

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, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

Council Committee reports: Kavan reported Board of Public Works met. Krejci reported the Finance Committee has met with departments. Harrell reported the grant request spearheaded by Ashland for affordable housing funds has been approved. Wahoo is allotted funding for five improvement projects. Applicants have an additional application/screening process to determine which projects will be funded out of the 20 initial applications. There may be future funding through CDBG for additional projects.

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

- 1) Minutes of the July 11, 2019 meeting of Mayor and Council
- 2) Acceptance of the minutes of the July 2, 2019 Planning Commission meeting
- 3) Acceptance of the minutes of July 25, 2019 Board of Adjustment meeting

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

Public hearing opened at 7:05 p.m. on application for Conditional Use Permit in NRC – Neighborhood Residential Commercial Zoning District for operation of a Child Care Center on property described as Lot 1, Falke’s Subdivision Replat Wahoo, commonly known as 754 West 9th Street, as filed by Coleman, LLC. Scott Tingelhoff spoke in favor of the use, explaining licensing for the operation at that location. No public comments. Motion by Kavan, seconded by Krejci, to close the public hearing at 7:06 p.m. Roll call vote: Kavan, yes; Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried. Conditions for operation, parking, and review in one year were discussed.

Ordinance No. 2318 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1886, THE WAHOO ZONING ORDINANCE, GRANTING A CONDITIONAL USE PERMIT IN NRC ZONING DISTRICT FOR OPERATION OF A CHILD CARE CENTER, was introduced by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2318 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2318 by title.

Council Member Kavan 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 Nagle 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: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, 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. 2318 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2318 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: Krejci, yes; Lawver, yes; Kavan, yes; Nagle, yes; Boop, yes; and Warford, 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 7:09 p.m. on proposed amendment of the official Wahoo Zoning Map. It was noted adoption of the Design Standards modified the overlay districts existing on the zoning map; there have been zoning changes made to properties since the previous map was adopted in October, 2018. There is a desire to cede jurisdiction over a portion of DR Ranches subdivision to Saunders County, to provide consistency in regulations for the subdivision, since this subdivision was established under County zoning jurisdiction. Lausterer will research this issue to determine if this can be done. It was noted there is a property owner in that area proposing a project. The property was originally under County regulations; under City zoning the proposed project would not be permitted, but would be acceptable under County regulations.

Motion by Lawver, seconded by Kavan, to close the public hearing at 7:12 p.m. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried. Reference to change in extraterritorial jurisdiction will be removed; proposed ordinance will refer to overlay districts adopted through the Design Standards, and other changes in zoning adopted since the last map.

Ordinance No. 2319 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1886, THE WAHOO ZONING ORDINANCE, TO AMEND SECTION 3.02.02 PERTAINING TO THE OFFICIAL ZONING MAP, TO PROVIDE FOR THE LATEST REVISION THEREOF, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2319 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2319 by title.

Council Member Kavan moved that the statutory rules 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 Nagle 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: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, 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. 2319 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2319 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 Nagle, 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 on application for Final Plat for replat of Lot 1, Country Club Acres Subdivision to Wahoo opened at 7:18 p.m. Matt Coakley appeared to request the change. No public comments. Motion by Kavan, seconded by Lawver, to close the public hearing at 7:18 p.m. Roll call vote: Kavan, yes; Lawver, yes; Krejci, yes; Boop, yes; Warford, yes, and Nagle, yes. Absent and not voting: none. Motion carried.

Motion by Krejci, seconded by Kavan, to approve the Final Plat as submitted. Roll call vote: Krejci, yes; Kavan, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

A motion was made by Kavan, seconded by Krejci to approve Change Order No. 9 for Chestnut Street improvement project. Roll call vote: Kavan, yes; Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

A motion was made by Krejci, seconded by Warford, to approve Pay Application No. 13 to M E Collins for \$89,590.12 (\$80,716.80 city share) for Chestnut Street improvement project. Roll call vote: Krejci, yes; Warford, yes; Boop, yes; Nagle, yes; Kavan, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

Harrell reported a letter received from Casey's regarding completion date of improvements for their building project. Motion by Kavan, seconded by Lawver, to accept letter from Casey's regarding dates in Dry Run Subdivision Agreement and associated improvement agreement, to extend the date of completion of the improvements to mid-December. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Warford, yes; Boop, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Stanley Daniels of North River Auto, LLC, appeared to answer questions regarding the Conditional Use Permit for auto sales at 1159 N Chestnut Street. Conditions for operation and review in one year were discussed.

Ordinance No. 2317 entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, AND ORDINANCE NO. 2280, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: THE EAST 80.51 FEET OF LOT 9, EXCEPT THE NORTH 5.0 FEET THEREOF, THE EAST 80.51 FEET OF LOT 10 AND THE EAST 80.51 FEET OF THE NORTH 23.79 FEET OF LOT 11, BLOCK 3, FAIRVIEW ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, SUBJECT TO EASEMENTS OF RECORD, BY EXTENDING THE CONDITIONAL USE PERMIT TO ALLOW THEREON A PERMITTED CONDITIONAL USE, THAT BEING AUTOMOBILE SALES, AS ALLOWED BY PERMITTED CONDITIONAL USES LISTED UNDER NRC-NEIGHBORHOOD RESIDENTIAL COMMERCIAL ZONING DISTRICT OF WAHOO ZONING REGULATIONS SECTION 5.11.03, was introduced by

Warford for its second reading.

Council Member Warford 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: Warford, yes; Kavan, yes; Lawver, yes; Nagle, 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. 2317 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2317 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: Warford, yes; Kavan, yes; Lawver, yes; Nagle, yes; Krejci, yes; and Boop, 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 approval to make direct connection with storm sewer for drainage of property located at 205 West 5th Street was discussed. No objection by street department or staff.

Motion by Lawver, seconded by Nagle, to approve direct connection to storm sewer by owner of 205 West 5th Street. Roll call vote: Lawver, yes; Nagle, yes; Krejci, yes; Kavan, yes; Warford, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Request to replace the front entry/sidewalk at 535 N Linden Street, to achieve zero entry accessibility was reviewed. The property is under new ownership, planning a t-shirt printing shop/retail sales. Motion by Kavan, seconded by Krejci, to approve request to replace downtown sidewalk to achieve zero entry at 535 N Linden Street. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Further discussion was held regarding trees in the downtown street right-of-way. The Mayor reported he and Stuhr met with a state forester regarding possible tree planting in the bump-outs downtown. Concerns noted by the forester were not enough surface area or quality of soil to support a tree currently, bricks and gravel fill would need to be removed; unknown infrastructure underground which could be affected by tree roots, and possible damage to sidewalk. Time was spent discussing downtown beautification ideas (plantings, benches, awnings, art, etc.), who decides what will be done, who will pay and how (the City/taxpayers, Chamber members, adjoining businesses, assessments or possible occupation tax), and who is responsible for maintenance and liability. The Mayor will continue discussion with Wahoo State Bank.

Lausterer reported the revised interlocal agreement with the City of Wahoo and Wahoo Rural Fire Board, with Exhibits A and B, was submitted to Jim Egr for review. Harrell noted that the inventory/equipment lists are updated by WVFD volunteers regularly, and kept in a book for each piece of equipment, in order to ensure all equipment is maintained and ready for use at all times. Lausterer will report when a response from the Rural Board is received.

Lesley Maly addressed the Council, stating Maly's Landing is considering sponsoring a street dance. She was referred to obtain a packet for an event permit from the office.

Harrell reported a special work session on the annual budget will be held on September 12, 2019. The public hearings will include the annual budget, setting the levy, and the one and six-year road plan, due to statute changes.

Lawver reported he has noticed a lot of tree limbs hanging low over the streets which interfere with larger vehicles. Warford agreed this is an issue with fire equipment.

A motion was made by Lawver, seconded by Warford to adjourn at 8:03 p.m.

Approved:

Lucinda J. Morrow, Clerk

Gerald D. Johnson, Mayor