

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, Gerry Tyler, and Stuart Krejci. Kevin Dunbar entered at 7:02 p.m. Absent: Chris Rappl.

The Mayor recognized staff efforts at the annual Night Out on August 7, hosted by Wahoo Police Department, WVFD, and Crimestoppers.

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

1. Excused absence of Rappl
2. Minutes of July 24, 2018 meeting of Council

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

Department head reports presented. Council committee reports presented.

Ken Havelka presented additional information regarding ReTree Wahoo. Lausterer stated it would not be necessary to amend the current tree ordinance, as types of trees are not specified in the ordinance. Motion by Krejci, seconded by Lawver, for the Mayor to write a letter of support for tree planting for ReTree. Roll call vote: Krejci, yes; Lawver, yes; Kavan, yes; Tyler, yes; and Dunbar, yes. Absent and not voting: Rappl. Motion carried.

**Ordinance No. 2287** was introduced by Krejci entitled: AN ORDINANCE OF THE CITY OF WAHOO TO AMEND THE OFFICIAL ZONING MAP BY ALLOWING A CONDITIONAL USE, ON-PREMISES POLE SIGN, ON LOT 1 OF DRY RUN SUBDIVISION. The Mayor then instructed the Clerk to read Ordinance No. 2287 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2287 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; Dunbar, yes; Kavan, yes; and Tyler, yes. Absent and not voting: Rappl. 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. 2287 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2287 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; Dunbar, yes; Kavan, yes; and Tyler, yes. Absent and not voting: Rappl. Motion carried.

Eric Alm asked about provisions of the ATV/UTV ordinance. The current special permit would no longer be valid. Lawver asked if allowed times for snow removal could be clarified to state: "from commencement of storm to up to 48 hours after cessation". Effective date was discussed; would become effective 15 days

after passage if no future date is specified.

**Ordinance No. 2282** as amended was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO TO APPROVE PERMITTING THE USE OF ALL TERRAIN AND UTILITY-TYPE VEHICLES UNDER TERMS SPECIFIED. The Mayor then instructed the Clerk to read Ordinance No. 2282 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2282 by title.

Council Member Kavan 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 Lawver 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; Lawver, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Rappl. 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. 2282 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2282 be approved and passed, and its title agreed to. Council Member Tyler 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; Tyler, yes; Kavan, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Rappl. Motion carried.

Motion by Kavan, seconded by Dunbar, to approve signing Engagement letter with Polsinelli Law Firm to provide legal services for the City of Wahoo for JBC Building Company, Inc. TIF project. Roll call vote: Kavan, yes; Dunbar, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Rappl. Motion carried.

Grant Anderson reported on the upcoming Wahoo Barstool Open Fundraiser for the Wahoo Fire Department. Other venues participating are in the downtown area, and Chips restaurant is interested in using the Fire Hall as a location for a special designated liquor license in order to participate.

Motion was made by Kavan, seconded by Lawver, to approve use of the Fire Hall as a location for a special designated license. Roll call vote: Kavan, yes; Lawver, yes; Dunbar, no; Krejci, yes; and Tyler, no. Absent and not voting: Rappl. Motion carried.

Motion by Krejci, seconded by Kavan, to approve a special designated license for an event on September 2, 2018. Roll call vote: Krejci, yes; Kavan, yes; Tyler, no; Dunbar, yes; and Lawver, yes. Absent and not voting: Rappl. Motion carried.

Harrell reported on the reimbursement resolution, which will maintain cash flow for expenses, and allow for reimbursement of expenses for the Chestnut Street Project to be recovered through issuance of permanent financing.

Council Member Krejci introduced **Resolution No. 2018-22**, and moved for its approval, seconded by Dunbar,

“BE IT RESOLVED by the Mayor and Council of the City of Wahoo, Nebraska, as follows:

Section 1. The Mayor and Council hereby find and determine that it is necessary and appropriate to declare an official intent to issue tax-exempt bond anticipation notes or bonds by the City and, in addition, the City’s reasonable expectations to reimburse certain

expenditures with the proceeds of such bond anticipation notes or bonds as proposed to be issued by the City in connection with the construction of certain street improvements, drainage improvements, and other related appurtenant improvements now being or to be constructed in the City of Wahoo, Nebraska, specifically including Chestnut Street, consisting of street construction and related infrastructure improvements, storm water sewer, sanitary sewer and water mains and related improvements in the area generally located from the south right of way line of 1<sup>st</sup> Street north to the north right of way line of 14<sup>th</sup> Street, together with engineering, legal, financing and other related incidental project costs.

Section 3. This resolution shall stand as a statement of the official intent of the City under Regulations Section 1.150-2 and for such purpose the following information is hereby given:

(a) A general functional description of the projects for which expenditures may be made and reimbursement to be provided from bond anticipation notes or bond proceeds are public improvements specifically including Chestnut Street, consisting of street construction and related infrastructure improvements, storm water sewer, sanitary sewer and water mains and related improvements in the area generally located from the south right of way line of 1<sup>st</sup> Street north to the north right of way line of 14<sup>th</sup> Street, together with engineering, legal, financing and other related incidental project costs for the City of Wahoo, Nebraska.

(b) The principal amount of notes or bonds expected to be issued as authorized under authority of applicable Nebraska Statutes for that portion of improvements pertaining to this reimbursement resolution is estimated to be \$2,500,000."

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

Council Member Kavan introduced **Resolution No. 2018-20**, and moved for its approval, seconded by Lawver,

"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: stop signs, be erected at the following location, all located in the City of Wahoo, Nebraska:

a. Intersection of 10<sup>th</sup> Street and Hickory Street, stopping north and south bound traffic on Hickory Street;

Section 3. That traffic control device, to wit: yield sign, be erected at the following location, all located in the City of Wahoo, Nebraska:

a. Intersection of 10<sup>th</sup> Street and Hackberry Street, controlling east bound traffic on 10<sup>th</sup> Street at Hackberry 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: Kavan, yes; Lawver, yes; Dunbar, yes; Krejci, yes; and Tyler, yes. Absent and not voting: Rappl. Motion carried.

Council Member Dunbar introduced **Resolution No. 2018-21**, and moved for its approval, seconded by Lawver,

"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 ninety (90) days prior to the desired termination given to and that members may agree to extend the required termination notice beyond ninety (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, 2020 (180 day and 2 year commitment; 4% discount)."

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

The Mayor presented several options for changes in organization for review and discussion. A special work session to further discuss these ideas is scheduled for September 5, 2018 at 7:00 p.m.

Andrea Brooks addressed the council, requesting that chickens be allowed in Wahoo, stating they are permitted in Ashland and Ceresco. This would require amendment of the zoning regulations, she was advised of the process.

Motion by Tyler, seconded by Kavan, to adjourn at 8:14 p.m.

Approved:

---

Lucinda Morrow, Deputy Clerk

---

Loren L. Lindahl, Mayor