

**Council Chambers**

**Wahoo, Nebraska**

**April 23, 2020**

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 issued a proclamation recognizing National Library Week, April 19-25, 2020.

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.

The Board of Public Works met, discussed master planning, the SCADA system, and disconnection policies. Lausterer reported the Personnel and Finance Committee met to review the Bridgeford complaint information, and determined there are no further actions to be taken by city staff, Personnel and Finance Committee, or Council.

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

1. Minutes of April 9, 2020 meeting of Council
2. Minutes of April 2, 2020 meeting of Planning Commission
3. Minutes of April 6, 2020 meeting of Wahoo Board of Health

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

Public hearing opened at 7:09 p.m. on application for change of zoning on Lots 11 and 12, Block 133, County Addition, except for the West 3.25 feet of Lot 11, C-1 – Downtown Commercial to R-3 Residential, as filed by James Murray. Beavers reported the Planning Commission recommended approval of the change. No other public comments. Motion to close public hearing at 7:10 p.m. by Kavan, seconded by Lawver. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2349 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP BY CHANGE OF ZONING FROM C-1 DOWNTOWN COMMERCIAL TO R-3 RESIDENTIAL, ON LOTS 11 AND 12, BLOCK 133, COUNTY ADDITION, EXCEPT THE WEST 3.25 FEET OF LOT 11, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2349 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2349 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 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: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, 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. 2349 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2349 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.

Public hearing opened at 7:14 p.m. on consideration of amendment of Wahoo Zoning Ordinance, permitted and conditional uses in C-3 General Commercial Zoning District. Beavers noted the Planning Commission recommended changes. No public comments. Motion to close public hearing at 7:14 p.m. by Lawver, seconded by Nagle. Roll call vote: Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2350 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND ORDINANCE NO. 1886, THE WAHOO ZONING ORDINANCE, REGARDING PERMITTED AND CONDITIONAL USES IN SECTION 5.14 C-3 GENERAL COMMERCIAL DISTRICT, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2350 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2350 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 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: Lawver, yes; Krejci, yes; Boop, yes; Warford, yes; Kavan, yes; and Nagle, 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. 2350 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2350 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; Krejci, 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.

Ordinance No. 2347, amendment of Energy Code, remains tabled.

Harrell reported information on Change Order #12, Chestnut Street project is not ready, and this remains tabled.

Lausterer reported communication with Durham's attorney, who requested an additional postponement. This remains on the table.

Pay Application No. 21 for Chestnut Street improvements to M E Collins Contracting in the amount of \$61,261.70 (City share: \$50,465.70; utility share: \$10,796.00) was reviewed. Motion by Kavan, seconded by Krejci, to approve Pay Application No. 21. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Nagle, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

Harrell reported no concerns reported by police, fire, or rescue departments, and no complaints filed with the city regarding the Liberty House in the past year. No complaints filed with Department of Health and Human Services; last site inspection was in 2014. Recommended review in one year.

Ordinance No. 2351 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO EXTEND THE CONDITIONAL USE PERMIT FOR ASSISTED LIVING FACILITY IN R-2 RESIDENTIAL DISTRICT, was introduced by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2351 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2351 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 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: Lawver, yes; Krejci, yes; Kavan, yes; Nagle, yes; Warford, 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. 2351 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2351 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.

Motion by Krejci, seconded by Kavan, to approve fireworks sale application by Black Dragon Fireworks at 745 N Chestnut Street. Roll call vote: Krejci, yes; Kavan, yes; Nagle, yes; Warford, yes; Boop, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Motion by Lawver, seconded by Krejci, to approve the format of interlocal agreements with various communities to provide mosquito spraying, with rates to be reviewed and set by staff. Roll call vote: Lawver, yes; Krejci, yes; Boop, yes; Warford, yes; Kavan, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Resolution No. 2020-05 to declare a set of water holding tanks from the 1950-1960s as surplus property, of a value of less than \$5,000, and offer to Saunders County Historical Society as a donation, was introduced by Krejci, who moved for approval, seconded by Kavan:

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

Six water storage container barrels (previously stored in the basement of City Hall) and,

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

WHEREAS, the City of Wahoo, Nebraska, deems it in the best interests of the citizens of the City of Wahoo, Nebraska, that said personal property be disposed of, as set forth herein,

WHEREAS, the City of Wahoo, Nebraska, has determined that the fair market value of the above described personal property is less than \$5,000.00,

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

1. That the above described personal property be donated to the Saunders County Museum, as advertised in a Notice of Donation of Personal Property posted in three public places in the City of Wahoo, Nebraska, immediately after the passage of said Resolution and not later than seven (7) days prior to the donation of said item, as shall be evidenced by a Notice of Posting of the City of Wahoo Clerk, and,

2. That pursuant to Neb. Rev. Stat. §17-503.01, confirmation of the sale of said personal property by an ordinance is not required."

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

Lausterer reported the City has acquired the past two years back taxes on Block 2, Dickinson's Addition (south hall at the college campus). Current taxes are due of \$1,156.80. Motion by Krejci, seconded by Nagle, to pay current taxes of \$1,156.80 on Block 2, Dickinson's Addition. Roll call vote: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Lawver, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Jerry Divis addressed the Council regarding the denial of a building permit several months ago, with questions about what he needed to do to proceed. Lausterer recalled there were issues with having two

principal buildings on one lot, and also zoning issues with use of property. Records will be reviewed.

The next Council meeting will be held Thursday, May 14, 2020.

Motion by Lawver, seconded by Krejci, to adjourn at 7:47 p.m.

Approved:

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Lucinda J. Morrow, Clerk

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Gerald D. Johnson, Mayor