

The Council met in regular session by video/telephone conference on a Zoom link, in compliance with agenda posted at City Hall, Post Office and First Bank of Nebraska, and the City of Wahoo web site, 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.

City Administrator Melissa Harrell explained the meeting process via Zoom.

Mayor Johnson issued proclamations recognizing Municipal Clerk's Week, EMS Week, and National Police Week and Police Officers Memorial Day.

Roll call was taken with the following Council members present, acknowledging they have received the agenda and advance notice of the meeting: Mike Lawver, Greg Kavan, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

Department head written reports presented. Chief Ferrell reported call volumes are still high. Beavers reported construction has not slowed down and nuisances are beginning. Denise Lawver reported they are working toward reopening June 1, and putting plans in place. Harrell reported all crews are back at work this week with safety measures in place, wearing masks and considering safety in interactions. Harrell reported due to the water main break on 1<sup>st</sup> Street, plans have changed to also work on storm water repairs at the same time.

The Board of Public Works met in a special meeting and will hold the regular meeting next week. The Mayor reported a meeting of the advisory committee for economic development and discussion on policy and budget. A monthly project report from JEO was provided.

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

1. Minutes of April 23, 2020 meeting of Council
2. Minutes of April 30, 2020 meeting of Wahoo Board of Health
3. Approve moving Electric Line Supervisor position from Grade N to Grade O on pay scale
4. Licenses: Plumbers: John Obrist, Obrist & Company Inc.; Mark Morris, John's Plumbing Co.; Aaron Grady, Cornerstone Plumbing Inc.; Joseph Perry, JP Plumbing Co. HVAC: Jay Hehnke, Jerry's Sheet Metal Htg & Cooling; Randy Damewood, The Waldinger Corporation; Brandon Hamilton, Hi-Tech Heating & Air. Electrician: Jason Knapp, JK Electric; Zeth Rager, Zman Electric LLC; Timothy Juzyk, Juzyk Electric Inc.; Gregory Hall, Greg Hall Electric; Jerry Hagan, Hagan Electric LLC.

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

Ord. No. 2347 to update the energy code, and Change Order #12 for Chestnut Street remain tabled.

Motion by Kavan, seconded by Lawver to take off the table the Accommodation request filed by Mary Durham. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Warford, yes; Boop, yes; and Krejci, yes. Lausterer reported the background of the request and presented pre-marked and distributed Exhibits 1-

10, which included the revised recommendation of the Mayor and Administrator. April Cover, attorney for Mary Durham, stated that Durham is requesting to keep the two dogs, Lily Mae and Duke specifically, and is willing to take action in order to keep them, including additional fencing or muzzling. Cover stated the two dogs need to stay together. Ferrell reported both dogs have been involved in incidents in the past, and that cattle dogs have a natural herding and nipping instinct. Council members discussed the potential liability, multiple chances previously given to address concerns, the irresponsible owner declaration, and additional incidents all of which pose a potential safety concern to the community and speak to the reasonableness of the request. Lausterer noted there is no dispute of the parties' disability or need for some sort of support animal; rather the concerns relate to the reasonableness of the requested accommodation and whether alternative emotional support animals could be offered. Boop stated she is uncomfortable with further extensions of contingencies, and suggested that a small lap dog would be more appropriate and serve as a better companion for the couple; Deb Wilcox at SCLP does an excellent job of matching animals with owners, and could provide assistance with the adjustment to owning a smaller dog, as well as finding an appropriate home for the cattle dogs that need more space for activity.

A motion was made by Boop to follow the reviewing authority's recommendations, requiring rehoming of Duke and Lily Mae, and approving a small lap dog, as recommended by Saunders County Lost Pets, as a therapeutic animal. Motion was seconded by Krejci. After additional discussion, Boop requested to amend the motion to approve the accommodation issued by the reviewing authority on May 5, 2020 with limitations 2, 3, 4 and 5, and amending item 1 to allow no more than two small lap dogs of "toy" or "non-sporting" breeds, as recommended by Saunders County Lost Pets, and also recommend that the applicant seek training assistance with adjusting to the new animals. Krejci agreed to the amendment. Roll call vote: Boop, yes; Krejci, yes; Warford, yes; Lawver, yes; Kavan, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Hearing opened at 8:06 p.m. to determine whether to declare a dog living at the residence of Patricia Rose, 1142 North Beech Street, as a potentially dangerous or dangerous dog, from an incident on April 15, 2020. Ferrell provided a report of two incidents involving the dog recently, where it exhibited threatening behavior toward a person jogging past the residence. Ferrell reported there have been other reports in previous years. No one spoke on behalf of Patricia Rose. Motion by Lawver, seconded by Kavan, to declare the dog as potentially dangerous and put the owner on notice of the finding. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Hearing opened at 8:11 p.m. to determine whether to declare a dog living at 301 West 13<sup>th</sup> Street, owned by Megan Schachta, as a potentially dangerous or dangerous dog, from an incident on April 15, 2020. Ferrell provided a report of the incident, stating a bite, which did not require medical attention, occurred when the utility worker put his hand on the fence at the location. Magen Schachta stated the dog was in his own yard at the time, he has been neutered, and they are considering installing an underground fence to keep the dog away from the perimeter fence. After discussion, the Council agreed to take no action. Schachta requested with the construction work planned in the area, that workers be told to avoid the fenced yard and her dog. Harrell stated this will be discussed at meetings with the contractors.

Beavers reported the owner of Lot 94 in Heritage Heights 3<sup>rd</sup> Addition would like to replat this large lot into three conforming lots. Motion by Lawver, seconded by Krejci, to waive the requirement of separate

submission of preliminary and final plats for the replat of Lot 94. Roll call vote: Lawver, yes; Krejci, yes; Boop, yes; Warford, yes; Kavan, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Morrow stated the ordinance amending municipal code with statutory updates is not ready yet. No action taken.

Ferrell stated he has applied for a Bureau of Justice assistance grant for purchase of new body cameras for the department. This would be a 50/50 grant if approved. The City would be responsible for about \$3,800 of cost. Motion by Krejci, seconded by Kavan, to authorize purchase of body cameras for the Wahoo Police Department, upon approval of the grant request. Roll call vote: Krejci, yes; Kavan, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Ferrell reported he applied for emergency supplemental funding for new radios in the cruisers and portables; the City would pay for the radios, and then be reimbursed by the State for the full cost, around \$8,300. He is also looking at a possible supplemental grant for radios for the Fire and EMS departments. Motion by Lawver, seconded by Boop, to authorize purchase of new radios for the Wahoo Police Department, upon approval of the grant request. Roll call vote: Lawver, yes; Boop, yes; Warford, yes; Kavan, yes; Nagle, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Nagle stated he would abstain from discussion and voting on the Sladky driveway request, as they are family. Beavers reported a new house is being planned for construction on a lot at City View Subdivision, and they would like access off of Chestnut Street (old highway 77). The existing houses located south of this lot are accessed from a common driveway and access road. Harrell reported she contacted NDOT, and Keith Kohel said this would be up to the City, and the state had no jurisdiction. Jacob Sladky said they initially contacted Saunders County about driveway access, and there was no objection from the County. There will be room to turn around on the lot, so there would be no backing out onto the street. Beavers and Lawver noted there does need to be consideration of the number of access points in the area for future development. Motion by Kavan, seconded by Lawver, to approve the driveway access as requested. Roll call vote: Kavan, yes; Lawver, yes; Nagle, abstained; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Harrell stated NDOT requested that Supplement No. 2 to the preliminary engineering agreement be approved, in the event additional services are needed for staking or revising plans. Julie Ogden of JEO Consulting Group stated the City would only be billed for actual work; to date no requests for staking have been made, and the majority have already agreed to property acquisition. Warford introduced Resolution No. 2020-06, and moved for its approval, seconded by Lawver,

“Whereas: City of Wahoo is developing a transportation project for which it intends to obtain Federal funds;

Whereas: City of Wahoo as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

Whereas: City of Wahoo and JEO Consulting Group, Inc., wish to enter into a Professional Services Agreement to provide preliminary engineering services for the Federal-aid project.

Be It Resolved: by the City Council of the City of Wahoo that:

Gerald D. Johnson, Mayor of the City of Wahoo City Council, is hereby authorized to sign the attached preliminary engineering agreement between City of Wahoo, Nebraska and JEO Consulting Group, Inc.

NDOT Project Number: SRTS-78(33)

NDOT Control Number: 13291

NDOT Project Description: Wahoo Elementary Safe Routes to School"

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

Request for waiver of requirement to install sidewalks filed by Matt Thomas of Dana Point Development was discussed. Lawver stated he looked at the site, and believed the area should have sidewalks installed, as there is not a long gap to connect to other sidewalk. Beavers stated he told the developer that occupancy cannot be granted without sidewalk completion. Alternate placement of the sidewalk closer to the curb could help accessibility and grading issues. Motion by Kavan to deny the request for waiver of sidewalk installation, and authorize staff to work with the developer on location of the sidewalk on the lots. Motion seconded by Nagle. Roll call vote: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

No audience comments offered.

The Mayor stated staff has done an admirable job of dealing with health directives and continuing necessary services. Lawver asked when there might be a return to regular meetings. Lausterer noted the Governor's Executive Order allowing virtual meetings expires May 31<sup>st</sup>, and would expect this to be extended unless the 10-person restriction is changed. The May 28, 2020 meeting will be held on Zoom.

Motion by Lawver, seconded by Nagle, to adjourn at 8:52 p.m.

Approved:

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Lucinda J. Morrow, Clerk

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Gerald D. Johnson, Mayor