

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, and Karen Boop. Carl Warford was absent. A video/telephone Zoom link was provided for public participation.

JEO project update and Department head reports were provided. Beavers stated construction progressing on Laurel Avenue and Heritage Heights, and busy with nuisances. Jansa reported normal activities and some work at the airport. Stuhr reported the pool closed for the season, and getting ready for fall sports. Denise Lawver reported numbers continue to go up, and the new drive-up window is ready. Ferrell reported working on agreements for channels for the new radios, and should be ready in a couple of weeks. Harrell reported the RFI students completed their work and will provide a summary and their final video at the next meeting. Chestnut work continues, nearly done with 12th Street work and heading into the final phase. Windstream is working on revisions to their lines in the area. Work on budget is continuing. Utilities hired two new linemen who start later in August. Employees are reminded to continue with Covid precautions. There have been discussions with St. Wenceslaus School about use of 2nd Street to expand their playground area to enable better social distancing. Father Jirovsky of St. Wenceslaus stated the School is not ready for permanent closure of the street yet, and will not request any changes for temporary closures at this time.

Krejci reported the Finance Committee met. Lawver reported the Street Committee met. Board of Public works will meet next week.

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

1. Excused absence of Warford
2. Minutes of July 23, 2020 meeting of the Council
3. Minutes of July 15, 2020 meeting of Board of Public Works
4. Minutes of July 28, 2020 meeting of Board of Adjustments
5. Approval of Mayor's appointment and Wahoo Library Board's recommendation of Gene Mercer as representative to the Wahoo Public Building & Grounds Association

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

Public Hearing opened at 7:11 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, Glenda Harders, and Dwight Hanson addressed the Council. Harders provided information citing other situations with multiple driveways which could be considered unsafe. Hanson and Harders stated Saunders County will be considering a change in the speed limit on the county road at their meeting next Tuesday, and once the limit is lowered, the number of driveways should not be an issue. A traffic study report was submitted by Harders and Hanson.

Hanson questioned the need for a frontage road for access when the county road is a collector road. No public comments offered. Motion by Kavan, seconded by Nagle, to close the public hearing at 7:24 p.m. Roll call vote: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Lawver, yes. Absent and not voting: Warford. Motion carried.

The Mayor stated he met with the Harders on Thursday and discussed the process. He noted an additional driveway would be required for further development of the property. Harrell reported the traffic information submitted by Harders Thursday morning has not been reviewed by the City engineers. The subdivision regulations state that section roads will be considered arterial streets. The other locations referred to by Harders were put in place well before the current subdivision regulations were adopted. Lawver noted that regulations for new development are based upon planning for the future and what is desired, not on what was done in the past. Beavers noted most subdivisions now are designed with limited access points; recently a request for driveway access to J road in Heritage Heights was denied. Lawver noted field road access and a residential driveway are very different uses, and until the speed limit on the road is actually changed, the current facts must be used. It was agreed until the new information is reviewed by the engineers, the application cannot proceed.

Motion by Krejci, seconded by Lawver, to refer the plat, application for subdivision, and additional information back to the Planning Commission following review by the City engineers and a formal decision by the county on the speed limit of the road. Roll call vote: Krejci, yes; Lawver, yes; Nagle, yes; Boop, yes; and Kavan, yes. Absent and not voting: Warford. Motion carried. Lausterer stated the Planning Commission hearing for further review and recommendation would not require published notice, as this was done previously.

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

Hearing opened to determine whether to declare a dog under the control of Saunders County Lost Pets, a four-year-old cocker spaniel named Hunter, as a potentially dangerous or dangerous dog. Ferrell provided a report of the incident on June 30, 2020 where the dog inflicted a bite that required a number of stitches. The dog became tangled in the leash, and bit while the two boys walking it were trying to release it. Deb Wilcox of Saunders County Lost Pets reported the dog was found as a stray with unknown history. She stated at the time of the incident the shelter animals were unsettled because of fireworks, and dog walking activities were then stopped until after the 4th. She reported the dog is still at the shelter, she is working with it and only she and another experienced adult walk the dog now. Kavan stated the injury was severe; a finding of potentially dangerous would be "strike one" on the dog's record. Ferrell stated the dog would still be adoptable, and Wilcox agreed the finding would be disclosed to a potential adoptive family.

Motion was made by Krejci, seconded by Kavan, to declare the cocker spaniel, Hunter, a potentially dangerous dog rather than a dangerous dog due to the testimony regarding the animal having been wrapped up in the leash and the date being close to the 4th of July. Roll call vote: Krejci, yes; Kavan, yes; Lawver, yes; Nagle, yes; and Boop, yes. Absent and not voting: Warford. Motion carried.

Hearing opened to determine whether to declare a black Labraheeler, Princess, living at the residence of C. Selby, 2201 N Highway 77, as a potentially dangerous or dangerous dog. Ferrell provided a report of the incident on July 21, 2020 where the dog got away from the owner, chased a person driving a moped and inflicted a puncture wound on the girl's foot. Christopher Selby stated he has had the dog three

years and it has not done this before. He has asked the neighbors to not drive the moped near their trailer, as the sound it makes upsets the dog. He stated he has tried to apologize to the neighbors. Tracy Quig stated the dog generally stays away from people it doesn't know. They now have a harness for the dog, and eventually would like to put up a fence.

Heidi Bures, mother of the injured girl, stated the moped isn't loud and she has taught her daughter to ask before petting a dog. She would like to see the neighbor put up a fence. Selby and Quig stated they would try to get a fence up in 30 to 60 days.

Lawver noted the mitigating circumstances when the injury occurred. Motion by Lawver, seconded by Kavan, to declare the Labraheeler, Princess, as potentially dangerous rather than dangerous due to the use of the moped and the possibility it could have provoked the dog. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: Warford. Motion carried.

The Council was advised that William Lindgren contacted the office stating he would like to withdraw his request for driveway access off of County Road 17, for residence at 3749 Browning Drive.

Jeff Armstrong stated he would like to construct an additional garage on his property at 2286 N. Locust Street, and would like access from 23rd Street. Beavers and Harrell noted that at the time this lot was platted, 23rd Street did not exist. Lots platted in the 1st Addition do not have access allowed. Beavers stated the lot is large enough to accommodate another building; the City does not enforce covenants for the subdivision. It was noted 23rd Street is a busy road, and there is a trail along that frontage and that the City does not intend to approve individual driveway accesses onto 23rd Street. The back yard could be accessed from Locust Street, from the existing driveway.

Motion by Krejci, seconded by Lawver to deny the request for driveway access to 23rd Street from 2286 N Locust Street. Roll call vote: Krejci, yes; Lawver, yes; Boop, yes; Kavan, yes; and Nagle, yes. Absent and not voting: Warford. Motion carried.

Harrell reported the League is proposing amendments to the League of Nebraska Municipalities "Articles of Incorporation" and to the "Bylaws" to provide for teleconference and videoconference means for meeting and voting due to Covid.

Motion by Lawver, seconded by Kavan, to approve proposed amendments to the Articles of Incorporation of the League of Nebraska Municipalities. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: Warford. Motion carried.

Motion by Nagle, seconded by Krejci, to approve proposed amendments to Bylaws of the League of Nebraska Municipalities. Roll call vote: Nagle, yes; Krejci, yes; Boop, yes; Kavan, yes; and Lawver, yes. Absent and not voting: Warford. Motion carried.

Motion by Boop, seconded by Kavan, to authorize the Mayor to sign the official "Regular Member Ballot" approving said amendments and submit the ballot to cast a vote. Roll call vote: Boop, yes; Kavan, yes; Lawver, yes; Nagle, yes; and Krejci, yes. Absent and not voting: Warford. Motion carried.

Lawyer stated the Street Committee discussed placement of stop signs at the intersection of 15th Street and Chestnut Street, to create a 4-way stop. Harrell reported a traffic study to look at options for traffic control along Chestnut Street was done several years ago, and the best options at that time were a roundabout or 4-way stop. Ferrell agreed a 4-way stop is a good solution for safety and control speed along Chestnut Street and 15th Street. Harrell reported she would like to see a publicity and education campaign and message boards to inform the public in advance of actually placing the signs. Ferrell will request the STOP committee for funds to purchase solar flashing lights to gain attention at the intersection, and would increase patrol and observation.

Resolution 2020-12 to authorize the placement of stop signs to stop all ways of traffic at the intersection of 15th & Chestnut was introduced by Kavan, who moved for its approval, seconded by Krejci, 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 traffic control devices 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 15th Street and Chestnut Streets stopping eastbound traffic at Chestnut Street;

At the intersection of West 15th Street and Chestnut Streets stopping westbound traffic at Chestnut Street;

At the intersection of West 15th Street and Chestnut Streets stopping northbound traffic at 15th Street;

At the intersection of West 15th Street and Chestnut Streets stopping southbound traffic at 15th

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

Harrell reported on participation in LARM for insurance pooling, and recommended continued participation for period of three years with 180 day notice, to take advantage of discount.

Resolution 2020-13 to authorize continued participation in the League Association of Risk Management for pooled insurance for the City of Wahoo for a period of three years was introduced by Kavan, who moved for its approval, seconded by Lawver, as follows:

“WHEREAS the City of Wahoo is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of the City of Wahoo, Nebraska, in consideration of the contribution credits provided under the LARM Board’s plan, agrees to:

Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2023. (180 day and 3 year commitment; 5% discount)”

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

Ferrell reported the Wahoo Community Foundation has established a subfund for support of the Canine Program, and provided a donation of \$5,000. An anonymous donation of \$1,000 was also designated for support of the program. Cost estimate for starting and maintaining the program was provided. Ferrell stated Bellevue’s program has been supported solely through donations, and he would expect excellent community support from Wahoo. He requested approval to establish the program, authorize fundraising efforts, and commit to funding through the department budget if required.

Resolution No. 2020-14 to support establishment of the canine program for the Wahoo Police Department and authorizing fund raising efforts to cover costs associated with the program was introduced by Kavan, who moved for approval, seconded by Lawver, as follows:

“WHEREAS,
XXXXXXXXXX
XXXXXXXXXX

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

No action regarding ordinance amending municipal code with statutory updates.

Motion by Lawver, seconded by Nagle, to adjourn at 8:37 p.m.

Approved:

Lucinda J. Morrow, Clerk

Gerald D. Johnson, Mayor