

**Council Chambers**

**Wahoo, Nebraska**

**July 23, 2020**

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.

Krejci reported the Finance Committee met. The Utility Manager report was reviewed. Harrell reported she and Hurst met with homeowners at Country Club acres regarding the sanitary sewer project that will affect their area to explain the project and answer questions.

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

1. Minutes of July 9, 2020 meeting of the Council
2. Minutes of July 2, 2020 meeting of Planning Commission
3. Minutes of June 30, 2020 meeting of Board of Adjustments
4. Minutes of June 17, 2020 meeting of Board of Public Works
5. Minutes of July 14, 2020 meeting of Wahoo Library Board
6. Approval of Caitlyn Gaffne as a member of the Wahoo EMS Department

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

Public Hearing opened at 7:04 p.m. for Final Plat of a replat of Lot 24 and Green Area of City View Subdivision, Saunders County, Nebraska, to create Lots 28 and 29, City View Subdivision. No public comments offered. Motion by Lawver, seconded by Kavan, to close the public hearing at 7:04 p.m. Roll call vote: Lawver, yes; Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; and Nagle, abstained.

The Planning Commission recommended approval, with stipulation that no access be granted off County Road 17 for the Green Area (Lot 28) due to the lesser than required frontage. Motion by Kavan, seconded by Krejci, to approve the Final Plat of the replat of Lot 24 and Green Area to create Lots 28 and 29, City View Subdivision. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, abstained. 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.

Motion by Kavan, seconded by Krejci, to approve Pay Application No. 24 to M E Collins Contracting in the amount of \$127,599.70 for Chestnut Street Improvements. Roll call vote: Kavan, yes; Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

Harrell explained the proposed change in start date for calculations of value. Resolution No. 2020-10 to amend redevelopment agreement for JEO building project to rescind the Notice to Divide Taxes

previously filed and authorize filing a new Notice to Divide Taxes was introduced by Krejci, who moved for approval, seconded by Lawver, as follows:

“WHEREAS, the City of Wahoo, Nebraska, a municipal corporation (the “City”), has determined it to be desirable to undertake and carry out certain community redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment;

WHEREAS, Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (collectively, the “Act”), prescribe the requirements and procedures for the planning and implementation of community redevelopment projects;

WHEREAS, the City has previously declared the area described in Attachment 1 (the “Redevelopment Area”) to be blighted and substandard and in need of redevelopment pursuant to the Act;

WHEREAS, on September 13, 2018, the Mayor and Council of the City approved a general redevelopment plan for the Redevelopment Area pursuant to Resolution 2018-26;

WHEREAS, on September 13, 2018, the Mayor and Council of the City approved a substantial modification to the general redevelopment plan for the Redevelopment Area (the “Redevelopment Agreement”) pursuant to Resolution 2018-27;

WHEREAS, pursuant to the Redevelopment Agreement, the City filed a Notice of Divide Tax for Community Redevelopment Project dated January 2, 2019 (the “Original Notice”) with the Saunders County Assessor, with 2018 being defined as the Base Value Year and 2019 as the calendar year in which the division of real property became effective;

WHEREAS, the project described in the Redevelopment Agreement was developed on a longer schedule than that described in the Redevelopment Agreement and there was no increase in the Real Property Base Value stated in the Original Notice from calendar year 2018 to 2019;

WHEREAS, since there was no increase in the Real Property Base Value stated in the Original Notice from calendar year 2018 to 2019, no real property taxes were divided pursuant to the Original Notice and the City has not receive any redirected taxes pursuant to the Original Notice;

WHEREAS, the City and the developer under the Redevelopment Agreement desire to amend the Redevelopment Agreement in the form attached as Attachment 2 (the “Amendment”) in order to extend the filing date for the Notice of Divide Tax for Community Redevelopment Project, and to have calendar year 2020 be the calendar year in which the division of real property becomes effective; and

WHEREAS, in connection the Amendment, the City desires to rescind the Original Notice and to file a Notice of Divide Tax for Community Redevelopment Project with

calendar year 2020 as the calendar year in which the division of real property becomes effective (the “New Notice”).

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

Section 1. The Amendment is hereby approved.

Section 2. The Original Notice is hereby rescinded, and the New Notice is hereby approved.

Section 3. City staff is authorized and directed to take all necessary actions required to comply with the provisions and intent of this resolution.”

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

Hearing opened at 7:10 p.m. to determine whether to declare a dog living at the residence of Lindsay Knuter, 140 West 13<sup>th</sup> Street, as a potentially dangerous or dangerous dog. Ferrell provided a report of the incident on June 30, 2020 involving the dog, a German Shepherd named Quinn, that inflicted a bite that did not require stitches. Knuter stated the incident happened in an office, she believed a squeaking noise startled the dog, and nothing like this happened before. She is working with a trainer to make sure nothing like this happens again. It was noted 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 was made by Kavan, seconded by Lawver, to declare the German Shepherd, Quinn, as potentially dangerous. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Warford, yes; Boop, no; and Krejci, yes. Absent and not voting: none. Motion carried.

Hearing opened at 7:17 p.m. to determine whether to declare a dog living at the residence of Courtney Kleffner, 550 West 4th Street, as a potentially dangerous or dangerous dog. Ferrell provided a report of the incident on July 1, 2020 involving the dog, identified as a black labradoodle mix, Luka, that injured another dog that was being walked on a leash nearby. That dog had a bruised sclera on the right eye and was prescribed antibiotics. A citation for dog at large was issued. Courtney Kleffner stated Luka was off leash and ran to the other dog, she took it back home, and the dog got away from her again before she could chain it, and reengaged the other dog. Mike Kleffner stated they fostered and adopted the dog from Lost Pets and they are not sure of its background. Kleffners are working with Deb Wilcox on obedience training and are willing to pay the vet bill for the other dog.

Motion by Warford, seconded by Krejci, to not declare the labradoodle mix, Luka, as potentially dangerous. Roll call vote: Warford, yes; Krejci, yes; Boop, yes; Nagle, yes; Kavan, yes; and Lawver, no. Absent and not voting: none. Motion carried.

Ord. No. 2352 amending Municipal Code regarding food trucks, mobile food vendors, and establishing a permitting process came on for second reading.

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 Krejci. 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 regard 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: Kavan, yes; Krejci, yes, Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. 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. 2352 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2352 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; Nagle, yes; Kavan, yes; Warford, yes; and Boop, 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.

Status of past taxes, liens filed for cleanup, and additional nuisance abatement that will be required at the South Hall/Camel Center were discussed. Counsel noted foreclosure for taxes, rather than foreclosure for the liens, might be preferable, but would like to have this option. Motion by Krejci, seconded by Kavan, to authorize staff and legal counsel to proceed with filing foreclosure on outstanding liens for nuisance abatement filed against property located in Block 2, Dickenson's Addition to the City of Wahoo, commonly known as South Hall/Camel Center of Kennedy Campus. Roll call vote: Krejci, yes; Kavan, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

List of surplus property items for auction was reviewed. Resolution No. 2020-11 to declare personal property of value of less than \$5,000 as surplus, and authorize sale by sealed bid or public auction was introduced by Kavan, who moved for approval, seconded by Warford, as follows:

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

**See Exhibit "A" insert list here**

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, as stated in the attached Exhibit "A"

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

1. That the above described personal property be sold by either sealed bid and/or public auction on a date, time, as advertised in a Notice of Sale 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 sale of said items, 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.

3. That the City of Wahoo, Nebraska, through the Clerk of the City of Wahoo, Nebraska, shall provide a bill of sale and/or certificate of title to the above personal property indicating that said personal property is being sold "as is" without warranty as to fitness or merchantability for any purpose and that buyer thereof assumes all risks from the utilization of said personal property upon buyer's possession of said items of personal property.

4. That buyer shall receive possession of the above-described items of personal property upon payment in full of the purchase price for each item."

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

No action regarding ordinance amending municipal code with statutory updates.

Council members asked that staff continue to evaluate current and future use of street department property and work to dispose of surplus property.

Motion by Warford, seconded by Kavan, to adjourn at 7:43 p.m.

Approved:

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Lucinda J. Morrow, Clerk

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Gerald D. Johnson, Mayor