

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 Loren Lindahl 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, Stuart Krejci, and Chris Rappl. Absent was Gerry Tyler. Kevin Dunbar entered the meeting at 7:06 p.m.

The Mayor announced that some of the actions taken at the September 27 Council meeting were now on the consent agenda because they were not approved by a majority of the Council. He further explained this could have been accomplished, as allowed by statute, had he voted on the question thus creating a majority vote on the issue. However, this was not done.

Motion made by Kavan, seconded by Krejci, to approve the following items listed on the consent agenda:

1. Excused absence of Tyler and Dunbar
2. Minutes of September 27, 2018 meeting of Council
3. Minutes of September 11, 2018 meeting of the Wahoo Library Board
4. Licenses: Plumbers: Andrew Swicek, Andersen Plumbing, Waterloo, NE; Joshua Anderson, Andersen Plumbing, Waterloo, NE; Tom Trainer, Patriot Plumbing, Lincoln, NE; Timothy Wiebelhaus, EcoWater Systems, Fremont, NE; Richard Stava, RAS Plumbing & Mechanical, Wahoo, NE; Bud Bogatz, Todd Valley Plumbing & Heating INC, Ashland, NE; James Cloyed, Cloyed Heating & Air, Wahoo, NE; Christopher Kems, CJK Enterprises, Yutan, NE; Cory Pemberton, Platte Mechanical INC, Fremont, NE; Stuart Way, AWS Well Service, Mead, NE; William Thomas, W Thomas & Son, Inc, Gretna, NE; Doug Osborn, Osborn Sales & Services, David City, NE; James Hearn, Express Plumbing, Inc, Omaha, NE; Keith Lacey, Simmons Plumbing, Lincoln, NE. HVAC Installers-Mechanical: Thomas Wieser, Capitol Heating & Air, Lincoln, NE; Richard Stava, RAS Plumbing & Mechanical, Wahoo, NE; James Cloyed, Cloyed Heating & Air, Wahoo, NE; Rick Kaar, Kaar Sheet Metal, Wahoo, NE; Jeff Hutfless, Bogatz Heating & A/C Inc, Gretna, NE; Russell Hans, Hans Heating & Air Conditioning, Omaha, NE; Brian Pemberton, Platte Mechanical INC, Fremont, NE; Doug Osborn, Osborn Sales & Services, David City, NE; John Aliano, Aksarben Heating & Air Conditioning, Omaha, NE; Ray Barr, A-1 United Heating, Air & Electric, Omaha, NE; Bart Bosco, Air Comfort Heating & Cooling, Fremont, NE. Electricians: Bud Bogatz, Todd Valley Plumbing & Heating INC, Ashland.
5. Meeting date for the second Council meeting in November will be November 29, 2018
6. Approval of Pay Application #4, Change Order #1 & #2 for Chestnut Street Project, with M.E. Collins Contracting (previously considered at the 9/27/2018 meeting)

Roll call vote: Kavan, yes; Krejci, yes; Rappl, yes; and Lawver, abstained. Lindahl voted yes. Tyler and Dunbar, absent and not voting. Motion carried.

Department Head reports were given by those in attendance. Cody Hull reported on the various planned activities for Fire Prevention Week.

Dunbar entered at 7:06 p.m.

The Aquatics Center report was reviewed.

The Mayor indicated the previously approved first reading of **Ordinance No. 2292** was not considered approved because of the lack of a majority vote by the Council (nor Mayor), so the Ordinance would be on the table for first reading and any further actions. Tyler Toline was present to review the issue and reported

he felt the issue of a too-small ground monument sign will continue to come up because of the speed of the traffic on Hwy 77. Several Council members understood this concern and felt this should be returned to the Planning Commission for further thoughts/recommendations. A motion was made by Dunbar to thank the Planning Commission for the recommendation of denial of the request, but asked them to revisit the issue and develop an potential alternative for ground monument signs along the Expressway. Motion seconded by Krejci. Roll call vote: Dunbar, yes; Krejci, yes; Laver, yes; Kavan, no; and Rapple, yes. Tyler, absent and not voting. Motion carried.

Ordinance No. 2293 entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE WAHOO ZONING ORDINANCE, ARTICLE 3, SECTION 3.02.02 REGARDING THE OFFICIAL ZONING MAP was brought back to the table for further consideration. Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the second and third readings of said ordinance might be waived, 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: Lawver, yes; Kavan, yes; Krejci, yes; Rappl, yes; and Dunbar, yes. Tyler, absent and not voting. 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. 2293 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2293 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; Rappl, yes; Dunbar, yes; and Kavan, yes. Tyler, absent and not voting. 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 the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature 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 Rappl to approve Pay Application #3 to Buckmaster Construction for \$48,218.20 for the Hackberry Park Concession Stand and Restroom Project. Roll call vote: Kavan, yes; Rappl, yes; Dunbar, yes; Lawver, yes; and Krejci, yes. Tyler, absent and not voting. Motion carried.

A motion was made by Krejci, seconded by Kavan, to approve Pay Application #5 to M.E. Collins Contracting Co., Inc. for \$101,639.88 for the Chestnut Street Project. Roll call vote: Krejci, yes; Kavan, yes; Dunbar, yes; Lawver, abstain, and Rappl, yes. Tyler, absent and not voting. Motion carried.

A motion was made by Kavan, seconded by Rappl, to approve the specification for the self-contained breathing apparatus packs for the Wahoo Fire Department as presented, and authorize calling for bids. Roll call vote: Kavan, yes; Rappl, yes; Lawver, yes; Krejci, yes; and Dunbar, yes. Tyler, absent and not voting. Motion carried.

The following resolution, **Resolution No. 2018-32**, was introduced by Dunbar who moved for approval, seconded by Kavan:

“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 stopping traffic at an intersection as outlined below, located within the corporate limits of the City of Wahoo, Nebraska, and,

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: no parking signs, be erected at the following location, all located in the City of Wahoo, Nebraska:

- a. Along the east side of South Chestnut Street between 1st Street and A 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, at which time, this Resolution shall be of no force and effect.”

Roll call vote: Dunbar, yes; Kavan, yes; Krejci, yes; Rappl, yes; and Lawver, yes. Tyler, absent and not voting. Motion carried.

The Mayor indicated because Ordinance Nos. 2290 and 2291 were not approved by a majority of the Council on second reading so they are before the Council now for second reading Ord No. 2290, which included an amendment to eliminate the residency requirement from the language of the ordinance, would now be considered again for second reading (without amendment). Discussion was held on the

need for residency of a city administrator. It was reported the amendment was thus not approved, so the version of the ordinance under consideration for second and further readings includes the residency requirement.

A motion was made by Dunbar, seconded by Krejci, to waive the second and third readings of Ordinance No. 2290 regarding the city administrator position, and move to final reading, seconded by Krejci. Roll call vote: Dunbar, yes; Krejci, yes; Rappl, yes; Lawver, yes; and Kavan, no. Tyler, absent and not voting. Motion did not pass because a supermajority vote was not met.

A motion was made by Krejci, seconded by Lawver, to advance Ordinance No. 2290 on second reading, seconded by Lawver. Roll call vote: Krejci, yes; Lawver, yes; Kavan, no; Rappl, yes; and Dunbar, yes. Tyler, absent and not voting. Motion carried.

(NOTE: Minutes of the 9/27/2018 reflect the amendment to Ord. No. 2290 was approved by a majority of the Council, but the second reading of the ordinance was not. The action taken at the 10/11/2018 meeting were based on the understanding that the amendment – to eliminate the residency requirement – was not approved, so the version of the ordinance considered at the 10/11/2018 meeting for second reading was the same as what was approved on first reading at the 9/13/2018 meeting.)

A motion was made by Lawver, seconded by Rappl, to approve Ordinance No. 2291 entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND TITLE III: ADMINISTRATION, CHAPTER 33, BOARDS, COMMISSIONS, AND COMMITTEES, IN PARTICULAR SECTION 33.07 PERTAINING TO THE BOARD OF PUBLIC WORKS on second reading. Roll call vote: Lawver, yes; Rappl, yes; Kavan, no; Krejci, yes; and Dunbar, yes. Tyler, absent and not voting. Motion carried.

No audience comments presented.

Lawver commented on discussions held at the Planning Commission regarding animals and more specifically pets. He expressed he felt there was a need to have a pet defined either in Municipal Code or in our Zoning Regulations and expressed concern that the only pet that is currently regulated is a dog. He suggested the regulation and enforcement should be based around responsible vs. non-responsible pet owners.

Motion by Dunbar, seconded by Kavan, to adjourn at 8:04 p.m.

Approved:

Melissa M. Harrell, City Clerk

Loren L. Lindahl, Mayor