

**Council Chambers****Wahoo, Nebraska****April 11, 2019**

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 work session was called to order by Mayor Gerald D. Johnson at 6:30 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, Greg Kavan, Gerry Tyler, Stuart Krejci, Karen Boop, and Carl Warford.

Bobbi Pettit and Kevin Hittle of Five Rule presented the draft design standards document.

Motion by Kavan, seconded by Tyler to adjourn the work session at 7:00 p.m.

**Council Chambers****Wahoo, Nebraska****April 11, 2019**

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, Gerry Tyler, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

Proclamation by Mayor: Arbor Day, Friday, April 26, 2019

Motion by Kavan, seconded by Tyler, to approve the consent agenda:

1. Minutes of March 28, 2019 meeting of Council
2. Licenses: Plumbers: Jon Miller, JTM Plumbing, Gretna; Gerald Everly, Everly Plumbing & Heating, Fremont; Royce Stuchlik, RS Sprinklers, Wahoo. HVAC: Leo Costanzo, Controlled comfort, LaVista; Gerald Everly, Everly Plumbing & Heating, Fremont. Electrician: Ted Kayton, IES Commercial Inc., Houston TX; Daniel Reznicek, Reznicek Electric LLC, Ulysses; Thomas Wieduwilt, TW Electric, Omaha; Ed Warholoski, Bryant Air, Lincoln. Tree Contractors: Tim Mongar, Tim's Tree Service, Wahoo.

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

Department Head reports presented: Jansa reported continued work on potholes, alley improvements, street sweeping, and bridge inspection. Beavers reported three new house permits, and commercial construction progress. Ferrell reported call statistics, planning for a spring cleanup sweep, and information regarding business video monitoring. Anderson reported rescue statistics. Lawver reported Library activities. Harrell reported information is being collected for FEMA on bridge guardrail damage, overtime, and trail damage during recent flooding. Weekly meetings are being held with utility department heads. Harrell reported a proposal for phased remodel of city hall is being prepared.

The Street committee will be scheduling a meeting.

The Mayor opened public hearing at 7:17 p.m. on the application for a Class D License at 255 West 2<sup>nd</sup> Street, by Mekal Petroleum LLC d/b/a NP Mart 4. This is the former Wahoo One Stop, new owner is applying for a liquor license. No public comments offered.

Motion by Kavan, seconded by Lawver, to close the public hearing at 7:17 p.m. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Motion by Kavan, seconded by Tyler, to recommend approval of Class D License for NP Mart 4, Mekal Petroleum LLC, 255 West 2<sup>nd</sup> Street, Wahoo, as requested. Roll call vote: Kavan, yes; Tyler, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Jon Mooberry of JEO reported on bids received for the 2019 Asphalt Overlay Project. Low bid of \$257,920.10 was submitted by Cather and Sons of Lincoln. Overlay work on 15<sup>th</sup> Street, J Road, and 1<sup>st</sup> Street will be coordinated with other projects to minimize disruption of access around town. Motion by Krejci, seconded by Kavan, to accept the bid and enter into a contract with Cather and Sons for the completion of the 2019 Asphalt Overlay project, and authorize the Mayor to sign necessary documents. Roll call vote: Krejci, yes; Kavan, yes; Tyler, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Harrell reported an engineering agreement with JEO for preparation of plans and specifications for intersection and curb ramp improvements associated with the 2019 Asphalt Overlay Project is being prepared. Motion by Lawver, seconded by Tyler, to table this item. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Boop, yes; Warford, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Lausterer reported on possible vacation of 14<sup>th</sup> Street between Chestnut and Maple in the future, and a request by KSS Investments to use this area currently. Motion by Lawver, seconded by Tyler, to approve agreement between City of Wahoo and KSS Investments, LLC for the lease of 14<sup>th</sup> Street between Chestnut and Maple Street. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Boop, yes; Warford, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Request for new driveway access point at 1331 North Chestnut Street by KSS Investments was reviewed. Beavers noted the driveway would be affected/damaged by Chestnut Street improvements planned for later this year, and it is not clear how the additional driveway will affect the owner's ability to meet parking requirements for their use. The parking plan will need review by the Council when submitted. Lawver stated the property owner should be advised they would not be reimbursed for any damages to the new driveway during Chestnut construction and must meet parking requirements under zoning. Motion by Lawver, seconded by Krejci, to approve the additional driveway access at 1331 North Chestnut Street, and advising the owner of consequences of the Chestnut improvement project on that driveway. Roll call vote: Lawver, yes; Krejci, yes; Boop, yes; Warford, yes; Kavan, yes; and Tyler, no. Absent and not voting: none. Motion carried.

Conditional Use Permit for assisted living facility for Liberty House, 1145 North Laurel Street, was reviewed, and reports were discussed. Review of the permit in one year was recommended.

**Ordinance No. 2306** entitled: AN ORDINANCE AMEND THE ZONING MAP OF THE CITY OF WAHOO, NEBRASKA BY EXTENDING A CONDITIONAL USE PERMIT FOR ASSISTED LIVING FACILITY ON LOTS 1, 2 AND EAST HALF OF VACATED OAK ST ADJACENT TO BLK 13, ALL IN BLK 13, DICKINSON'S SECOND ADDITION TO WAHOO, AND LOTS 1 AND 2, BLK 1 IN ANDRUS ADDITION OF SUBURBAN LOTS TO CITY OF WAHOO, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2306 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2306 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; Boop, yes; Warford, yes; Kavan, yes; and Tyler, 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. 2306 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2306 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: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Tyler, 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 Lawver, seconded by Warford, to approve Pay Application No. 9 to Buckmaster Construction in the amount of \$72,029.18 for Hackberry Park Improvements. Roll call vote: Lawver, yes; Warford, yes; Boop, yes; Krejci, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Request for installation of a handicapped parking stall at 6<sup>th</sup> and Broadway Streets was reviewed.

Council member Kavan introduced the following resolution, **Resolution 2019-05**, to approve installation of a handicapped parking stall at 6<sup>th</sup> and Broadway Streets, and moved for its approval, seconded by Tyler,

“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 one (1) handicapped parking stall on the south side of 6th Street between Broadway Street and Linden Street, located within the corporate limits of the City of Wahoo, Nebraska,

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: one (1) handicapped parking sign to be erected along the street right-of-way on the south side of 6th Street between Broadway Street and Linden Street to provide one (1) handicapped parking stall for customers of the businesses on the north and south sides of 6<sup>th</sup> Street between Broadway Street and Linden Street which are authorized users of handicapped parking stalls.

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, by the City of Wahoo, Nebraska, at which time, this Resolution shall be of no force and effect.”

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

Motion by Kavan, seconded by Warford, to approve interlocal agreement with various communities to provide mosquito spraying, with a \$5 increase in rates per application. Roll call vote: Kavan, yes; Warford, yes; Boop, yes; Krejci, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Second reading of Ordinance No. 2305, regarding animals/pets was discussed. Limits of three animals of any species, total of eight, was discussed. Marilyn Fenton asked about licensing of more than three animals, if you currently have more.

**Ordinance No. 2305** was introduced for second reading by Lawver, entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND TITLE IX: GENERAL REGULATIONS, CHAPTER 96: ANIMALS. The Mayor then instructed the Clerk to read Ordinance No. 2305 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2305 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 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, no; Tyler, 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. 2305 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2305 be approved and passed and its title agreed to. Council Member Warford 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; Warford, yes; Boop, yes; Krejci, yes; Tyler, yes; and Kavan, 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.

Council members reviewed materials regarding keeping of fowl and discussed possible regulations. Motion by Lawver, seconded by Kavan, to authorize staff to draft an ordinance to allow fowl and establish procedures. Roll call vote: Lawver, yes; Kavan, yes; Tyler, no; Krejci, no; Boop, no; and Warford, no. Motion failed.

Harrell reported the Owner Occupied Housing Rehab Grant through SENDD is limited to sixteen projects within Saunders County. Ceresco has committed matching funds for three projects, and SENDD is waiting for commitments from other communities. Estimated amount of match per project was determined to be \$3,150. Council members discussed committing for the maximum number of available projects, after Ceresco, Ashland and Yutan determine their commitments, so no opportunities are lost. Wahoo residents have submitted sixteen pre-applications. Motion by Tyler, seconded by Warford, that Wahoo submit a letter of financial commitment for the number of available projects remaining, up to thirteen projects. Roll call vote: Tyler, yes; Warford, yes; Boop, yes; Krejci, yes; Kavan, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Andrea Brooks addressed the Council asking about the City's mission statement and established goals. Lawver stated tools like the comprehensive plan, zoning, parks plan, and design standards, are used to plan for the future, to create a rounded, balanced community.

Motion by Lawver, seconded by Kavan, to adjourn at 8:05 p.m.

Approved:

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Lucinda Morrow, Clerk

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Gerald D. Johnson, Mayor