

The Council met in special 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.

The Mayor read a proclamation honoring the Wahoo High School Warriors football team on their C-1 championship win.

Kavan reported the Board of Public Works met, voted to discontinue extensions on late utility bill payments, and discussed the master plan and budget. Harrell asked that committees advise if they would like to schedule regular monthly meetings and what time would work. Lawver reported the General committee met after the last council meeting.

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

- 1) Minutes of the November 14, 2019 meeting of Mayor and Council
- 2) Minutes of November 7, 2019 Planning Commission meeting
- 3) Reappointment of Corrine Forbes to Board of Public Works (term to end Dec. 2023)
- 4) Approval of new job description for Seasonal Water/Wastewater Worker and placement on pay scale
- 5) Licenses: Plumbers: Tony Lukens, Integrity Plumbing Inc., Omaha; Keith Lacy, Simmons Plumbing Inc., Lincoln. HVAC: Jeff Ockinga, Complete Comfort Heating & Cooling, Omaha. Electricians: Shawn Mosites, X S Electric LLC, Omaha; Mark Tritsch, Tritsch Electric Co., Inc., Omaha; John Hummel, Spark Electric Co., Brainard; Matt Harris, Harris Electric.

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

Public hearing opened at 7:05 p.m. on proposed amendment of zoning regulations by creation of a Floodwater Retarding Dam Breach overlay district and amendment of official zoning map to depict this overlay district. Jeff Ray of JEO Consulting Group discussed the purpose of the overlay district which affects property within the county and some areas within the city's jurisdiction. Language has been provided by the Federal government, and is intended to control future construction in areas to avoid hazards in affected areas. No comments were offered by the public. Eric Gottschalk of LPNNRD stated this overlay district will not affect current FEMA mapping and floodway boundaries. The majority of properties affected by this overlay already lie within the flood plain areas. Saunders County has already approved the overlay district within their jurisdiction.

Motion by Kavan, seconded by Krejci, to close the public hearing at 7:15 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.

Ordinance No. 2335 entitled: AN ORDINANCE TO AMEND ORD. 1886, THE ZONING ORDINANCE OF THE CITY OF WAHOO, BY REFERENCE TO AND CREATION OF THE FRD – FLOODWATER RETARDING DAM BREACH OVERLAY DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO TO

PROVIDE FOR ADDITION OF SAID OVERLAY DISTRICT; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2335 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2335 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 Warford 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; Warford, yes; Lawver, yes; Nagle, yes; Krejci, yes and; Boop, 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. 2335 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2335 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: Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Kavan, 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.

Harrell reported Gilmore and Bell have provided Disclosure Compliance Services as required by federal securities laws, and the proposed agreement would continue those services. Motion by Krejci, seconded by Warford, to approve entering into the agreement for disclosure compliance services with Gilmore and Bell. Roll call vote: Krejci, yes; Warford, yes; Lawver, yes; Kavan, yes; Nagle, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Pay application to M E Collins was discussed; this application does not include the concrete pour which is being discussed with JEO and Collins. Motion by Kavan, seconded by Krejci, to approve Pay Application #17 for \$321,874.87 to M E Collins for Chestnut Street improvements. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Nagle, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

Resolution No. 2019-17 to authorize placement of a stop sign, was introduced by Warford, who moved for 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 20th Street and Chestnut Street, stopping east bound traffic on 20th 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: Warford, yes; Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Lausterer reported on the research done on process for reasonable accommodation under Fair Housing regulations for emotional support animals, and explained Lincoln, Nebraska’s process. Lausterer provided an application form and list of supporting materials which should be presented by an applicant. The application and supporting materials would be reviewed by staff, who would make a recommendation to the City Council. The City Council would hold a hearing, review the information and recommendation, and Council action could be approval, denial, or approval with modifications or specific conditions. Applicant could appeal the Council’s decision to the District Court.

A procedure for notifying neighbors if deemed necessary, limitations on numbers of animals based on the current ordinance, conditions for method of containment or housing of animals, and an inspection

process were discussed. Lausterer stated the request must be shown to be both reasonable and necessary. Some modifications to the proposed ordinance language were discussed. Counsel has not received information back from LARM yet regarding the proposed ordinance. Lausterer stated the application materials have been given to both parties interested in the issue.

A motion was made by Kavan, seconded by Warford, to table any action on an ordinance amending the municipal code regarding emotional support/therapy animals, until additional information is received. Roll call vote: Kavan, yes; Warford, yes; Boop, yes; Krejci, yes; Nagle, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Harrell reported Wahoo was one of the first communities to adopt a hazard mitigation plan in 2007. Since that time, Natural Resource Districts have taken the lead on hazard mitigation plans, with communities able to opt in. Wahoo's current plan is due for update. Harrell noted that having a plan in place makes the community eligible for funding in the event a disaster has been declared. An example of past mitigation action was, after a severe ice storm and extensive power outages years ago, the standard was changed to require placement of service lines underground for new construction as a way to mitigate that risk. Water contamination and methods for supplying the community in the event of an emergency, setting up a command center, and backup generators for city facilities were ideas mentioned. Harrell asked council members to think about possible risks, and what can be done.

Sandy Meese addressed the council with concerns about emotional support animals, limits for numbers of support animals, and what type of special training or certification is required for such animals.

Eric Gottschalk thanked Ryan Hurst and utilities staff for their assistance in working on the NRD education building.

Harrell reported that the City of Wahoo has been awarded a housing rehab grant which would allow 20 projects. She noted there will be contracts for the council to approve at future meetings, and discussed the application and scoring process for approval.

Motion by Lawver, seconded by Boop, to adjourn at 8:05 p.m.

Approved:

Lucinda J. Morrow, Clerk

Gerald D. Johnson, Mayor