Total	\$1,557,606.85	.573373

2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2018.”

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

The Mayor opened the public hearing at 7:16 p.m. before the Council regarding the General Redevelopment Plan for Amended Area 1 of the Blighted and Substandard Areas. No public comments received. Motion by Krejci, seconded by Lawver to close the public hearing at 7:17 p.m.

Council Member Lawver introduced **Resolution No. 2018-26**, and moved for its approval, seconded by Rappl,

“A Resolution of the Mayor and Council of the City of Wahoo, Nebraska, approving a General Redevelopment Plan for a Redevelopment Area pursuant to Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska,”

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

The Mayor opened the hearing at 7:17 p.m. before the Council regarding a substantial modification to a general redevelopment plan, approving a specific redevelopment contract for redevelopment project located in Amended Area 1. Tyler Hevlin of JEO addressed the Council. Motion by Dunbar, seconded by Lawver to close the public hearing at 7:19 p.m.

Council Member Lawver introduced **Resolution No. 2018-27**, and moved for its approval, seconded by Rappl,

“A resolution of the Mayor and Council of the City of Wahoo, Nebraska, approving a substantial modification to a general redevelopment plan for a redevelopment area; approving certain redevelopment projects within a project area; approving a redevelopment contract; and approving related matters,”

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

Council Member Krejci introduced **Resolution No. 2018-28**, and moved for its approval, seconded by Dunbar,

“A Resolution authorizing the issuance of taxable tax increment revenue notes (JEO Building Company project), Series 2018 of the City of Wahoo, Nebraska, for the purpose of paying certain project costs in connection with the JEO Building Company project; prescribing the form and details of said notes and the covenants and agreements made by the City of Wahoo, Nebraska to facilitate and protect the payment thereof; and prescribing other matters relating thereto,”

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

The public hearing on Owner Occupied Housing Rehab Grant Application for CDBG funds was declared open by the Mayor at 7:20 p.m. The Mayor called for comments from the public. Jake Valentine of SENDD reported on the process of verifying and selecting applicants, cost limits, and guidelines. No other comments. A motion was made by Lawver, seconded by Rappl, to close the public hearing at 7:28 p.m. Roll call vote: Lawver, yes; Rappl, yes; Dunbar, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Kavan. Motion carried.

Council Member Tyler introduced **Resolution No. 2018-29**, and moved for its approval, seconded by Krejci,

“WHEREAS, the City of Wahoo, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and,

WHEREAS, the City of Wahoo, Nebraska, has obtained its citizens’ comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application

which for an amount of \$547,000 for OOR; and,

NOW, THEREFORE, BE IT RESOLVED BY the City Council of City of Wahoo, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Wahoo and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.”

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

Hearing opened at 7:29 p.m. regarding possible determination of a Golden Retriever named Buddy, located at 1419 North Elm Street, as a potentially dangerous dog. Lausterer provided Exhibits: agenda, call report, call narrative, notice of hearing, and municipal code stating a “potentially dangerous dog” would be one that inflicts a non-severe injury on a human, unprovoked. Chief Ferrell reported on the incident, and provided a photo of the injury, puncture marks, and noted the victim did not seek medical attention. Mike Maly provided a video of the incident, stated the dog had been on some medications which have been discontinued, and he felt the dog had been provoked by the victim’s behavior. Becky Henke and Crystal Vandevoorde spoke on behalf of Maly.

Motion by Lawver, seconded by Tyler, to close the hearing at 7:39 p.m. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Rappl, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Motion by Krejci, seconded by Lawver, to not declare the dog, Buddy, as a potentially dangerous dog, due to provocation. Roll call vote: Krejci, yes; Lawver, yes; Tyler, yes; Rappl, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Public hearing was previously held and action was tabled, regarding Subdivision and final plat of Sycamore Hills 2nd Addition, a part of the NE ¼ of the SE ¼ of Section 33, Township 15 North, Range 7 East of the 6th p.m., and a replat of part of Sycamore Hills 1st Addition. Troy Johnston of JEO Consulting Group and Harrell reported on terms of the subdivision agreement yet to be determined. Johnston requested waiver of requirement to construct sidewalk on Lot 2, which is not being developed at this time. Discussion held of what would trigger requirement for sidewalk installation.

Motion by Krejci, seconded by Dunbar, to approve subdivision agreement and financing agreement, contingent upon agreement of final details, and waiver of requirement to construct sidewalk on Lot 2 at this time. Roll call vote: Krejci, yes; Dunbar, yes; Rappl, yes; Tyler, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

Motion by Lawver, seconded by Krejci, to approve final plat of Sycamore Hills 2nd Addition, a part of the NE ¼ of the SE ¼ of Section 33, Township 15 North, Range 7 East of the 6th p.m., and a replat of part of Sycamore Hills 1st Addition, contingent on finalizing details of the subdivision agreement and financing agreement. Roll call vote: Lawver, yes; Krejci, yes; Rappl, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

Kevin Stuhr reported on Hackberry Restroom and Concession project and the pay applications presented. Stuhr reported the change order clarifies the alternate in the bid for counter tops.

Motion by Lawver, seconded by Dunbar, to approve Pay Application #1 and #2 to Buckmaster Construction for the Hackberry Restroom and Concession project. Roll call vote: Lawver, yes; Dunbar, yes; Rappl, yes; Krejci, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

Motion by Krejci, seconded by Dunbar, to approve Change Order #1 for Hackberry Restroom and Concession project. Roll call vote: Krejci, yes; Dunbar, yes; Lawver, yes; Tyler, yes; and Rappl, yes. Absent and not voting: Kavan. Motion carried.

Beavers reported no issues on a request for variation of front yard setback for a new attached addition on property at 410 East 11th Street. The house has a non-conforming 15-foot setback and the planned attached addition will have a greater setback. Motion by Lawver, seconded by Tyler, to approve the variation of front yard setback for the addition. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Rappl, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Drainage issues in the area of 17th and Chestnut, continuing all the way to the creek, were discussed. Dunbar moved to authorize City Staff to proceed with investigation and planning for storm water sewer easements located east of Chestnut Street at approximately 17th Street, seconded by Lawver. Roll call vote: Dunbar, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Rappl, yes. Absent and not voting: Kavan. Motion carried.

Stuhr reported on past rates and fees charged by the Park and Recreation Department, comparison with other communities, and proposed fees.

Tyler introduced **Resolution No. 2018-30** to authorize 2018-19 fee schedule for the Wahoo Parks and Recreation Programs and moved for its approval, seconded by Rappl,

“WHEREAS, the City of Wahoo operates the Park and Recreation Department of the City of Wahoo, Nebraska, which provides services and facilities for use by the public, that will be reimbursed by said members of the public, and

WHEREAS, it is necessary for the City of Wahoo to establish appropriate fees and charges for providing services and use of Park and Recreation facilities,

THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wahoo that the following rates are hereby adopted and established for the Park and Recreation Department of the City of Wahoo, to wit:

“PARK AND RECREATION FEES AND CHARGES

	<u>Facility/Service Provided</u>	<u>Fee</u>
1.	Park Shelter Rental – exclusive use for one day (Smith, Placek, or Hackberry)	\$30.00 w/\$50 deposit
2.	Scout House – exclusive use for one day	\$35.00
3.	Sam Crawford Field – use of field managed and operated by City – fee per day for local ‘club’ sponsored games (2 or less games)	\$45.00
4.	Sam Crawford Field – use of field managed and operated by City – fee per day for high school games (2 or less games)	\$75.00
5.	Sam Crawford Field – use of field managed and operated by City – fee per day for tournaments (more than 2 games)	\$100.00
6.	Sam Crawford Field – use of field managed and operated by City – fee per hour for exclusive use (non-game usage)	\$20.00
7.	Sam Crawford Field – use of field managed and operated by City – fee per game	\$75.00 (1) \$125.00 (2+)
8.	Hackberry Park Ball Fields – use of Field #1 managed and operated by City – fee per day for games sponsored by local organizations	\$25.00
9.	Hackberry Park Ball Fields – use of Fields #2, #3, and #4	\$20.00

	managed and operated by City – fee per field per day for games sponsored by local organizations		
10.	Hackberry Park Ball Fields – use of fields managed and operated by City – fee per field per day for tournaments sponsored by local ‘club’ organizations		\$50.00
11.	Hackberry Park Ball Fields – use of fields managed and operated by City – fee per field per day for tournaments sponsored by non-local organizations		\$100.00
12.	Hackberry Park Ball Fields – use of fields managed and operated by City – fee per day for high school games		\$75.00
13.	Hackberry Park Concession Stand – use of concession stand Managed and operated by City – fee per day		\$25.00
14.	Aquatic Center Daily Admission:		
	Youth (3-17)		\$4.00
	Adults (18+)		\$6.00
	Seniors (55+)		\$4.00
	(Note: During evening hours, \$1 reduction. For groups of 15 or more, \$1 reduction.)		
15.	Aquatic Center Season Pass:	Civic Center Member	Non-Member
	Youth	\$50	\$80
	Adult	\$60	\$100
	Family	\$90	\$155
	(Note: 50% discount off rates after mid-season.)		
16.	Aquatic Center Babysitter Pass: (w/purchase of family or individual season pass)		\$30.00
17.	Aquatic Center Rental – fee per hour		
	Private “After Hours” Rental		\$125.00
	“Splash” Party		\$40.00
	Picnic Area Sunshade Reservation		\$10.00
18.	Private Swim Lessons – fee per student		\$10.00
19.	Personal Training – fee per client		\$10.00
20.	Senior Center – exclusive use for one day		\$100.00
	Senior Center – fee per hour for solicitation programs		\$10.00
21.	Civic Center:		
	Gymnasium – fee per hour		\$20.00
	Meeting Room – fee per hour		\$15.00
	Pool – fee per hour (for private rental)		\$30.00
	Pool – fee per swimmer (for parties)		\$2.00
	Pool – fee per athlete (for HS practices)		\$2.00
	Racquetball Courts – fee per hour		\$15.00
	Fitness Room – fee per hour		\$15.00
	After hours rental – fee per hour (added to above rates)		\$15.00
	Civic Center Complex – fee for exclusive use per hour		\$100.00
22.	Group Event Rentals	<u>Civic Center Member</u>	<u>Non-Member</u>
	Simple Event Package	\$110	\$125
	Super Event Package	\$125	\$150
23.	Civic Center Membership – fee per month	<u>Resident</u>	<u>Non-Resident</u>
	Family	\$41	\$44
	Single Parent Family	\$39	\$42
	Couple	\$36	\$39
	Individual (19+)	\$34	\$37

	Senior Couple (55+)	\$29	\$32
	Senior Single (55+)	\$24	\$27
	Youth (5-18)	\$23	\$26
24.	Civic Center Membership – Annual Rate (w/10% discount)		
		<u>Resident</u>	<u>Non-Resident</u>
	Family	\$443	\$476
	Single Parent Family	\$422	\$454
	Couple	\$389	\$422
	Individual (19+)	\$368	\$400
	Senior Couple (55+)	\$314	\$346
	Senior Single (55+)	\$260	\$292
	Youth (5-18)	\$249	\$281
25.	Civic Center Daily Fees:		
	Ages 7 & Under	\$3	
	Ages 8 – 18	\$5	
	Ages 19+	\$8.	
	Noon Hour (12 pm-1 pm, M-F)	\$4	
26.	Civic Center Punch Card (10 visits):	\$45	

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be November 1, 2018.”

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

Gibney reported the utilities intends to acquire easements for extension of natural gas mains around the City of Wahoo.

Ordinance No. 2289 was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO ACQUIRE AN INTEREST IN REAL ESTATE FOR PERMANENT UTILITIES EASEMENTS. The Mayor then instructed the Clerk to read Ordinance No. 2289 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2289 by title.

Council Member Lawver 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 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: Roll call vote: Lawver, yes; Krejci, yes; Rappl, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: Kavan. 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. 2289 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2289 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; Rappl, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: Kavan. 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.

Amendments to Municipal Code regarding the city administrator position and Board of Public Works, were discussed. Proposed ordinances and possible amendments were discussed.

Ordinance No. 2290 was introduced by Tyler entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND TITLE III: ADMINISTRATION, CHAPTER 31, PERTAINING TO CITY ADMINISTRATOR/CLERK/TREASURER POSITION. The Mayor then instructed the Clerk to read Ordinance No. 2290 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2290 by title.

Council Member Tyler moved that Ordinance No. 2290 be approved and passed on its first reading, 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: Tyler, yes; Lawver, yes; Krejci, no; Rappl, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Ordinance No. 2291 was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND TITLE III: ADMINISTRATION, CHAPTER 33, BOARDS, COMMISSIONS, AND COMMITTEES, IN PARTICULAR SECTION 33.07 PERTAINING TO THE BOARD OF PUBLIC WORKS. The Mayor then instructed the Clerk to read Ordinance No. 2291 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2291 by title.

Council Member Lawver moved that Ordinance No. 2291 be approved and passed on its first reading, and its title agreed to. Council Member Rappl 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; Rappl, yes; Dunbar, yes; Tyler, no; and Krejci, yes. Absent and not voting: Kavan. Motion carried.

No audience comments presented.

Motion by Lawver, seconded by Dunbar, to adjourn at 8:34 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor