

The Council met in regular session at the Wahoo Public Library, 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 public was informed 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. A video/telephone Zoom link was provided for public participation.

Written department reports provided. Beavers reported things are busy with new house construction and nuisances. Denise Lawver reported the library is open. Stuhr reported the Senior Center will open next week, the Thrift Store opened last week, and the pool has been open three weeks with good attendance. Jansa reported work on J Road. Anderson reported EMS had 400 calls through June, up from last year. The new radios are being installed, and the ambulance wrecked in December should be replaced soon. Ferrell reported call loads were down in March and April, but went up in May and June. New radios are in, not installed yet. Harrell reported work with the RFI students and some video projects done recently. There may be some avenues for reimbursement of Covid-19 expenses through FEMA grants under the nationwide disaster declaration. There is DED funding which may be available to help with community match money to repair flood damage from last year. There is also a Nebraska Broadband Grant program to help with projects that can be completed before the end of 2020.

Krejci reported the Finance Committee has started meeting on the budget process. Lawver reported the Street Committee met and has several items on this agenda. Board of Public Works will meet next week. Harrell reported there was an electrical outage last week due to an equipment problem with NPPD, and Wahoo's power plant was used to restore power to part of town and prevent overload on the lines as the equipment was repaired.

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

1. Minutes of June 25, 2020 meeting of the Council
2. Authorize membership for the City of Wahoo with Southeast Nebraska Development District (SENDD) and SENDD Housing for FY 2020-21 (7/1/2020 – 6/30/2021)

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

Ord. No. 2347 to update the energy code remains tabled. Change Order #12 for Chestnut Street will remain tabled.

Hearing opened at 7:14 p.m. to determine whether to declare a dog living at the residence of Kaitlyn Kavan, 1783 N Linden Street, as a potentially dangerous or dangerous dog. Ferrell provided a report of the incident on June 25, 2020 involving the dog, identified as a tri-colored Australian Shepherd, Gunner, that injured a person mowing the yard next door. Kavan stated the dog's leash slipped out of her grasp when the incident occurred, and the dog does not run loose. The back yard is secured, the dog has been neutered, and he is in obedience training. Kavan's father stated the dog is young and full of energy.

Lausterer stated there is nothing in the record to reach the level of a dangerous finding. There are no special actions that must be taken by an owner for a potentially dangerous declaration, it is a “first strike” in the process.

Motion by Warford, seconded by Krejci, to declare the Australian Shepherd, Gunner, as potentially dangerous due to the injury. Roll call vote: Warford, yes; Krejci, yes; Boop, no; Kavan, yes; Lawver, no; and Nagle, yes. Absent and not voting: none. Motion carried.

It was recommended for clarity of the record since the Council is again meeting in person, that Council members ratify all actions taken by the Council during their videoconference meetings, as permitted by the Governor’s Executive Orders 20-03 and 20-24. Motion by Lawver, seconded by Kavan, to ratify all actions taken by the Council at meetings held by videoconference on April 9, April 23, May 14, May 28, and June 11, 2020, as indicated by minutes from those meetings. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Warford, yes; Boop, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

The Street committee recommended placement of stop signs at 12th, 13th, and 14th Street at Chestnut Street, now that street work is being completed. Resolution No. 2020-09 to install stop signs was introduced by Kavan, who moved for approval, seconded by Lawver, as follows:

“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 prohibiting parking at certain locations within the corporate limits of the City of Wahoo, Nebraska,

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: one or more stop signs, be erected at the following locations, all located in the City of Wahoo, Nebraska:

At the intersection of West 12th Street and Chestnut Streets stopping eastbound traffic at Chestnut Street;
At the intersection of West 13th Street and Chestnut Streets stopping eastbound traffic at Chestnut Street;
At the intersection of West 14th Street and Chestnut Streets stopping eastbound traffic at Chestnut 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, by the City of Wahoo, Nebraska, at which time, this Resolution shall be of no force and effect.”

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

The Street Committee reviewed the request by Chestnut Memorials for placement of no parking signs on the north side of 11th Street between Chestnut Street and the driveway entrance to 316 West 11th. Resolution No. 2020-08 to install no parking signs was introduced by Krejci, who moved for approval, seconded by Kavan, as follows:

“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 prohibiting parking at certain locations within the corporate limits of the City of Wahoo, Nebraska,

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: one or more no parking signs, be erected at the following locations, all located in the City of Wahoo, Nebraska:

the North side of 11th Street from Chestnut Street west to the south drive entrance of 316 West 11th

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, by the City of Wahoo, Nebraska, at which time, this Resolution shall be of no force and effect.”

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

Revised draft of the ordinance amending Municipal Code by creation of a section regulating mobile food vendors/food trucks was reviewed. Ken Houfek asked if setting up at multiple locations would require multiple applications; he was told to submit a list of possible locations with the single application, and update as needed throughout the permit period. Proration of permit amounts was deleted from the application form, since the same amount of time is required for verification, regardless of the time of year applied. Once approved, the vendor will receive a permit certificate which should be displayed or produced on request.

Ordinance No. 2352 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA TO AMEND THE MUNICIPAL CODE, TITLE XI: BUSINESS REGULATIONS, BY CREATION OF CHAPTER 116: MOBILE FOOD VENDORS, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2352 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2352 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 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: Kavan, yes; Lawver, yes; Nagle, no; Krejci, no, Boop, yes; Warford, no; Johnson, yes. Absent and not voting: none. The motion requires the affirmative votes of no less than three-fourths of the members of the Council, therefore, the motion failed.

Council Member Lawver moved that Ordinance No. 2352 be approved and passed and its title agreed to on its first reading. 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.

Harrell and Lausterer reported vacation of streets and alleys in Fairlawn Addition is a cleanup measure, to clarify for the record that platted streets dedicated in 1887 have been officially vacated by the city. The area is in flood plain.

Ordinance No. 2353 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO VACATE STREETS AND ALLEYS DEDICATED IN THE PLAT OF FAIRLAWN ADDITION FILED IN 1887, THAT WERE NOT INCLUDED IN VACATIONS IN ORD. NO. 2177, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2353 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2353 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; Nagle, yes; and Kavan, 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. 2353 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2353 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: Lawver, yes; Kavan, 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.

A request to vacate an alley from Broadway to Maple Street, between 8th and 9th Streets was filed by Bob and Carmen Sullivan. This was reviewed by utilities and street committee, who recommended the request be denied. Motion by Krejci, seconded by Lawver, to find it is not in the best interest of the City to vacate the alley. Roll call vote: Krejci, yes; Lawver, yes; Nagle, yes; Kavan, yes; Warford, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Harrell reported the City did an engineer selection process, as required by FEMA, and Olsson Inc. has submitted a scope of services and cost estimate. The next step in the process is authorization for the Mayor to sign contracts with Olsson for the engineering work on the projects. The three projects are: trail repair and mitigation work on the Lake Wanahoo Trail (FEMA project); embankment repair and mitigation work at the Wahoo Creek bridge on South Chestnut (FEMA project); and embankment and drainage repairs on Wahoo Creek near the Wahoo Creek bridge on South Chestnut not located on City property and replacement of guard railing along Wahoo Creek bridge (locally funded).

A motion was made by Kavan, seconded by Krejci, to authorize the Mayor to sign the contract with Olsson Inc. for professional services related to trail repair and mitigation work on the Lake Wanahoo Trail (FEMA project). Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

A motion was made by Lawver, seconded by Nagle, to authorize the Mayor to sign the contract with Olsson Inc. for professional services related to embankment repair and mitigation work at the Wahoo Creek bridge on South Chestnut (FEMA project). Roll call vote: Lawver, yes; Nagle, yes; Kavan, yes; Warford, yes; Boop, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

A motion was made by Kavan, seconded by Lawver, to authorize the Mayor to sign the contract with Olsson Inc. for professional services related to embankment and drainage repairs on Wahoo Creek near the Wahoo Creek bridge on South Chestnut not located on City property, and replacement of guard railing along Wahoo Creek bridge. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Ken Houfek asked if a “No Parking” sign, which was removed several years ago near the Lutheran Church, could be replaced. Street Department was directed to check on the status of signs on the block, and replace.

Broderick Baker, participating by zoom link, addressed the Council. He is a crisis counselor from Region V Services in Lincoln, and wanted city officials to be aware that assistance is available for anyone experiencing disaster distress, in the form of vouchers for counseling and hot lines. His office will reopen in August. He will provide information by email, which he asked to be distributed to anyone who might benefit from these services.

Beavers reported he attended a webinar on the 2018 Energy Code (tabled item) and at this time Lincoln is the only community that has adopted the new Nebraska code, but also adopted amendments to reverse a lot of the new requirements in that code. More meetings and discussion are planned to decide what amendments would need to be made or alternative ways to calculate energy compliance.

Boop asked the status of Mary Durham’s dogs, due to another incident noted in the police reports. Lausterer reported an appeal of the finding on the accommodation request was filed in District Court by Durham’s attorney. The City’s insurance carrier is handling the case, and has filed a motion to dismiss the appeal. She still has both dogs.

Harrell reported the appeal of the decision in the library damage case was decided, and there was found to be an error in jury instructions provided at the trial. A new jury trial is being scheduled.

Motion by Warford, seconded by Kavan, to adjourn at 8:07p.m.

Approved:

Lucinda J. Morrow, Clerk

Gerald D. Johnson, Mayor