

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.

Gerry Tyler was recognized for his 12 years of service on the Council.

Lawver reported the General committee met. Kavan reported the Board of Public Works met, with the new utility manager, Ryan Hurst, present. Krejci reported Finance committee will be holding budget meetings with department heads.

Deb Wilcox of Saunders County Lost Pets reported on dog park plans for 15th & Hackberry and fundraising efforts. Due to flooding issues, the location was moved. Parking, security, maintenance, and groundwater protection were discussed. Motion was made by Lawver, seconded by Kavan, to have staff proceed with plans to develop the dog park at that location.

A motion was made by Kavan, seconded by Krejci, to approve the consent agenda:

- 1) Minutes of the June 13, 2019 meeting of Mayor and Council
- 2) Minutes of the June 10, 2019 Planning Commission meeting
- 3) Appointment of Tyler as at-large member of the Board of Public Works and Kavan as Council representative to Board of Public Works
- 4) Change of Police Officer job description

Public Hearing opened at 7:16 p.m. on proposed amendment of Ordinance No. 1886, the Wahoo Zoning Ordinance, to amend animal units and definitions related to animals, household pets, and kennels. Lausterer reported this amendment eliminates conflict between language in the zoning regulations and municipal code. No public comments. Motion by Kavan, seconded by Tyler, to close the public hearing at 7:17 p.m. Roll call vote: Kavan, yes; Tyler, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2314 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1886, THE WAHOO ZONING ORDINANCE, TO AMEND ANIMAL UNITS AND ASSOCIATED DEFINITIONS, was introduced by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2314 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2314 by title.

Council Member Lawver moved that the statutory rules in regarding 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, yes; 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. 2314 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2314 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: Krejci, yes; Kavan, yes; Lawver, yes; Warford, yes; Boop, 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 7:20 p.m. on proposed amendment of Ordinance No. 1886, the Wahoo Zoning Ordinance, to amend Section 5.11 by addition of Child Care Center as a permitted use in NRC – Neighborhood Residential Commercial Zoning District. Liz Lacy reported on their proposed use of a particular property within NRC as a child care center. It was noted that Family Child Care Home II is currently a conditional use within NRC district, and the Planning Commission recommended approval of the addition of Child Care Center as a conditional use, rather than a permitted use, which would allow review on a case-by-case basis. Motion by Lawver, seconded by Kavan, to close the public hearing at 7:33 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.

Ordinance No. 2315 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1886, THE WAHOO ZONING ORDINANCE, TO AMEND SECTION 5.11.3 BY ADDITION OF CHILD CARE CENTER AS A CONDITIONAL USE IN NRC ZONING DISTRICT, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2315 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2315 by title.

Council Member Tyler moved that the statutory rules in regarding 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: Tyler, yes; Lawver, yes; Warford, yes; Boop, yes; Krejci, 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. 2315 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2315 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.

A motion was made by Kavan, seconded by Krejci to approve Change Order No. 8 for Chestnut Street improvement project. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Tyler, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

A motion was made by Kavan, seconded by Krejci, to approve Pay Application No. 12 to M E Collins for \$22,422.01 for Chestnut Street improvement project. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Tyler, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

Lausterer reported the proposed replat will revise the 100-foot building setback line originally platted to 25 feet, consistent with building regulations. A motion was made by Lawver, seconded by Warford, to waive separate submission of preliminary and final plats for the proposed replat of Lot 1, Country Club Acres. 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 revocable encroachment easement for an existing sign in the right-of-way, and background of the placement of the sign was reviewed. The Council previously approved preparation of the easement, and legal description of the encroachment has been submitted.

Ordinance No. 2316 entitled: AN ORDINANCE TO GRANT A REVOCABLE ENCROACHMENT EASEMENT SUBJECT TO CONDITIONS, FOR A SIGN IN RIGHT-OF-WAY IN BLOCK 170, SECOND COUNTY ADDITION, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2316 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2316 by title.

Council Member Lawver moved that the statutory rules in regarding 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 Kavan 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; Kavan, yes; Tyler, yes; Krejci, yes; Boop, yes; and Warford, 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. 2316 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2316 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; Boop, yes; Warford, yes; Kavan, 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.

Request for a revocable encroachment easement for a new sign to be located within the right-of-way at 911 North Linden Street was discussed. A verbal request for placement of sign within the right-of-way was made, which was denied by the Building Inspector. A request to place this on the Council agenda was filed by Ken Houfek. A motion was made by Kavan, seconded by Boop, to not approve the request for encroachment easement to erect a sign to be located within the right-of-way at 911 N Linden Street. Roll call vote: Kavan, yes; Boop, yes; Warford, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Terry Bullock explained the request to replace a section of downtown sidewalk to remove a step into the business at 140 East 5th Street, and construct a slope to provide handicapped accessibility. Beavers reviewed ADA regulations affecting this project. Motion by Lawver, seconded by Warford, to approve removal and replacement of a portion of public walkway at 140 East 5th St to achieve zero entrance.

The Mayor stated the order of the last two agenda items would be reversed.

Oath of Office was administered to Patrick Nagle and he took his place at the Council table. Gerry Tyler was excused. The Mayor appointed Nagle to the Street and Sanitation committee and General committee.

A motion was made by Kavan, seconded by Lawver, to enter into closed session for protection of public interest to discuss contract negotiation. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Boop, yes; and Warford, no. Motion carried. Following the vote, the Mayor announced the Council would be entering into closed session to discuss a contract with Wahoo Rural Fire Dist. at 8:02 p.m.

A motion was made by Lawver, seconded by Kavan, to return to regular session at 8:54 p.m.

The Mayor reported he asked the Planning Commission to look at planting trees in the downtown area. The Board of Adjustment denied a request for a pole sign. The Mayor also asked the Planning Commission to look at rezoning an area.

A motion was made by Lawver, seconded by Warford, to adjourn at 9:06 p.m.

Approved:

Lucinda Morrow, Clerk

Gerald D. Johnson, Mayor