

The Council met in regular session by video/telephone conference on a Zoom link, in compliance with agenda posted at City Hall, Post Office and First Bank of Nebraska, and the City of Wahoo web site, 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.

City Administrator Melissa Harrell explained the meeting process via Zoom.

Mayor Johnson reported on efforts undertaken to protect the citizens of Wahoo and the surrounding area by City of Wahoo officials and other government entities and organizations during the Covid-19 pandemic. He expressed appreciation to City officials and staff who have taken on considerable additional responsibility to ensure the safety of employees and the public, and the organizations and community leaders who have stepped up to implement safety measures.

Roll call was taken with the following Council members present, acknowledging they have received the agenda and advance notice of the meeting: Mike Lawver, Greg Kavan, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

Department Head written reports were reviewed. Krejci reported the Finance Committee met. Harrell reported on communications with Windstream regarding relocation of lines.

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

1. Minutes of March 12, 2020 meeting of Council
2. Minutes of March 5, 2020 meeting of Planning Commission
3. Minutes of March 10, 2020 meeting of Library Board
4. Minutes of March 19, March 20, and April 2, 2020 meetings of Wahoo Board of Health and Board of Health Resolution 20-01
5. Acceptance of Supplement to City of Wahoo Personnel Policy – pay and leave policy specific to COVID-19
6. Acceptance of Continuity of Operations Plan for COVID-19 Emergency
7. Approval of job description for GIS Technician Intern and placement on Seasonal pay scale
8. Revised drug and alcohol policies (as recommended by State Fire Marshal) for DOT requirements

Roll call vote: Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Kavan, present, but no audible vote. Absent and not voting: none. Motion carried.

Public hearing opened at 7:14 p.m. on application for change of zoning on Lot 1, Burkley Subdivision, known as 1768 N Chestnut Street, from NRC – Neighborhood Residential Commercial to I-1 Light Industrial, as filed by Robert Kemerling and Bryan Banghart. Beavers reported the Planning Commission recommended approval of the change. Bryan Banghart explained his plans to lease the building for an assembly business. No other public comments. Motion to close public hearing at 7:17 p.m. by Krejci, seconded by Kavan. Roll call vote: Krejci, yes; Kavan, yes; Lawver, yes; Nagle, yes; Warford, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2348 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP BY CHANGE OF ZONING FROM NRC – NEIGHBORHOOD RESIDENTIAL COMMERCIAL TO I-1 LIGHT INDUSTRIAL ZONING ON LOT 1, BURKLEY SUBDIVISION, was introduced by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2348 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2348 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 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: Warford, yes; Nagle, yes; Boop, yes; Krejci, yes; Kavan, yes; and Lawver, 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. 2346 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2348 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; Kavan, yes; Nagle, yes; Boop, yes; and Warford, 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.

Public hearing opened at 7:21 p.m. on application for subdivision known as Center Pointe Estates, a parcel of land containing 49.62 acres more or less in the N ½ NW ¼ S33 T15N R7E, Saunders County, filed by Roger and Glenda Harders. Roger Harders reported he is waiting for his engineer to complete some additional work, and requested a delay in hearing.

Lausterer advised the Council to refer this back to the Planning Commission, to consider any changes submitted by applicant, and recommended that public hearing before the Council remain open until the matter comes back before the Council.

Motion by Lawver, seconded by Kavan, to refer the application back to the Planning Commission for consideration of any amendments submitted, while leaving the public hearing before the Council open. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Jon Mooberry of JEO Consulting Group reported no bids were received for the 2020 Chestnut Street Lighting, 14th Street to Highway 77 project. This could be re-bid, or negotiated with the contractor and

added to the project through a change order. This will be discussed further with the Street committee and staff.

Jon Mooberry of JEO explained the Change Order #11 submitted on the Chestnut Street project. Motion by Krejci, seconded by Nagle, to approve Change Order #11. Roll call vote: Krejci, yes; Nagle, yes; Kavan, yes; Boop, yes; Warford, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

Change Order #12, Chestnut Street Project was discussed by Jon Mooberry. He will put together some additional calculations for consideration. Motion by Kavan, seconded by Krejci, to table action on Change Order #12. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Nagle, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

Lausterer reported due to the Covid-19 outbreak, developers are requesting a delay of street construction in Dry Run Subdivision, and this has been approved by NDOT. Motion by Krejci, seconded by Warford, to approve second Amendment to Subdivision Agreement, Dry Run Subdivision. Roll call vote: Krejci, yes; Warford, yes; Boop, yes; Nagle, yes; Kavan, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Harrell reported the Finance Committee met with Grant Anderson to discuss the increased workload due to lack of commercial transports working in the area, as well as increased call volumes. Anderson reported calls continue to increase and due to gaps in coverage some calls have been turned down. Harrell reported the budget would increase about \$26,000. Revenues could also increase with ability to take additional calls. Anderson requested that two part-time paramedics, working 24 hours each per week, be hired, to bring the department closer to providing 24/7 paramedic service to the community. Warford stated it is important to have paramedics available for a higher level of care. Boop expressed concern for burnout of staff due to work overload.

Motion by Krejci, seconded by Nagle, to authorize hiring two part-time paramedics in the EMS Department. Roll call vote: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Lawver, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Lausterer reported he communicated with April Cover, attorney for Mary Durham, regarding a recent change in circumstances following the Mayor and Administrator's finding on Durham's accommodation request. Ms. Cover requested this be tabled for the time being. Motion by Lawver, seconded by Kavan, to table this matter. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Beavers report several of the sheds requested by LPNNRD for camping shelters have already been placed at Lake Wanahoo. Eric Gottschalk reported the initial plan is for six sheds, with rough interior finish, electrical service, but no plumbing, for primitive camping shelter. In the future they would like six more placed. Gottschalk stated they will follow recommendations for anchoring and building safety. Lausterer and Beavers noted this is a special zoning district and at the time of drafting there was no anticipation of commercial activities at Wanahoo; it appears regulations should be amended to establish a process for application and approval. Motion by Kavan, seconded by Krejci, to approve placement of six sheds under waiver, and refer establishment of a process for permits for further development to the Planning Commission as a zoning amendment. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Beavers reported Kevin Stark, Happy Hearts Day Care, has requested the city consider reducing width of easement reserved in vacated 14th Street, in anticipation of a future construction project. Harrell noted when the street was vacated, the entire width was reserved as an easement, and the area was planned for use as a playground with no permanent structures to link the two properties together and provide additional parking. Concern was expressed about parking issues if an additional building is erected, and the property is split. Utilities stated there is an electric line through the area, and a 20-foot easement would need to be maintained. Kevin Stark asked that a 20-foot easement be considered, and reported on his potential plans. He would like to work with utilities to survey the reduced easement.

Motion by Lawver, seconded by Warford, to approve proceeding with plans to reduce the easement to 20 feet width in a location and under terms recommended by the Utilities General Manager. Roll call vote: Lawver, yes; Warford, yes; Boop, yes; Krejci, yes; Nagle, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Beavers reported he reviewed property frontages along Sycamore Street between 15th and 16th, and the average appears to be 14 feet. The property owners plan to construct a 24' x 24' garage in the back yard area, and lot size is adequate. Jackie Fairbanks stated they would like to construct the garage, and can work with the setback. Motion by Warford, seconded by Kavan, to approve request to allow alignment to meet the 14-foot average of frontages of a new structure on property known as 518 West 15th Street. Roll call vote: Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Harrell reported the Board of Public Works discussed the property east of Pine Street last fall, felt it is not needed and would be surplus property. The Fair Board is interested in using the area as a parking lot.

Resolution No. 2020-04 to declare 4.58 acres located east of Pine Street adjacent to the WWTP as surplus property with a value of greater than \$5,000, and offer for use as parking area... was introduced by Lawver, who moved for approval, seconded by Krejci:

“WHEREAS, the City of Wahoo, Saunders County, Nebraska, is the owner of the following described real property, to wit:

That part of the Southwest Quarter of the Northeast Quarter of Section 10, Township 14 North, Range 7 East of the Sixth Principal Meridian, Saunders County, Nebraska, described as commencing at the Southwest Corner of the Northeast Quarter of Section 10; thence N02°44'30"W (assumed bearing), on the West line of the Northeast Quarter, a distance of 623.29 feet to a point on the south line of the tract conveyed by the deed recorded in Deed Book 146, Page 964, said point being the point of beginning; thence continuing N02°44'30"W, on the West line of the Northeast Quarter, a distance of 277.11 feet to a point on the North line of said tract; thence S89°23'48"E, on the North line of said tract, a distance of 693.00 feet to the Northeast corner of said tract; thence S02°42'24"E, a distance of 232.34 feet to the Southeast corner of said tract; thence S78°58'58"W, on the South Line of said tract a distance of 550.82 feet; thence N45°27'27"W, on the South line of said tract, a distance of 102.39 feet; thence S87°03'08"W, on the South line of said tract, a distance of 77.13 feet to the point of beginning; containing a computed area of 4.58 acres more or less,

and,

WHEREAS, the City of Wahoo does not have a present need to retain ownership of the above described real property, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, have determined that the fair market value of the above-described real property may be greater than \$5,000.00,

WHEREAS, the City of Wahoo, Nebraska has determined the real property as described should only be used for community and/or public purposes given its proximity to the wastewater treatment facility, its location in a flood zone and its adjacency to community fair property,

WHEREAS, Neb. Rev. Stat. § 17-503 allows for the conveyance of real property owned by a city of the second class,

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That the above-described real property, together with all appurtenances located thereon, be offered for sale, for the limited purpose of use for vehicle parking, as specified by the Mayor and Council of the City of Wahoo, Nebraska.
2. That the notice and terms of sale shall be published once each week for three consecutive weeks in the Wahoo Newspaper pursuant to Neb. Rev. Stat. §17-503(2).
3. That a thirty (30) day remonstrance period shall be adhered to pursuant to statute.
4. That sale shall be made to the highest bidder, with the sale shall be restricted to bidders who affirm that use of the property shall be restricted to community and/or public parking purposes only as no commercial, residential or industrial uses shall be allowed on the property following the sale.
5. That the terms of said sale shall be twenty-five (25%) percent down on the date of the sale and the balance upon the adoption by the Mayor and Council of an ordinance authorizing the sale of the above-described real property.
6. That the City of Wahoo, Nebraska, shall provide to the buyer of the above-described real property a quitclaim deed for the above-described real property.
7. That the buyer of the above-described real property shall pay all costs associated with obtaining a title insurance policy to the above-described real property (should they so request it) and the filing fee to the Register of Deeds for said quitclaim deed.
8. That the buyer of the above-described real property shall receive possession of the above-described real property upon payment in full of the purchase price and the enactment of the aforementioned ordinance.

BE IT FURTHER RESOLVED that the Clerk of the City of Wahoo, Nebraska, shall publish notice of the proposed sale of the above-described real property, and the terms thereof, once each week for three (3) consecutive weeks in the Wahoo Newspaper after the passage of this Resolution. The above-

described property shall be sold following the passage of this resolution directing the sale, the publishing of the required notice and the passage of the thirty (30) day right-of-remonstrance period.”

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

The final reading of the ordinance prohibiting smoking or use of vapor nicotine products in public was discussed. Reference to alternative nicotine products (such as chewing tobacco) was removed from the prohibition prior to the second reading.

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 PRODUCTS IN A PLACE OF EMPLOYMENT, A PUBLIC PLACE, OR WITHIN PUBLICLY OWNED PROPERTY, EXCEPT AS DESIGNATED, was introduced by Warford. 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 Warford moved that Ordinance No. 2344 as amended be approved and passed on third and final 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: Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Lawver, 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.

Gerard Bridgeford was given ten minutes and then an additional one minute to address the Mayor and Council regarding City and Police Department Personnel Policies and an incident from several years ago.

Lausterer stated he has explained to Mr. Bridgeford that this matter is either criminal, civil or administrative in nature with it appearing that he is largely alleging criminal acts by members of the police department relating to his prior criminal prosecution. Lausterer again advised Mr. Bridgeford that he should address his concerns with either the County Attorney or Attorney General’s office. Lausterer also advised the council that this matter has previously been reviewed administratively by the then department head, the current department head and the City Administrator. The Mayor stated this would be taken under advisement by the City and that he would be informed of any decisions.

Krejci asked if the police department is prepared for monitoring activities for Easter weekend. The Governor’s recommendations for gathering were reviewed. Chief Ferrell reported the Lincoln Diocese is ordering online services, and believed most churches were following that guideline. He stated the department will be conducting compliance checks and following up on citizen complaints. Three Rivers Public Health encourages safety measures at parks and proper use of the trails and parks, as the next three weeks are critical.

The next Council meeting will be held Thursday, April 23, 2020, by Zoom session with information posted in advance.

Motion by Krejci, seconded by Nagle, to adjourn at 9:00 p.m.

Approved:

Lucinda J. Morrow, Clerk

Gerald D. Johnson, Mayor