

The Council met in special work 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 6:19 p.m. 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, Patrick Nagle, Stuart Krejci, and Karen Boop. Absent: Carl Warford.

A review of the 2019-20 budget was done by City Administrator/Treasurer Harrell. Handouts reviewing the past, current, and proposed budgets were distributed, questions addressed, and discussion held on various parts of the budget document.

A motion was made by Kavan, seconded by Lawver, to adjourn the work session at 6:51 p.m.

Approved:

Lucinda Morrow, Clerk

Gerald D. Johnson, Mayor

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, Greg Kavan, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

Department head reports were presented. Beavers reported on current projects, nuisances, and upcoming conditional uses and rezoning requests. Jansa reported a new patching material was demonstrated at 15th and Hackberry. Ferrell reported the new digital speed sign is deployed. Anderson reported an upcoming mass casualty drill, and proposed legislation affecting EMS operations. Hull reported call volumes and Fire Prevention Week activities. Hurst reported on utility department activities. Harrell reported activities at the airport and developments with LARM.

Krejci reported the Finance Committee met to discuss the budget. Lawver noted the 1-6 year road plan will be reviewed at this meeting.

Harrell reported the 2019 Small Wireless Facilities Deployment Act will likely affect Wahoo, and the League has supplied some model ordinances to help establish policies for applications to use the right-of-way for equipment. Staff will be meeting with representatives from Verizon next week.

Lawver reported he will be absent from the September 26, 2019 meeting. A motion was made by Kavan, seconded by Nagle, to approve the consent agenda:

- 1) Minutes of the August 22, 2019 meeting of Mayor and Council
- 2) Minutes of September 5, 2019 meeting of Planning Commission
- 3) Licenses: Plumbers: Joshua Andersen, Andersen Plumbing, Waterloo; Gilbert Balboa,

Midlands Mechanical Inc; William Thomas, W Thomas & Son Inc, Gretna; James Hearn, Express Plumbing Inc, Omaha; Richard Gorton, Casino Plumbing, Gretna; Troy Ross, Ross Plumbing, Denton; Christopher Kems, CJK Plumbing, Yutan; John Turner, Midtown Plumbing Inc, Lincoln; Thomas Trainor, Patriot Plumbing, Lincoln; Jeffrey Adair, HandiJeff Plumbing, Wahoo. HVAC installers: Donald Bogatz, Bogatz Heating & Air Conditioning, Gretna; Gilbert Balboa, Midlands Mechanical Inc, Omaha; Randy Bishop, Bishop Plumbing & Heating Inc, Nebraska City; Gerald McNerney, Sustainable Mechanical Inc, LaVista; Richard Peavy, Anthony's Air Conditioning, Ithaca; Richard Kaar, Kaar Sheet Metal, Wahoo; John Aliano, American Residential Services dba Aksarben Heating & Air, LaVista. Electricians: Steven Brase, Brase Electrical Contracting Corp, Omaha; Sean Mosher, Premier Electric Inc, Gretna; Rick Wasielewski, Alpine Electric, Lincoln; Terry Polak, Terry's Electric, Lincoln.

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

The public hearing on the 2019-20 City of Wahoo budget was declared open by the Mayor at 7:20 p.m. The Mayor called for comments from the public on the budget proposed. No comments were offered. Harrell reported on the budget and the proposed 1% increase in the restricted funds budget. A motion was made by Lawver, seconded by Kavan, to close the public hearing at 7:20 p.m. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

A motion was made by Krejci, seconded by Lawver, to authorize an additional 1% increase in the restricted funds budget as per the State budget document, above and beyond the 2.5% and the growth factor of the valuation. Roll call vote: Krejci, yes; Lawver, yes; Kavan, yes; Nagle, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

A motion was made by Krejci, seconded by Warford, to approve the 2019-20 Budget as presented. Roll call vote: Krejci, yes; Warford, yes; Lawver, yes; Kavan, yes; Nagle, yes; and Boop, yes. Absent and not voting: none. Motion carried.

The public hearing on the 2019 Property Tax Levy for the City of Wahoo was declared open by the Mayor at 7:23 p.m. The Mayor called for comments from the public and none were presented. A motion was made by Kavan, seconded by Krejci, to close the public hearing at 7:24 p.m. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

The following resolution, **Resolution No. 2019-11**, was introduced by Krejci, who moved for its approval, seconded by Lawver:

“WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Wahoo passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of Wahoo that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Council of the City of Wahoo, by a majority vote of the entire Council, resolves that:

1. The 2019 property tax request be set and allocated as follows:

	<u>Tax Amount</u>	<u>Levy</u>
General Fund	\$1,398,249.00	.484107
Bond Fund	<u>\$ 202,000.00</u>	<u>.069936</u>
Total	\$1,600,249.00	.554043

2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2019.”

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

The Mayor opened the public hearing at 7:25 p.m. on the Six Year Road and Street Plan for the City of Wahoo. Steve Parr of JEO Consulting Group discussed the projects depicted in the plan. No public comments offered. Motion by Krejci, seconded by Kavan, to close the public hearing at 7:40 p.m. Roll call vote: Krejci, yes; Kavan, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Council member Lawver introduced the following resolution, **Resolution 2019-12**, to approve the plan and authorize submittal to Nebraska Department of Transportation, and moved for its approval, seconded by Nagle,

“WHEREAS, the City Street Superintendent has prepared and presented a One Year and Six Year Plan for Street Improvement Program for the City of Wahoo, and

WHEREAS, a public meeting was held on the 12th day of September, 2019, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of Wahoo, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted.”

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

The Mayor opened the hearing at 7:40 p.m. before the Council regarding a grant application to be filed by the City of Wahoo for \$547,000 from CDBG Funds for an Owner Occupied Rehabilitation Housing program. Ashley Larsen of SENDD presented information about the proposed program, and noted that 60 pre-applications were already received. No public comments. Motion by Kavan, seconded by Nagle, to close the public hearing at 7:43 p.m. Roll call vote: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Council Member Lawver introduced Resolution 2019-13, and moved for its approval, seconded by Kavan,

“WHEREAS, the City of Wahoo, Nebraska is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant

Program, and,

WHEREAS, the City of Wahoo, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$547,000 for Owner Occupied Rehabilitation; and,

NOW THEREFORE, BE IT RESOLVED by THE City Council of the City of Wahoo, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Wahoo and the Nebraska Department of Economic Development so as to effect acceptance of the grant application."

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

Harrell explained the Interlocal Agreement with the Cities of Ashland and Yutan, and Village of Prague regarding the Owner-Occupied Rehabilitation program utilizing 2019 Nebraska Affordable Housing Trust Funds. Wahoo is guaranteed five projects, and the City has committed \$15,750 matching funds toward these projects in previous action. SENDD will send out official applications to those who submitted pre-applications, and those returned by the deadline will be scored to determine awards. A motion was made by Krejci, seconded by Warford, to approve the Interlocal Agreement and authorize the Mayor to sign necessary documents. Roll call vote: Krejci, yes; Warford, yes; Lawver, yes; Kavan, yes; Nagle, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Lawver noted the asphalt overlay was completed very quickly and the contractor's efforts were appreciated. Motion by Kavan, seconded by Lawver to approve Pay Application #1 to Cather & Sons Construction, Inc. for \$227,285.30 for 2019 Asphalt Overlay Project. Roll call vote: Kavan, yes; Lawver, yes; Warford, yes; Boop, yes; Krejci, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Sign regulations, what type of signage is considered as attractive, regulations in other communities (ranging from very restrictive to no rules), and business advertising were discussed. The proposed ordinance, which failed at the August 22, 2019 meeting, to prohibit new pole signs in the Transportation Corridor Overlay District, Areas A and B, and bring the zoning regulations into line with the Design Standards, were discussed. Mike Kleffner, Chair of the Planning Commission, advised the Council the Planning Commission looked at the issue extensively. During consideration of the Design Standards, the public asked for elimination of pole signs. The consultant and Planning Commission agreed it is important that there be no confusion between the regulations, this is language cleanup. He noted the safety aspect of drivers keeping their eyes on the road, instead looking up at a sign.

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 re-introduced by Kavan. 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 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 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: Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. 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. 2321 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2321 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: Kavan, yes; Lawver, yes; Warford, yes; Boop, no; Krejci, yes; and Nagle, yes. Absent and not voting: none. 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.

Lausterer reported on the status of the Interlocal Agreement with the Wahoo Rural Fire Board, and issues raised by the Rural Board. The Mayor reported a representative of Rural Fire suggested that a joint meeting of the Wahoo City Council and Wahoo Rural Fire Board be scheduled, coinciding with the next council meeting date. This is planned for 8:00 p.m. on Thursday, September 26, 2019.

Lawver asked about the processes and procedures for enforcement of zoning violations, and Lausterer discussed the processes outlined in statute. Beavers will be meeting with the General Committee to discuss violations and enforcement issues.

The Mayor reported the deadline for tree removal downtown is within the week.

A motion was made by Kavan, seconded by Krejci to adjourn at 8:34 p.m.

Approved:

Lucinda J. Morrow, Clerk

Gerald D. Johnson, Mayor