

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, Chris Rappl. Absent Stuart Krejci and Kevin Dunbar.

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

1. Excused absence of Krejci and Dunbar
2. Minutes of September 13, 2018 work session and meeting of Council
3. Licenses: Plumber: Shelby Walter, OCB Plumbing. HVAC: Jim Caniglia, Caniglia Heating and A/C. Electrician: Steven Brase, Brase Electrical; Sean Mosher, Premier Electric, Inc.; Jeremy Hagan, Hagan Electric.

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

Eric Gottschalk presented information regarding management of Lake Wanahoo by the NRD, effective January 1, 2019.

The Street committee will meet October 16 at 6:00 p.m. The Design Standards committee met. Tyler reported on the Board of Public Works meeting.

The public hearing on application for amendment of zoning regulations regarding ground monument signs within the Gateway Corridor Overlay District was declared open by the Mayor at 7:11 p.m. Carrie Stevens of Saunders Medical Center discussed the request for amendment. Location of a Hospital sign south of the intersection, the existing pole sign, and alternatives for visibility/signage were discussed. Beavers stated the Planning Commission voted to not recommend the change as requested. Lausterer reported on the earlier request for variance. A motion was made by Kavan, seconded by Tyler, to close the public hearing at 7:22 p.m. Roll call vote: Kavan, yes; Tyler, yes; Rappl, yes; and Lawver, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Ordinance No. 2292 was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND ORDINANCE 1886, THE WAHOO ZONING ORDINANCE, SECTION 7.06.05 PERMITTED SIGNS AND LIMITATIONS, with the changes as submitted. The Mayor then instructed the Clerk to read Ordinance No. 2292 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2292 by title.

Council Member Lawver moved that Ordinance No. 2292 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; Kavan, no; Tyler, no; and Lindahl, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

The public hearing on adoption of new zoning map, including extending the extraterritorial jurisdiction of the City of Wahoo, and amending the Municipal Code was declared open by the Mayor at 7:28 p.m. Harrell reported this map incorporates changes adopted since the last zoning map and revises the one-mile extraterritorial jurisdiction slightly due to recent annexation. A motion was made by Lawver, seconded by Kavan, to close the public hearing at 7:30 p.m. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; and Rappl, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Ordinance No. 2293 was introduced by Kavan entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE WAHOO ZONING ORDINANCE, ARTICLE 3, SECTION 3.02.02 REGARDING THE OFFICIAL ZONING MAP. The Mayor then instructed the Clerk to read Ordinance No. 2293 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2293 by title.

Council Member Kavan moved that Ordinance No. 2293 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: Kavan, yes; Lawver, yes; Rappl, yes; and Tyler, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Kavan, seconded by Tyler, to approve Pay Application #4 for \$338,121.33 to M E Collins Contracting Co. Inc. for Chestnut Street Improvement Project. Roll call vote: Kavan, yes; Tyler, yes; Rappl, yes; Lawver, abstained. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Kavan, seconded by Rappl, to approve Change Order #1 and Change Order #2 for Chestnut Street Improvement Project. Roll call vote: Kavan, yes; Rappl, yes; Tyler, yes; and Lawver, abstained. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Kavan, seconded by Lawver, to authorize the building inspector to issue a building permit for JEO Consulting Group project within the Chestnut Street corridor district. Roll call vote: Kavan, yes; Lawver, yes; Rappl, yes; and Tyler, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Rappl, seconded by Lawver, to approve plans and specifications for improvements to storm water drainage at City Hall and the Fire Hall. Roll call vote: Rappl, yes; Lawver, yes; Kavan, yes; and Tyler, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Lawver, seconded by Kavan, to approve plans and specifications for improvements to storm water drainage at 7th and Broadway Streets. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; and Rappl, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Council Member Lawver introduced **Resolution No. 2018-31**, and moved for its 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 an intersection 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: no parking signs, be erected at the following location, all located in the City of Wahoo, Nebraska:

a. Along the west side of Pine Street between 12th Street and the driveway located directly south of 12th Street on the west side of Pine 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: Lawver, yes; Kavan, yes; Tyler, yes; Rappl, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Applications for renewal of garbage hauler licenses submitted by Waste Connections, Roadrunner Transportation, and S-2 Rolloffs were reviewed. Motion by Kavan, seconded by Lawver, to approve the three applications for renewal. Roll call vote: Kavan, yes; Lawver, yes; Rappl, yes; and Tyler, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Lawver reported the Design standards committee met and reviewed proposals submitted by two firms for development of design standards and policies for transportation corridors. Motion by Lawver, seconded by Kavan, to enter into a contract with Five Rule Rural Planning for development of design standards. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; and Rappl, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Kavan, seconded by Tyler, to authorize the Mayor to sign agreement between the City of Wahoo, Wahoo Library Foundation, and Wahoo Library Board regarding funding of library loan/rent payment. Roll call vote: Kavan, yes; Tyler, yes; Rappl, yes; and Lawver, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Lawver, seconded by Kavan, to approve Police Department purchase of a 2017 Ford Explorer from the Kansas Highway Patrol. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; and Rappl, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Lawver, seconded by Kavan, to approve filing of a special assessment for expense of abatement of nuisance totaling \$666.70 on E 64’ W 288’ S ½ Lot 2, and E 64’ W 88’ Lot 3, Block 4, Andrus Addition, known as 740 West 8th Street. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; and Rappl, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Tyler, seconded by Rappl, to authorize COLA of 2% affecting City of Wahoo pay scales for Regular Full Time and Regular Part Time employees (no change on Seasonal Part-time scale) and

placement of positions on pay scales, to become effective October 1, 2018. Roll call vote: Tyler, yes; Rappl, yes; Lawver, yes; and Kavan, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Kavan, seconded by Lawver, to approve revised City of Wahoo Anti-Drug Policy and Alcohol Misuse Policy as required under Pipeline and Hazardous Materials Safety Administration (PHMSA) and Substance Abuse and Alcohol Misuse Policy as required under Federal Motor Carrier Safety Administration (FMCSA). Roll call vote: Kavan, yes; Lawver, yes; Rappl, yes; and Tyler, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Discussion was held on possible disposal of property at C Street and South Elm Street, and whether this property might be of use to the Utilities Department. Motion by Tyler, seconded by Kavan, to table this matter until the next meeting. Roll call vote: Tyler, yes; Kavan, yes; Lawver, yes; and Rappl, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Kavan, seconded by Rappl, to approve the request by J & J LLC (Chip's Restaurant and Bar) for a Special Designated License for event on October 6, 2018. Roll call vote: Kavan, yes; Rappl, yes; Lawver, yes; and Tyler, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Motion by Lawver, seconded by Kavan, to authorize the Mayor to sign a triple net lease with Wahoo Public Building and Grounds for the West Service Center. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; and Rappl, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Amendments to Ordinance No. 2290 amending Municipal Code regarding the city administrator position were discussed. In addition to revised draft submitted for consideration, Tyler suggested removal of residency requirement. Motion by Lawver, seconded by Rappl, to approve the revisions submitted for Ordinance No. 2290. Roll call vote: Lawver, yes; Rappl, yes; Tyler, yes; and Kavan, yes. Absent and not voting: Krejci and Dunbar. Motion carried.

Additional discussion on employment agreements and mechanism for appointment/approval held.

Ordinance No. 2290 as amended was introduced by Lawver 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 Lawver moved that Ordinance No. 2290 be approved and passed on its second 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; Tyler, yes; and Kavan, no. Absent and not voting: Krejci and Dunbar. Motion carried.

Discussion was held of representation on Board of Public Works by at least one, but not more than two, members of the City Council, terms on the board, and replacement when a Council term ends.

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 second 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; Tyler, yes; and Kavan, no. Absent and not voting: Krejci and Dunbar. Motion carried.

No audience comments presented.

Motion by Kavan, seconded by Tyler, to adjourn at 8:20 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor