

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, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. Absent: Greg Kavan.

The Mayor recognized Lisa Brichacek with the Wahoo Newspaper for her years of service to the community, and thanked her for her coverage of city meetings and activities.

Krejci reported the finance committee has been meeting in preparation for the budget hearing. Lawver reported the Street committee met. Harrell reported the Board of Public Works discussed progress on Chestnut Street project and Dry Run; an agreement has been reached with Rise Broadband for maintenance of their antenna on the water tower; uniforms policy and FR uniforms for certain departments are being evaluated. Harrell reported upcoming public meetings regarding an update of the Hazard Mitigation plan in conjunction with the NRD. This plan is to be re-evaluated every five years. A CDBG grant application is due for additional housing rehab funding; Harrell asked for guidance on what the Council would be willing to commit from Keno funds for the required match.

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

- 1) Excused absence of Kavan
- 2) Minutes of the August 8, 2019 meeting of Mayor and Council
- 2) Approval of membership with SENDD and SENDD Housing for 7/1/2019-6/30/2020

Roll call vote: Lawver, yes; Warford, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: Kavan. Motion carried.

The Mayor opened public hearing at 7:12 p.m. on application for Conditional Use Permit to erect a center identification sign in the I-2 Heavy Industrial Zoning District, on property described as a tract in the SW ¼ 26-15-7, except the 31st Street and Airport Road ROWS (118.7 acres) commonly known as 1464 East 34th Street, as filed by Wahoo Municipal Airport. Jason Gabel with Sandhills Aviation reported on the sign planned, which will identify the Wahoo airport and businesses located there. Beavers reported this sign will meet requirements as to setbacks and size. No public comments. Motion by Warford, seconded by Lawver, to close the public hearing at 7:17 p.m. Roll call vote: Absent and not voting: Kavan. Motion carried.

Ordinance No. 2320 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, AN ON-PREMISES CENTER IDENTIFICATION SIGN IN I-2 ZONE, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2320 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2320 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; and Nagle, yes. Absent and not voting: Kavan. 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. 2320 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2320 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; and Nagle, yes. Absent and not voting: Kavan. 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.

The Mayor opened public hearing at 7:19 p.m. on amendment of the Ord. No. 1886, the Wahoo Zoning Ordinance by amending regulations regarding signs within the designated Transportation Corridor Overlay Districts. This would coordinate the Zoning Regulations and the newly-adopted Design Standards, and state that pole signs are prohibited within areas A and B of the corridor overlay. Dan Fagervik of Sid Dillon addressed the Council. Beavers and Harrell noted sign regulations have been reviewed extensively over the years by the Planning Commission, and at public meetings held for the Comprehensive Plan revision two years ago and during Design Standards meetings. The common theme was concern about appearance, and led to restrictions on pole signs, which have been in effect many years. Council members discussed further review of the sign regulations. Motion by Lawver, seconded by Warford, to close the public hearing at 7:50 p.m. Roll call vote: Lawver, yes; Warford, yes; Boop, yes; Krejci, yes; and Nagle, yes. Absent and not voting: Kavan. Motion carried.

Ordinance No. 2321 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1886, THE WAHOO ZONING ORDINANCE, BY AMENDMENT OF ARTICLE 7, SIGNS, SECTIONS 7.06, 7.07 AND 7.08 REGARDING SIGNS IN THE TRANSPORTATION CORRIDOR OVERLAY DISTRICT, was introduced by Lawver for its first reading. The Mayor then instructed the Clerk to read Ordinance No. 2321 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2321 by title.

Council Member Lawver moved that Ordinance No. 2321 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, no; Warford, no; Nagle, no; and Boop, no. Absent and not voting: Kavan. Motion failed.

Jon Mooberry of JEO Consulting Group discussed the street lighting project. Motion by Warford, seconded by Krejci, to approve the agreement with JEO Consulting Group to provide design services for street lighting on Chestnut Street from 15th Street north to the Hwy 77/92 Expressway. Roll call vote: Warford, yes; Krejci, yes; Boop, yes; Lawver, yes; and Nagle, yes. Absent and not voting: Kavan. Motion carried.

Motion by Warford, seconded by Krejci, to approve Pay Application #14 to M E Collins Contracting Company for \$193,981.31 for Chestnut Street Improvements. Roll call vote: Warford, yes; Krejci, yes; Nagle, yes; Boop, yes; and Lawver, abstained. Absent and not voting: Kavan. Motion carried.

Don Knuth explained the plans for alley improvement by the United Methodist Church, 714 N Beech, to improve the alley and add handicapped parking spaces. Beavers stated the church owns property on both sides of the alley, and intend to improve half of the alley; since this is work in the public right-of-way it requires approval. Harrell noted standards for paving the alley would need to be met, and any underground infrastructure should be reviewed/repared prior to pouring concrete. Motion by Lawver, seconded by Warford, to approve the alley improvements proposed by the United Methodist Church, subject to City and Utility review of infrastructure and utilities affected, and staff approval of plans. Roll call vote: Lawver, yes; Warford, yes; Boop, yes; Krejci, yes; and Nagle, yes. Absent and not voting: Kavan. Motion carried.

Harrell recommended participation in LARM with a three-year commitment. Wahoo has participated in LARM since 2004. She reported changes in rates and deductibles. Krejci stated the Finance Committee is comfortable with the changes.

Resolution No. 2019-08 was introduced by Warford, who moved for approval, seconded by Krejci,

“WHEREAS, the City of Wahoo is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of The City of Wahoo, Nebraska, in consideration of the contribution credits provided under the LARM Board’s plan, agrees to:

Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2022. (180 day and 3 year commitment; 5% discount)”

Roll call vote: Warford, yes; Krejci, yes; Lawver, yes; Nagle, yes; and Boop, yes. Absent and not voting: Kavan. Motion carried.

Harrell reported the Street Committee reviewed the placement of No Parking signs along the south side of 8th Street from Hackberry Street to Hickory Street.

Resolution No. 2019-09 was introduced by Warford, who moved for approval, seconded by Nagle:

“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 prohibiting parking at certain locations 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 or more no parking signs, be erected at the following locations, all located in the City of Wahoo, Nebraska:

the South side of 8th Street from Hackberry Street to Hickory 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, by the City of Wahoo, Nebraska, at which time, this Resolution shall be of no force and effect.”

Roll call vote: Warford, yes; Nagle, yes; Krejci, yes; Boop, yes; Lawver, yes. Absent and not voting: Kavan. Motion carried.

This request was reviewed by the Street committee, and their recommendation was to place No Parking signs along the west side, which would leave more available parking spaces. Jacquie Stuchlik discussed parking issues along Laurel Avenue and the letter submitted by neighbors, and stated they would like to see parking prohibited on the east side of Laurel Avenue.

Resolution No. 2019-10 was introduced by Lawver, who moved for approval, seconded by Krejci:

“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 prohibiting parking at certain locations 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 or more no parking signs, be erected at the following locations, all located in the City of Wahoo, Nebraska:

the east side of Laurel Avenue from 6th Street, north to the south side of the cul-de-sac

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: Lawver, yes; Krejci, yes; Boop, yes; Warford, yes; and Nagle, yes. Absent and not voting: Kavan. Motion carried.

Harrell discussed whether the Council wished to proceed to vacate right-of-ways in the area of the west service center. A motion was made by Lawver for staff to proceed with process for vacation of right-of-way of Walnut Street adjacent to Blocks 37 and 38, South Wahoo Addition, south of the alley, and vacation of the alley in Block 37, South Wahoo Addition, while retaining ownership and utility easements. Motion seconded by Nagle. Roll call vote: Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes, and Warford, yes. Absent and not voting: Kavan. Motion carried. Staff will begin the notice process and proceed with vacating.

The Mayor reported staff met with Wahoo Rural Fire Board representatives at the Fire Hall two weeks ago. Lausterer reported the attorney for the Rural Board has not communicated any concerns with the

proposed agreement. Motion was made by Krejci, seconded by Lawver, to authorize the Mayor to sign the Interlocal Agreements with the Wahoo Rural Fire Board for fire services and EMS services. Roll call vote: Krejci, yes; Lawver, yes; Boop, yes; Nagle, yes; and Warford, abstained. Absent and not voting: Kavan. Motion carried.

The Mayor reported he will be absent from the meeting on September 26, 2019. The Budget work session and hearing will be September 12, 2019.

A motion was made by Lawver, seconded by Nagle to adjourn at 8:40 p.m.

Approved:

Lucinda J. Morrow, Clerk

Gerald D. Johnson, Mayor