

**Council Chambers**

**Wahoo, Nebraska**

**December 26, 2019**

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.

Lawver reported the Street Committee met. Kavan reported the Board of Public Works met, and approved the new rates. Krejci reported the Finance Committee met and recommended approval of the finance items on the agenda. Theresa Klein, Chamber and Economic Development Director, invited Council members to take part in a survey and upcoming meetings for strategic planning for economic development, and community improvement.

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

- 1) Minutes of the December 12, 2019 meeting of Mayor and Council
- 2) Minutes of December 5, 2019 meeting of Planning Commission
- 3) Approval of placement of City Clerk position on Pay Scale at Grade L
- 4) Approval of stipend rates for leadership positions of the Wahoo Fire Department

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

Proposed salaries of appointed officials were discussed.

Ordinance No. 2338 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, FIXING THE SALARIES OF THE APPOINTED OFFICERS OF THE CITY OF WAHOO, was introduced by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2338 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2338 by title.

Council Member Warford 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 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: Warford, yes; Krejci, yes; Boop, yes; Kavan, yes; Nagle, yes; and Lawver, abstained. 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. 2338 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2338 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: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Kavan, yes; and Lawver, abstained. 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.

Jon Mooberry of JEO Consulting Group discussed Change Order No. 10 and Pay Application No. 18 of the Chestnut Street Improvement project. Mike Kleffner asked questions regarding the Change Order. Concerns about possible future flaking and scaling of concrete between 7<sup>th</sup> and 9<sup>th</sup> street have been discussed with the contractor. Mooberry stated the contractor will stand behind their work; at completion, it was recommended to ask for additional warranty on this section of paving or other written agreement in event of damage/failure.

Motion by Warford, seconded by Kavan, to approve Change Order No. 10 for Chestnut Street Improvements. Roll call vote: Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, yes; Lawver abstained. Absent: none. Motion carried.

Motion by Kavan, seconded by Krejci, to approve Pay Application No. 18 in the amount of \$379,818.96 to M E Collins Contracting for Chestnut Street Improvements. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; and Nagle, yes. Lawver abstained. Motion carried.

Motion by Krejci, seconded by Lawver, to approve certification of candidates to be elected in 2020, one council seat in each ward. Roll call vote: Krejci, yes; Lawver, yes; Kavan, yes; Nagle, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Application for Special Designated License for alcohol sales at St. Wenceslaus Church was reviewed. Duane Osmera explained this went well last year and they would like to do this with their Friday fish fries. Motion by Krejci, seconded by Lawver, to approve the request for Special Designated License for St. Wenceslaus Church between February 21 and March 27, 2020. Roll call vote: Krejci, yes; Lawver, yes; Kavan, yes; Nagle, yes; Warford, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2336 establishing a process for application for reasonable accommodation was approved on first reading on December 12, 2019.

Ordinance No. 2336 entitled: AN ORDINANCE TO PROVIDE FOR A METHOD TO ADDRESS REQUESTS FOR REASONABLE ACCOMODATION RELATED TO MUNICIPAL CODE AND ZONING REGULATIONS; TO PROVIDE THAT THE MAYOR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE CITY OF WAHOO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2336 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2336 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 Nagle 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; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Council Member Lawver moved that Ordinance No. 2336 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.

Ryan Hurst reported the last utility rate increase was implemented in 2013, and discussed the research and consultation involved in determining the new rate structure. Wahoo's rates remain very competitive with other communities. The estimated impact on the average customer is about \$3.39 per month the first year. The strategic planning process may help to develop a formula for increases at regular intervals while maintaining infrastructure.

Ordinance No. 2339 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND TITLE III, CHAPTER 38 UTILITY RATES, PERTAINING TO RATES TO BE CHARGED CONSUMERS OF THE UTILITIES OF THE CITY OF WAHOO, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2339 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2339 by title.

Council Member Warford 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 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: Warford, yes; Lawver, yes; Kavan, 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. 2339 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2339 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; Boop, yes; Warford, yes; Kavan, 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.

Appointment of JEO as City Engineer, cost impact of having an on-staff City Engineer, and potential conflicts of interest on certain projects were discussed. Mike Kleffner addressed the Council. JEO's historical knowledge of past projects and infrastructure was noted.

Motion by Lawver, seconded by Boop to approve the appointment of JEO as City Engineer. Roll call vote: Lawver, yes; Boop, yes; Warford, yes; Kavan, no; Nagle, no; and Krejci, yes. Absent and not voting: none. Motion carried.

Harrell reported on pay for Mayor and Council members in other communities. Change of pay to \$6,000 annually for Mayor and \$3,000 annually for Council members was discussed.

Ordinance No. 2340 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND TITLE III ADMINISTRATION CHAPTER 32, SECTION 32.40 CITY OFFICIALS, PERTAINING TO ANNUAL SALARIES OF COUNCIL MEMBERS, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2340 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2340 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; Warford, yes; Boop, yes; and Krejci, 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. 2340 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2340 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; Nagle, yes; Warford, yes; Boop, yes; and Krejci, 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.

No public comments offered. Lawver asked that all members be supportive of planned activities for the upcoming 150 anniversary of Wahoo. Lausterer reported proposed ordinances are being reviewed regarding regulating vaping and sale of Kratom. Harrell reported one of the Wahoo Rescue

units was involved in a crash on icy roads, damage to the unit is being evaluated, and a lease vehicle is in service in the meantime.

Motion by Warford, seconded by Nagle, to adjourn at 8:35 p.m.

Approved:

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Lucinda J. Morrow, Clerk

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Gerald D. Johnson, Mayor