

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.

Tyler reported the Board of Public Works recommended the appointment of Ryan Hurst as Utilities General Manager, and discussed policies of use of the water tower for antennae. The Mayor reported there has been interest in the Council seat and positions on other boards.

Harrell reported the adjoining property owner has filed a waiver of damages for vacation of 14<sup>th</sup> Street between Chestnut and Maple Streets, and this will be on the next agenda. Staff has been researching records on Hickory Street south of 8<sup>th</sup> Street, and ownership is unclear at this time. Lausterer stated a utility easement should be recorded, while options are evaluated.

Motion by Lawver, seconded by Kavan, to approve the consent agenda items: 1) Minutes of 5/9/19 meeting of Council; 2) Minutes of 5/2/19 meeting of Planning Commission; 3) Minutes of 5/14/19 meeting of Library Board. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Motion by Lawver, seconded by Tyler, to approve the Mayor's appointment, as recommended by the Board of Public Works, of Ryan Hurst as Utilities General Manager. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Boop, yes; Warford, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Public Hearing opened at 7:11 p.m. on amendment of Ordinance No. 1886, the Wahoo Zoning Ordinance, by adoption of Design Standards for properties located along designated transportation corridors within the Wahoo Zoning jurisdiction. No public comments were offered. Motion by Kavan, seconded by Lawver, to close the public hearing at 7:12 p.m. Roll call vote: Kavan, yes; Lawver, yes; Warford, yes; Boop, yes; Krejci, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Bobbi Pettit of Five Rule Rural Planning and Kevin Hittle of SSH Architecture discussed the design standards document, the scoring sheet, and consulting with Hittle to confirm scoring of new projects. Application for a new building permit or renovation or remodel of more than 50% value of an existing structure would trigger the use of design standards. A pre-application meeting with staff is a requirement. Council members discussed evaluating how this system works after one year in practice.

**Ordinance No. 2307** entitled: AN ORDINANCE TO AMEND THE WAHOO MUNICIPAL CODE, TITLE XV: LAND USAGE, CHAPTER 151, TO ADOPT BY REFERENCE TRANSPORTATION CORRIDOR DESIGN STANDARDS, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2307 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2307 by title.

Council Member Tyler 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: Tyler, yes; Warford, yes; Lawver, yes; Kavan, yes; Krejci, yes; and Boop, 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. 2307 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2307 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; Tyler, yes; Warford, yes; Boop, yes; and Krejci, 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.

Public Hearing opened at 7:35 p.m. on amendment of Ordinance No. 1886, the Wahoo Zoning Ordinance, to establish designated transportation corridors with the Wahoo Zoning Jurisdiction which are subject to established Design Standards, and references thereto. No public comments were offered. Motion by Lawver, seconded by Kavan, to close the public hearing at 7:36 p.m. Roll call vote:

**Ordinance No. 2308** entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1886, THE WAHOO ZONING ORDINANCE, BY REFERENCE TO DESIGN STANDARDS AND CREATION OF THE TRANSPORTATION CORRIDOR OVERLAY DISTRICT (TCD) AND REFERENCES THERETO, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2308 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2308 by title.

Council Member Warford 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 Lawver 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: Warford, yes; Lawver, yes; Kavan, yes; Tyler, yes; Boop, yes; and Krejci, 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. 2308 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2308 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: Lawver, yes; Kavan, yes; Warford, yes; Boop, yes; Krejci, 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.

Public Hearing opened at 7:38 p.m. on request to amend Ordinance No. 1886, the Wahoo Zoning Ordinance, section 5.12, conditional uses in C-1 Downtown Commercial Zoning District to include light auto body repair and paint, excluding heavy trucks and machinery, as requested by Ahern Woita. No public comments offered. Motion by Kavan, seconded by Lawver, to close the public hearing at 7:38 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.

Beavers reported Woita currently operates his business as a non-conforming use, received a conditional use permit allowing expansion of the non-conforming use previously. However, if the building was destroyed, under currently regulations they would not be able to rebuild in that location.

**Ordinance No. 2309** entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1886, THE WAHOO ZONING ORDINANCE, SECTION 5.12.03 C-1 DOWNTOWN COMMERCIAL ZONING DISTRICT, BY ADDITION OF LIGHT AUTO BODY REPAIR AND PAINT, EXCLUDING HEAVY TRUCKS AND MACHINERY, AS A CONDITIONAL USE, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2309 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2309 by title.

Council Member Warford 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 Lawver 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: Warford, yes; Lawver, yes; Kavan, yes; Tyler, no; Krejci, yes; and Boop, 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. 2309 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2309 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, no; 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.

Public Hearing opened at 7:46 p.m. on request to amend Ordinance No. 1886, the Wahoo Zoning Ordinance, Section 7.06 Sign Regulations regarding pole signs within the NRC – Neighborhood Residential Commercial Zoning District, as filed by Dan Fagervik of Sid Dillon Ford. Dan Fagervik addressed the Council stating their business would like to bring in a pole sign, that Ford prefers a pylon-type sign. Connie and Daryl Luers spoke in favor of allowing a pole sign for Sid Dillon. Existing pole signs in the NRC district were discussed; Beavers stated no changes to an existing non-conforming sign pole or cabinet can be made, other than regular maintenance or changing the face within the cabinet, otherwise the sign would need to be removed. Tyler noted the existing regulations were drafted after much thought and public input in conjunction with the Comprehensive Plan. Tracy Pfligler asked how long the business intended to stay at that location; Fagervik stated two to three years. Zoning districts, speed limits, and other types of allowed signs were discussed. Motion by Lawver, seconded by Kavan, to close the public hearing at 8:13 p.m. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

It was noted the Planning Commission did not recommend amendment of the sign regulations to permit pole signs in the NRC district.

Motion by Kavan, seconded by Lawver, to not approve amendment of the Zoning Regulations to allow pole signs in NRC District. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Boop, yes; and Warford, yes. Motion carried.

Public Hearing opened at 8:18 p.m. on request to expand Conditional Use Permit to add a meat processing area and freezer storage room to the existing Wahoo Locker facility on Lots 1-3 and 10-12, Block 152, County Addition to Wahoo, as filed by Charlie Emswiler, in C-1 - Downtown Commercial Zoning District. No public comments. Motion by Kavan, seconded by Warford, to close the public hearing at 8:18 p.m. Roll call vote: Kavan, yes; Warford, yes; Boop, yes; Krejci, yes; Tyler, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Beavers explained the plans for expansion that were submitted. Council members discussed the grease trap located in revocable easement, and requested the owner develop a plan of what would be done to relocate the equipment, if the easement is revoked.

**Ordinance No. 2310** entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP PERTAINING TO LOTS 1-3 AND 10-12, BLOCK 152, COUNTY ADDITION, BY ALLOWING EXPANSION OF A CONDITIONAL USE LISTED UNDER C-1 ZONING, FOOD STORAGE LOCKERS INCLUDING PROCESSING, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2310 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2310 by title.

Council Member Kavan moved that Ordinance No. 2310 be approved on its first reading, 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: Kavan, yes; Warford, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Public Hearing opened at 8:34 p.m. on application for Final Plat for Toivo Development, a subdivision in the W ½ of the SE ¼ of Section 4, Township 14 North, Range 7 East of the 6<sup>th</sup> P.M. This is a replat of

property formerly the west mobile home park. No public comments offered. Motion by Lawver, seconded by Kavan, to close the public hearing at 8:34 p.m. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Beavers discussed the planned townhome development, with access by a private road off 5<sup>th</sup> Street. Motion by Lawver, seconded by Kavan, to approve the Final Plat for Toivo Development, a replat of a parcel in the W ½ of the SE ¼ of Section 4, Township 14 North, Range 7 East of the 6<sup>th</sup> P.M. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Warford, yes; Boop, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Motion by Krejci, seconded by Lawver, to approve Agreement with Thiele Geotech to provide material testing for the 2019 Asphalt Overlay project. Roll call vote: Krejci, yes; Lawver, yes; Kavan, yes; Tyler, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Motion by Warford seconded by Krejci, to approve Pay Application No. 11 to M E Collins Contracting Inc. for \$111,620.25 for the Chestnut Street project. Roll call vote: Warford, yes; Krejci, yes; Boop, yes; Lawver, abstained; Kavan, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Tyler will be absent from the June 13, 2019 meeting.

Motion by Lawver, seconded by Kavan, to adjourn at 8:40 p.m.

Approved:

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Lucinda Morrow, Clerk

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Gerald D. Johnson, Mayor