

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, Karen Boop, and Carl Warford. Absent: Stuart Krejci.

The Board of Public Works heard a presentation by students who did an energy audit at the wastewater treatment plant; Bill Lindley reported on natural gas markets and increases in transportation rates; there was discussion of disconnect policies. The Mayor reported the Fire/Ems departments held their John Manners Banquet. Harrell provided a report on bond refinancing and outstanding debt; the combined interest rates are among the lowest for municipalities in the state.

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

1. Excused absence of Krejci
2. Minutes of February 13, 2020 meeting of Council
2. Minutes of February 6, 2020 meeting of Planning Commission
3. Minutes of February 11, 2020 meeting of Library Board
4. Acceptance of Garrett Packet as a member of the Wahoo Volunteer Fire Department
5. Licenses: HVAC: Doug Oberhauser, Dougs Heating & Air Conditioning, Seward; William Krajicek, Grunwald Mechanical Contractors, Omaha; Brian Ostwinkle, Grand Island.  
Electricians: Kirk Bartek, Weston; Aaron Kassing, Kassing Enterprises, Denton.

Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Boop, yes; and Warford, yes. Absent and not voting: Krejci. Motion carried.

Jon Mooberry reported on the Chestnut Improvement project. A cap was installed on a retaining wall along 1<sup>st</sup> Street in error, resulting in additional expense. JEO will pay for half the cost of this error. Motion by Kavan, seconded by Warford, to approve pay Application #20 to M E Collins for Chestnut Street Improvements in amount of \$9,070.38 (City share \$6,370.38, utility share \$2,700.00). Roll call vote: Kavan, yes; Warford, yes; Nagel, yes; Boop, yes; and Lawver, abstained. Absent and not voting: Krejci. Motion carried.

Motion by Lawver, seconded by Nagle, to approve pay application to Lierman Excavating Co. for 2019 storm water improvement projects: South side of City Hall/fire station in the amount of \$47,888.00; East side of city hall in the amount of \$12,628.00; North side of fire station in the amount of \$16,157.00. Roll call vote: Lawver, yes; Nagle, yes; Boop, yes; Warford, yes; and Kavan, yes. Absent and not voting: Krejci. Motion carried.

Harrell reported two bids were received for the Civic Center roof project. Motion by Kavan, seconded by Boop, to accept bids received for the Civic Center re-roof project and authorize entering into a contract with Imperial Roof Systems Co., including the prices for deck replacement (as needed) and scupper and gutter replacement. Roll call vote: Kavan, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagel, yes. Absent and not voting: Krejci. Motion carried.

Hearing opened at 7:13 p.m. to determine whether to declare a dog as a potentially dangerous or dangerous dog, stemming from an incident on January 2, 2020. The dog is Maverick, a black and brown miniature German shepherd, owned by Tom and Stacey Dailey of 1749 N Sycamore St. Chief Ferrell provided reports on the incident, noted none of the dogs involved were licensed at the time but have since been licensed, and a citation was issued. Exhibits were received. Sue DuBois stated she was contacted by Deb Wilcox with Saunders County Lost Pets to evaluate the dog's personality, stated she noted no aggressive tendencies, and showed video of her encounter. Cheri Maly reported her dog was on a leash in its own yard when it was bit, and she has video showing Dailey's dog leaving their yard. Maly stated this is not the first incident of a bite and the animal also chased a Fed Ex driver. Ferrell reported the underground electric fence was not working at the time of this incident. Motion by Lawver, seconded by Kavan, to close the hearing at 7:33 p.m. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Boop, yes; and Warford, yes. Absent and not voting: Krejci. Motion carried.

Lawver noted the dog, Maverick, left its own yard and a bite occurred. Motion by Lawver, seconded by Boop, to declare the dog Maverick as a potentially dangerous dog, and put the owners, Tom and Stacy Dailey, on notice of this finding. Roll call vote: Lawver, yes; Boop, yes; Warford, yes; Kavan, yes; and Nagle, yes. Absent and not voting: Krejci. Motion carried.

Chris Riha of Viaero Wireless addressed the Council, stating an inspection will be completed and submitted to the City as soon as possible. Review period was discussed, mainly due to the tower's proximity to the airport and the effect on runway approach patterns. Council members agreed to review again in 60 months (five years) and requested inspection reports within six months.

Ordinance No. 2342 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP BY EXTENDING A CONDITIONAL USE PERMIT FOR A COMMUNICATIONS TOWER IN TA – TRANSITIONAL AG ZONING IN SE ¼ S34-T15N-R7E, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2342 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2342 by title.

Warford stated he would abstain from voting, due to conflict of interest. Lausterer stated the Mayor can cast a vote.

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; Kavan, yes; Boop, yes; Warford, abstained; and Johnson, yes. Absent and not voting: Krejci. 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. 2342 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2342 be approved and passed and its title agreed to. Council Member Kavan 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; Kavan, yes; Nagle, yes; Boop, yes; Warford, abstained; and Johnson, yes. Absent and not voting: Krejci. 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 presented several reports related to the audit, and discussed the recommendations made by the auditors. Motion by Lawver, seconded by Warford, to accept the City of Wahoo Audit Document for FY 2018-19. Roll call vote: Lawver, yes; Warford, yes; Kavan, yes; Nagle, yes; and Boop, yes. Absent and not voting: Krejci. Motion carried.

Discussion was held on ways to amend Municipal Code to regulate vaping or use of alternative nicotine products, establish the age for purchase of possession of tobacco or alternative nicotine products, and regulate kratom. Age limits are currently different between State and Federal law; Wahoo ordinance could state a specific age, or follow either State or Federal limits. Ferrell noted most vendors are voluntarily following the age 21 guideline; two stores are not. Lausterer noted the Legislature is working on language regulating vapor nicotine products, and he will monitor those changes when drafting the ordinance restricting use of tobacco or alternative nicotine products in public and indoor spaces. Ferrell stated kratom is an herbal material that has effects like opioids and has been banned in a number of countries, and several states and cities. The DEA is working to ban it, and the FDA warns of liver damage, seizures, and dangers from contamination, as well as overdoses. Two stores in Wahoo are currently selling the product.

Kavan stated he would favor setting the age for possession of tobacco/nicotine products to match the State of Nebraska.

Ordinance No. 2343 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE MUNICIPAL CODE §131.50 AND §131.51 TO PROHIBIT POSSESSION OR DELIVERY OF TOBACCO, VAPOR NICOTINE PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR KRATOM BY MINORS AS DEFINED BY NEB. RS 28-1418 AND 28-1419, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2343 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2343 by title.

Council Member Kavan moved that Ordinance No. 2343 be approved and passed on first reading 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; Boop, yes; and Warford, yes. Absent and not voting: Krejci. Motion carried.

Ordinance No. 2344 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE MUNICIPAL CODE TO DEFINE ALTERNATIVE NICOTINE PRODUCTS, VAPOR NICOTINE PRODUCTS, AND TO PROHIBIT THE USE OF SUCH PRODUCTS IN A PLACE OF EMPLOYMENT, A PUBLIC PLACE, OR WITHIN PUBLICLY OWNED PROPERTY, EXCEPT AS DESIGNATED, was introduced by Lawver. The Mayor then

instructed the Clerk to read Ordinance No. 2344 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2344 by title.

Council Member Lawver moved that Ordinance No. 2344 be approved and passed on first reading and its title agreed to. Council Member Kavan 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; Kavan, yes; Nagle, yes; Boop, yes; and Warford, yes. Absent and not voting: Krejci. Motion carried.

Warford stated until the State of Nebraska takes action to prohibit kratom, he would propose restricting the age of possession of purchase to match the age limit for tobacco or nicotine products.

Ordinance No. 2345 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE MUNICIPAL CODE TO DEFINE KRATOM AND KRATOM PRODUCTS AND SALE TO OR POSSESSION BY MINORS AS DEFINED BY NEB. RS 28-1418 AND 28-1419, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2345 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2345 by title.

Council Member Kavan moved that Ordinance No. 2345 be approved and passed on first reading 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: Kavan, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: Krejci. Motion carried.

The addendum to the Subdivision Agreement for Dry Run Subdivision was discussed, which changes the deadline for completion and splits the project into two parts. Motion by Kavan, seconded by Warford, to approve the addendum to Subdivision Agreement for Dry Run Subdivision. Roll call vote: Kavan, yes; Warford, yes; Lawver, yes; Nagle, yes; and Boop, yes. Absent and not voting: Krejci. Motion carried.

Audience comments on items not listed on the agenda: Gerard Bridgeford addressed the Council regarding an incident and a request for investigation. Lausterer advised Bridgeford he could request investigation by Saunders County authorities or the Attorney General's office.

Lausterer reported his research on status of the purchase of tax certificates of Block 2, Dickinson's Addition to Wahoo by another entity, and stated he contacted their company to ask about purchasing their interest. Efforts to contact ResCom have been unsuccessful.

A motion was made by Kavan to enter into closed session for protection of public interest to discuss real estate purchase, with Melissa Harrell, Jovan Lausterer, Lucinda Morrow, Bruce Ferrell to remain in the room, seconded by Warford. Roll call vote: Kavan, yes; Warford, yes; Lawver, yes; and Boop, yes. Absent and not voting: Krejci. The Mayor announced the Council would be entering into closed session to discuss possible purchase of real estate at 8:33 p.m.

A motion was made by Lawver, seconded by Kavan to return to regular session at 8:51 p.m. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Boop, yes; and Warford, yes. Absent and not voting: Krejci. Motion carried.

No action taken at this time. Warford asked about the possibility of condemnation of nuisance property, as he is frequently asked about this by constituents. Lausterer explained the process.

Motion by Warford, seconded by Boop, to adjourn at 9:01 p.m.

Approved:

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Lucinda J. Morrow, Clerk

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Gerald D. Johnson, Mayor