

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

Department Head written reports presented. Denise Lawver reported on the Christmas sale and planned activities during school break. Ferrell reported on increased activity for the year. Harrell reported work with FEMA on bridge and trail repairs, and upcoming walk through for street lighting on Chestnut, and Chestnut construction finishing for the winter. Drainage improvements around the Fire Hall and City Hall are in progress. Lausterer reported he is working on regulations of "kratom" for council consideration, as a number of states have banned this substance. He is also looking into an ordinance on vaping in public places. The Board of Public Works met, and approved the budget. Harrell stated the General Committee will be asked to meet with Beavers.

The Mayor stated the ordinance setting salaries will be postponed to the next meeting, and the public hearing on the Board of Public Works budget will be held later in this meeting, when Hurst will be present. The Mayor stated there would be no changes in appointments to Council and Special committees.

A motion was made by Kavan, seconded by Boop, to nominate Stuart Krejci as President of the Council. No further nominations offered. Roll call vote: Kavan, yes; Boop, yes; Warford, yes; Nagle, yes; and Krejci, yes. Absent and not voting: Lawver. Motion carried.

The Mayor stated Cody Hull is appointed Fire Chief for 2020, as recommended by vote of the Wahoo Volunteer Fire Department membership. Motion by Krejci, seconded by Nagle, to approve the Mayor's appointment of Cody Hull as Fire Chief. Roll call vote: Krejci, yes; Nagle, yes; Kavan, yes; Warford, yes; Boop, yes. Absent and not voting: Lawver. Motion carried.

The Mayor stated Steven A. Parr of JEO is appointed as Street Superintendent, pursuant to the County Highway and City Street Superintendents Act of the State of Nebraska. Motion was made by Krejci, seconded by Boop, to appoint Steven A. Parr from JEO Consulting Group, Inc. as the Street Superintendent for the City of Wahoo for 2020. Roll call vote: Krejci, yes; Boop, yes; Warford, yes; Kavan, yes; and Nagle, yes. Absent and not voting: Lawver. Motion carried.

Harrell reported to the Council the current reasonable method of notification of Council meeting was made by posting at three locations in Wahoo: First Bank of Nebraska, Wahoo Post Office, and City Hall, as well as the [www.wahoo.ne.us](http://www.wahoo.ne.us) website, and that the current agenda deadline was 5:00 p.m. the Friday before the Council meeting. A motion was made by Kavan, seconded by Nagle, to approve the method of advance notice. Roll call vote: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: Lawver. Motion carried.

Harrell reported that two signatures are required for any withdrawal on any City of Wahoo bank account. The current designated depository of the City funds of the City of Wahoo is Wahoo State Bank; Park and Recreation and utility funds are at First Bank of Nebraska. Harrell reported claims are reviewed

and approved by department heads, entered into Accounts Payable, approved by the City Administrator, and approved by the Mayor, and that the only claims officially approved, individually, by the Council are those that are connected to major infrastructure improvements that are under contract.

A motion was made by Krejci, seconded by Nagle to keep depository of funds and procedure for approval of claims as described above. Roll call vote: Krejci, yes; Nagle, yes; Kavan, yes; Warford, yes; and Boop, yes. Absent and not voting: Lawver. Motion carried.

Harrell noted a new requirement is approval of the occupation tax report, which will be posted to the City's web site. A motion was made by Kavan, seconded by Warford, to approve the consent agenda:

- 1) Excused absence of Lawver
- 2) Minutes of the November 26, 2019 meeting of Mayor and Council
- 3) Authorize the Wahoo Rescue Squad to solicit, charge or collect funds, fees, or charges for services as required under NE Statute 35-901
- 4) Licenses
- 5) Acceptance of the Occupation Tax Report as required by LB 445

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

Public hearing was opened at 7:18 p.m. on application for Class C Liquor License at 708 North Chestnut for Karen's Spirits and Smokes LLC. This is a change of ownership of the business. No public comments offered. Motion by Kavan, seconded by Warford, to close the public hearing at 7:19 p.m. Roll call vote: Kavan, yes; Warford, yes; Boop, yes; Krejci, yes; and Nagle, yes. Absent and not voting: Lawver. Motion carried.

Motion by Kavan, seconded by Krejci, to approve the issuance of Class C Liquor License for Karen's Spirits and Smokes, LLC dba Karen's Spirits and Smokes. Roll call vote: Kavan, yes; Krejci, yes; Nagle, yes; Boop, yes; and Warford, yes; Absent and not voting: Lawver. Motion carried.

Lausterer explained the ordinance for reasonable accommodation was revised based on discussion at the last meeting, and was reviewed by LARM and their attorney. If the ordinance is approved, the City Attorney's office will contact the potential applicants to begin the process.

Ordinance No. 2336 entitled: AN ORDINANCE TO PROVIDE FOR A METHOD TO ADDRESS REQUESTS FOR REASONABLE ACCOMODATION RELATED TO MUNICIPAL CODE AND ZONING REGULATIONS; TO PROVIDE THAT THE MAYOR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE CITY OF WAHOO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE, was introduced by Warford. The Mayor then instructed the Clerk to read Ordinance No. 2336 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2336 by title.

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 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: Warford, yes; Nagle, yes; Kavan, no; Krejci, no; and Boop, no. Absent and not voting: Lawver. Motion failed.

Council Member Warford moved that Ordinance No. 2336 be approved and passed on its first reading 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: Warford, yes; Krejci, yes; Boop, yes; Kavan, yes; and Nagle, yes. Absent and not voting: Lawver. Motion carried.

Cody Wickham of D A Davidson & Co. advised execution of the underwriting engagement and disclosure letter is standard process under federal securities law. A motion was made by Krejci, seconded by Warford, to authorize the City Administrator/Treasurer to sign the Underwriting Engagement and Disclosure Letter with DA Davidson for the Bond Anticipation Notes, Series 2020 issue. Roll call vote: Krejci, yes; Warford, yes; Kavan, yes; Nagle, yes; and Boop, yes. Absent and not voting: Lawver. Motion carried.

Wickham provided an update on interest rates since the last meeting, and an explanation of the proposed ordinance setting parameters for Bond Anticipation Notes.

Ordinance No. 2337 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF WAHOO, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION FIFTY THOUSAND DOLLARS (\$3,050,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2018-1, AND IN STORM WATER SEWER DISTRICT NO. 2018-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; FIXING CERTAIN TERMS OF THE NOTES AND AUTHORIZING THE FIXING OF OTHER TERMS OF THE NOTES; AND, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PRESCRIBING OTHER MATTERS RELATING THERETO, was introduced by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2337 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2337 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; and Warford, yes. Absent and not voting: Lawver. 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. 2337 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2337 be approved and passed and its title agreed to. Council Member Nagle 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; Nagle, yes; Boop, yes; Warford, yes; and Kavan, yes. Absent and not voting: Lawver. 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 the Board of Public Works 2020 budget. Ryan Hurst, Utilities General Manager, reported on upcoming projects, potential projects, capital improvements, and developing a 10-year master plan. No public comments were offered. Motion by Warford, seconded by Kavan, to close the public hearing at 7:41 p.m. Roll call vote: Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: Lawver. Motion carried.

Motion by Warford, seconded by Nagle, to approve the 2020 Board of Public Works budget as submitted. Roll call vote: Warford, yes; Nagle, yes; Krejci, yes; Boop, yes; and Kavan, yes. Absent and not voting: Lawver. Motion carried.

Lausterer reported on the request for placement of more than one principal building of a single use upon a tract known as 108 East 4<sup>th</sup> Street. The property owner was offered the opportunity to divide the lot into two properties but did not pursue that option. The Planning Commission did not recommend approval of this request, as their interpretation of "single permitted use" was that the existing use and the use of the new proposed building were not the same. Motion was made by Kavan, seconded by Nagle, to deny the request for placement of more than one building on the single tract. Roll call vote: Kavan, yes; Nagle, yes; Krejci, yes; Boop, and Warford, yes. Absent and not voting: Lawver. Motion carried.

Motion by Krejci, seconded by Kavan, to approve renewal of dental, life, AD & D, and LTD insurance with Principal, which renews January 1, 2020 with no change in rates. Roll call vote: Krejci, yes; Kavan, yes; Warford, yes; Boop, yes; and Nagle, yes. Absent and not voting: Lawver. Motion carried.

Warford introduced Resolution No. 2019-18, approving and authorizing the signing of year-end certification of City Street Superintendent for 2019, and moved for approval, seconded by Boop:

“WHEREAS, State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment;

WHEREAS, The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form;

WHEREAS, the NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS, the NDOT also requires that such Year-End certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

BE IT RESOLVED that the Mayor of Wahoo is hereby authorized to sign the attached Year-End Certification of City Street Superintendent form.”

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

No public comments offered. Boop discussed some recent news articles about support animals.

Motion by Krejci, seconded by Warford, to adjourn at 8:00 p.m.

Approved:

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Lucinda J. Morrow, Clerk

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Gerald D. Johnson, Mayor